



Advancing Women's Land and Resource Rights

Possibilities for Gender
Equity in Land and Forest
Tenure in REDD+
Programming

Mozambique



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Table of Contents

INTRODUCTION 5

NATIONAL LEGAL FRAMEWORK FOR WOMEN’S RIGHTS 7

NATIONAL LEGAL FRAMEWORK FOR WOMEN'S LAND TENURE AND FOREST MANAGEMENT RIGHTS..... 11

Overview of Land Tenure 11

Individualized Land 14

 Community of accrued/acquired property..... 15

 General community of property..... 15

 Separation of property..... 16

Common/Collective Land 17

Formalization and Registration of Land Rights..... 20

Community Membership 22

Governance of Common Resources 22

LAWS OR REGULATIONS RELATING TO LAND RESOURCES (FORESTS, TREES, NTFPS) AND WOMEN'S RIGHTS..... 23

SOCIAL AND ENVIRONMENTAL SITUATION ANALYSIS..... 25

Maternal Mortality 26

Labor Market..... 26

Education 26

Political Participation 26

Violence 26

CLIMATE CHANGE PROGRAMMING AND GENDER INCLUSION 27

EXISTING ORGANIZATIONS WORKING WITH WOMEN 30

ANALYSIS AND RECOMMENDATIONS FOR GENDER INCLUSION 32

Analysis 32

Recommendations 33

 National legal and policy frameworks. 33

 Women’s voice and meaningful participation. 34

REFERENCES 36

Introduction

Mozambique possesses significant natural forest at about 40.6 million hectares (ha), or approximately 51% of its territory. Miombo forest (a tropical and subtropical grasslands, savannas, and shrublands biome) is the most extensive forest type, covering two thirds of the country. Deforestation and forest degradation have increased through the early 2000s, with an annual deforestation rate of 0.23% between 2000 and 2012 (Emissions Reduction Program Document [ERPD], 2018).

Mozambique's proposed FCPF Emissions Reduction Program (ER-P) components are sited within Zambézia Province. The ER-P is designated as the Zambézia Integrated Landscape Management Program (ZILMP). Within the province, ZILMP spans nine districts: Alto Molocue, Gile, Gurue, Ile, Maganja da Costa, Mocuba, Mocubela, Mulevala and Pebane. The Ministry of Land, Environment and Rural Development (MITADER) is the lead state agency. Within MITADER, the National Fund for Sustainable Development (FNDS) serves as the body in charge of coordinating and authorizing REDD+ projects in Mozambique, and is the entity responsible for implementing, supervising, and coordinating the proposed ER-P (ERPD, 2018).

The ZILMP ER-P is focused and built upon four existing World Bank forest- and biodiversity-related projects. These are the Conservation Area for Biodiversity and Development Project (MozBio), the Mozambique Forest Investment Project (MozFIP), the Dedicated Grant Mechanism Project (MozDGM), and the Agriculture and Natural Resources Landscape Project (Sustenta project). These projects are underway in the nine Zambézia districts mentioned above (ERPD, 2018).

Mozambique published its first draft ERPD in January 2017, and then an advanced draft in July 2017. A final ERPD was published in December 2017 and in January 2018, it presented its revised final ERPD at the FCPF Carbon Fund meeting (ERPD, 2018). The final Strategic Environmental and Social Assessment (SESA) was published in October 2017, and the ER-P Benefit Sharing Plan (BSP) was published in June 2018 (BSP, 2018; SESA, 2017).

The participating districts within Zambézia Province cover 6,009,414 ha, and within these districts, the forest area in the ER-P accounting area is 3,382,328 ha. The percentage of actual forest cover in the ER-P accounting area is 56% of the total area. Within Zambézia Province and the ER-P accounting area is the Gilé National Reserve (GNR), which extends over parts of Pebane and Gilé districts. GNR covers 436,400 ha, which is divided into a "full protection zone" (283,600 ha) and a "peripheral buffer zone" (152,800 ha) (ERPD, 2018).

Zambézia is Mozambique's most densely populated and second most-populated province, with an estimated population of five million in 2017. The province contains about 19% of Mozambique's total population. The population composition in Zambézia Province is similar to the remainder of the country, with more than 51% women and more than 80% younger than 40 years old. Most of the province population lives in rural areas (83% in 2007 and 79% in 2015). Nationally, about 70% of the population is rural. Between 1997 and 2007, the average annual provincial growth rate was 2.9%. Average population growth rate for the ER-P Accounting Area was 3.1% per year. Reflecting the guidelines provided by the UN Permanent Forum on Indigenous Issues, there are no Indigenous Peoples in Mozambique, and the ER-P does not trigger World Bank OP/BP 4.10 (ERPD, 2018).

The ER-P BSP provides that ER payments will not involve direct cash transfers to communities. Rather, ER payments will finance community initiatives selected by the communities. The initiatives will be implemented with the support of a service provider. The support for community initiatives will involve 50% of the ER payments made to a given community for activities contributing to generate additional ERs. These activities include, but are not restricted to, afforestation and reforestation; agroforestry systems; forestry monitoring; fire control; support to the processing of non-timber forest products; nature-based tourism, and other activities. The other 50% of the funds will be used to support community social initiatives, such boreholes, schools, road maintenance, and other community development projects. The ER-P implementers will create a database that includes the eligible communities, the related community initiatives that have been identified by the communities, and REDD+ activities eligible for support through ER payments. The BSP calls for priority to be given to initiatives with larger numbers of beneficiaries, with special attention directed toward women and youth. Women and youth are expected to represent 50% of the total beneficiaries (BSP, 2018).

The ERPD and BSP also suggest that ER-P participants must have formalized land rights in order to participate in benefits. Accordingly, the ERPD sets out ER-P activities that will formalize land to communities and individuals (BSP, 2018; ERPD, 2018). This requirement is discussed in more detail below.

General suggestions are provided below for follow up, deep-dive research, and for possible initiatives that could support women's inclusion and participation in benefits. The recommendations are discussed in more detail in the final section generally include:

- Whether pro-gender or gender-equitable policies and laws (including the land laws) have been implemented and taken into consideration by the ER-P, and prospects for

supporting the Government of Mozambique (GOM) in revising laws and regulations that need improvement (e.g., succession and inheritance).

- Given the confusing succession and inheritance practices, whether women in the ER-P accounting area tend to be disadvantaged in fact by customary inheritance practices.
- Whether women are included as members of the community for purposes community DUAT formalization and for purposes of land and natural resources management.
- Whether women will be included as joint title holders when land is formalized for individual land holdings.

