

# Securing women's land rights

## Scaling for impact in Mozambique

ADECRU, Fórum Mulher and LANDac



### About the programme

Despite their key role in agriculture, in many regions in Africa, women do not have equal access and rights over land and natural resources. To support the women's land rights agenda and to build on a growing momentum following the Women2Kilimanjaro initiative, **LANDac** in cooperation with grassroots and development organisations, including **ENDA Pronat** in Senegal, **GROOTS Kenya** and **ActionAid Kenya** in Kenya, **ADECRU** and **Fórum Mulher** in Mozambique, and **Oxfam** in Malawi have implemented a year-long action research programme: Securing Women's Land Rights in Africa: Scaling Impact in Senegal, Kenya, Malawi and Mozambique. The programme, funded by the Dutch Ministry of Foreign Affairs, aims to **identify, build upon and scale successful practices** and experiences of **grassroots organisations** and movements that work to strengthen **women's access and control over land** and natural resources in Africa. The empirical findings and concrete outcomes of the programme are presented in this LANDac research paper series *Securing Women's Land Rights in Africa*.

### Introduction

In Mozambique, many women are severely disadvantaged in their access to land and other natural resources. Although national laws dictate that women and men should have equal access to land, customary land governance systems often only allow women secondary rights and access to land through a male relative. In addition, women are rarely allowed to take part in decision-making processes. With increasing land scarcity and the growing pressure of large-scale (private) land acquisitions, women in Mozambique are more and more vulnerable to eviction from their marital land by their in-law family and have poor access and control over land in general.

The Securing Women's Land Rights in Africa programme combines action research with concrete grassroots activities done by the Mozambican civil society organisation (CSO) *Acção Académica Para O Desenvolvimento Das Comunidades Rural* (ADECRU – Academic Action for the Development of Rural Communities) and the non-governmental organisation (NGO) *Fórum Mulher* (Women's Forum). The aim is to move the women's land rights agenda forward and to empower women in Mozambique to claim access and control over land and other natural resources (Box 1).

LANDac researchers, in cooperation with ADECRU and Fórum Mulher, identified three practices that are crucial to scaling up

proven approaches and to lead the way in putting women's land rights on the national – and international – agenda:

- Evidence-based advocacy
- Collective action or grassroots movement building, and
- Mobilising local champions to act as role models and bridges between communities and authorities.

In this working paper, we use these three practices to analyse the impact of grassroots women's initiatives and local civil society interventions on moving the women's land rights agenda forward in Mozambique. First, we provide a brief background on women and land rights in Mozambique. Second, we elaborate on the practices of evidence-based advocacy, collective action and the mobilisation of local champions. We discuss why they are important and how ADECRU and Fórum Mulher have implemented these practices in Mozambique. The ultimate aim is to help close the gap between law and practice in relation to gender equality and land.



### Women's land rights in Mozambique

Although high on the agenda of the government of Mozambique, gender inequality in the country is widespread, especially when focusing on land. Mozambique has established a legal framework that should ensure equal rights for women and men related to land. The Land Law (1997) states that all land belongs to the state and cannot be sold, alienated or mortgaged. Citizens' rights to use land are officially recognised by the possession of a DUAT (*Direito de Uso e Aproveitamento da Terra* or 'right to use and exploit land'), that can be obtained by both women and men. But for a large share of Mozambican land, no DUATs are registered.

The Land Law recognises and protects existing customary tenure arrangements, as long as they do not conflict with national laws. Land that is managed in line with customary arrangements or that is occupied by an individual for more than ten years is automatically recognised by law and therefore exempt from the need for a DUAT.

The Land Law officially recognises women as co-title holders of community-held land and further states that all community members (including women) have the right to participate in decision-making processes. In addition, the law prescribes processes of participation in regard to the identification of community land boundaries (Knox and Tanner 2011). The law indeed provides women with the opportunity to announce their interest in land and to adopt leadership roles. However, according to the National Directorate of Land, in 2015 only 20 per cent of DUATs were registered to women while 80 per cent were registered to men (Adriano and Machaze 2016).

