

THE BIG PICTURE: LAND AND GENDER ISSUES IN MATRILINEAL MOZAMBIQUE

Ruben Villanueva
Sociologist
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ABSTRACT

This paper analyses using empirical data women's reality in Northern Mozambique when it comes to land tenure. In Mozambique coexist two different kinship systems, one patrilineal system in force in Southern Mozambique and one matrilineal in parts of the centre and North. The paper argues that in the current context, the right of women to access and administer land is being limited not so much by traditional and customary social rules and law, but rather by the adverse socioeconomic context which characterizes the whole peasant sector. On the other, data confirm that in spite of the appearance of several progressive laws in recent years, which include measures to promote gender equality and reinforce women rights through the overturning of discriminatory social practices, the guarantee and "de facto" exercising of their rights by women is still conditioned by the social role as a mother or wife, and not as an individual with rights "per se."

INTRODUCTION

This paper is based in data gathered during the Socio Economic And Gender Assessment (SEAGA) carried out for a report within the context of the General Services for Technical Assistance of the Millennium Challenge Account (MCA) Land Project in Mozambique, which has as its objective the promotion of safe access to land and a more efficient system of administration

Why the big picture? Most of the bibliography and research about gender, land and natural resources in Mozambique used during the preparation stage of this survey was built upon qualitative data. The aim of this paper is not to repeat again what is known about gender issues in access to and administration of land, but to present the quantitative results from the field survey¹. This paper instead brings together all the survey information in order to give a clear idea of the social reality in northern Mozambique in relation to the situation of women and land.

Hence, this data may be considered as a portrait of the current social situation of women in matrilineal Mozambique.

The paper also adds a short reflection upon the results, but does not try to analyse them with other data and arguments from previous research. This might be a useful exercise in another paper.

When one is preparing to take a (good) picture, we choose first the right film according to our needs, preferences and light conditions; select the lens depending on whether we are going to shoot portraits, landscapes or macro; take the photographs and finally develop the film. We then choose the best shoots and blow them up for a later exhibition. This is very much the approach taken in this paper.

¹ This survey was carried out by Lex Terra on August 2010, under the supervision of Ruben Villanueva with valuable contributions of André Calengo and Chris Tanner.

CHOOSING THE FILM AND SETTING THE CAMERA

The Socioeconomic and Gender Analysis aimed at validating (or refuting) two different hypothesis (see below). While the quantitative survey was focused on the second statement, a qualitative research tried to understand the extent to which the first statement was true.

1. *In the current context of deciding what to do with the thousands of land rights acquired by customary norms and good faith occupations in Mozambique, the right of women to access and administer land and natural resources is being limited not so much by traditional and customary social rules and law, but rather by the adverse socioeconomic context which characterizes the whole peasant sector.*
2. *In spite of the appearance of several progressive laws in recent years which include measures to promote gender equality and reinforce women rights through the overturning of discriminatory social practices, the guarantee and “de facto” exercising of their rights by women is still conditioned by the social role as a mother or wife, and not as an individual with rights “per se”.*

Working under a gender perspective means to start working from and focusing on women's specific needs. Only when we have data disaggregated and analysed by gender, will we be able to design and implement relevant and adequate initiatives for women and men. The implication is that programs or initiatives implemented without a gender perspective will always be biased (towards men). Data disaggregation by gender is especially limited in relation to women's rights to land and property. Such information is difficult to collect, often due to the lack of commitment of the institutions. The registries of information on land registration and titling in Mozambique are generally difficult to access; and rarely disaggregate the little information they do have.

The majority of transactions of property occur in the private sphere (i.e. occur at local level, between households and individuals), within informal, traditional and customary systems. In Mozambique, the lack of separation of gender data or lack availability has contributed to a general lack of knowledge of how women contribute to the economy and underestimated the impact that macro-economic policies have upon women and men. So, if we want to investigate such an unknown and private reality, we need to go into the field ready to use our most sensitive analytical skills. This is why the interviewers were asked to create an environment for the interviews which allowed to them answers from women being free of any kind of influence, in the sense of not being subject to any kind of pressure from male household members. This is a common problem when trying to talk about gender issues with women surrounded by men; the proper conditions to undertake the interview must be created if one wants to get reliable information.

The purpose is to hear women's opinions, to comprehend their differentiated points of view. In this survey therefore, the reader will not find the typical representative proportion between women and men ensured by random samples. While 36.6% of the sample were men, 62.3% were women (the rest of the 1.1% is lost information/not recorded).

We therefore must undertake these preliminary adjustments in order to perceive how do the different social and economic situations and patterns define women needs and how these affect to gender roles in Northern Mozambique.

SELECTING THE LENS

The field survey was based on a questionnaire which was administered to households in selected communities and districts of the four targeted provinces: Zambézia, Nampula, Niassa and Cabo Delgado. The questionnaire included specific questions regarding the household as a whole and also specific questions for married or single women. These questions included “socio-economic and physical vulnerability of the main respondent”, “livelihood sources and condition”, “access to land and security of tenure”, “level of knowledge on land legislation”, “perception of the role of customary law and community leader in land administration”, “perception of the role of public services and agents in land administration” and “land registration”.