National Legal Framework for Women's Rights

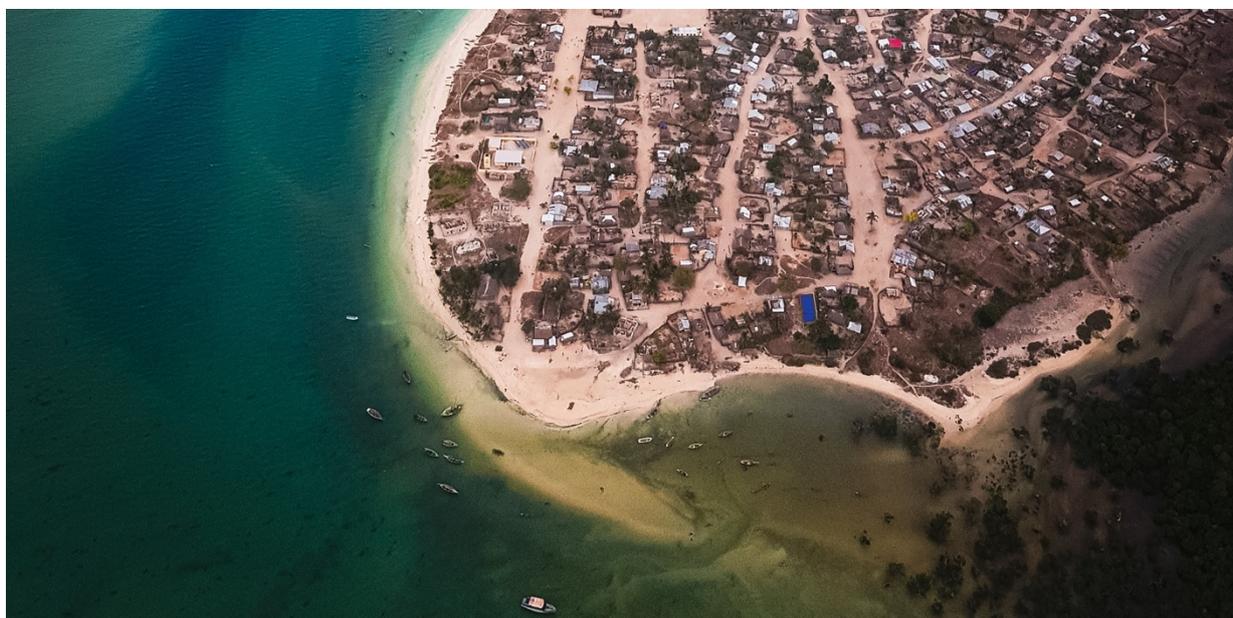


Photo by [Dimitry B](#)

Mozambique's 2004 Constitution (as amended through June 2018) provides that the State recognizes "legal pluralism" and customary systems and rules, to the extent that they are not contrary to the fundamental principles and values of the Constitution (art. 4). Ownership of all land and natural resources vests in the State, but all Mozambicans have the right to use and enjoy land as a means for the creation of wealth and social well-being (art. 109). The State determines the conditions under which land may be used and enjoyed (art. 110). When formalizing rights for the use and enjoyment of land, the State recognizes and protects rights acquired through inheritance or occupation, unless the rights have been lawfully granted to another person or entity (art. 111). The State recognizes and guarantees the right to property, and provides that expropriation may take place only for reasons of public necessity, utility, or

interest, as defined in the terms of the law and subject to payment of fair compensation (art. 82). Women and men are deemed equal before the law (art. 36), and the State “promotes, supports and values the development of women and encourages their growing role in society, in all spheres of the country's political, economic, social and cultural activity” (art. 122). The State also recognizes and guarantees the right of inheritance for all Mozambicans (art. 83).¹

Mozambique’s 2006 Gender Policy and Strategy for Implementation sought to guarantee advancement of the status and empowerment of women, while focusing largely on the promotion of training of women in defense and security areas. It encompasses four goals: 1) promotion of gender equality; 2) strengthening the coordination for gender mainstreaming; 3) enhancing the implementation and monitoring of priority actions defined in the Beijing Platform; and 4) improvement of the services for victims of gender-based violence in all the aspects. A series of national action plans for the advancement of women were published for the periods 2002-2006, 2007-2009, 2010-2014, and 2015-2017. None of these plans focused expressly upon women’s uses and rights to land or other national resources. Mozambique’s most recent National Action Plan on Women, Peace and Security, covering 2018-2022, is also largely focused on women in the context of defense and security.

Mozambique’s 2014 Climate Change Gender Action Plan (CCGAP) was prepared as an enhancement to its 2010 Action Plan of the Gender, Environment and Climate Change Strategy.² The 2014 plan builds upon the principles, objectives, and activities within the 2010 plan. Both versions of the plan are aimed at addressing gender pursuant to the overarching 2012 National Climate Change Adaptation and Mitigation Strategy. Both versions of the CCGAP sought “to guarantee equal access [to] and control of natural resources, [and] equal benefits and development opportunities to men, women, boys and girls, using natural resources sustainably, in the fight against poverty” (CCGAP, 2010, 2014). Both CCGAP versions also address climate change adaptation and mitigation. The most recent CCGAP acknowledges that much of the national policy framework, the limited extent of women’s political representation, the patriarchal culture, and economic and social structural limitations tend to maintain male dominance and restrict most women from attaining economic self-reliance and social independence. Given this reality, the most recent CCGAP promotes equity, non-discrimination, gender integration and mainstreaming, and participation (among other principles) across

¹ Republic of Mozambique, Constitution of the Republic of Mozambique 2004 (rev. 2007, 2018).

² The 2014 plan was developed with support from the Government of Finland, the Swiss Agency for Development and Cooperation (SDC), and the Global Gender Office of the International Union for Conservation of Nature (IUCN GGO).

Mozambique's climate change adaptation and mitigation landscape (CCGAP, 2014). Both gender action plans call for:

- Empowerment of women and the local communities through access to technologies and other activities aimed at the mitigation and adaptation to climate change and the sustainable use of natural resources.
- Ensuring gender equity in environmental decision making, training, and capacity-building processes.
- Ensuring that plans, policies, programs, strategies and budgets promote gender equity, access to natural resources, and measures for the mitigation and adaptation to climate change.
- Ensuring that the staff and technicians of all crosscutting sectors understand gender equity (CCGAP, 2014).