Most rural women usually obtain their rights through customary norms and practices that do not follow national laws. Within most customary systems, women's rights are defined through their relationship to men: women gain access to land through their husbands, fathers, uncles or brothers. But other factors also play a role: women are increasingly vulnerable to losing their land because of land scarcity in the country (due to population growth and an increasing

#### Box 1. WLRA programme partners and activities in Mozambique

**ADECRU** is a Mozambican civil society organisation (CSO) that aims to strengthen the position of local communities to make decisions about social, economic, cultural and political development.

**Fórum Mulher (Women's Forum)** is a network of 35 non-governmental organisations (NGOs) that work for the rights of Mozambican women across the country. Fórum Mulher deals with gender and development issues, advocacy and lobbying, as well as education and information.

**LANDac**, the Netherlands Land Academy, is a partnership between Dutch organisations and their southern partners working on land governance for equitable and sustainable development.

For the WLRA programme, ADECRU and Fórum Mulher joined forces to organise workshops for women in rural communities to discuss women's demands and priorities about land, water and other natural resources. Building on these workshops, in May 2018, ADECRU and Fórum Mulher hosted a national rural women's conference. In addition, one of LANDac's researchers has joined these activities and conducted participatory action research with the partners. Together, the three organisations have documented women's voices and stories through video and the publication of this working paper.

number of private large-scale land acquisitions). In addition, many widows (especially young widows who have lost their husbands to HIV-AIDS<sup>1</sup>) lose everything upon the death of a husband, even though the Land Law (in combination with the Family Law) dictates that widows should inherit at least half of the shared property (Bicchieri and Ayala 2017).

### Evidence-based advocacy

Both ADECRU and Fórum Mulher advocate for women's land rights at local, regional and national levels. Access to information, local knowledge and data from the grassroots is crucial to understanding the complexities of women's land rights on the ground, to designing tailored interventions and to advocating for women's access to land and natural resources at local, national and international levels. To research and collect this evidence, community workshops were conducted in 16 communities in the Beira corridor (Manica and Sofala provinces) and Nacala corridor (Nampula Province) in November and December 2017.

ADECRU and Fórum Mulher identified that in these provinces, women have the least access to land and have very limited knowledge about their rights compared to other regions of the country. In both regions, there are several land issues at stake, ranging from increased population pressure to large-scale land acquisitions. Therefore, there was an urgent need to discover what was happening on the ground and in the region. A total of 650 people participated in the community workshops, among them 450 women and 200 men. Methods for the workshops

<sup>1</sup> Mozambique is one of nine African countries hardest hit by the HIV/AIDS epidemic. By 2001, 15 years after the country's first AIDS case was diagnosed, over 1.1 million of Mozambique's then 19.2 million people were living with HIV or AIDS' (Collins 2006: 1).

#### Box 2. The Terra Segura programme

To register land for local communities, the government of Mozambique is implementing a new programme Terra Segura (Secure Land). Financially supported by the World Bank, the objective of this programme is to 'regularize land rights in selected policy districts and modernize land administration services' (DNTF 2014). This programme should hand out free DUATs to individuals, with a special focus on marginalised people (including single women, the disabled and the elderly). Most rural communities are in favour of obtaining DUATs, because at the moment, their landownership is merely secured by customary practices. Nevertheless, due to the logistic and administrative work involved in issuing a DUAT, the implementation of Terra Segura has been slow.



were co-designed by the LANDac researcher, ADECRU and Fórum Mulher, who also analysed the results together.

The workshops provided a space to discuss concrete women's demands, agendas and priorities related to land, water and other natural resources. The workshops served to document women's narratives and testimonies and to exchange experiences and concerns among participants. By learning from each other, the workshop dialogues also enhanced the local knowledge of the participants and stimulated real action on the ground. The outcomes of these activities were documented in a video on women land rights. The documentary illustrates the challenges grassroots women face to access and control land and puts women's narratives and experiences first (Box 4). In addition to the workshops, 75 in-depth interviews in combination with participatory methods (such as transect walks, photo elicitation and focus group discussions) were conducted by the LANDac researcher to triangulate data. This approach also provided a safe space for those participants who did not feel free to fully express themselves in a group setting.

From both the community workshops and action research it became clear that land is very scarce in the Beira and Nacala corridors. Challenges are not only related to gender inequalities. Because land is owned by the state, both women and men in local communities are afraid that the state can easily claim and confiscate their land. The community members are often unaware that, by law, they have user rights over their community land and can claim them if necessary. During an in-depth interview in December 2017, Joseph, a 48-year-old man from Sinoria Brosimo community in the Metuchira district, said, 'I do not know how to protect [my land], if the government decides to do something with it, then [...] I have to obey.'

