

Impact of Land Conflicts in Mozambique

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Keywords: Land conflicts; land tenure insecurity; local community.

Summary

The main objective of this study is to identify the main causes and typologies of land conflicts in Mozambique, as well as mitigation measures aimed at reducing land tenure insecurity. Mozambique, like other African countries and the world in general, has land as one of its main natural resources for economic and social development. The weakness of institutions responsible for land management and administration may be one of the factors contributing to the emergence of land conflicts.

The main causes of land conflicts are: (i) overlapping land tenure; (ii) land invasion by communities; (iii) lack of clarity of boundaries; (iv) lack of land demarcation; (v) non-compliance with land use or development plans; and (vi) weak knowledge of the Land Law.

The typology of land conflicts includes: (i) intra-family conflicts, involving family members according to different degrees of kinship; (ii) inter-family (intra-community) conflicts, involving different families within the same community; (iii) family–investor conflicts, involving a community member and an economic agent (investor); (iv) investor–community conflicts, involving an economic agent and the community as a whole; and (v) inter-community conflicts, occurring between neighboring communities.

The resolution of land conflicts is primarily based on customary norms and practices. Depending on the consensus reached, conflicts may be referred to judicial institutions.

The resolution of land conflicts varies according to their type and scale. For example, intra-family and inter-family disputes are resolved at the community level by community leaders (chiefs and neighborhood secretaries), with the involvement of the oldest residents of the community and/or family elders.

Inter-community conflicts are generally resolved through the involvement of community leaders and other elders from the area.

Dialogue involving the conflicting parties, as well as community leaders, is one of the main mechanisms for resolving land conflicts.

Judicial resolution is used in cases where there is no agreement at the local level. Hierarchically, judicial resolution may begin in community courts and progress to district or even provincial courts, depending on the outcome of the case.

The impacts of land conflicts can be analyzed across four dimensions: (i) economic; (ii) social; (iii) political; and (iv) cultural. Cultural impacts are related to customary norms and practices, while social impacts affect the social fabric of families and the community at large.

This study is extremely important, as it contributes to mitigating land conflicts in Mozambique and supports institutions involved in conflict mitigation. Considering that the causes and typologies of land conflicts are similar to those found in other African and global contexts, Mozambique's experiences can be replicated in other countries.

Resumo

O principal objectivo do trabalho é identificar as principais causas, tipologia dos conflitos de terra em Moçambique e medidas para mitigação, com vista a reduzir a insegurança de posse de terra. Moçambique, assim como outros países africanos e do mundo em geral, tem a terra como um dos principais recursos naturais para o desenvolvimento económico e social. A fraqueza das instituições responsáveis pela gestão e administração de terras, pode ser um dos factores que provoca a eclosão dos conflitos de terra.

As principais **causas** dos conflitos de terra são: i) Sobreposição de posse da terra; ii) Invasão de terras por parte das comunidades; iii) Falta de clareza dos limites; iv) Falta de demarcação das áreas; v) Não cumprimento do plano de exploração; vi) Fraco domínio da Lei de Terra.

Na **tipologia** dos conflitos, podemos mencionar os seguintes:

i) Intrafamiliares: Membros da família varia de acordo com o grau de parentesco; ii) Inter-familiar (intra-comunidade): Famílias diferentes, mas inseridos na mesma comunidade; iii) Família-Investidor (singular): Membro da comunidade e agentes económicos (investidor); iv) Investidor (singular) -comunidade: Agente económico, envolvendo a comunidade em geral e; v) Inter-comunitários: Entre comunidades vizinhas

A resolução dos conflitos de terra, tem como base as normas e práticas costumeiras, dependendo dos consensos alcançados podem ser encaminhados em instituições judiciais.

A resolução de conflitos de terra, variam de acordo com o tipo e a dimensão. Por exemplo, os do tipo intra-familiar e inter-familiar são resolvidos a nível das comunidades pelos líderes comunitários (régulos e secretários de bairro), com o envolvimento dos residentes mais antigos da comunidade e/ou as pessoas mais velhas da família.

Os conflitos intercomunitários geralmente, são resolvidos envolvendo os líderes comunitários e outros anciãos da zona.

O diálogo, envolvendo as partes em conflito, assim como as lideranças comunitárias é um dos principais mecanismos de resolução de conflitos de terra.

A resolução via judiciária é usado para a resolução dos conflitos de terra em caso de não entendimento a nível local. Em termos hierárquicos, a resolução por via judiciária, pode iniciar nos tribunais comunitários, seguindo para o distrital ou mesmo provincial, dependendo do desfecho do caso.