From the perspective of REDD+, the CCGAP acknowledges that land rights and tenure are problematic and land laws and their implementation can create tenure insecurity and lack of rights for women. The action plan states that “the security of REDD+ benefits is not secure in communities” because of the uncertainty surround land rights. The action plan also suggests that men have dominated REDD+ consultations. The CCGAP proposes the following REDD+-related objectives, and includes with them attendant actions, indicators, and national implementing partners:

- Develop a national road map for guiding REDD+ pilot projects and other stakeholders involved in REDD+ programs to mainstream gender fully and effectively.
- Build and strengthen the capacity and participation of women and women's organizations on REDD+.
- Develop gender-sensitive benefit-sharing schemes.
- Support the integration of gender in information, communication, and outreach programs.
- Ensure opportunities for women to benefit from activities proposed by REDD+ schemes (CCGAP, 2014).

The ERPD fails to mention, refer to, or incorporate the content of the 2014 CCGP (ERPD, 2018).

Mozambique's 2016 Gender Strategy and Agrarian Sector Action Plan (GSASAP) was created by the Ministry of Agriculture and Food Security and covers the period 2016 to 2025. GSASAP (2016) attributes the slow progress over the past 10 years in improving women's participation in key areas of the agrarian sector to the need for an update to the agrarian sector gender plan. It points to the removal of structural barriers preventing the participation of women in the sector activities that are likely to improve women's productivity levels and income. The plan acknowledges that social roles slow women's progress in the agrarian sector, and that social customs restrict women's access and control over productive resources (e.g., land, livestock, and credit), as well as women's role within agricultural markets. The plan points to the need for a better understanding of gender disparities in the agricultural sector, calling out data gaps as restricting sector gender mainstreaming. The plan expressly calls out the slow progress on formalizing women's ownership of land, noting that it increased from 25.2% to 28.13% in 2012. It attributes it to the persistence and predominance of customary land access mechanisms.

In response to formalized inquiries (requesting "States Parties Reports") by the United Nations Office of the High Commissioner (UNOHCHR) on Mozambique's progress in meeting the requirements prompted by its adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), GOM provided responses to a list of issues and questions in July 2019. In that report, no response was submitted to a request for information on measures taken to: increase and strengthen the participation of women in the planning and implementation of local development plans; provide training and capacity building opportunities for rural women who wish to enter decision-making positions, including at district and provincial levels; and ensure that extractive industries do not undermine the rights of rural women to land ownership and their livelihoods. Concerning women and climate change, no response was provided to questions addressing Mozambique's Gender, Environment and Climate Change Action Plan and Strategy of 2010, including how the State takes into account the disproportionate negative effects of climate change on the rights of women, the specific human and financial resources allocated for its implementation, and whether women participated in its formulation and implementation (UNOHCHR, 2019).

Follow-up, deep dive research would be useful to determine the extent that the various national gender policies have been implemented and to ascertain the future potential of those policies to be made a part of sectoral interventions (land, natural resources, employment, economic empowerment, and others) undertaken by GOM.

Follow-up, deep-dive research would also be useful to determine the status and content of revisions to the succession law within the Civil Code. It appears these revisions will be needed to fully entrench the more progressive legal treatment of inheritance included in LL97 (1997 Land Law) and the 2004 Family Law. To the extent possible, it would also be useful to determine how ER-P efforts to formalize DUAT rights (described below) might be able to prioritize joint titling/registration, such that women are in a position to inherit land when the legal system fully supports it.

National Legal Framework for Women's Land Tenure and Forest Management Rights



Photo by [Edvin Johansson](#)

Overview of Land Tenure

As mentioned earlier, Mozambique's 2004 Constitution provides that all Mozambicans—both men and women—have the right to use and enjoy land as a means for the creation of wealth and social well-being (art. 36 & 109). The Constitution also recognizes and guarantees the right of inheritance (art. 83). The 1995 National Land Policy guarantees women's use and rights to land (Land Policy, Sec. IV, 1995).

LL97 provides the overarching framework for land use and rights in Mozambique. Associated regulations addressing rural land were enacted in 1998, and additional regulations (establishing fees) and technical annex (TA) addressing formalization of community land were enacted in

1999.³ LL97 specifies that the State owns all lands but can acknowledge and formalize use rights to individuals, communities, and companies. Article 1 of LL97 defines these fundamental land use rights: *direito de uso e aproveitamento da terra*, or DUAT. A DUAT can exist and be protected from encroachment or takings by others even when it is informally or customarily held. LL97 expressly provides that women (as well as local communities) can individually and jointly, and informally/customarily or formally, hold the DUAT (art. 3 & 10). Like men, women can acquire the right of land use and benefit through customary occupancy that does not contravene the Constitution, other good-faith occupancy (for a period of at least 10 years), and state authorization of an application for a formal right of land use (art. 12). State authorization is manifested through issuance of a title that can be registered in the National Land Cadastre (art. 5, 12 & 13). LL97 confirms that right of land use and benefit can be transferred through inheritance, without distinction by gender (art. 16). An initial right of land use and benefit “for economic activities” has a term of 50 years, which can be renewed for another 50 years upon application (art. 17). A right of land use and benefit is not subject to time limitations if the right was acquired by local communities through occupancy, the right is intended for personal residential purposes, or if a Mozambican national is occupying it for family use (art. 17). The right of use and benefit can be extinguished through state expropriation in the public after payment of fair compensation (art. 18). There is no cost for land use if it is for family use or local community use (including for individual family use within the broader community use) (art. 20).⁴ Importantly, because the State owns all land in Mozambique, rural DUAT land rights cannot be transferred (outside of inheritance) between individuals or between communities and individuals in the usual way. An *inter vivos* transfer of rural land requires that there first be a sale and purchase of all structures, infrastructure, and improvements on the land. This transfer is then entered upon the/a title. After this transaction, the purchaser must apply for a transfer of the formalized DUAT right (99Regs, art. 15).

The 1998 regulations that build upon LL97 provide a framework for formalization of rural land rights and provide definitions of basic land use designations. The regulations also describe the process through which applicants for DUATs with “economic” uses must engage and consult with the local cadastral services, district government, and communities about pre-existing family or community uses on or near the desired property. The cadastral service then submits

³ Land Law of 1997. Law No. 19/97. October 1, 1997 (Moz.); Land Law Regulations. Decree 66/98. December 8, 1998 (Moz.); Ministry of Agriculture and Fisheries Land Law Technical Annex. Ministerial Diploma of December 7, 1999 (Moz.).