Apart from losing land to government institutions or investors, there is also the possibility of losing land to other individuals. Several interviewees mentioned that they lost their land when internally displaced people returned to reclaim it. During a community workshop in Pheone in November 2017, Jose, from a community in Rapale district, said:

### Box 3. Marriage as a strategy to access land

Salome<sup>2</sup> is a 34-year-old female farmer living in a remote area in Nhamatanda district. After her divorce, Salome was left to bring up her children alone. She had to give up her land and could not return to her parents' land, because both of her brothers had inherited it. Although she borrowed land temporarily from a friend, it was still too small to grow enough food. But Salome had a solution. 'That was not a problem, because I found a husband very fast, so then I could work on his land!' She found that marrying again had enabled her to feed her children.



*What also is difficult here, is the fact that people have left their lands due to the war. They abandoned their places. Some of them went really far, others are still around. Because of that, people sometimes get confused, because they return to their land while there are new people working on it who arrived after the war or during.*

In all workshops, women stated that they depend on agriculture – with land being an important resource for their subsistence and generation of wealth. But in line with customary patriarchal practices, in most communities, women are farming in land registered to or under the control of their husbands or male family members and lose their claim to inherit from their parents. In short, women can access land, but their tenure is extremely insecure.

Widowed, divorced and single women are among the most vulnerable groups when it comes to land. Every widowed or divorced woman that was interviewed stated that she was worse off now than during her marriage. In the majority of cases, the husband either reclaimed all possessions – including livestock, land and in some cases even children – from the woman, or in the case of a deceased husband, the possessions were reclaimed by the husband's family. For many women, remarriage is the only solution to this insecurity (see Box 3).

To conclude, the community workshops helped generate data about the communities and offered clear insights into the priorities of women when it comes to land issues. This local information is crucial as it provides the local communities – and CSOs working with them – with 'proof' for the claims that women need to make to influence policymakers and other authorities.

### Box 4. Women's opinions matter

In many communities, women do not have the opportunity to document their stories or express their narratives. The documentary gave them that opportunity. The grassroots women were very happy with the fact that their stories were being recorded on film. It gave the feeling of being heard, of being capable of sharing their ideas and thoughts and really making a statement. Several women explained that they often felt unheard, as if their opinion did not matter. Letting them speak in front of a camera clearly gave them a sense of belonging and relevance and enhanced their engagement in the community workshops.



In addition, by listening to other women voicing their stories, women are encouraged and motivated to speak out in favour of their rights. The documentary<sup>3</sup> serves as a kind of mirror and will be shown to policymakers and practitioners to promote the further implementation of policies that favour grassroots women's access to land and other natural resources.

Photo: Flex Services

### Collective action

Besides collecting evidence for advocacy, through the community workshops, ADECRU and Fórum Mulher also have stimulated collective action at the grassroots level. By working together with community-based organisations, farmers associations and women's groups, the community workshops served as democratic spaces to inform women and men about women's land rights, the law and what can be done to overcome challenges that women face together.

<sup>2</sup> The respondent's name has been changed to preserve anonymity.

<sup>3</sup> For the documentary see <https://www.youtube.com/>

### Box 5. Collective action

In the Canhandula community, part of the administrative post of Mafambisse in the Sofala Province, a group of women wanted to become more independent. They formed a group to learn new skills from each other and share their knowledge and challenges. In addition, to generate their own income (over which they had the power to decide how to spend) they sold small handcrafts as a group. With help from CSOs (including Fórum Mulher), these women were supported with some supplies and capital to build and sell stoves. They also received training on gender empowerment.

During one of the community workshops in Canhandula in December 2017, participant Helena Joao said, 'After that first training? I went to my husband and demanded for him to take a hoe and go work on the field with me, because we are equal! And he did!'



The power of working in groups is that problems are not considered as belonging to the individual, but as shared challenges for which joint solutions can be explored. Through these forms of collective action, women are able to help each other in raising awareness about women's land rights (Box 5), pursuing land titles (Box 6) or fostering solidarity among victims of oppressive patriarchal systems. These women's

associations are sometimes an alternative to marriage, through which women can access land and other resources.

