

Camponeses' Realities: Their Experiences and Perceptions of the 1997 Land Law¹

“Before we were under a blanket, and now the blanket has been taken off, so I expect development in my life.[
What was this blanket made of?] It was made of ignorance. Now I am without this blanket of ignorance!”
–Margarida Paulino, Nyakwanikwa

by **Rachael Knight**

I. Overview: Main Points

1. Rural Communities have their own sets of laws rooted in their particular culture, environment, traditions and history that are separate from national laws. Lack of education, years of wartime political oppression and violence, and government-enforced cooperative ventures during the 1970's have created a deep feeling of suspicion among rural small-scale farmers for all government laws and programs. This conception has been reinforced by the fact that historically communities have only been made aware of their negative rights - what they will be penalized for. As a result, rural communities tend to function more as small, self-governing nations, or “kingdoms” than as components of the greater state of Mozambique. But because the 1997 land law protects communities' rights to land and is able to fit comfortably into each community's particular local custom and culture, communities are perhaps for the first time beginning to embrace a state law as their own and incorporate it into the governance of their villages. This has the effect of drawing small-scale rural farmers in isolated communities up into the greater state legal system. Therefore, I argue that **the 1997 land law is helping to facilitate nation building in Mozambique.**

2. The War of Destabilization and the accompanying violence, political division, mass displacement of villages, and government efforts to silence free speech have had a lasting impact on rural communities; communities reported that before learning and needing to use the 1997 land law local cooperation and unity had not existed for many years. However, because the land law mandates that communities have the responsibility to protect and manage their natural resources and also to be consulted as a body before any land transaction with an outside investor can be made, communities are finding it necessary to hold community meetings. During these meetings they discuss resource management strategies and community needs to petition for in exchange for land during consultations. In sum, I found that **use of the land law is helping communities to learn to unite and work together, thereby strengthening civil society.**

3. Communities overwhelmingly expressed their desire for outside investors to come to their areas as well as an extreme willingness to part with community lands in exchange for development and jobs. However, the consultation process during such land transactions must be very closely mediated to insure that rural communities, still inexperienced at negotiating on a bureaucratic plane, are not taken advantage of. **The propensity for consultations to be swayed more towards the investor's advantage is exacerbated by corruption and ignorance on the part of low level local officials, specifically the *Chef de Posto* and the *Presidente de Localidade*.** I found that in rural areas these officials had little to no awareness of the 1997 land law and were the key factors in the failure of communities' attempts to protect their land tenure rights. More education for these officials is necessary to ensure adherence to the law.

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II. Case Studies and Methodology

The following report is based on six months of fieldwork in four rural communities in the province of Manica. It is based on close to 150 loosely-structured, private, individual interviews with community members and a half-dozen community-wide meetings. It is important to note that this report is not intended to be a strict retelling of fact, but that my results reflect specifically the perceptions, opinions, and experiences of small-scale rural farmers in relation to the implementation of the 1997 land law. My intention was to investigate the direct effects of the law on the lives and consciousness of rural communities, not to track the logistics of its application.²

The communities were each taught about the 1997 land law by rural extension officers of local and national NGOs through the use of specially-prepared teaching tools: a low-literacy manual, cartoons, radio programs and dramatizations.³ The following are brief sketches of the situation in each community:

Nyakwanikwa (Manica District), nestled in the mountains on the Zimbabwean border, is a case of how a community can use the 1997 land law to successfully regain land wrongly taken by a private investor. The community's victory over the private investor had created a multitude of positive changes in the community, first and foremost of which are greater community cooperation, and an increased sense of personal and community empowerment. The community has an extreme faith in the 1997 land law and understands it exceptionally well; they have weekly meetings to unite and discuss the finer points of the law, as well as to plan community development projects. However, even Nyakwanikwa, despite all of its legal savvy, encountered corruption and difficulties during a consultation with another private investor, and was subsequently deceived and cheated during the consultation process. Nyakwanikwa thus shows how despite a community's deep understanding of the law, successful use of it, and resulting empowerment, there is still a need for more carefully mediated consultation processes.

Dororo (Manica District) is a community based upon exceedingly fertile soil that was originally a large colonial farm. Since 1996 three investors have moved into the area, each claiming large tracts of land. The first investor quarreled with the community over the site and dimensions of his land, and has since been slowly expanding his lands over the edges of his original boundaries. The second investor came to the community and instead of conducting a formal consultation and collected the signatures of men drinking at *banca fixas* by asking them to sign his papers. The community, after learning the new land law, fought successfully for a second consultation to be held, during which they collectively refused to sign. However, the district agricultural offices have re-opened the case and recently held a meeting with the community where they tried to ascertain the legitimacy of the original consultation and pointedly overlooked the second rejected consultation. The third investor made a legitimate consultation wherein he offered, unprompted, a series of benefits he would bring to the community, and in the two years since he began farming in Dororo, he has delivered upon all of his promises. Dororo illustrates the variety of relationships investors can form with a community and what is necessary for a positive partnership to function smoothly.

Pindanyanga (Gondola District) is a remote village in a once-heavily forested area. The people have no access to jobs, and their single industry is the making of charcoal. Consequently, they are deforesting much of their land at an unsustainable rate. Since 1999 the Division of Forestry and Wildlife (SPFF) within the Ministry of Agriculture has helped Pindanyanga to become formally delimited, create a Committee of Natural Resources, generate a natural resource management plan, and form various income-generating associations. The community has already begun implementing new conservation strategies, and changes in resource management are slowly evolving. However, the community is extremely poorly organized, as fighting between RENAMO and FRELIMO party members and between the community leaders has left the people divided and reluctant to work together. Most importantly, the community has not learned its positive rights

² In Nyakwanikwa (Manica District) I was supported by Kwaedza Simukai, in Pindanyanga by the rural extension workers of the Provincial Division of Servicios Florestal e Fauna and ORAM, in Musiyanhoro by the rural extension workers of ORAM, and in Dororo by the rural extension workers of the American Friends Service Committee and ORAM. My deepest gratitude goes out to these organizations and the people who made my research possible. Without their guidance and support this work could not have been done. I also would like to thank the communities of Nyakwanikwa, Pindanyanga, Dororo and Musiyanhoro for their generosity and hospitality while I was living in their villages.

³ All material was prepared by *Campagna Terra*, the Mozambican NGO responsible for educating the public about the 1997 land law.

granted by the 1997 land law – they have by and large only absorbed the part of the community conservation plan that explicitly dictates what they cannot do: burn grasses, cut trees haphazardly, or kill wild animals. Pindanyanga provides a clear picture of the obstacles communities must overcome before they can actively participate in the management of their natural resources.

Musiyanharo (Barue) is currently preparing itself to receive some of the fifty Zimbabwean farmers who were granted land in the area by the government. ORAM began working there in January of 2001, and since then has guided the community to have weekly community meetings to discuss internal development, start a drama group that now tours the region teaching other communities about the NLT and how consultations should be made, create a Natural Resource Committee, and form an association that is now planting fruit trees to generate future revenue intended to fuel community development projects. As of June, 2002, they had not yet had any consultations with Zimbabwean farmers. Musiyanharo is a good portrait of the processes a community undergoes as it first learns, then understands, and then begins to apply the NLT.

On the whole, Nyakwanikwa serves as an example of the most advanced and pronounced changes that knowledge and use of the land law can foster, while areas of Dororo and Musiyanharo were excellent examples of communities in transition to a new conception of conflict resolution, resource management, and community development. Pindanyanga, parts of Dororo, and explanations of how things were “long back” from individuals in Nyakwanikwa and Musiyanharo served as points of comparison by which I could evaluate such effects and the accompanying changes.