Os impactos dos conflitos de terra podem ser analisados em 3 dimensões: i) económica; ii) Social; iii) política e iv) cultural. Os impactos a nível cultural, estão relacionados com as normas e práticas costumeiras. Os impactos sociais afectam o tecido social das famílias e da comunidade em geral.

O trabalho é de extrema importância, pois vai contribuir para mitigar os conflitos de terra em Moçambique e, apoiar as instituições na mitigação dos conflitos de terra. Tendo em consideração que as causas e tipologias dos conflitos de terra são semelhantes com os outros países africanos e mundiais. As experiências de Moçambique podem ser replicadas para outros países.

Palavras-chaves: Conflitos e terra; Insegurança de posse de terra; comunidade local.

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1. Introduction

Land holds different meanings for different people, which constitutes one of the broadest sources of land conflicts. For rural populations, land provides soil for cultivation, grazing land for livestock, and a wide range of natural resources such as timber, medicinal plants, fruits, honey, and wildlife, for harvesting and management, all of which are essential for subsistence. Access to land cannot be separated from access to water.

Rural communities recognize land rights. Some of these rights, such as land for homesteads and cultivation fields, may belong to individuals, families, or lineages, while other resources are accessed through communal property by recognized members of the community.

Land represents far more than a means of subsistence. It symbolizes continuity and is an important source of cultural and spiritual identity. At the same time, land provides a platform for investment and production, often on an industrial scale, serving as a resource for commercial agriculture, mineral and water extraction, or timber exploitation for profit. For governments and political elites, control over land forms the basis of state identity, authority, and political power. In some countries, land is also an important source of tax revenue, and its distribution reflects social power relations.

For conservationists, forests, grazing lands, watersheds, wildlife, and natural resources are assets to be protected, often excluding indigenous peoples and prior rights holders.

However, land also has social, economic, cultural, political, and legal dimensions within the Mozambican legal framework, as it constitutes the main means of subsistence, income generation, and a guarantee of power and/or prestige for local communities. It is on land that rural families establish their survival base, practicing agriculture, which is the foundation of Mozambique's development. Men and women work the land, particularly spouses and their relatives, through subsistence farming. Their production areas are often in a situation of land tenure insecurity due to the lack of registration and/or DUAT titles.

Therefore, considering the importance of land for social, economic, and even political well-being, it becomes a source of conflict among the various users of this resource.

It is within this context that this study aims to describe and analyze land conflicts and their impacts on African societies, particularly in Mozambique, and to present possible mechanisms for resolving and mitigating land conflicts.

1.1 Objectives

1.1.1 General Objective

To present and analyze land management dynamics within the context of land conflicts.

1.1.2 Specific Objectives

- To conceptualize land conflicts within the framework of land management and administration;
- To present and analyze the main causes, typologies, and actors involved in land conflicts;
- To analyze land conflict resolution mechanisms;
- To contribute to mitigation efforts and influence public government policies on land management.

2. Forms of Land Acquisition

In Mozambique, the right to use and benefit from land may be acquired in three ways: through occupation by individuals and local communities according to customary norms and practices, provided these do not contradict the Constitution; through occupation by national individuals who, in good faith, have been using the land for more than ten years; and through authorization following a formal application submitted by individuals or legal entities in accordance with the law.

Applications for land use and benefit rights registered in the National Land Cadastre are processed both manually and digitally. However, the manual land cadastre management system has several limitations and contributes to the emergence of land conflicts.

3. Land Conflicts

Land conflicts in Africa are more frequently discussed than documented. Their identification and interpretation are not straightforward, and there are no mechanical rules governing their causes or progression. Conflict typologies may assist in analysis and in developing more precise indicators, but they must be combined rather than treated as opposing categories.

Conflict can be understood as a social construct representing a divergence of interests between interacting groups within a specific social context, in this case, land. It may also be defined as a social, economic, cultural, and political situation that emerges when actors face mutually incompatible interests.

Rural land conflicts may also be defined as disputes related to land possession and ownership, involving both private and public entities.

Access to and control over resources such as land, water from rivers or wells, or products from forests and lakes can generate conflicts, potentially preventing productive or sustainable resource management.

Conflicts do not occur only between communities, companies, and governments; they also occur within them. Members of local communities are not homogeneous, differing by gender, class, religion, and ethnicity, and they rely on natural resources in different ways and to varying degrees of power and control.