Not all associations are for women only. In the community workshops, we also encountered community-based associations that stand together to better secure their land and avoid it being taken by the government or the private sector. Although women are allowed to be members, they rarely take leading positions in the governance structure of these organisations. The associations are usually initiated and led by men from a high socio-economic background, living in the community.

During an in-depth interview in December 2017, Louisa, a female farmer living in the Canhandula community explained that the head of the association recruits members. If he does select women, he restricts his selection to the better-off farmers in the community.

*It is not common for women from a lower socio-economic class to claim a position in an association. If women become members, it is often limited to married women or women from a very high social class. Women who are not capable of manifesting their willingness to be in an association or are 'bad' farmers, are excluded.*

To strengthen the position of women and further build a movement for women's land rights in Mozambique, ADECRU and Fórum Mulher hosted a national conference for rural women in May 2018. The conference was attended by over 100 participants, of which 60 were women and men from rural communities across the Nampula, Sofala, Manica and Zambezia provinces. The remaining 40 participants were members of CSOs, women farmer associations, provincial governments and the media. The discussions were led by grassroots women and focused on the challenges and demands of women in claiming their rights. Ten challenges and five demands were formulated (ADECRU 2018). Among others,



Locations of WLRA's activities in Mozambique

### Box 6. DUATs for women

Inez Chapuchefina is enrolled in a women's sharing group that is part of the Fórum Mulher network. We spoke to her during an in-depth interview in Chapuchefina in December 2017. 'We work with local communities, especially those where it is difficult to get all information,' she says. 'That is the reason why we started the group, to empower those women who do not know their rights, their options.

'We saw that people in the community were suffering. They were suffering from gender differences and their rights are unclear to them and we can help them. What we do is create awareness on women's rights. The women are most vulnerable, when talking about land. They are the least capable of protecting themselves. In Mozambique, the women do not have a voice, so they have less power than men. If one man goes and complains, he will probably succeed if it is a reasonable complaint. This is not the case for women. Therefore, we try to empower women to work in groups, that is what makes them stronger.

'The important challenge people are facing, is the lack of knowledge. We want to support women with getting a DUAT for instance. That is one of the best defence mechanisms. But at the same time, I have never seen any woman with a DUAT. DUATs I believe are created for men. They put the name of [their] husband in it, never the name of themselves, because they feel they need to.'

*Inez promoting women's rights during a community workshop in Chenaize.*



rural women expressed their concerns about losing land to the government and the private sector and demanded that the legal frameworks (such as the Land Law and Family Law) are respected and enforced. For instance, community members from Nhamaturi, Manica Province, wrote a letter to forestry company Portucel demanding back land that it had grabbed from the community.<sup>4</sup>

### Militants and local champions

The term 'local champions' is often used by CSOs as an umbrella term for individuals who are role models, good examples, leaders or bridge builders between communities and authorities. In the context of women's land rights, local champions are often defined as women who have successfully secured their rights and subsequently strongly advocate for the rights of others. However, this does not exclude others: there are also men, politicians, local and/or religious leaders who advocate for women's land rights (ILC Africa 2018).

In Mozambique, both ADECRU and Fórum Mulher make use of a widespread local network of local champions. As a women's organisation, Fórum Mulher works together with a strong network of women who implement activities in their communities, such as trainings and community workshops. In addition, ADECRU works with 45 local champions and 1,500 militants (both men and women) located across the country. A militant is an individual that works in her or his own

community and is committed to defend the rights of people who live within it. In community-based groups, they share their knowledge, experiences and create common grounds. However, there is still much resistance from men, who are reluctant to allow women to become militants and represent their community in the community-based groups, due to the fear of social stigma or the loss of their marriage. This inequality also played a role within the activities of this programme. For example, we had a huge number of women who did not attend the national rural women's conference because they were not granted permission by their husband.

In the WLRA programme, local champions play an important role in selecting locations for community workshops and mobilising participants. For the workshops, local champions even took an active role in explaining the Land Law and Family Law in such a way that it was easy for the community members to understand, using the local language and concrete examples.