IV. Effects of the 1997 Land Law in Rural Communities:

In each of these four communities, I was able to identify the following four main effects.

- A. Through their use of the law, communities are being drawn more deeply into Mozambique’s national (legal) framework, which is decreasing rural communities’ isolation and helping to build a more inclusive nation-state;
- B. Increased feelings of personal and community power caused by the law’s titling mandates are leading to increased feelings of tenure security, which in turn are helping to foster personal and community development;
- C. Communities feel protected by the 1997 land law and believe that the law is a validation of their own traditions and customary laws. This is helping to promote the acceptance of the land law and the implementation of resource management strategies;
- D. Communities are becoming more organized and united as they realize that cooperation and dialogue are necessary to be able to negotiate with investors for benefits and manage local resources.

Furthermore, a fifth change was clear in Nyakwanikwa and Musiyanharo: women reported increased decision-making power in the household as a result of their husbands learning about the new law.

A. Deeper Inclusion Into Mozambique’s National (Legal) Framework

1. Communities are disenfranchised from and suspicious of Mozambique’s national legal system.

Rural villagers are largely ignorant of most national laws because of a lack of education and access to information. Mozambique is a country of few roads, 39 different languages⁴, a severe lack of educational infrastructure, and, even ten years after the end of its 16-year civil war, a deeply divided peasantry⁵. 80% of

⁴ www.ethnologue.com

⁵The War of Destabilization left many rural villages irreparably divided into factions of RENAMO supporters and FRELIMO supporters – see the section on political leadership in Pindanyanga for concrete examples.

the rural population is functionally illiterate⁶, and a high percentage of rural villagers do not speak more than rudimentary Portuguese. Many communities live in complete isolation, their only links to the enactment of national policy the *Presidente de Localidade* and *Chef de Posto* for their area, often poorly-educated older men unable to comprehend and interpret to their constituencies the significance of changing national policy. The lack of a functioning state judicial system in rural areas creates even further reliance upon the *Presidente de Localidade* and the *Chef de Posto* to serve as higher authorities if a criminal or civil matter is irresolvable at the village level. As a result, rural communities govern themselves more often by traditional laws or remembered vestiges of colonial law than by current state law.

In each of the communities studied, I asked community members privately and collectively in group meetings if they knew about the Mozambican constitution, and (outside of Nyakwanikwa) very rarely received a positive response. I also asked if they had heard of government laws other than the land law, and again, their replies were largely negative. Furthermore, in response to the question, “Do you know what your rights as a Mozambican citizen are?” the majority of villagers confessed that they did not know, referring their answers instead to local rules.

This situation is exacerbated by the fact that communities have for the most part only been made aware of their negative rights. They associate government laws with penalty and are overwhelmingly suspicious of government procedure, associating it with years of oppression by FRELIMO. Particularly damaging were rural villagers’ experiences with the FRELIMO cooperatives during the 1970’s.⁷ Many villagers spoke to me at length about this, explaining that:

We have not received so many laws from the government, but even those few laws which they try to implement here, people are not interested. . . . The people here are not sure about the government. Now they don’t know what the government is doing in order to improve the lives of the community people. They see it more as the government trying to exploit the people.

2. Communities have been unable to successfully negotiate on a bureaucratic plane, further marginalizing and disempowering them.

As a result of this separation from Mozambique’s legal framework, when conflicts between rural communities and outside factions erupt, communities have not often been able to defend their interests within the officially-recognized conflict-solving arena. High rates of illiteracy mean that all paperwork and paper procedure often exclude community leaders from participating in the resolution of such conflicts. Before learning about the 1997 land law, ignorant of their rights and unable to negotiate at the district or provincial level, communities reported that they often had no choice but to passively accept negative changes brought into their villages from outside. As a result, villagers felt powerless. One man said:

When investors arrived in the community they would just chase away the people, saying, “I have requested for this piece of land.” So the whole of that period, we were living in oppression and fear. The consultation system which they used was for the agricultural specialists and the investors, so communities had no role to play in the process. So whatever was approved in the offices was launched in the community without the consultation of the local people.

3. After learning about the 1997 Land Law and the rights it grants them, communities feel included in the national legal framework.

On the whole communities reported that after learning about the land law they felt as though their ignorance and isolation has been alleviated and that a door had been opened for them into the greater national legal system. One woman explained that: “During the 1970’s up until the present era, the laws were changing each and every time, and we were living in an isolated environment and we didn’t even

⁶ www.state.gov/g/drl/rls/hrrpt/2001/af/8394.htm

⁷ See Merle Bowen, *The State Against the Peasantry*, 2000.

know what was taking place in other areas of our country. So when the new land law was introduced to us, we all got surprised that ‘Oh! We people have our own rights!’”

Villagers reported feeling a new sense of power as a result of finally gaining an awareness of what laws are currently governing the country. One man said, “During the previous era, most of the laws were only approved in the capital city of Maputo, and driven to the provincial governors, and people did not know the laws themselves. But this new land law, it has been published exactly to the local people, which means that we are now having the defense for ourselves.”

Rural small scale farmers in all four communities expressed a desire to learn more about government laws and proceedings and to receive more information about their rights and responsibilities as Mozambicans. One man asked me to communicate to people in Maputo that “I am asking that the government not leave us behind. Whatever changes come into the country or the government, we here in Dororo have to be alerted!”

This idea of a cognizant and aware citizenship is new, as is the hope expressed by one man that “every citizen of Mozambique” can look to a government law to “know his direction.” Such changes are significant. Comparing the level of suspicion towards government laws and projects among residents of Pindanyanga (who have not yet had to use the land law in a conflict) with statements like these made in Dororo and Nyakwanikwa (who have been able to successfully regain control over their lands using the land law), a dramatic change in mentality is clearly occurring. A quiet exercise in nation-building is taking place as isolated communities learn that they, too, have rights they can use to gain what they need, and begin to thirst to learn more about the legal systems that have always governed their lives but which before took place in offices far from their villages. By granting communities a role in land titling procedures and allowing communities *de facto* claims to the land they have lived upon that are as weighty as any paper claim, the new land law is dramatically altering rural small-scale farmers’ perceptions of the government and its legal framework.

4. The Effects of Legal Knowledge in Rural Communities

This new legal awareness is in turn creating three effects: First, **villagers are beginning to hold local government officials accountable for their actions based on their new knowledge of the nation’s legal system.** Now that rural communities know the rules, and can see very clearly when they are being broken, they feel a newfound power to make government officials accountable for knowing and protecting their rights. After a meeting to discuss the next stages of a dispute with an investor, one man in Dororo explained:

When a quarrel erupts, both sides have to refer themselves to the law book, of which in the case of disputes, nothing can be done by fighting without discussing the case verbally. If the land is handed over to [the investor], we will again refer ourselves back to the law book, and if there is a possibility of him having the land, then we will further look into the law to see if it was fairly done. If not, it will show us that the officials have been given something, a bribe. And if this is so it means that it is our duty to go to the offices and refer the officials to the passages in the law about consultation, and then together we will see if the consultation was done rightly or not.