⁴ Land Law of 1997. Law No. 19/97. October 1, 1997 (Moz.).

the application for a DUAT (with the concurrence of community members) to the provincial government for consideration and approval.⁵

The TA to the 1999 regulations further sets out the framework for formalizing areas occupied by individuals and local communities according to customary practices, areas otherwise informally occupied by individual Mozambicans in good faith for at least ten years, and areas that DUATs are sought by national or foreign individuals or companies for economic purposes. Importantly, Article 5 of the TA calls for “men and women from different socio-economic and age groups within local communities” to be provided with information, to participate in the state’s appraisal of a community application, and to be permitted to provide feedback to the process of delimitation and appraisal. As well, neighbors of the community are called upon to participate in and provide input about the delimitation and application process. The TA also calls for a number of other participatory duties to be performed by “community representatives,” including various mapping and delimitation activities and review and approval of the community formalization appraisal and application package. The forms and processes in the annex require approval at various points in the process by “nine men and women from the communities, chosen at a public meeting.” The regulations do not specify if a certain number of women are required to be a part of the nine-member community representative group, or if approvals require women’s participation in the representative group.⁶

Both individualized and community land rights are governed by LL97 and the 1998 and 1999 implementing regulations, with many of the details provided by the TA to the 1999 regulations.

Follow-up, deep-dive research would be useful to determine the extent that the DUAT formalization process for a community land DUAT actually facilitates or solicits input and participation from men and women from different socio-economic and age groups. Also, how are the community participants “chosen” and to what extent have these representative groups actually included women? Plus, it would be useful to know how collected broad community input has influenced community land formalization. Has it increased the number of women listed on community rosters? Has it influenced the quantity and boundaries of the land proposed for community formalization? Is participation by the full community cut short by the creation of smaller community representation groups or councils?

⁵ Land Law Regulations. Decree 66/98. December 8, 1998 (Moz.).

⁶ Land Law Regulations (and Technical Annex). Decree No. 77/99. October 15, 1999 (Moz.).

Individualized Land

Individualized land can be held under the DUAT right of land use either informally/customarily or formally (after the DUAT right has been formalized). Individual land rights can be held for all land that is not precluded from use by state action (e.g., as “total” or “partial protection zones” intended for nature conservation or preservation activities and for state security and defense) or by common use (within community lands). Individual land rights can also be held within community land that has been designated for individual use.⁷

As mentioned above, the DUAT right to individualized land can be perfected by way of customary occupancy or other good-faith occupancy (for a period of at least 10 years). Both DUAT rights can be formalized through the processes described in the implementing regulations, primarily in the 1998 regulations (98Regs) and the 1999 TA. An individual DUAT right for “economic” purposes can be obtained by a Mozambican, foreign national person, or entity through the process described in the implementing regulations. Application for an “economic” DUAT must be accompanied by an investment plan that is approved during the DUAT application process. Both the individual DUAT received by way of customary occupation and of good-faith occupation are perpetual. The individual DUAT received for purposes of economic activities has a term of 50 years, after which it is renewable for an additional 50 years. After the renewal period, a new application must be presented.⁸

Individual land can also be held within the bounds of community land and the occupiers of the individual land can seek individual titles for their particular plots of land.⁹

Individual land can be held jointly by two or more persons (both informally/customarily and formally). Individual land can be transferred in two ways: 1) through inheritance, and 2) through an *inter vivos* transfer. The *inter vivos* transfer of the land must be preceded by the sale and purchase of the immovable property and improvements on the land, followed by the purchaser’s application and approval for transfer of the DUAT for the land. Women are eligible to hold informal and formal DUATs both individually and jointly.¹⁰ The 98Regs for LL97 provide that joint holding of the right of land use and benefit by national, individual, or corporate persons or by local communities is governed by the rules on co-ownership property established

⁷ Land Law of 1997. Law No. 19/97. October 1, 1997 (Moz.); Land Law Regulations. Decree 66/98. December 8, 1998 (Moz.); Ministry of Agriculture and Fisheries Land Law Technical Annex. Ministerial Diploma of December 7, 1999 (Moz.).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

in Articles 1403, *et seq.* of the Civil Code (98Regs, art. 12). The impact of these provisions is discussed in more detail below.

The “new” Family Law of 2004 recognizes customary marriage but mandatorily calls for all marriages to be registered in the civil register (art. 18). However, most marriages in Mozambique are (and continue to be) unregistered (Organisation for Economic Co-operation and Development [OECD], 2013). The 2004 Law calls for all marriages to be monogamous, although polygamous customary marriages are not uncommon, with over half of all women living in customary cohabiting relationships (customary marriages), and up to one third of customary marriages reported to be polygamous. Therefore, these polygamous marriages are unrecognized in law and are not subject to the joint property and inheritance provisions provided for by LL97, 98Regs, TA, or the 2004 Family Law (art. 16; Chronic Poverty Research Centre [CPRC], 2011; OECD, 2013). The 2004 Law provides that either spouse can legally represent the family, although the spouses can agree that a single spouse can serve as the legal representative of the family (art. 99). Either spouse has equal rights to administer the assets of the marriage (art. 102). However, both spouses must consent to the alienation of land that is held jointly (art. 103).

The 2004 Family Law permits couples to come to a prenuptial agreement that declares the property regime that will govern their marriage. The couple can create their own property regime (that does not conflict with the law) or they can opt for one of three marital property regimes provided for in the 2004 Law (art. 118). Those marital property regimes are:

Community of accrued/acquired property. Under this regime, property owned by either spouse prior to the marriage remains the separate property of that spouse, and property acquired by each of the spouses during the marriage through succession or gift remains separate property as well. Property acquired by the couple during the marriage becomes joint property. Upon divorce or the death of either spouse, the surviving spouse retains the property brought into the marriage by that spouse, and the joint property is divided evenly, with the surviving spouse taking one half of the joint property. The separate property of the deceased spouse (brought into the marriage or acquired individually through succession or gift during the marriage), along with one half of the joint property, makes up the corpus that is passed by the deceased spouse to his or her heirs (art. 141-150).

General community of property. Under this regime, all property brought into the marriage by either spouse, along with all property acquired individually or jointly by the couple during the marriage, is considered joint property. Upon divorce or the death of either spouse, the joint

property is divided evenly, with the surviving spouse taking one half of that joint property (art. 151-153).