A sampleⁱ of 1,976 subjects was selected distributed as following: 46% urban and 57% rural population; among the urban population 87.5% were totally urban and 12.5% peri-urban; yet, 12.5% are living in costal zones and 87.5% in interior areas. In each province, 480 households were selected with a minimum of 160 households per district.

Although all the four provinces included in the survey have long been matrilineal, during recent years they have been undergoing a process of change due to the migration flows and the rapid urban concentration and growth. Thus it is now difficult to talk about pure matrilineal customary systems, with mixed matri and patrilineal practices becoming the norm. Some of the findings from this survey could therefore also extended to patrilineal areas in parts of the centre and south of Mozambique. Simple classifications of systems can therefore be problematic, as one system has features and characteristics in common with the other. Future surveys in those areas could help to confirm or reject this assumption and establish a pattern.

One may think that matrilineal system apparently offers more freedom and protection for women compared with the patrilineal system in force in the South of the country. However, it merely offers *access and use* to land, not ownership as such. If the husband dies, the wife has no control over land and other resources. The predominantly matrilineal areas in the North and parts of the Centre of Mozambique allow land inheritance for women. However in areas of Niassa and Cabo Delgado, those questioned confirmed that men have access to and tenure over land. The system is not homogenous however and varies from region to region.

We must therefore be careful when looking at the data collected through a ‘matrilineal’ lens, as in fact there are many nuances and aspects of the present situation that are still all about ‘gender’ and the power relations between men and women, irrespective of which system predominates.

DEVELOPING THE FILM

Decision Making Processes

Data analysis indicates that in relation to land use, decisions are quite often made by the couple jointly (33% on which crops should be cultivated and 35% on what to do with the agricultural products) or by the wife (23% of decisions are made by them). Regarding land sales, decisions made jointly by both men and women present the same levels (34%) as those made only by men (36%). In Zambézia we find a higher proportion of decisions made jointly by the couple (44% of the total). In Niassa and Nampula we find higher number of decisions made by men alone without taking into account the opinions of women (39% in Niassa and 47% in Nampula). Finally, in

relation to land inheritance, the whole family has as important role as the couple itself. For the whole northern region, with the proportion of decisions made by the whole family or by the couple is almost the same, 27% against 26%.

Although the Mozambican Land Law (19/97) is innovative, it faces certain constraints at the implementation level, which are not only administrative and legal but, more importantly, socio-cultural. In many cases it has been proved that even where Mozambican women or orphan children have access to land, fragility was identified in relation to the safety of land tenure used by them or 'belonging' to them by right. Generally, it is noted that women, because of being in a vulnerable situation, are relatively easily exploited and any land right may be taken away from her when widowed or divorced. Nevertheless, Figure 1 shows that there is a considerably high proportion of women holding their own land or plot (18%) apart from the main land declared as belonging to the household. This is a key figure and represents a clear opportunity for Mozambican women, since it means that even if women are highly dependent on their husband in many socioeconomic aspects, it could be different when it comes to land access. This is also important because if women *do* own land, they could be economically independent, especially given that they are already the main source of labour in family agriculture and the main sellers of their products. In other words, the economic basis already exists for the emancipation of women, even while there is still a need for real change in the sociocultural basis.

Very significant is the 38% of women holding their own land apart from besides the land belonging to the household in Cabo Delgado. This province is top of the list of areas in Northern Mozambique with the most economically independent women. Nampula (14%) and Niassa (11%) follow Cabo Delgado in this aspect. At the end we find Zambézia province, having the least percentage of women (9%) with their own land or plot. The lack of answers to this question fall into the option "not having land in any case" which means 58% of the respondents hadn't got any (household) land, so neither women had on their own.

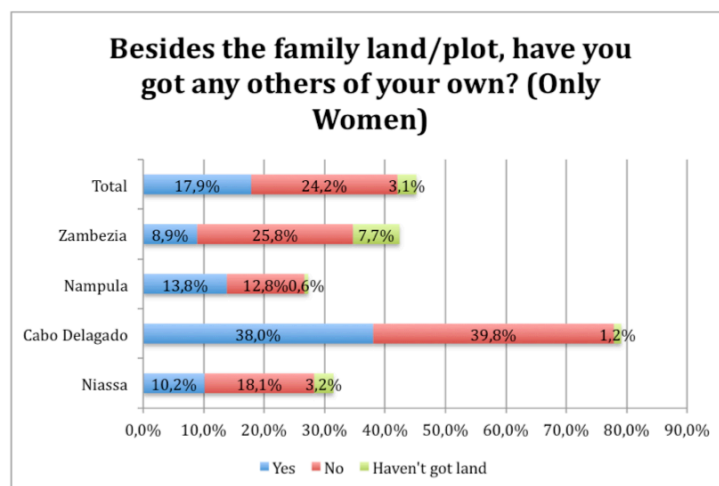


Figure 1

The foundations for a more equal society could be made from such a material. If women have their own assets besides those of their family, and laws protect these from being seized when divorced or widowed, it should be easier for them to achieve real independence from men and to reverse the pre-established power relations in the Mozambican society.