Teaching villagers about national laws is allowing them to clearly see the differences between national policy and local governance. One woman said, “In my opinion the local government is totally wrong, because it changes what was approved by the central government and puts it in their own words.” Such a distinction between local officials and national policy is important, as it has made clear to communities that local corruption can be fought – one need only go above the corruption to a higher level, or refer to the law and base your power and conclusions in its mandates. One man asserted:

The government has to follow whatever it says in the new land law. If they cannot, we will go back into the previous era whereby people were not sure of what they were doing. If the government continues contradicting what is in the land law manual, we will follow the truth and finally

reach where this manual was signed. We will follow the steps until we reach even Maputo, going from the localidade to the district, the district to the province, the province to Maputo *mesmo!*⁸

A second effect of communities' new awareness and acceptance of the land law is that **individual people have begun to incorporate the law into their daily lives, referring to its mandates while decision-making.** Rarely have other national laws become so internalized. One woman in Nyakwanikwa explained:

The land law to me is like the Bible. Just because when a passage is preached from the Bible, and you listen to it, and practice what has been said in the Bible, your future will have no burdens. The land law is just like that. If we practice it, our future will not be faced with difficulties. Before you do anything wrong, you think, what can I do? and then look to the Bible. Also with the land law - when you want to cut down trees or start a veldt fire, you stop and think, "Does the law allow that?" and then you don't do it.

As alluded to in the statement above, the third effect is that **the law has begun to be actively adopted into local conflict-solving strategies**, both for internal conflicts and during external conflicts. In every community studied, leaders reported that local leadership structures have begun referring to the land law when resolving internal disputes.

Furthermore, many villagers expressed variations of this statement, made by a man in Dororo: "For us to have power, we have to stick to the legal procedures!" Such sentiments are proof that communities are embracing legal strategy, understanding that not only is it *possible* for them to make the jump to state-based procedures and legal process, but that it is also *necessary*. Remarkably, Chief Nyakwanikwa was exceptionally candid about this, calling out for nation-wide adherence to the new land law, as he felt it will further Mozambique's development. He pronounced: "Our future plan is to practice everything which is in the law book, appealing to other people follow what we do. My future hope is to appeal to all inhabitants to follow the law itself. Because to have peace in a country, the law must be followed!"

B. Greater community awareness of rights under the 1997 land law is empowering communities to defend their interests and work towards community development

1. Awareness of Rights Creates feelings of Strength and Security

Many people described the process of learning about their rights under the 1997 land law as an awakening; to them the law was like a light of truth that banished ignorance. I repeatedly heard from villagers that: "To [us], the new land law represents light because before we were living in darkness, not knowing the truth." Villagers also said that as a result of learning about the land law, "Our eyes are now opened. Our ears are now opened as well."

The result has been feelings of empowerment. One man exclaimed: "In my body I am now filled with certainty that I am a citizen of Mozambique with my own rights!" One woman told me: "The introduction of the land law has made us free, just because we are now knowing our rights as inhabitants of this country. The law itself revealed to us our personal defense." **For the first time in many of their lives community members are seeing that they have the ability to fight for their constitutional rights and to defend their personal interests.**

One way of doing this is through the community consultation process outlined in the land law manual, which explains that "The consultations of neighbors is obligatory when delimiting land." (*Campanha Terra*, p. 5) While communities have had some difficulties negotiating with investors during the consultation process, they view the obligatory consultations as proof of their rights and proof that their culture and knowledge are valued by the government. One man said: "This land law gives more power to

⁸ Unfortunately, the national judicial system needs drastic reform before it can fully support such sentiments.

the chiefs, to everyone who is staying here, now we have to be consulted. It gives more powers to us, because we really know. Before, people came with documents saying, 'We have bought this land, leave.' Now we have to be consulted, the government recognizes that we have to be included." Not only are they included, but also given powers of negotiation and possible gain. It was expressed that:

Long back, strangers arrived with papers and came to cut our trees. Now we know that we do not accept them. Now, we know that those people must talk to the community first, not just coming with documents and cutting what they want – its not allowed. If somebody wants to cut, they must come and speak to the community. After that they can do their activities. We want hospitals and schools in exchange for this permission.

In sum, the law and the consultation process it mandates is perceived by rural small-scale farmers as a shield for their communities, protecting their interests and allowing them a platform upon which to defend their rights.

2. New Feelings of Tenure Security Generate Development

Tied to these feelings of empowerment are greater feelings of tenure security, as rural small-scale farmers learn that no one can push them off of land that they have been living or working on for at least ten years in good faith. Many people spoke to me about no longer having to fear being forcibly removed from their land without notice, as had happened in the past. They expressed that their new understandings of their land rights are giving them a sense of confidence that they can make investments on the land without the fear of being removed. One man made clear the relationship between the land law and his new feelings of tenure security, explaining that,

The new land law is strengthening the old ways of living which means that it is giving powers to the mambo and his local people first, then later to the government officials in the district. And as a result, the relationships between the people and those in power are changing. The people are no longer terrified. In the past, all we knew was that at any time we could be chased away. So when this law was introduced, we found that wherever you are, it is your home area. So we are now in a position to create houses of bricks or corrugated iron sheets, we are now ready to do it.

Another man expressed that: "In the past we used to be harassed, we did not have fixed positions on the land, we were wanderers. So now with the introduction of the new land law we are now staid. I am now sure of the land law for it shows our future. As a young man myself, I am now having ideas of planting trees and conserving the soil on my land." It is significant that community development can be instigated by education and legal knowledge, both conceptual processes. Once communities know that their land cannot be forcibly taken away from them, they feel more inclined to make long-term investments.

C. Communities perceive that the 1997 land law is a validation of their own traditions and customary laws, which is helping to promote the acceptance of the land law and community resource management strategies.

The 1997 land law was written specifically to be flexible enough to enfold the customary land allocation and tenure systems of all of Mozambique's cultural groups within it. Rural education surrounding the new law took pains to communicate this. In making an effort to bring traditional systems into the sphere of state law, **the land law is helping to elevate customary law up into constitutional law.** As a result, communities feel that not only does the land law protect their right to land, but that it is very similar to their traditional systems. Because it has so many similarities to their own laws, they are able to more easily embrace it as something familiar and incorporate it into their own legal structures.

Many rural people felt that, indeed, the land law validates and gives weight to local cultural practices and is more in agreement with their culture. The law accomplishes this agreement in two ways.

First, it gives more weight to the jurisdiction of traditional leaders. Chiefs and sub-chiefs were especially candid about how pleased they were about the land law's purposeful incorporation of local custom and local traditional leadership. That chiefs and sub-chiefs have embraced the land law is not surprising as it concretely and specifically returns some powers of land jurisdiction to local customary leaders. After many years of feeling undervalued and pushed aside by FRELIMO's policies, the land law is indeed, as expressed by one chief "an answer to [their] prayers." Suddenly, they have power again. One sub-chief, in response to the question, "Has the new land law changed things in your community?" replied:

The new land law hasn't changed anything, only it has strengthened other things. Traditionally, we used to avoid people cutting trees unnecessarily, or starting veldt fires, or burning the cemetery grounds, the land law also recommends these things. The land law itself has also avoided people to cultivate in or open our traditional forests where we practice our spiritual ceremonies. Definitely the land law has strengthened our rules that were existing in the past. With the introduction of the land law, things are seeming to resemble the past.

Traditional leaders' acceptance of a government law has in turn allowed for greater community acceptance and use of the law. Communities feel that the law is creating a space in which they can return to traditional ways, the "better days" of a society where the rules are clear and more attuned to traditional spirituality and respect for natural forces. One man explained that:

Soon before the introduction of the new land law, the government valued the mambos a little bit and the talks about spiritual days and spiritual areas. When the land law was introduced, this was now strengthened. I will definitely say that the new land law has brought us back to the old ways of living, when we gave value to our natural resources such as mountains, water, and the soil itself.