Inez is an example of a local champion who was trained by Fórum Mulher to explain the Family Law during community workshops (see also Box 6). She started as a rural farmer herself and was convinced that the position of women had to be changed in her community. She wanted more gender equality and stimulated local action against the suppression of women in the community. By talking in public about the Family Law and women's empowerment she is a living example of how women can speak to (often male-dominated) audiences and take the lead in resisting male dominance. Like other local champions she was also of great importance in strengthening linkages between the community and CSOs and in stimulating movement building.

<sup>4</sup> Portucel Moçambique is the country's largest integrated forestry project, producing paper pulp and energy.



Based on the work done by ADECRU, Fórum Mulher and LANDac, the results of these linkages are key to scaling up successful initiatives. Rebecca Mabui is an example of a local champion, working with Fórum Mulher, who came to the WLRA programme's final learning event in Nairobi, which brought together local champions and official and traditional leaders from Mozambique, Malawi, Senegal and Kenya (Zijlstra 2018).

Listening to other women's experiences – and by representing the concrete demands of women in Mozambique – provided Rebecca with the extra encouragement she needed to advance the women's land rights agenda in her own country. Back in Mozambique, Rebecca shared her insights and experiences with other women at the national rural women's conference in Quelimane. She inspired them to stand up for their rights. As such, Rebecca's brokering position as a local champion has scaled up activities from the international to the very local level.

### Ways forward

This working paper has shown the complexities that lie beneath women's access and control over land in Mozambique. The government has put gender equality and land high on its agenda (through the Land Law, Family Law and programmes such as Terra Segura). But in practice, women in Mozambique only have secondary rights to land through their male relatives. Customary systems exclude women from governing land and natural resources. Once women do have access to land, their

access is very insecure: our research has shown that single, divorced or widowed women are particularly vulnerable to losing their land to their (former) family in-laws. Their vulnerabilities are aggravated by external factors as well: the HIV-AIDS crisis widowed many young women. Land is being reclaimed by refugees returning after the civil war. And both men and women are afraid of losing their land to the government or the private sector.

Through the WLRA programme, Fórum Mulher, ADECRU and LANDac have successfully collaborated to reach a large number of people and gain a better understanding of the dynamics of women's land rights in Mozambique. This has been done by building on existing structures of local champions and militants and through the clear framing of the applied methods for community workshops and action research.

The community workshops have enabled the collection of evidence for advocacy purposes, informed women about their rights and empowered community members (either individually or collectively) to stand up for women's land rights. Knowing more about women's challenges and local dynamics at play also enables CSOs to better adapt their work to women's needs and priorities. But there have also been challenges. For example, we learnt that the selection process for community workshops needs careful attention. It is impossible to include the entire community within workshops, which always leads to the exclusion of certain groups. Interviews with non-

participants showed that some people did not see the benefit of a meeting, while others were willing but too scared or shy to participate. In locations where the community leader had mobilised participants, many people had not heard of the meeting and were not invited. But in locations where mobilisation happened via local champions or militants, the workshops drew a larger number of participants and community members were often better informed and willing to participate. Mobilisation via local champions also made sure that diverse participants from different age groups and socio-economic classes were invited.

Through the WLRA activities in Mozambique, we have taken small steps towards gender equality in the country by building on existing successful initiatives. But there is still a long way to go before women in the Beira and Nacala corridors and in Mozambique as a whole have equal opportunities and access to obtain DUATs. Future on the ground work, research and the support of CSO and NGO projects should be geared towards this goal to ensure true upscaling to the country-wide level. We have learnt that well-managed collaboration between these different stakeholders has been very valuable in strengthening insights and methods. It has ensured the dissemination of outcomes among a wide network at local, national and international levels. Furthermore, we have seen that supporting the existing collaboration between local CSOs and grassroots movements has significantly widened the scope of activities and their impact on the ground.

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Contributions by: Vivian Hartlief (LANDac), Clemente Ntauazi (ADECRU) and Nzira Razão Deus (Fórum Mulher)

Editors: Romy Santpoort, Griet Steel and Marthe Derksen  
Language: Holly Ashley (freelance writer, editor and writeshop facilitator)

Photos: Vivian Hartlief (unless otherwise indicated)

Design: Michelle McLinden-Nuijen (LANDac) and Margot Stoete (Utrecht University)

For more information on this working paper or the programme, please contact Griet Steel ([g.steel@uu.nl](mailto:g.steel@uu.nl)) or the LANDac secretariat ([landac.geo@uu.nl](mailto:landac.geo@uu.nl)).