Separation of property. Under this regime, each spouse retains ownership of property brought into the marriage and of the property acquired during the marriage. If land or housing is acquired during marriage, it becomes the separate property of the spouse in whose name it is registered. The spouses can stipulate in a prenuptial agreement how property acquired during marriage will be designated to one or the other. If there are any doubts about the status of movable goods upon divorce or death of a spouse, those goods will be presumed to be jointly owned. Upon divorce or the death of either spouse in the absence of a will, the separate property of the deceased spouse is subject to the inheritance regime provided for in the Civil Code, which directs the inheritance to his or her heirs (sons, daughters, parents, brothers, sisters, and then surviving spouse) (art. 154-156).¹¹

The first property regime—community of accrued/acquired property—is the default regime that will be presumed if the couple does not select a regime by way of a prenuptial agreement (art. 137). The default property regime also applies to unregistered marriages that are otherwise done according to religious or customary practices.¹²

Despite the seemingly progressive and equitable inheritance and inheritance-related provisions set out in the Constitution, LL97, 98Regs, TA, and the 2004 Family Law, many women fail to inherit land. This is because the 1998 and 1999 implementing regulations state that joint holding of the DUAT right of land use and benefit by national, individual, or corporate persons or by local communities will be governed by the rules on co-ownership of property established in Articles 1403, *et seq.* of the Civil Code. These rules provide that customary patrilineal inheritance regimes can direct land to the heirs of the deceased husband rather than to a surviving widow. Even where matrilineal systems exist in Mozambique, male dominance is present. Even though the female line is used to inherit, property normally passes to the nearest matrilineal male, usually a nephew of the deceased person and not necessarily the sons (CARE Mozambique, 2013; Food and Agriculture Organization [FAO], 2017). A revised succession law has been a state goal for years (UNOHCHR, 2019). This outcome is made more likely because women are unaware of their legal rights and because land is often not formalized jointly to women spouses. Notwithstanding the status of an inheriting heir (surviving spouse, son,

¹¹ Family Law. Law No. 10/2004. August 25, 2004 (Moz.).

¹² *Id.*

daughter, or other), those inheriting land rights are to submit a request for formalization and registration to the Cadastre Service within one year after the inheritance (98Regs, art. 20).

The 2004 Family Law provides that civil, religious, and customary marriages are legally recognized. A *de facto* union (informal, consensual cohabitation) becomes a legally recognized (but unregistered) marriage after one year of cohabitation without interruption. Such a recognized marriage is subject to the default marital property regime (art. 202 & 203).¹³

Follow-up, deep-dive research would be useful to determine the extent to which inheritance occurs pursuant to customary patrilineal or matrilineal regimes, as opposed to the more equitable inheritance regime provided for in portions of the law.

Common/Collective Land

Common/collective land rights are also governed by LL97 and the related implementing regulations. A “local community” can hold a DUAT informal right of use to land that may include areas for individual family habitation, individual or common agriculture (whether cultivated or fallow), forests, places of cultural importance, pastures, water sources, and areas for expansion. That community can seek to have that DUAT right formalized pursuant to the procedures set out in LL97 and the implementing regulations. Like individual land rights, community rights can be held for all land that is not precluded from use by state action (such as for conservation). As mentioned above, both informal and formal individual land rights can also be held within the boundaries of what is otherwise community land.¹⁴

The DUAT right to community land can be perfected by way of occupancy that is in accord with “customary norms and practices” that do not contradict the Constitution. Upon application, a formalized title can be issued to a local community in the name of that community (which is determined by the community). As mentioned above, after community land has been formalized to the community members, “individual men and women” who are members of a local community may seek individual titles for their particular plots of family land. The process of applying for and receiving individual titles must be accompanied by a community consultation process, and individualization is prohibited in otherwise common use areas (98Regs, art. 15).

¹³ *Id.*

¹⁴ Land Law of 1997. Law No. 19/97. October 1, 1997 (Moz.); Land Law Regulations. Decree 66/98. December 8, 1998 (Moz.); Ministry of Agriculture and Fisheries Land Law Technical Annex. Ministerial Diploma of December 7, 1999 (Moz.).

Community DUATs and individual DUATs within community lands are perpetual. LL97 calls for local communities to participate in the management of natural resources, resolution of conflicts, the rights formalization process, and the identification and definition of parcel boundaries. The communities are encouraged to use customary norms and practices in performing these responsibilities. Land use within the stated legal and regulatory bounds is at no cost to the rights holder.¹⁵ Importantly, a lack of demarcation and formalization does not undermine or affect the DUAT right of land use and benefit acquired through occupancy by local communities (TA, art. 15).

The LL97 regulations enacted in 1999 are provided through a TA that focus largely on the formalization of the community DUAT right to land.¹⁶ In addition to the permitted customary land and resource uses, these regulations also permit local communities to engage in economic activities, provided that the consent from the communities is obtained (TA, art. 3). The 1999 TA sets out the steps to be taken in delimiting the extent of a community land right: 1) information dissemination; 2) a participatory appraisal; 3) preparation of a delimitation sketch and descriptive report; 4) solicitation of feedback and revisions; and 5) entry of the delimitation into the National Land Cadastre (TA, art. 5). The first step is to include information on the reasons for starting the process: an explanation of LL97 and the 1998 and 1999 regulations, the objectives and methodology of the delimitation, and the advantages and implications of the proposed formalization (TA, art. 7). The process required a working group from the local community, consisting of men and women with different socio-economic and age characteristics, assist with the delimitation process. The process also requires the participation of community neighbors in preparing the sketch and descriptive report (TA, art. 5). No mention is made of the number of women to be included from the local community or from the participating neighbors. No mention either is made about the gender composition of the elected group of community representatives, although the provided forms (see below) anticipate women being included as signatories (TA, art. 20).

The second step includes a participatory mapping activity that shows uses and parcels within the community confines and shows the boundaries between the community and its neighbors (TA, art. 10). The participatory appraisal documentation includes a collection of information given by the local community regarding its history, culture, and social organization; the use of the land and other natural resources and how it is managed; the spatial layout of uses; information on the community population dynamics; and information on possible conflicts and

¹⁵ *Id.*

¹⁶ Ministry of Agriculture and Fisheries Land Law Technical Annex. Ministerial Diploma of December 7, 1999 (Moz.).

the mechanisms for their resolution (TA, art. 2). Preparation of the delimitation sketch prepared during the next step includes participation from the local community, the advisory working group, and community neighbors (TA, art. 11). The feedback process called for by the fourth step follows the provision of the sketch and descriptive report to the community and neighbors. Minutes from the feedback session are to be prepared, signed by “community representatives” and neighbors, along with the district administrator, and then distributed to the working group participants and community members. After registration, the National Cadastre Service creates a certificate that contains the registration details, and then delivers that certificate to the community (TA, art. 12 & 13).