Second, as described above, the land law allows the space and flexibility for state law to look very much like traditional, local conservation and land-apportionment practices. What is interesting is that never once does the 1997 land law outline such concrete rules, nor does the manual, which these communities have been reading, specify the customary practices to be reinstated under the law. The manual reads: "In respect to land, there are various customary practices in relation to the protection of soil, *pousio*, cultivation, the burning of fires, and other familial relations, for example, the inheritance of land, *dote*, and marriages." (*Campanha Terra*, p.13) Rural communities have read that statement and used it as a jumping-off point to reinstate local traditional rules that relate to land use and resource management.

The effect of this is that **villagers are seeing proof that constitutional and customary laws don't have to be either/or, but can co-exist and inform each other**. One man said that: "Our traditions and the new laws are not separate things, because they are working together. We can do nothing without our tradition... The new laws are teaching us, it is a "troca de experiencias."

As a result, community members in all of the communities studied are accepting new resource management more easily and incorporating them into their daily lives. In Pindanyanga community members are respecting and adhering to the community's new resource management plan, in Dororo community members are using new conservation and cultivation techniques to plant a community vegetable garden, in Musiyanhara villagers are discussing new resource management strategies at community meetings, and in Nyakwanikwa the community is not only self-monitoring to insure that people are not cutting down trees illegally, but has also adopted new cultivation and anti-erosion techniques to increase soil fertility.

D. Greater community organization is necessary to ask for benefits and manage resources.

When the land law manual and the educational cartoons that were circulated in rural communities explain what communities should do in the case of a land conflict, they clearly assert the importance of community cooperation and explicitly describe the need for local unity when dealing with outside investors:

[In the case of externally-instigated land conflicts] it is not easy to defend our rights. Many times, people who are politically or economically weighty are the origin of land conflicts. Other times, the channels to follow to defend our land are complicated, slow and costly, and we do not have the will or possibility to progress. But it is very important not to become discouraged and to come together and join forces...[In the case of a land conflict]: 1. Join with others who have the same problem. Unity makes force. 2. Choose representatives to defend the interests of all...(*Campanha Terra*, p. 19)

On the whole, communities realized quickly the truth of the manual's advice – a community divided cannot fight external battles successfully. In the communities who had experienced conflicts with investors (Dororo and Nyakwanikwa) and in the community gearing up for a possible conflict with an investor (Musiyaharo) a major change was made clear to me: as a result of the land law, the conflicts, and external help from NGOs, community unity was greatly increased. This manifested in two main ways: first, community leaders were working more strongly in cooperation, and second, community meetings were becoming more inclusive and community-participation based.

1. Leaders, Parties Working Together

In Dororo and Nyakwanikwa, the coming together of leadership structures under the 1997 land law was described as having a profound effect on internal community politics. Community members spoke of two major changes: first, a newfound understanding that the government is above and overarching party politics, and second, that in order to develop their community, the two parties must put aside their politics to work together. And as a result, there is a new sense of cooperation and alliance between the traditional power structures (the chiefs and sub-chiefs) and the government structures (the local secretary).

The structure of leadership within Nyakwanikwa's Natural Resource Committee has greatly influenced the situation and clearly shows the positive effects of balanced and thoughtfully-planned committees. By dividing the top two leadership positions in the committee between FRELIMO (the Vice President of the Committee is the locally-elected Party Secretary) and RENAMO (the President is the local head of the RENAMO party) and making all committee decisions contingent upon the agreement of the Chief, the committee is guaranteed to have an overarching power in the community – as it has enfolded all the community leaders into the committee's core structure. This serves two purposes: uniting all factions of the community together, and ensuring the help and support of each leader. This has largely succeeded, as outlined by Chief Nyakwanikwa, who described himself as being an integral part of the leadership structures of the Committee. He said,

I am part and parcel of the committee because the committee itself won't do anything before they consult with me, the Mambo. When I approve a plan, we refer what we have agreed upon to the land law manual – there we have the concrete foundation for what we have agreed upon ... We have now seen that we are one in common, everything is done unanimously. During community meetings, secretaries unite the people, and the mambos tell them the traditional rules. Because of the unity between the mambos and the secretaries, we are now having the access of moving anywhere to exchange ideas with others.

Villagers agreed. One man explained that:

When the new land law was introduced, the mambos and the secretaries and the state, they were all united, as the land law openly specified that there was no difference among us and we all have to fight for a common goal – the development of Mozambique. So the mambos and the secretaries and the state all began to fight for one thing, they are now unified. After these three sides were united, each and every rule from either side is now equally elevated.

Because the land law manual clearly states that the law is above party politics and was passed after much debate between members of parliament (representatives of both parties) and civil society⁹, it has allowed a space for both the RENAMO and FRELIMO sides of the community to accept and implement the law. The FRELIMO Secretary outlined his rationale for why his community should put aside party differences:

After analyzing the land law manual, we found that either FRELIMO members or RENAMO members, they are one in common, so there was no need of introducing party activities within the new land law policies because the main theme of the new land law is to develop our country, and if we follow partisanship, we will see to it that party activities are introduced by rich people. So as we are poor people, we have to embark on the land law rather than party activities.

Implicit in this man's statement is recognition of the how complex interactions of class and party politics can undermine development by dividing communities.

2. Communities are now meeting together to discuss land and development plans: cooperation, dialogue and debate are being practiced for the first time in years

The new cooperation between community leaders described above and the responsibilities of local communities in regards to the administration of land and natural resources clearly outlined in the land law manual have helped to open up a space for community meeting and dialogue. This is furthered by the fact that the 1997 land law gives communities power to decide how to manage local resources and land; it has made community meetings and discussions of how to accomplish such measures necessary. Furthermore, communities have been given the opportunity to solicit "mutual advantages" (*Campanha Terra*, p. 6) for the community in return for ceding land to outside investors. Communities have quickly discovered that such "competencies" cannot be carried out without cooperation and discussion first.

In Dororo, the community had not united to agree upon community benefits to ask for in exchange for the land they were giving to the first investor before the formal consultation. As a result, they gained nothing. Similarly, Pindanyanga has realized that resource conservation must be a coordinated community-wide effort, especially in areas where outsiders are used to coming and cutting timber or hunting without permission. Musiyanharo has understood that when the Zimbabweans arrive and ask for land, the community needs to have a clear plan of how they will negotiate the boundaries of the land given and what benefits the community will receive in exchange. Unfortunately, in all three of these communities villagers have not been able to come to a consensus on the single most important community need they plan to ask for, as schools, clinics, grinding mills and wells are all lacking and intrinsic to the health and life of a rural community. But what is most important is that for the first time in years, these discussions are happening in a public forum..

One of ORAM's outreach extension officers described to me that when she first arrived in Musiyanharo, it was difficult to find people to contribute their ideas at the initial community meetings she asked the chief to help her convene. She said that while a majority of the community attended such meetings, no one was willing to speak. Now, a year later, community meetings in Musiyanharo, are lively with debate, oftentimes erupting even into argument about the best path to follow. In this woman's words, "the character of the community is now changing."

There are many explanations for why unity and community dialogue didn't exist in the past and still don't in many communities. Members of all four communities described a situation in which there was effectively little to no freedom of speech, explaining that this climate of fear and silence was at its height during the war between FRELIMO and RENAMO. One man said, "From 1975 upwards criticism itself – opinions - were no longer existing. For they said that only FRELIMO is the one who has both opinions and decisions, all together." For many years the only community meetings allowed were those held by FRELIMO

⁹ "Before the approval of the land law there was ample debate at the national level. Associations of small-scale farmers, women's groups, churches, academics, and human rights activists discussed with members of parliament what the law should say. It was a vast exercise in the democratic participation of civil society during the drafting of a national law." (*Campanha Terra*, p. 5)

representatives to communicate government policy to the people. If you spoke up or complained, you were taken away and punished. One woman said, “In the past community meetings used to be rare, and they were mostly aligned with the government laws or the political party situations. And at the meetings there was not supposed to be any criticism or even opinions, because if you criticized something, you were going to be arrested.”