If we look at the location of the land or plot belonging exclusively to women, we may see that in most cases (13%) that land is located in their village of origin. This is followed by land and plots located in the village or area to where the husband or wife had to move in after marriage (7%). Cabo Delgado and Zambézia are the two provinces with the highest proportion of land located at the original village or area of

the interviewee (23% and 16%, respectively), while Zambézia presents a high proportion of women with land in the husband's village, where the family moved after marriage (20%). In Nampula and Niassa, just 9% and 4%, respectively present as a main location, the village or area of origin of the interviewees).

The Land Inheritance System

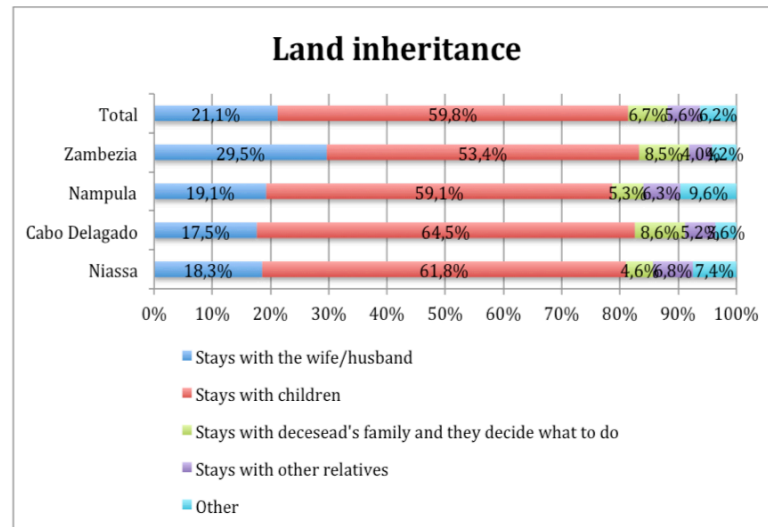


Figure 2

21% of cases does it stay with the living member of the couple (i.e. the wife). It is surprising that only 7% of respondents say that the land stays with the family of the deceased (usually man's family, since the survey sample included a higher proportion of women than men) who then decide what to do with. In Cabo Delgado province there is a higher slant in favour of children's rights, where men and women state that their children are legitimate heirs of the paternal property; the mother can then stay in the same location until the children are grown, and must leave if she intends to remarry. This also applies to land inheritance because of death (60% of cases) as well as in cases of divorce or separation (45% of cases). In some provinces, such as Zambézia and Cabo Delgado, it is clearer that property automatically passes more often to the husband's family when he dies (8.5% and 9% respectively). They then decide whether to sell or divide it or simply take it all from the wife. In case of divorce, Cabo Delgado has more cases where the choice is made to sell and divide the money between the two couple members (in 21% of cases), followed by Nampula and Zambézia provinces (13% each) and Niassa at the bottom (with only 8% of cases).

In the matrilineal families of the north, the rights over property pass through the female line, while the resources generally stay under the control of men. However, as already mentioned, patrilineal practices are taking over in many areas and the rights of women over land have weakened considerably as rights have begun to pass from father to son, as in the south.

The research also shows that the majority of new families seem to choose a place for their residence in a totally new area (70% of men and 62% of women), for instance, in the capital of the province (neo-local). While only 30% of men affirmed moved to the wife's area after marriage, 38% of women declared they had gone to the area of their husband. This alienates women from their family members and diminishes the control they would traditionally have over their economic goods on the land of their family members and other properties. As we have seen previously, most of the land hold by

The field survey indicates as being fairly common the fact that the death of a husband takes away a woman's right to his or their property (which means that years spent living together are not taken into consideration). This situation takes on different forms from region to region. Figure 2 shows that 60% of the time the land goes to the children and only in

women beside their household land is located in their village of origin, which means when they move away they actually leave behind their assets and loose control over them.

Zambézia seems to be the province with the highest rate of women being displaced, with 49% of women having to move to the village of their husband, against only 33% of men who had to do so. After Zambézia is Cabo Delgado, where 39% of women had to move against 35% of men (almost in the same proportion). Among the people who were forced to move after marriage in Niassa province, 32% were women against 23% of men. Finally, Nampula registered the lowest rate of women forced to move (27%) against 23% of men (the same proportion as in Niassa).

The (potential) Diminishing Relevance of Customary Norms

The debate on women rights in the customary context and the inherent danger posed by recognising customary laws already revealed in 1996 an awareness of the need to move forwards and modify or even abandon customary normative rules. Thisⁱⁱ is clear today in the results obtained to questions asked on these issues. The poll showed that people increasingly believe that it is necessary to change customary rules in general (47% thinks this). Interestingly it appears that more men are in favour of change (48% as opposed to 45% of women); and the percentage in favour varies markedly from province to province (just 33% in Zambézia are in favour of changing the customary rules, while in Niassa the figure is 57%). Significantly however, although a growing number of people favour changing customary rules in general, when it comes to the norms and practices surrounding land access and use they appear to think that existing rules are acceptable (71% of men and 69% of women think this).

These results underline the need to investigate deeper the underlying social attitudes regarding land rights in particular. That's because it seems that most informants don't query the customary rules, assuming them as a facts which run their lives. Therefore, the lack of questioning could be related with this high level of acceptance regarding the customary rules surrounding land access and use.