The finalized documents are then submitted back to the National Cadastre Service for filing and registration. The registration documents are to include the names of both the community and the neighboring communities. No mention is made of including the names of the individuals that compose the community (TA, art. 13).

The delimitation and formalization process is to be carried out under the direction of an advisory working group whose members are to have specific training on the procedures described in the TA. The group is to include a technician with a basic knowledge of topography (TA, art. 6). The process of community land formalization can be started by the State “when necessary” or by the community (98Regs, art. 10). Specifically, community land formalization is prioritized when there is evidence of land conflicts related to the community land, when the State or investors are interested in initiating development projects within or around community land, and when a community has made a specific request for formalization. When conflicts or an interest in investment is the impetus, partial delimitation of community land is permitted. When conflicts are the motivation for formalization, the local public administration will determine who will be responsible for funding the process. When investment is the motivation, the potential investor will cover the costs (TA, art. 7). The TA provides forms for use by communities, officials, and the advisory group in undertaking the community DUAT formalization process (TA, art. 20).

Broadly, the 1998 regulations require that the National Cadastre Service provides public assistance to interested parties, including clarification on applicable legislation and regulations; the documentation required to prepare an application to formalize a DUAT right; the costs and applicable fees for an application process; the requirements of the demarcation process; the possible benefits, impediments, or restrictions to which the parties may be subject or entitled; and the procedures for appeals and complaints (98Regs, art. 22). Neither LL97 nor the 1998 or 1999 regulations expressly state that assistance will be provided as a priority to women or that women will receive information that may be particularly applicable to them.

Decree No. 43 of 2010 modifies the 1998 regulations by requiring that local Consultative Councils (established under a 2005 regulation addressing local governance) be included in the consultations held when communities seek formalization of a community DUAT land right.¹⁷ Some argue that this has introduced confusion and conflict within the community land formalization/land transfer process by requiring that the land-related community consultation results be “signed by the members of the Consultative Councils of the Town and Village.” They argue that the decree has mistakenly identified the Consultative Councils as the principal body that needs to signal its agreement with the formalization or transfer of land use rights, rather than the “members of the local community” as the joint holders of the community rights. This could become particularly important when the proposed transfer is for purposes of third-party investment (CARE Mozambique, 2013).

Follow-up, deep dive research would be useful in understanding how women are actually involved in community DUAT formalization processes. To what extent do they receive information on the legal requirements, on the details related to their community land, on the DUAT formalization process itself, and on the legally mandated requirements that women participate in the process? What kinds of opinions might women hold (if any) that could conceivably affect the community DUAT formalization? After DUAT formalization, to what extent are women permitted to participate as community members in the management of community land?

It would also be useful to understand more about the local Consultative Councils. Do they widely exist? Are they operational? Do they exist for communities that hold informal DUAT rights? For communities that hold formal DUAT rights? What are the community and women’s expectations as to the purview and portfolio of the Consultative Councils?

Formalization and Registration of Land Rights

DUAT right formalization of both individual and community rights has been underway in Mozambique for decades. Early efforts (primarily funded by donors) focused on community-held DUATs acquired by customary occupation. Less attention was directed towards individual holders and plots. The focus on individual plots began to increase in the 2010s. Between 2012-2016, formalization of individual DUATs increased from about 45,000 in 2011 to 150,000 in 2013, 270,000 in 2015, and finally to 490,000 in 2016. In 2015, the GOM launched a large-scale

¹⁷ Government of Mozambique. Council of Ministers. Decree No. 43 (2010) (Moz.).

program (Terra Segura) to issue DUATs to five million individuals and four thousand communities by 2019.

As mentioned above, the ER-P consists of four forest- biodiversity-related projects that are already underway. The ER-P plans to prompt formalization of DUATs within two of the existing projects located within the ER-P accounting area. The Sustenta project could secure land tenure rights of 135 rural communities and issue 156,450 individual DUATs, while the MozFIP project is expected to delimitate 80 communities and issue 3,550 individual DUATs to small and medium landholders engaged in forest plantations and agroforestry. The target numbers are an indication that, within these areas, many community and individual DUAT rights remain unformalized. Within the ERPD, “Enabling Activities” (EA) are described as a part of the ER-P. ERPD EA B1 provides for the needed formalization of DUATs. The formalization of DUATs within the ER-P accounting area will not usually rely on existing written documentation to establish the underlying rights (either for community rights or for individual rights), but rather (in its absence) will look to the memory of customary leaders, land chiefs, and community members and neighbors. DUAT formalization efforts done to date within the ER-P accounting area suggests that most communities have contiguous boundaries, and that already-issued formalized DUATs for individual land do exist in some cases and are registered within and/or between the bounds of community DUATs (ERPD, 2018).

DUAT rights could be formalized to women as individual rights holders (in the case of a woman-headed household), or as joint rights holders within a marital community of property that acquired individual land during the marriage or where land was brought into the marriage. The ERPD does not suggest that formalization of DUAT rights to women will be a priority in the formalization that will occur as a part of the ER-P.

Follow-up, deep-dive research would be useful to answer the important question of to what extent women’s names will be included as joint owners of DUATs for individual household rights formalized during EA B1. Will women be included as joint owners as a matter of prioritization? Will the EA B1 activities include special procedures (e.g., sensitization, capacity building, queries directed at the possibility of joint rights, tailored forms designed to capture joint rights, and others) aimed at increasing the number of women registered as joint rights holders? Also, in a similar vein, to what extent have other DUAT formalization schemes in Mozambique captured and formalized women’s individual rights held as heads of households? Finally, given that LL97, 98Regs, and TA designate the DUAT right to be joint or co-owned property within individual households of married spouses, will all land titled for individual parcels (as opposed to community land) be titled jointly to husbands and wives?