Others factors influencing communities’ lack of unity and cooperation in the past include: continued quarreling between local members of RENAMO and FRELIMO; poverty that breeds a situation of each being focused only on their own family’s survival; negative experiences of FRELIMO’s enforced cooperatives during the 1970’s¹⁰; inexperience with community discussion and problem-solving debate, and the expectation, built upon years of NGO and government handouts, that someone else will come to their community and solve their problems for them.

Therefore, that communities are now meeting to discuss local priorities and community strategies for development is a radical upheaval of the status quo. In response to the question, “What changes have you seen in your community since the introduction of the new land law?” one man in Musiyanharo explained:

There have been changes in the relationships between people in the area – long back it was not usual for the leaders to have meetings where the community members in general could participate. They used to have meetings between the leaders, but then each leader would communicate the results to his own group of people. But now we have meetings where all of the community members and community leaders meet and discuss. To me, I am now feeling happy because these meetings are making us develop. For example, after discussing, we are now planning to build a house which we will use as a hospital, and we are also planning to make bricks to build a better school.

As a result, a new spirit of cooperation, joint-decision-making, and unity is growing. Community members in Musiyanharo, Dororo and Nyakwanikwa were quick to point out their new unity. One man in Dororo asserted that, “Previously, the spirit of unity did not exist, and then later, when we became independent it also took time for the people to know that unity is the best thing in the world. These things went stage by stage up until this point, when people are knowing that unity is power!”

E. Increased Household Decision-Making Power for Women in Some Communities

In all four communities studied, community elders of both genders firmly insisted that according to local custom, widows have clear right to remain on their lands after the death of their husbands. For them, the land law’s insistence that widows and unmarried women have the right to have their own land was merely another example of how the land law mirrors their own customary rules.

However, the land law is deeply effecting gender dynamics in other ways; a handful of women in each community described that since the introduction of the 1997 land law, the balance of power within their households, particularly in relation to resource-management decisions, has begun to shift. Female members of the drama group in Musiyanharo reported that after learning about the land law, their husbands allowed them more freedom. One woman explained the changes that have come about as her husband has learned and understood the land law, saying, “Long back, without knowing this new land law, my husband was not able to give me the permission to sell any of our family production. But now that he knows that it is written in the land law that women have their rights to use the land, now I am free to decide on my production and also to sell it, and I am also free to do this community work.”

While such statements are not the norm, other gender-based changes are emerging: in Musiyanharo, community meetings, once solely the domain of men, have now expanded to be composed

¹⁰ The idea of community cooperation and unity had come to be largely synonymous with FRELIMO’s enforced cooperatives of the 1970’s. When I asked one man about why unity and cooperation had not existed in the past, he told me, “You have to understand that cooperation long back meant the cooperatives started by the government – these cooperatives existed, but the gains of the production were not shared among the people equally. These cooperatives were community cooperatives, but the leader himself was the one who gained.”

of roughly 40% women. This can largely be attributed to the fact that the ORAM organizer is a woman with strong feminist ideas who has been particularly successful in rounding up women to attend her meetings and urging husbands to bring their wives.

In Nyakwanikwa such changes were more widespread, a result of three more years of work in the community on the part of the NGO *Kwaedza Simukai*. Every community meeting I attended was composed of 50% women, and one of the two scribes at each meeting was a woman. One of the two community activists was female, as was one of the two organizers of the local micro-credit financing project *Kwaedza Simukai* was sponsoring. Nearly half the women interviewed expressed that much had changed within their household. These women were extraordinarily expressive about the changes. One woman said:

As a woman, long back I was living in captivity, and the children themselves they all didn't know that the mother as well as the father she has got her own rights. They feared the father as the one who had the opinion and the decision all together. As time passed by, they discovered that their mother also had her rights. Here in the rural areas, long back the women were not allowed to go, for example, to a course somewhere, to learn other ways of living and doing things. But these days, its is the man who even registers his wife for courses! Which means that we are all now knowing the truth about the law that says women and men are equal in Mozambique.

Another woman explained:

In my youth, a woman had no right to anything concerning the land. Which means that we were oppressed by the men. Later when the new land law came, we all found out that nobody doesn't have his or her own right to land. I feel big inside now. Within myself, I am now feeling free, but previously, I was living in chains of traditional rules. So these chains are now off, simply because of the land law and what it has taught us.

Such statements were not common. I include them here only because they illustrate that gender-equity education and awareness of the land law are slowly impacting household power dynamics. A more common response to my questions, however, is typified by the statement made by one woman in Dororo, where no women reported any changes in decision-making power: "When women are working, the men approve that the women have their own pieces of land, but when it comes to harvest time, the men say, "You are my own, and so whatever you are harvesting is also my own." Clearly, there is still much more work to be done.

V. Problems Encountered During Implementation

A variety of problems encountered during the implementation of the land law have been described above: historical memory has been a detriment to community acceptance of the new land law as years of oppression, fear, and warfare have left a spirit of close-mindedness and suspicion in communities; men in some villages are not accepting the idea that women have the right to control the use of their own land; fighting within communities has impeded community cooperation; communities are quicker to understand the restrictions on their lives that the new laws suggest rather than grasp the positive rights that protect their interests, etc. Such obstacles are difficult to address, although continuing education, time and experiences will effect change.

The following four problems, however, warrant further exploration. It should be noted that each of these problems was community-specific. They are explained here in detail to give a broad picture of the challenges communities are encountering as they struggle to understand and implement the 1997 land law. Direct actions can and should be taken to confront them in other communities across Mozambique, as such changes will improve community acceptance and use of the law.

A. Party Politics: Unbalanced choices of community activists and committee members has led to an initial rejection of the 1997 land law.

When the 1997 land law was first introduced into the community of Nyakwanikwa, the activists had trouble convincing the local leadership that it was a new, national law from the central government. One woman said that, “The local leaders and representatives didn’t take the land law seriously, because they thought that it was only rules like any other from the central government. At other times, the activists were accused of introducing their own rules.” When introducing a new law into a community, organizations/government must be very careful whom they choose to work with and what the political allegiances and backgrounds are of the activists teaching people about the law. The Secretary of Nyakwanikwa explained:

At first, before the introduction of the new land law, most of the people who engaged with *Kwaedza Simukai* – the activists, etcetera – they were under the RENAMO party. At first, the law was introduced by them, and they were from RENAMO, so at first we thought that the new law was coming from their party. We didn’t know that it came from the General Assembly – it was the first we had heard of it. The secretaries were given power by the government over the community, and then *Kwaedza Simukai* came they put aside the secretaries and started dealing with the chiefs, who were part and parcel of the RENAMO party, and definitely showed that the RENAMO supporters were publicizing the land law to the people, so it seemed that the new land law originated from RENAMO.

As made very clear by this man’s statement, it is important that new laws be introduced to a community by groups composed equally of RENAMO and FRELIMO supporters. Only after a delegation of government officials came to the community to prove that the land law was from the central government was the community of Nyakwanikwa able to effectively incorporate people from both parties into their Natural Resources Committee.