Regarding land conflicts, the 1979 Land Law was silent on conflict resolution. The regulation approved in 1987 provided for the creation of conciliation bodies to promote amicable resolution of conflicts arising from the application of the law. These bodies, which included representatives from the Public Prosecutor's Office, the National Planning Commission, and the Ministry of Agriculture, operated at central and provincial levels, though their functioning was irregular.

According to Quadros, during the revision of the Land Law, it was proposed that land conflict resolution occur at three levels: conciliation bodies involving community members and public authorities; customary institutions addressing conflicts over community-occupied land; and community and judicial courts. If consensus could not be achieved, parties were free to submit disputes to competent judicial courts, with local communities participating through customary norms.

The final version of the law retained provisions for community participation in land conflict resolution under Article 24 of the Land Law and established the principle of territorial jurisdiction, ensuring that land disputes are resolved within Mozambican courts.

Community courts, established by Law No. 4/92 of 6 May, form part of the official justice system but operate outside the formal judicial organization. They contribute to harmonizing justice practices and enriching customs and traditions, considering the country's ethnic and cultural diversity.

In both rural and urban areas, several associations and entities function as land conflict resolution mechanisms, including traditional authorities, NGOs, police, local administrative bodies, and associations.

Land tenure insecurity, particularly regarding DUAT titles, combined with legal ambiguities that exempt family farming land from formal titling, has generated land management conflicts and administrative challenges.

4. Causes of Land Conflicts

Land conflicts in Mozambique date back to the colonial period, and due to social dynamics, increased demand for fertile land, and the market economy, conflicts continue to rise. In rural areas, community consultations have reduced conflicts compared to the previous land law period.

The main causes include overlapping claims to land titles, land invasions by communities, unclear boundaries, lack of land demarcation, non-compliance with land use plans, poor understanding of the Land Law, and weak implementation of land legislation.

A comparison with Angola highlights similar causes, including fraudulent land acquisition, lack of legal awareness, poverty, undefined land boundaries, overlapping land allocations, high demand for land, conflicts between customary and state authority, legal vulnerabilities of long-term occupants, corruption, and institutional incapacity (Nguvulo, 2023).

5. Typology of Land Conflicts

Land conflicts can be categorized according to the actors involved. The table below presents the typology of land conflicts, their causes, and the institutions responsible for their resolution.

Table 1: Typology of Land Conflicts

Types of conflicts	Parties involved	Causes	Resolution institutions
Intra-family	Family members (extended or nuclear), varies according to degree of kinship	<ul style="list-style-type: none"> - Inheritance; - Land titling; - Trespassing; - Land loan/tranfer 	<ul style="list-style-type: none"> - Elders (oldest family members); - Community leader (Traditional chief / Régulo); - Neighborhood secretary
Inter-family (within the community)	Peasants from different families	<ul style="list-style-type: none"> - Lack of knowledge of boundaries; - Land loan/tranfer; - Trespassing 	<ul style="list-style-type: none"> - District Services of Economic Activities; - Land Department; - Community leaders; - Court
Family-Investor (individual)	Peasant – Economic agent	<ul style="list-style-type: none"> - Land titling; - Lack of knowledge of boundaries; - Trespassing; - Non-compliance with the exploitation/deloment plan 	<ul style="list-style-type: none"> - District Services of Economic Activities; - Land Department; - Community leaders; - Court
Investor (individual) – community	Economic agent – Local community	<ul style="list-style-type: none"> - Land titling; - Boundaries; - Non-compliance with the exploitation/delopment plan 	<ul style="list-style-type: none"> - District Services of Economic Activities; - Land Department; - Community leaders; - Court
Inter-community	Local (neighboring) communities	<ul style="list-style-type: none"> - Boundaries; - Access to and possession of natural resources (rivers, 	<ul style="list-style-type: none"> - Community leaders - Local government (Locality, Administrative Post, District Administration)

6. Mechanisms for the Resolution of Land Conflicts

The resolution of land conflicts varies according to their type and scale. For example, intra-family and inter-family conflicts are resolved at the community level by community leaders (traditional chiefs and neighborhood secretaries), with the involvement of the oldest residents of the community and/or family elders. In these mediation meetings, the parties involved in the conflict present their claims, and family elders are heard, leading to a conclusion regarding the outcome of the case.

It is important to emphasize that the parties involved in the conflict must present the history of occupation of the land parcel in order to facilitate conflict resolution.

Inter-community conflicts are generally resolved through the involvement of community leaders and other elders in the area. The presence of local government structures (locality, administrative post, or district administration) is also indispensable. The history of land

occupation and the historical profile of the community are fundamental to conflict resolution. In both cases mentioned above, the role of witnesses is essential.