Community Membership

As noted above, LL97 regards women as members of a local community for purposes of community DUAT rights. The community DUAT formalization process set out in the 1999 regulations calls for women to be included within the community group that facilitates the formalization. Beyond these requirements, the land law or implementing regulations do not establish any rules by which communities should govern their interests in land. Also as mentioned above, the 1998 and 1999 land law regulations state that joint holding of the right of land use and benefit by local communities will be governed by the rules on co-ownership of property established in Articles 1403, *et seq.* of the Civil Code. These Civil Code articles define “co-ownership” of property as two or more people simultaneously holding property rights over the same item of either moveable or immoveable property. In the context of DUAT rights held by a community, every community member therefore has equal rights to the community property. Despite these provisions, and despite the reality that every co-owner should have a voice and right to participate in decisions regarding the community DUAT, women typically lack the voice and participation in discussions related to community land use. Whether the customary inheritance regime is matrilineal or patrilineal, men are the primary representatives of the community and the primary decisionmakers about land-related issues (FAO, 2017; UN-Habitat, 2005).

Follow-up, deep-dive research on “community membership” would be useful to determine the extent that women are deemed by custom to be members of the community for purposes of having a voice in the use of community land. Are women permitted and encouraged to participate in community dialogs on land use? If communities are consulted by the ER-P about proposed program activities, are women included only by virtue of ER-P requirements? Or do women have some access to land and resource use conversations by virtue of custom? Do women in areas where matrilineal land inheritance practices are customarily embraced have a greater opportunity to participate and voice opinion about land and resource use?

Governance of Common Resources

The governance of common resources by communities is addressed above in the discussion of the land law and community membership. Observers often note that common community resources are largely governed by male community members (UN-Habitat, 2005; United States Agency for International Development [USAID], 2011).

Laws or Regulations Relating to Land Resources (Forests, Trees, NTFPs) and Women's Rights



Photo by [Zeke Tucker](#)

Mozambique's 1999 Forest and Wildlife Law (FWLL99), like the Land Law, makes all natural resources the property of the State, but like the Land Law, provides that use rights can be allocated to Mozambican individuals and communities by virtue of occupancy or specific authorization. The FWLL99 defines “local community” in virtually the same way as LL97. FWLL99 provides that forest resources located within a local community are to be held and managed by the community. When LL97 defines the resources that can be held and managed by a community, forests are included. FWLL99 also guarantees a community access to and use of forest resources for subsistence (without fee), although some prohibitions are included (e.g., illegal burning and cutting of certain trees).¹⁸

All rights to use forestland require a license, except when the use is for personal or household consumption. Two types of licenses are available: simple licenses and forestry concession contracts. Simple licenses are available to national individuals and local communities and allow for commercial forest use. Simple licenses specify species, quantity, and term limits, and must comport with any applicable forest management plan. Although records are not consistently kept, as of 2009, there were about 1,200 reported simple license holders in Mozambique. Some observers have noted that local governments do not consistently enforce the simple license

¹⁸ Forest and Wildlife Law. Law 10/99 (July 7, 1999) (Moz.).

requirement (USAID, 2011).¹⁹ Individuals, corporations, and communities can also acquire forestry concession contracts for exploitation of productive and multiple-use forests. Applications require preparation of a forest resources inventory, a topographical map, and evidence of the technical and industrial capacity to process timber within the concession area. Applicants must also consult with local communities and prepare a management plan. Concession contracts are limited to a 50-year period with five-year renewals. As of 2009, there were an estimated 166 forest concession operators in Mozambique (USAID, 2011).²⁰

The ERPD points to the existence of Participatory Management Committees created by FWLL99. The committees are said to be composed of representatives of the local community, the private sector, the government, and NGOs as playing a role in the ER-P consultation process. No mention of these committees was found in FWLL99 (although they may have been provided for by amendment to that law).

In explaining the community right to use forests, the ERPD also mentions the concept of a “DUAF,” a forest right that parallels the DUAT. The ERPD points out that the provisions of LL97, covering both land and forests in the description of community DUAT use rights, along with the substantially similar provisions in FWLL99, create the DUAF “in all but name only.” The ERPD points out that “as with land, if the community wants to move out of subsistence-based production into more commercial activities, the approval of the land-owner (the State) must be sought. Licenses are granted, and the community can proceed to exploit the resources commercially.”

Follow-up, deep dive research could usefully look at whether Participatory Management Committees in fact exist. If so, how many are there in the ER-P accounting area? What is their function? How is membership composed? Do women participate as members? Do women otherwise have entrée to express opinions to the committees?

¹⁹ *Id.*

²⁰ *Id.*

Social and Environmental Situation Analysis

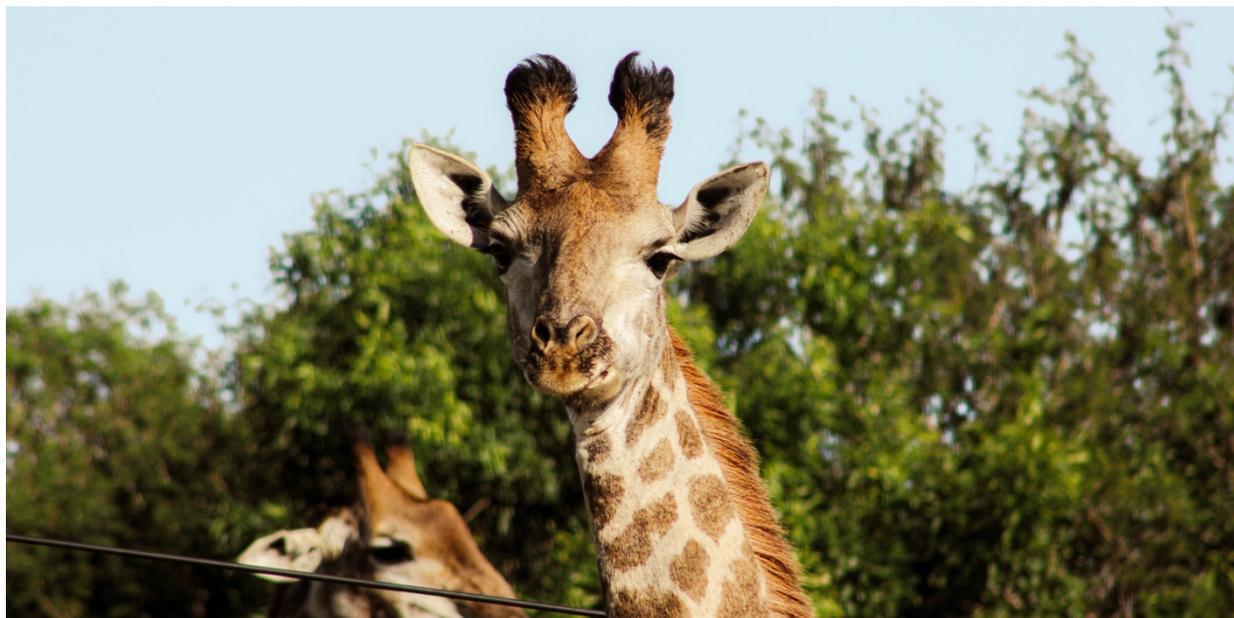


Photo by [Deborah Varrie](#)