Land Rights and Awareness of the Law

While all land belongs to the State in Mozambique, land use and benefit rights (hereafter DUATs, to use the Portuguese synonym) are allocated to all those who want to use land, whether for personal or commercial purposes. The process of issuing DUATs began in 1988.

In gender terms, it is clear that women are a minority amongst title holders. For instance, data provided by the National Land and Forests Directorate (DNTF) shows between the years of 2006 and 2009, the percentage of women as a proportion of all requests for new DUATs is only 20%. During the period between 2006 and 2009, Gaza province authorised most DUAT requests for women, with a total of 320 requests. The Province of Cabo Delgado authorised the least, authorising 17 requests.

Reforms to land policy and legislation since the mid 1990s have included a certain number of measures to strengthen the rights and social status of women. However, data shows that much still needs to be done at a practical level, especially regarding the dissemination of information about this legislation. Despite the NGO-conducted Land Campaign, which was carried out after the 1997 Land Law was promulgated, most of the population still display a basic lack of awareness about land rights. Figure 3 shows a general ignorance of the Land Law among the population (more

than 50% of those interviewed did not know about it. There is obviously a better knowledge and understanding in urban areas than in rural.

The number of specific legal issues known by the population is low and vague as seen below in Figure 4. The most widely known issue - “the land belongs to the State”- is known by a minority (29% overall); Nampula and Cabo Delgado register the highest rate as 35% and 36% respectively, while the lowest is Zambézia where only 17.5% of people know about the State owning land).

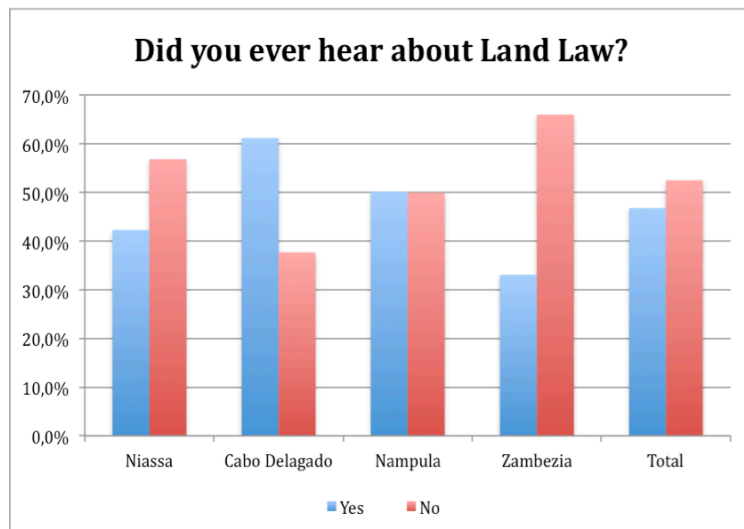


Figure 3

There are clear concerns here regarding the quality of land related messages so far disseminated, and it is noted that the quality of this knowledge is as important as the quantity of people possessing it. Two more figures merit attention. First, even in the rural areas the land delimitation process was barely known (only 10.5% of people had heard about it). Zambézia and Cabo Delgado showed a better awareness (16% and 14% respectively) than Nampula and Niassa (8% and 4%). But Nampula and Zambézia demonstrated a better awareness about the rights of women to land (19% and 18%) than Cabo Delgado and Niassa (12% and 10%).

In expanding urban areas, people know that land must be legalised, in particular when one aims to sell it or build an improved house on it. In the rural areas, people do not have sufficient awareness that the formal law relates to the area they occupy. They are only aware that external investors ‘legalise’ their areas. Many of those interviewed affirmed they did not see the need to legalise their lands since these belonged to their

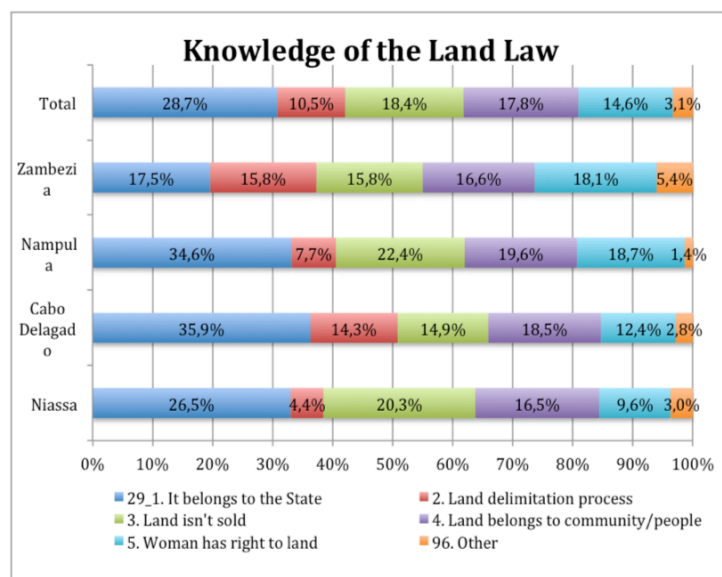


Figure 4

ancestors and that the entire community knows to whom each land parcel belongs. As was stated by a farmer in Nicoadala: “I received this land from my father, and he received it from his father and none of them had or needed any documents of the land, why do I need it...?”.