In Pindanyanga, this was also a problem, as the Natural Resource Committee is composed almost entirely of FRELIMO supporters in an overwhelmingly RENAMO area. This may be one explanation for why many community members reported not being involved or interested in the Committee’s activities. One man interviewed commented on this, saying, “Here in the committee, we have only one RENAMO member, and the rest are FRELIMO. Mostly, the RENAMO supporters stay away, they don’t like to come. If there is a general community meeting, everyone comes, but if we call people to help us work, only this one RENAMO man comes.” What is interesting to note in the case of Pindanyanga is that the SPFF specifically suggested that committee members be chosen by the local sub-chiefs, with each sub-chief choosing one villager to represent his region. Perhaps the sub-chiefs chose almost entirely FRELIMO representatives because they associated government laws with the FRELIMO party and either could not find RENAMO supporters willing to be involved on the committee or just assumed that FRELIMO supporters should be chosen to be involved with anything having to do with the government.

B. Class inequalities have slowed community acceptance of the land law.

In Dororo, although the activists had been working hard to teach the main points of the land law, people have been generally unwilling to learn and accept it. Explanations for why villagers are reluctant to listen to the activists and unhappy with the land conflicts can be largely attributed to class for two reasons. First, the poorer members of the community see investors as a source of jobs, a good thing regardless of community benefits or loss of land. One of the activists explained that:

The community participation in the learning of the new land law is still lacking because most of the people are not yet understanding what will happen in the future, they are still only thinking on today, they are still ignorant. It happened that on the third investor’s consultation date, while the activists were still criticizing on the points of the negotiation, the people stood up as if we were not talking and were already signing the papers.

Second, the community members chosen (by the ORAM organizer and the community as a whole because of their high literacy levels and fearlessness in the face of conflict) to spread the word of the land law are unfortunately part of the richest family in the village, owning many heads of cattle and large fields. The activists are thus seen by many community members as wanting to chase away investors – who might bring the more needy people jobs – so as to gain more land for themselves. One of the poorer community members also explained that same consultation:

The agricultural specialists were trying to explain to the people the fruits they would harvest from the investor, and most of the people were in line with what was being said. Others, just a few, refused the entrance of the investor, for they have facilities such as many heads of cattle, a hand plow, and other necessities that we don't have. These ones, they refused, but it was hard for them, having medium-sized fields, to employ everyone, and the little they have they force people to work for them and receive less payment. So when they see people who have money coming into the area, they fear that they will lose their cheap labor, and so competition of living will be high. As a result they found it wise not even to listen to what the investor had to say.

Two important points must be made here: first, people who are very poor often cannot afford to think about the future, as daily survival is of utmost importance, and thus the possible jobs that investors might bring are far preferable to the promise of partnership and mutual benefits in the future. This is contributing to communities' reluctance to negotiate with investors for mutual benefits. As described in detail by Norfolk¹¹, many communities are often happy to be promised jobs by private investors asking for land in their areas and are hesitant to ask for more in fear of driving investors away to other communities that will demand less. Second, while the activists chosen are perhaps the most literate and empowered people in Dororo, their wealth is affecting how the community perceives their messages and activism. Activists have the difficult job of empowering communities to negotiate for benefits from investors, and if they are seen as having ulterior motives for driving investors away, their efforts will fall on deaf ears. In light of this, class inequities in rural communities should not be overlooked, and community activists must be very carefully chosen – not only by party allegiance, but also by class and overall acceptance in the community.

C. Conflicts between political parties and between local leadership structures within communities inhibit community cooperation and the growth of unity, both of which are necessary for effective community land and resource management.

In Pindanyanga the central problem behind the community's reluctance to accept and implement the new land and forestry laws was lack of unity. Schisms based in party politics have created deep divisions in loyalty throughout the community and further cripple its abilities to follow through with development initiatives. As a result of lingering party-based conflict, Pindanyanga even has two village centers, one for RENAMO supporters and one for FRELIMO supporters. Community leaders as well as general citizens all expressed frustration with the communication problems suffered in the community, blaming the community's lack of development on internal conflict. One of the chiefs clearly explained the situation as he saw it: "The secretaries now – they are not together with the mambos, we are not understanding each other. We are staying like we have two governors, and that's why things are not going well between us – when two people are trying to govern at once, there are conflicts."

The direct result of the deep political divisions in the community is that general community meetings are not well attended. In explanation, one man said: "The problem is that we have got two leaders here – some are related to RENAMO, and some are related to FRELIMO. So when a meeting is proposed by the government, the RENAMO people say, 'Oh, its only a FRELIMO meeting,' and they don't come."

¹¹ Norfolk, Simon, "From Conflict to Partnership – A report on relationships and land in Zambezia," 2001.

Another man clearly saw the link between party-based conflicts in the community and the community's hindered development. He said:

It's a fight between the mother and the father, and who suffers are the children. The example is that when these donors are interested in investing in this area, when they come and find this problem that people don't come to meetings, which is because of the problem of the fighting between the parties, they leave, and they are gone forever. They don't come again, because they think, "These people are not interested," In this way we are not developing.

D. Corruption and ignorance on the part of local officials are leading to badly done consultations, exclusion of benefits for communities, and obstructed justice.

The most pressing problem for the communities of Dororo and Nyakwanikwa has been the behavior of local officials who have been acting as though they do not know the main points of the 1997 land law. This inability to follow the law is most probably a result of ignorance and/or corruption. In my research, the central figures responsible for obstruction of adherence to the law are the local *Chef de Posto* and *Presidente de Localidade*. These men often do not live directly within the communities being consulted, and thus have no personal stake in insuring that their interests are defended. Meanwhile, they do have a stake in doing what their superiors would find most agreeable, i.e. facilitating consultations that will insure the presence of an investor in their area and thus contribute to the economic development of the region.

Some community members felt that all the local officials need is more education: they don't know the law and have never seen the manual or been taught about its contents. From my observations, it appeared as though most of the educational efforts made surrounding the law have been mainly focused on district-level officials and rural small-scale farmers; little specific effort was made to target the awareness of these lower-level local officials although they are directly responsible for mediating interactions between the village and the district. Villagers were quick to assert the need for more education for local officials; in Nyakwanikwa many people complained about the problems they encountered as a result of being more informed about national laws than their leaders. One woman said:

I appeal to all activists and officials who are above us to publicize this law even to those people who are in their offices. In the past, when the new land law was first introduced, there seemed to be a contradiction between the local people and those people who were in the offices of the government. When the dispute between [the investor] and us continued, even the *Chef de Posto*, he didn't have a copy of the new land law, so he took the copy of the community. People in the offices, they are not aware of this law.

Villagers also suggested that the problem is more complex: the local officials know the law, but interpret it in different ways to suit their purposes. The majority of those interviewed in Dororo and Nyakwanikwa were quick to talk about their suspicions that local officials were placing priority on investment and private business over small-scale farmers. One man in Nyakwanikwa said:

The government itself is seeming to be not knowing that they have people with their own rights, and we have nowhere to raise our complaints. The relationship between the government and the investors is stronger than the relationship between the government and the people. So each and every time when a dispute arose, we were filled with the spirit of inferiority, and the investors with the spirit of superiority. The government listens attentively to the investor, more attentively than to the needs of the people.

In Dororo many people expressed to me the feeling that "During the conflict the government was on the side of the man coming to grab the land. The government wasn't defending us. The government officials were very unhappy with our community because now we knew our rights and how to fight for them." In Nyakwanikwa it was said:

These government leaders, they know the new land law already, but to our surprise when we made the consultation they did not appeal to the community that some of the procedures used by the investors were totally wrong, and they did not even reveal what would be better for the community. These occasions showed us clearly that the local leaders were not at all on the side of the community, they were more on the side of the investors. Realizing this, we felt very full of pain, because the leaders from the government are supposed to be fair and non-aligned. In my opinion the local government is totally wrong, because it changes what was approved by the central government and puts it in their own words.