Another category to consider includes family–company, individual investor–family, and individual investor–community conflicts. These are the most complex types of conflicts and are resolved through formal land management institutions, in conjunction with community leadership.

Dialogue involving the conflicting parties, as well as community leaders, is one of the main mechanisms for resolving land conflicts.

Judicial resolution is used when land conflicts cannot be resolved at the local (community) level and begins immediately after the failure of amicable resolution between the parties. Hierarchically, judicial resolution may start in community courts and proceed to district or even provincial courts, depending on the outcome of the case.

However, community leadership plays a fundamental role in land conflict resolution, not only in Mozambique. According to Nguvulo (2023), in Angola, when land conflicts arise in rural communities, efforts are first made to resolve them at the community level, in accordance with customary norms and practices, or through recourse to the local state administration. The same author notes that, since land is the greatest source of wealth for rural communities, resolving persistent conflicts between communities and farmers requires the delimitation of community lands. Another essential measure is the dissemination of the Land Law within rural communities, as the lack of awareness of the law prevents these populations from identifying with it, as well as calling on farmers to respect the boundaries of community land.

In Mozambique, from a political and dominant paradigm perspective, the resolution of these issues appears straightforward. The simple registration of land parcels held by individuals is promoted as a way to guarantee land tenure security. Consequently, there are large-scale land registration programs promoted by international development partners (such as the World Bank), in collaboration with the Government, aimed at delimiting community lands and issuing land use and benefit rights to rural populations occupying land under customary tenure.

7. Impact of Land Conflicts

With regard to the consequences of land conflicts, the following impacts can be highlighted: loss of territory and loss of identity references. Territorial disputes often generate symbolic violence, particularly when communities are removed from their lands. In this process, communities lose their territories with which they maintain ancestral connections, where land serves as an “umbilical cord” linking past and present. This situation is recurrent and occurs when communities are expropriated and expelled from their lands to make way for natural resource exploitation or agricultural production.

Similarly, such situations occur in areas designated for biodiversity conservation, particularly national parks and reserves. In these areas, overlapping land uses are common, and communities are frequently displaced from their territories during the creation or expansion of protected areas, sometimes without their consent or self-determination.

Physical violence is another significant impact. In many locations, physical violence—characterized by assaults and, in some cases, killings—is frequent and occurs, for example, when communities rebel against companies exploiting land and natural resources. These acts constitute serious human rights violations and have increasingly been denounced by civil society organizations.

Other impacts of land conflicts include severe social consequences, generating violence, population displacement, killings, and human rights violations, particularly affecting vulnerable groups. Environmental impacts include pollution (water, soil, and air), deforestation, loss of biodiversity, and ecosystem instability, with significant economic consequences for agriculture and food systems, leading to higher prices and increased food insecurity. Displacement forces millions of people to relocate, creating both internal and cross-border refugees. Inequality is both reflected and intensified, as land disputes exacerbate social vulnerabilities, including family and community conflicts. Economic and governance impacts include reduced agricultural production, increased food prices, and volatility in supply chains, as well as weakened environmental governance, pollution control, and climate adaptation, resulting in high recovery costs. Additionally, land conflicts discourage investment, as uncertainty and insecurity deter productive land investments, negatively affecting local development.

8. Final Considerations

Access to land and control over its resources have become central elements of the expansion and penetration of global capitalism in rural areas, perhaps more so than ever before. In light of these new dynamics, the land issue has become increasingly complex, requiring new analytical approaches to understand and address it.

The central argument is that resolving the land issue, as a core element of the broader agrarian question, requires an understanding of the dynamics and processes of social accumulation centered on or linked to land, as well as the corresponding processes of agrarian class formation and their implications for rural social reproduction over time.

Land conflicts are driven by human actions within society, which may result in divergent interests over land resources. Local communities play a fundamental role in managing land conflicts.

Access to and control over natural resources, particularly land, can generate frequent land conflicts within communities. These conflicts may prevent resources from being managed productively and sustainably, thereby contributing to land tenure insecurity for DUAT holders within communities.

Conflict resolution mechanisms can be classified as formal and informal. Formal mechanisms involve the intervention of courts (community and judicial), including administrative litigation, as well as public administration institutions from the local to the central level. Informal mechanisms include family structures and local community or traditional authorities.

Therefore, factors contributing to land usurpation include limited community knowledge of land rights and land law, institutional weakness of local governments, corruption among authorities and community leaders, and lack of awareness regarding the benefits of formal land

tenure processes. The most aggravating factor is the vulnerability arising from the multiple deprivations associated with poverty, which makes communities particularly susceptible to deception through promises of improved living conditions.

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