In spite of the fact that NGOs have been working hard to disseminate the Land Law, they do not appear to be effective vehicles for getting messages out to local people –

only 6% of the population had heard anything about Land Law through NGOs. The radio is still the primary means of raising awareness in the 4 provinces (25% of population had heard Land Law related issues through the radio), followed by governmental institutions (17%). Thus, more efforts are required to reinforce radio initiatives and programs concerning land issues, in order to spread information about the Land Law and reach the maximum possible number of citizens.

Women, Customary Practices, and Participation

Women continue to be largely excluded from decision-making and knowledge about a central resource question that relates directly to their livelihoods and quality of life. The proof of this reality is the low number of women who appear to be community leaders or traditional authorities. If women holding representative positions in the Mozambican Women Organization (O.M.M. in portuguese) and a few others with lower level administrative positions (chiefs of ten houses) are excluded, the result is a very low representation of women in social institutions. Figures show that just 29% of those interviewed confirmed he/she knew a woman community or traditional leader, and 30% knew of one or two women holding such positions. Niasssa and Nampula are the two provinces with fewer women known as holding these positions (58% and 42% of the interviewees affirmed that they did not know any woman holding such position). Cabo Delgado has the highest consciousness of female representativeness, with 44% of respondents confirming that they knew of one to two female community leaders.

Regarding female involvement in community decision-making mechanisms, the participation of men and women appears to be more or less the same. Of those interviewed 95% of the men and 87% of the women said that they had participated in community meetings. These figures are almost the same in the four provinces, for both men and women, but there is some variation in the level of participation measured by expressing opinions. In Niassa this was 40% and 53% for women and men respectively, while in the other provinces the figures are rates above 40% for women and 60% for men. Zambézia shows the highest proportion of women giving their opinions in community meetings (65%).

Information is power. Consequently, it has to be redistributed in a way that reflects a balance among all the parts involved. To achieve a gender balance first of all, equity not only in opportunities, but also in terms of information is needed.

Guaranteeing that women not only participate in community meetings, but also have a voice and that their opinion is taken into consideration is one of the biggest challenges and one of the keys for changing the current situation. Despite the customary rights being, in a certain way, unfavourable to women, the decisions are taken by a group in order to benefit the community. The big problem is that the role of women is still not understood in this process.

While the research has already shown a high involvement and participation at the community meetings, as well as high levels of expressing opinions, reality seems to say something different. When asked directly whether women participate in community meetings, 90% of the interviewees answered yes. But, after a series of indirect questions, it was noted that the participation of women in community meetings is in fact very weak. It is important not to look just at the reasons given to justify thisⁱⁱⁱ, but to look also at the difference between what people say and want to

show to outsiders, and what really happens inside a community when the outsiders are not present.

DUATs and Land Occupation

At the time of analysing the issue of DUAT titles, when compared with the overall landscape of acquired rights (most of which are acquired by customary norms and practices), the data (Figures 5 and 6) underline the very low correspondence between the proportion of DUAT titles issued and the reality of land occupation. In other words, social practices go in a different direction than formal land legalization^{iv}. The survey data show that both women and men present the same low ratio in relation to land rights formalisation. Around 75% of the whole group of men and women interviewed said they did not have any kind of document for their land; Niassa province has the higher proportion of undocumented lands, with 90% of those interviewed not having any kind of documents (neither DUAT nor declaration).