These quotes illustrate a deeper problem: when communities feel as though local officials are ignoring their needs and siding with investors it at first seems to them that they have nowhere to go to complain. In both communities, however, villagers were able to successfully bring their land disputes to the district level, where the cases were fairly decided through the intervention of the District Administrator. Thus local corruption and ignorance has generated one positive result: it forces communities to pursue their rights at increasingly higher levels of government, teaching them perseverance and in the end solidifying their confidence that eventually their rights under the constitution will be acknowledged. Unfortunately, most communities are not at such a high level of empowerment and do not force the conflict up to this level.

In reaction to these contradictions, communities called for more accountability for local officials. People specifically suggested that: “If the representatives make a mistake, the people will think that it is the government making a mistake. The people don’t see that the local politicians have put it in their own way – the people think that it is the government itself which is corrupted. So the government needs to watch its representatives in the local areas.” One man in Nyakwanikwa offered his idea of a solution: “The government should follow the *President de Localidade* and the *Chef de Posto* and the local council to see if these people are doing their jobs properly, and if not, they should be chased away and replaced by new people.”

E. Communities are happy to welcome investors into their area but concerned by a lack of safety nets to insure investor accountability

It should be made clear that all four of the communities studied are happy to receive investors into their areas: Pindanyanga is actively seeking logging companies to begin operations in their area; Nyakwanikwa still hopes to make a valid consultation with its local investors; residents of Dororo see the developments in the community that one of the investors has contributed and are ready to receive more investors; and Musiyanharo, though nervous about the coming of the Zimbabweans, is nonetheless anxious to receive the benefits they plan to ask for in exchange for their land. The communities recognize that investors - by providing jobs, setting up commercial enterprises, and building the infrastructure necessary for their commercial operation to run - help communities to develop .

However, each of these communities expressed doubt that investors will conduct themselves fairly during negotiations with communities and were concerned that the mutual benefits agreed upon during the consultations might never be delivered. Community members worry that even if a consultation goes well, and an investor promises to deliver “mutual advantages,” in the end the investor will not follow through on his promises or will abuse the community’s trust. One man said:

I can’t really say that we don’t want the investors, but the way that they come should be a better one, and whatever they promise us in as far as benefits are concerned, they have to fulfill these promises, and then later, when they reap all that they were expecting from the land, they should never, ever go back on their word, what they agreed upon with the local people.

Community members also worried that once invited into their areas, investors would over time claim larger and larger pieces of land without asking permission. In Musiyanharo, particularly, rumors of the Zimbabweans’ past behavior contributed to a deep distrust and community-wide anxiety that despite the law

and the obligatory consultation/negotiation involved in a land transfer, in the end the community would lose their land. Many people spoke openly and at length about this. One man said, “We are afraid, because we are thinking that they might come in a good way so that we give them the land that they want from us, and then after that they might change their behavior and start doing whatever they want in our area.” Often the fears were based on insecurities due to class inequity and colonial/historical race precedent; villagers are afraid that because they are poor, black and do not speak Portuguese (let alone English), the rich, white, English-speaking farmers will not respect their authority or community rules.

In reaction to their fears, residents of Musiyanharo are hoping for strong government support not only during the consultation phase of the Zimbabwean settlement but for years afterwards as well. One man said:

Our idea is that when the Zimbabweans come and if we give them the area where they must stay, the government must help us in giving rules to these people that they must follow our national land law so that they will not end up chasing us from our areas. Why I say so is that maybe we as community people might be afraid to go in front of these Zimbabweans and tell them our decisions, because they might look at us as if we are poor people. So we need the government to stay on our side to show our power, that the Zimbabweans must follow our land law.

Others concurred, asserting that “First, the government must have a very big control to see whether these Zimbabweans are following the land law. And the second thing is that the government must make sure that according to our agreement with the Zimbabweans, the Zimbabweans are doing what they have promised to do for us.” One woman, so sure that conflict with the Zimbabweans is inevitable, explained: “I am expecting the government to be a mediator in the future when the Zimbabweans come into conflict with us. The government must continue sharing ideas with the community people in order for us to develop. Because we trust the government, and so we want to be always with the government by our side.”

However, as of now no structures exist to monitor investor behavior and insure accountability for the “mutual benefits” that investors have promised. This is a egregious lack, one that leaves rural communities vulnerable to manipulation and with little defense. Once they have signed the consultation papers and given up their land, investors are free to conduct their behavior without respect for the local population if they so wish. In fifty years these investors’ contracts will not be renewed, but in the meantime, what legal recourse do communities have?

VI. Recommendations

The above-mentioned problems thus call for a few brief recommendations. I humbly offer the following:

1. Natural resource committees and land law activists should be carefully chosen to represent all factions of a community, including rich and poor, FRELIMO and RENAMO, traditional and government leaders, women and men. This is not often easy to do, as illustrated by the experiences of the four communities studied. However, if such a factional balance is accomplished, it will greatly help the spread of knowledge and acceptance of the 1997 land law within communities.
2. Increased training and education for the local level political officials (particularly the *Chef de Posto* and *Presidente de Localidade*) is urgently necessary. It is these individuals in particular, who interface with the local communities and officiate at consultations, that are most often complicating community use of the land law.
3. There is a need for external community advocates/mediators (well-versed in the 1997 land law) to be present at community consultations. These representatives should be chosen by the community and should act as both a support to the community and as unofficial “watchdogs” to insure that the consultations are carried out according to the law.

4. A process by which government can hold investors accountable for following through on the “mutual advantages” promised during a consultation **must** be enacted. As of now there is no mechanism to protect communities from dishonesty and ill treatment by investors. As explained by villagers, the government must actively support communities as they work to form partnerships with investors, a process which should include insuring accountability for promised benefits.

5. More legal education is necessary for - and actively sought by - rural communities. Small scale farmers in three of the four communities studied specifically asked to be informed of the laws that apply to them and of their legal rights insured by the Mozambican Constitution. Adult literacy classes, springing up throughout the rural areas, might be a good forum in which to teach such material. Local NGO’s might include a short legal rights curriculum into their outreach projects. If possible, as exhibited by the positive results in Nyakwanikwa, weekly study sessions of the land law and other new laws that effect and benefit communities can help to facilitate community empowerment.

6. Gender equity trainings geared specifically towards men/husbands might generate increased decision-making power for women in rural households.

7. Community-wide conflict-resolution trainings (particularly geared towards leaders) might alleviate factional divisions grounded in old animosities between local leaders. Furthermore, such instruction may help communities as they discuss and debate plans for negotiations with investors and resource management strategies.

VII. Conclusion

The 1997 land law is slowly facilitating monumental changes in the consciousness of rural small scale farmers. Knowledge of the law is: drawing communities up into the greater nation-state; empowering them to use the law to protect their interests and defend their claims to land; and assuring them of the tenure security they need to begin to invest more permanently on their land. In short, the law is acting as a catalyst for both the conceptual and physical development of rural communities. Furthermore, community dialogue is beginning after years of silence and decisions handed down from above, a process which is contributing to the growth of village unity. This kind of change is not insignificant; empowerment - be it legal or psychological - is an essential component of local and national development. Understanding and use of the 1997 land law is directly contributing to this.

While privatization will indeed further tenure security and help to secure more commercial investments across the country, it will undermine the necessity for community dialogue and cooperation, the spirit of rural farmers working together to develop their community. As a result of poverty and years of war, there is already a high level of individualism and distrust for others within communities, and while joint efforts to protect community land are slowly eroding these sentiments, privatization will only exacerbate them. Rather than focus on the lack of communities who have been formally delimited and the low number of partnerships between investors and villagers, perhaps a better measure of the land law’s success is the community development it is fostering. Development is a slow process, and unless it is rooted in mental/emotional changes, it is destined to be easily overturned.

Rural people’s desire to be able to look towards the Mozambican government for help was astounding. There is a need, in the land law’s implementation process, for greater state intervention: government (with the help of NGO’s) should construct support mechanisms for communities during the consultation processes, provide better legal trainings for low-level officials, and create a system for holding investors accountable to their promises of “mutual advantages.” A decentralized, rural court system is desperately needed. If Mozambique is serious about creating a prosperous and self-sufficient rural peasantry it should not only continue to teach rural communities about their rights, but take steps to reinforce the security of these rights.

In conclusion, Mozambique’s 1997 land law is slowly accomplishing everything it set out to do and more - actively granting rural peasants rights and a means through which they can secure these rights

is not only propelling the economic development of the countryside, but also the conceptual development of the people. However, this process is slow, necessarily so. The law has only begun to be implemented, we must have greater patience while waiting for results and perhaps re-evaluate the validity of looking only at tangible markers of its success.

Appendix 1: List Of Interviews

Nyakwanikwa (Manica District)

Nyakwanikwa Community Meeting, January 23, 2002
Nyakwanikwa Community Meeting, February 27
Esther Sadia Meke, February 27, 2002
Katarina Chinaka, February 27, 2002
Victorino Paulo Chigora,, February 27, 2002
Esther Chinaka, February 27, 2002
George White, February 27, 2002
Helena Borea, February 27, 2002
Mambo Muchararadza Nyakwanikwa (I), February 28, 2002
Isiah Paulo, February 28, 2002
Jamussa David (I), February 28, 2002
David Mateus, February 28, 2002
Margarida Paulino, February 28, 2002
Justina Nicolau (I), February 28, 2002
Eliza Itai Candiado, 30 years old, March 11, 2002
Ignacio Bernardo Muhumba, March 11, 2002
Sosai Chari, March 11, 2002
Peter Chinaka, March 12, 2002
Timotei _____, March 12, 2002
Simon Chitifo, March 12, 2002
Monica Aaron, March 12, 2002
Maria Fani, March 12, 2002
Justina Nicolau (II), March 12, 2002
Helena Solomon, March 27, 2002
Samuel Maira , March 27, 2002
Maria Noe, March 27, 2002
Amelia Rogers, March 27, 2002
Mambo Muchararadza Nyakwanikwa (II), March 28, 2002
Violet Muhumba, March 28, 2002
Zacharias Chinaka, March 28, 2002
Christina Maripitinga, March 28, 2002
Paulo Zviuya, March 28, 2002
Jamussa David (II), March 28, 2002
Feniassse Tagarira Mupenzwa, March 29, 2002
Simon Mawoyo, March 29, 2002
Justina, Nicolau (III), March 29, 2002

Pindanyanga (Gondola District)

Peter _____, March 14, 2002
Izabel Fazenda (I), March 14, 2002
Veronica Tenesse, March 15, 2002
Maria Zinha Tenesse, March 15, 2002
Sakina Meke, March 15, 2002
Munargwaene Tai, March 15, 2002
Benjamin Rice, March 15, 2002
Julio Fazenda Nota, March 15, 2002
Estelia Joao, April 9, 2002
Alberto Miguel Pindanyanga, April 9, 2002
Julia Culiere, April 9, 2002
Cecilia Limpo, April 9, 2002
Terezinha Paulo, April 9, 2002
Luisa Jofirice, April 9, 2002
Elina Albano, April 10, 2002

Domingos Gideone Zambia, April 10, 2002
Felice Manuel Simente, April 10, 2002
Paticai Xirungwana Pedro, April 10, 2002
Domingo Inhandonga, April 10, 2002
Antonio Joao, April 11, 2002
Mambo Bernarda Doiroi Fandra with Felice Manuel Simente, April 8, 2002
Selimo Armando Jose, April 11, 2002
Antonio Bruno, April 12, 2002
Alberto Canda, April 12, 2002
Manuel Mario, April 12, 2002
Zacharias Banga, April 12, 2002
Manuel Manjema, April 12, 2002
Victoria Mikitai, April 15, 2002
Calistro Andre, April 15, 2002
Flora Fazendanota, April 16, 2002
Aramina Sozino, April 16, 2002
Tereza Murutari, April 16, 2002
Francisco Pasangese, April 16, 2002
Joalina Catik, April 16, 2002
Antonio Pindai, April 16, 2002
Esteven Fandarawa, April 17, 2002
Raul Andsen, April 17, 2002
Eliza Andre, April 17, 2002
Manuel Batista, April 17, 2002
Francisco Manuel, April 17, 2002
Nyerani Pakamiso, April 17, 2002
Isabel Fazenda (II), April 18, 2002

Dororo (Manica District)

Community meeting, January 24, 2002
Community Meeting, May 2, 2002
Alberto Chingore, May 2, 2002
Diago Francisco, May 2, 2002
Chrispin Dzigrai, May 2, 2002
Laurencio Chingore, May 2-3, 2002
Paulo Francisco Chingore, May 3, 2002
Ofirina Njanji, May 3, 2002
Cecila Tamai, May 3, 2002
Manyuka Madewafa, May 3, 2002
Lucy Jamusse, May 3, 2002
Valentina Chingore, May 3, 2002
Linda Chingore, May 4, 2002
George Jose Marii, May 4, 2002
Katarina Candiado (I), May 4, 2002
Timotei Sixpen Saunyama, May 7, 2002
Eddie Mapaia, May 7, 2002
Joyce Mapaia, May 7, 2002
Jose Martin Mavonke, May 7, 2002
Henrique Merro Mucono, May 7, 2002
Kind Madewafa, May 8, 2002
David Chingore, May 8, 2002
Rosa Runia Makina, May 8, 2002
Stanley Manuel Nyandiro, May 8, 2002
Collective Interview, May 8, 2002
Luiz Nyakanda with Enoch Nyakanda, May 8, 2002
Katarina Candiado (II) May 9, 2002
Anna John Handsome, May 9, 2002
Robin Joane, May 10, 2002
Neva Makariche, May 9, 2002

Roska Bene, May 9, 2002
Antonio Simone Matina Chinati, May 9, 2002
Fernando Kainde, May 9, 2002
Collective Interview, May 9, 2002
Zacharias Kajaka, May 9, 2002
Lucas Champion, May 9, 2002
Community meeting, May 10, 2002
Americo Fazenda:, May 10, 2002
Oracio Francisco Chingore, May 10, 2002

Musiyanharo (Barue District)

Rosario Joao, January 17, 2002
Sabuku Amadeu, January 17, 2002
Mambo Tomas Sweet Sanhamuhamba, January 17, 2002
Leonard Matukusu (I), January 17, 2002
Community Meeting, January 18, 2002
Dumeria Rodzi, March 20, 2002
Cecilia Fungurani, March 20, 2002
Leonard Matukusu (II), March 20, 2002
Community Meeting, March 21, 2002
Jeanqui Mateus, April 25, 2002

Zacharias Tic, April 25, 2002
Moises Timoti, April 25, 2002
Perera Americo, April 25, 2002
Castro Levison, April 25, 2002
Oliver Josse, April 25, 2002
Eliza Ruk, April 26, 2002
Terezinha Make, April 26, 2002
Cadeau Dzerumbasa, April 26, 2002
Beatriz Joao, April 26, 2002
Albertina Campira, April 26, 2002
Raymundo Chedrick, April 26, 2002
Rosina Thompson, April 26, 2002

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