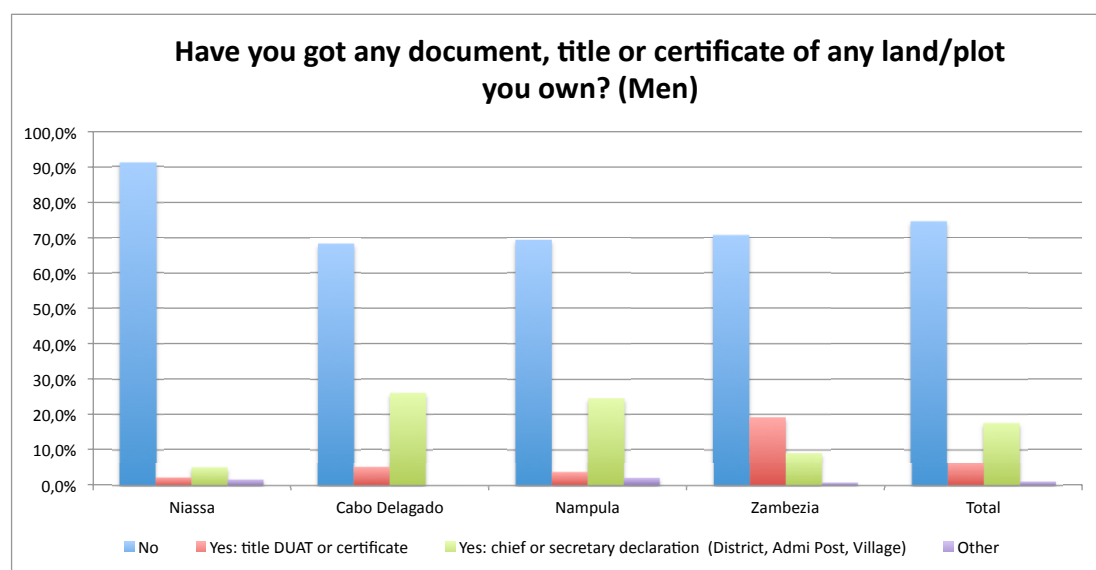


Figure 5

A low 7% of men admitted to have a title document for their DUAT while only 4% of women hold one. It should be noticed that Zambézia province registered the highest proportion of both men and women having a DUAT document (19% and 9% respectively). On the opposite side, Niassa had the lowest rate of DUAT titles issued, a low 3% of men and 1% of women. In the middle of the spectrum Cabo Delgado registered 6% of men and 7% of women having a title document, while in Nampula 4% of men and 3% of women had a DUAT title document.

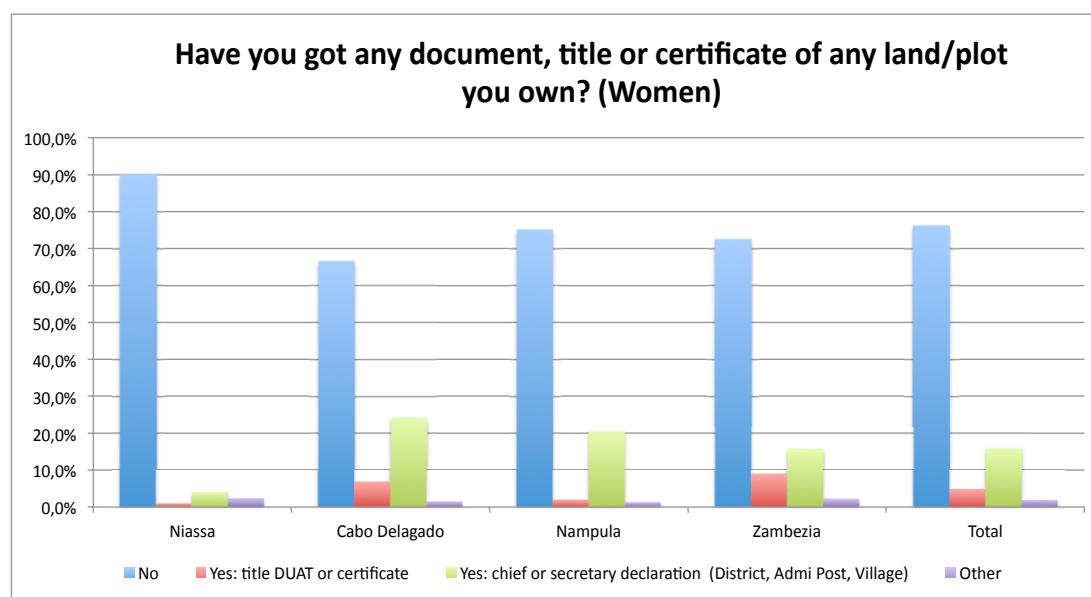


Figure 6

As regards to other kind of legalization documents, besides the DUAT titling, one may see that declarations from someone in authority at local level are the most usual way to formalise rights over land. These are a kind of written statement supporting land use and occupation by the individual concerned, issued by the Chief or secretary of the Administrative Post or District in urban areas, or local village chiefs and *Bairro* Secretaries in rural areas. Even in this case however, only a minority of land users have this kind of documentary evidence of their occupation and *de facto* acquired DUAT. Thus only 19% of men and 16% of women in the four provinces had a declaration of this kind.

Cabo Delgado and Nampula present the highest rate of having a declaration (around 25% and 20% respectively) for both men and women. Again, Niassa registered the lowest rate of documented lands even by declarations (a poor 5% of men and 4% of women). Figures put Zambézia in the middle of the spectrum with a 9% of men and 17% of women having a declaration formalising their DUAT.

As with community meetings, socio-cultural constraints influence the lack of participation by women in administrative processes more than the relatively weak impact or awareness of policies and gender strategies. These constraints discourage women from using or participating in the general or urban public services to obtain a DUAT. To counter this trend, public cadastral services must be encouraged to prioritise DUAT requests by women, and exempt vulnerable women from paying taxes to legalise their lands (perhaps through some kind of ‘poverty statement’ issued by the local leader or secretary).

Some questions are raised when analysing the land legalization data in terms of marital and civil status. First of all, why is it that in Nampula and Niassa 100% of the polygamous married people do not have any kind of document for their land? This confirms the fact that women in this kind of marital situation are even more unprotected and vulnerable. A halfway point is found in Cabo Delgado where 40% of women in polygamous marriages have a document (a declaration). Also in Cabo Delgado however, 50% of single people have at least a declaration. In Nampula 25% of widows and 24% of single women have some kind of declaration (slightly higher than for all women together). Looking at the figures for DUAT titles, in Zambézia,

30% of divorced women have at least a declaration, followed by polygamous marriages (22%) who also have the higher proportion of DUAT on their own (17%), followed by monogamous marriages (12,5%). In Cabo Delgado 9% of those who are divorced have a DUAT title document. In Nampula less divorced women have a DUAT document compared with Cabo Delgado (4%). Finally, in Niassa province only widows seem to possess a DUAT title, and then only a few (7%), with divorced women even worse off with only 2% having a DUAT document.

The Land Market

Special attention should also be paid to the reality of an active land market. Data shows that even though the Constitutional principle of state ownership of land means that 'land cannot be traded and alienated', this does not correspond to reality. Some 13% of those interviewed had purchased their land. This figure includes agricultural land (*machambas*) in rural and peri-urban areas as well as plots in urban areas. Indeed buying land has been found to be the main way to get land, followed by inheritance through the wife's lineage (12% of respondents), as all the 4 provinces are matrilineal. In third place (8%) comes inheritance through the husband's lineage. 'Other ways' (as a gift, for example) of obtaining land account for 13% of the replies to the research exercise. In Cabo Delgado the figure regarding land trading rises to 24%, which is significant even if the sample was mainly urban and peri-urban. In Niassa by comparison, the main way to obtain land is through traditional authorities (14%) followed by land trading (12%), wife's inheritance (12%) and husband's inheritance (9%).

The real problem Mozambique is facing right now is that most of the land is not being legalized through the issue of a DUAT title document but through a simple declaration made by chiefs or traditional authorities. These declarations do not include any reference to the marital status of the land user, so it is not specified to whom the land belongs and what will occur after death or divorce. It is therefore necessary to revise all the documents (including declarations) and (official) forms used in the legalization process in order to reflect and to accommodate as much as possible, the different situations of co-titling which may exist in the Mozambican society.

During the research it was found that around 5% (6% in Zambézia and Cabo Delgado and 4% in Nampula and Niassa) of those interviewed had lost their land or a part of it during the last year due to a land dispute. Among the main reasons for losing land are boundary disputes between neighbours. Data shows that land grabbing within the same community is the second cause of land loss (1% of the total 5%) and happens mostly in Zambézia province (being up to 2,7% of the total 6% cases)^v.

Special attention should therefore be paid to the prevention of such conflicts, even when most people have 1 or 2 plots. The loss of even a part of their land could result in a disaster for the subsistence of affected families. In the case of Nampula and Niassa where almost 50% of the owners have only one plot, a small dispute could result in a serious conflict and subsequent livelihoods and food security crisis.

Figures showed that people use a variety of mechanisms for conflict resolution. For example, women say they appeal more to formal courts than to administrative authorities, but reality does not in fact reflect this. Traditional Courts seem to be more used in Cabo Delgado (by 34% of men and by 30% of women) than in any other province. Significantly, extrajudicial mechanisms such as civil society organisations, including Mozambican Association for Traditional Doctors (AMETRAMO), and

neighbourhood structures, do not seem to be used very much, or at least people do not take them into account when asked.

BLOWING UP – FINAL CONSIDERATIONS

Gender inequalities in access to land and other natural resources cannot be considered merely from a legal and political perspective. An understanding of social, economic, physical and other factors that also come into play is required to design efficient measures for gender balance in the access to, use of and control over land and other natural resources.

It has been said that promoting co-titling (or joint titling) of Land Use and Benefit Rights (DUATs) between men and women would be a significant measure, provided that written DUATs become more widely available nationally. This measure would apply whether the DUAT is acquired through customary norms and practices or through a formal request to the State, and irrespective of the type of marital situation encountered (formal marriages, cohabitation, etc.). In this way, a woman would have clear proof of her rights if her case comes to litigation.

The data show however that very few DUAT titles are being issued, (i.e. acquired rights being registered) compared with the number of declarations issued by a local or traditional authority. Therefore, if we really want to promote co-titling any measure should be taken first involving those local authorities instead of the governmental land services providers. Gender awareness and sensitization activities should then focus on traditional leaders and lower level public officers as a first step towards a change of paradigm regarding gender equity issues and the access to land by women.

The question of how to promote joint titling is critical if most of the people do not even have any formalized DUAT. Since co-titling seems to be a good solution in a context characterized by a high number of formalised DUAT (titles), looking at the alternative scenario in northern Mozambique might help us to realize that other kinds of action would be more effective to ensure the rights of women over land. .

Meanwhile, it's equally important to secure the rights of the wider community in which rural women live and acquire their own rights through marriage and other customary channels. If the whole village loses all or some of its land, then there is less to go around, and women are most likely to suffer reduced or less secure access to land. Thus specific and gender-oriented initiatives to *delimit and then demarcate and title* DUATs already acquired by occupation, at both community level and for individual women and households - in other words an adjudication process -^{vi} could be also encouraged to provide full security to customarily acquired DUATs that are already legally recognised.

In the current socioeconomic context in Mozambique, the increasing pressure over agricultural land and the low ratio of DUAT titles issued, added to the lack of a coordinated national land policy which gives priority to community and individual land rights over private investment sector and other stakeholders, are progressively undermining local rights, and the weakest – women, children - are likely to suffer most in the end. Rectifying this situation is one of the main challenges Mozambique is going to face in the short term^{vii}. This is particular important for rural women who nearly always acquire their DUAT through customary channels and by virtue of their relationships with male members of their communities.

Finally, special attention should be paid to the active land market registered in northern Mozambique, since it is clear that such a market does indeed exist, even though it is not allowed by the Land Law. Some questions arise from that reality. How are the transactions done? Which problems and constraints derive from those transactions? Does the informal land market generate conflicts? How is the prohibition of trading land affecting people?

Returning to our two initial working hypotheses in the introduction of the document, within this wider context the data confirm that *the rights of women to access and administer land and natural resources are not so much limited by traditional and customary social rules, but are more affected by the adverse socioeconomic situation of the whole peasant sector.*

This conclusion is based on the fact that for most of the population in the four provinces, work in the “*machamba*” is the main livelihood activity. Problems linked with marketing crops and the lack of alternatives for increasing and diversifying family incomes have had the worst consequences among women, as they are the ones who work in the “*machambas*” and have control over production.

Also, the interviews carried out as part of this research have confirmed that *the emergence of positive laws promoting gender equality in recent years is effectively reinforcing women’s rights through the suppression of discriminatory local norms and practices.* The population is aware of something changing, that reality is not what it used to be, and that changes introduced by the State are overcoming older currents of discrimination against women. Nevertheless, there is still a huge task ahead, because real practice on the ground does not always reflect what is said in speeches and pronouncements about ending gender inequality (and other issues). The foundations for change have been established, but Mozambique is still only at the early stages of putting real change into effect.

Finally, a proof of the huge work that still has to be done is the confirmation that *the guarantee of the “de facto” exercising of their rights by rural women is still a function of their social role as a mother and wife, and not as an individual with rights “per se”.*

It could be deduced from case-study that the little progress has so far been achieved in Mozambique in terms of improving the rights of women over land is not in fact linked to a real improvement in gender equity, but is more a result of an improvement in the rights of children. This is why children are the key for guaranteeing the rights of women to *use* land, but not to have secure tenure over it. That would be the reason why older women are more ‘secure’ when husbands die (kids inherit and then look after their mother) than younger women without children. The land is reserved to the children, and a woman (mother) is merely the keeper and user of that land until her children are old enough to assume control over it. That’s the expected behavior on current Mozambique, and that is the pattern that should be readdressed if we want that women don’t lose her right to secure tenure over ‘her’ land (in this case, in favor of her children).

The main problem is essentially one of changing the paradigm; what is needed is not only to make the design and implementation of a juridical framework more sensitive to gender issues, but also to have key actors internalise the principles and objectives driving such a framework. This internalisation will constitute the foundation of a

change of conscience amongst these actors, which is the first step towards real change in every other level of society. This change is in fact the most difficult to promote.

END NOTES

ⁱ The significance of the sample was ensured through the 2007 National Census (*III Censo Geral da População e Habitação*). Its size was defined on the basis of the 2007 Census, taking into account household distribution along the 4 Provinces. The Districts selected for the survey were according to MCA project intervention areas, while the sites (villages and neighbourhoods) were selected according to logistic and access issues.

ⁱⁱ These series of concerns were already raised by women NGOs at the 1996 National Land Conference which took place in Mozambique and aimed at defining a national land policy.

ⁱⁱⁱ As the interviewees said, these reason are the following: low literacy level among women, multiple domestic tasks occupying most of their time and complex of inferiority what makes women asking for help to a third part (usually husband or brothers) to solve her problems. Besides, participation is often passive; women don't speak in front of men. A deeper analysis of the vocabulary used here by the interviewees would deserve a separate chapter, since it reflects the pre-established behaviors and ways of thinking on gender issues and women and men roles in society.

^{iv} Even though all customarily acquired rights are recognized by the Land Law as being equivalent to the State-allocated DUAT, few are registered; registration involves proving them and then providing a Title document with borders, etc.

^v This perfectly matches with many other data gathered by the author of this paper situating Zambézia province at the top of the highest problematic areas in the country in terms of land grabbing led by private investors to rural communities and small farmers. Large investments in forestry, soya and rice sectors have been generating constant cleavages among small farmers and the former.

^{vi} In this way we can find the example of the Pro Soja project implemented by the Cooperative League of the United States of America -CLUSA- in Gurué District. The project is supporting the formal registration through individual demarcation and titling of plots. Special attention is being paid to women who are specifically targeted (the project helped women to get their Identification Cards in order they could start the formalisation process of their DUAT). This is the first large-scale individual titling initiative implemented in Mozambique under 1997 Land Law. So far a total of 214 land registration processes were initiated (95 of the beneficiaries are women, against 119 men), covering a total area of over 2,000 hectares, and having planned similar figures for 2011. There is, however, an active debate whether this kind of approach (as followed by the Pro Soja project) is the most effective to guarantee peasant land rights or not because of its high cost (estimated around 26,000 Mt -around 850 usd- per individual formalization).

^{vii} The cornerstone in the current debate is the necessity of finding a cheap and an effective approach to scale the implementation up for the whole country in order to reach as much as beneficiaries as possible: some stakeholders (as the World Bank) propose land delimitation as contemplated in the Technical Annex of the Land Law as the cheapest, fastest and best cost-effective way, others (as CLUSA) propose the individual land formalizations as the best path.