In the 2019 Gender Development Index (GDI), Mozambique placed in Category 4 out of 5, where countries are divided into five groups by absolute deviation from gender parity in Human Development Index (HDI) values. Group 1 comprises of countries with high equality in HDI achievements between women and men (absolute deviation of less than 2.5%); Group 5 comprises of countries with low equality in HDI achievements between women and men (absolute deviation from gender parity of more than 10%). Mozambique's group comprises of countries with medium-low equality in HDI achievements between women and men (absolute deviation between 7.5% and 10%). The Gender Inequality Index (GII) indicated that Mozambique has a GII value of 0.523, ranking it 181 out of 189 countries in the 2019 index. The GII reflects gender-based inequalities in three dimensions: reproductive health, empowerment, and economic activity. Reproductive health is measured by maternal mortality and adolescent birth rates; empowerment is measured by the share of parliamentary seats held by women and attainment in secondary and higher education by each gender; and economic activity is measured by the labor market participation rate for women and men. The GII can be interpreted as the loss in human development due to inequality between female and male achievements in the three GII dimensions. Mozambique's GDI rating is .912. The GDI indicates the ratio of female to male HDI values (UNDP, 2020).

Maternal Mortality

For every 100,000 live births, 289 women in Mozambique die from pregnancy-related causes. The adolescent birth rate is 148.6 births per 1,000 women of ages 15-19 (UNDP, 2020).

Labor Market

Female participation in the Mozambique labor market is 77.3%, compared to 79.0% for men (HDR, 2020). It is estimated that as many as 90% of all economically-active women are involved in agriculture, compared to 66% of economically-active men, and that the majority of women are engaged in subsistence farming. Estimates also suggest that rural women spend an average of 14 hours per day working on agriculture related activities—water fetching, small livestock management, and domestic chores—compared to men who spend an average of six to eight hours per day on agricultural work (Van den Bergh-Collier, 2007).

Education

According to the HDI for 2019, 14% of adult women in Mozambique have reached at least some secondary level of education compared to 19.9% of their male counterparts. The average number of years of education received by women ages 25 and older for women is 2.7, while for men it is 4.5 years (HDR, 2020). From a perspective of youth, only 46% of girls finish primary school, and only 22% finish secondary school. Some 56% of women are illiterate, and the illiteracy rate increases to above 70% in rural areas (USAID, 2016).

Political Participation

In the 2019 HDI, 41.2% of parliamentary seats in Mozambique were held by women (HDR, 2020). Within municipal assemblies, women account for 29% of the members in the central and northern regions and for 31% of the members in the southern region (FAO, 2021).

Violence

The percentage of women in Mozambique who have experienced physical and/or sexual violence from an intimate partner at some time in their life is 21.7%. The percentage of women in Mozambique who agrees that a husband/partner is justified in beating his wife/partner under certain circumstances is 22.9% (OECD, 2021).

Climate Change Programming and Gender Inclusion



Photo by [redcharlie](#)

Several land-, climate-, and forest-related projects in Mozambique have shown gender-related design and delivery considerations that provide indications of the prospective attention to be paid to women during ER-P implementation.

The Mozambique Forest Investment Project, implemented from 2017-2022, aims to improve the practices and enable environment for forest and land management in targeted landscapes. Project activities include the promotion of integrated landscape management and the strengthening of the enabling conditions for sustainable forest management. Activities are focused on community land delimitation, organization of the multi-stakeholder landscape forums, planted forest grant scheme, community-private sector partnerships, development of the national land use plan, and enforcement of the Forest Law. Gender issues in the project are addressed by setting women and women's groups as direct beneficiaries of the project. Special attention is directed toward women in conducting landscape management activities. Women are to make up 30% of the planted forest landholders, and 50% of agroforestry system holders. Data indicates that already 34% of women are involved in the establishment of the agroforestry system as holders (Di Persio, 2019).

The Mozambique Global Environment Facility Conservation Areas for Biodiversity and Development Project was implemented during 2014-2019. The project focused on supporting the conservation of Mozambique's wildlife, biodiversity, and ecosystems, and contributing to the livelihoods of local communities within and surrounding the conservation areas network.

The main activities included institutional strengthening for Conservation Areas (CA), promotion of tourism in the CA, improvement of CA management, and piloting of the sustainable community livelihoods. The direct project beneficiaries included 31,719 people, of which 37% were women. Within piloting of the sustainable community livelihoods component, the majority of subprojects (focused on commercial, ecological, and conservation agriculture activities) were developed by women (Di Persio, 2019).

The Dedicated Grant Mechanism for Local Communities is currently implemented from 2017 through 2023. Its focus is strengthening the capacity of target communities and community-based organizations to participate in integrated landscape management. The main activities are organizing around the components dedicated to increasing the community and CBO participation in integrated landscape management and strengthening the capacity for community-based natural resources management. Capacity-building activities will improve the participation of different stakeholders in decision making and improve the knowledge of stakeholders in technical areas. Eight to ten subprojects will be supported to increase rural income and reduce deforestation. The project draws special attention to gender inequality issues and promotes women's involvement in decision making, ensuring the participation of women in training and capacity- building activities. Women will play an active role in the implementation of the subprojects and will make up 50% of beneficiaries of the subprojects. It is planned that the subprojects will address women's food security issues. Other vulnerable groups such as youth and people with disabilities will also be involved in project activities as direct and indirect beneficiaries. The project will use gender-disaggregated indicators and monitor its impacts based on gender (Di Persio, 2019).

The Mozambique Land Administration Project (Terra Segura) (mentioned above) is currently implemented from 2018 through 2024. Its focus is strengthening the land tenure security and improving the efficiency and accessibility of land administration services through institutional development and strengthening of the land-related legal framework, and through systematic land regularization, which includes the formalization of DUATs. The project intends to fully integrate gender considerations into the project components. The capacity-building program on land issues, land-use rights, and existing land administration institutions will reflect women's land rights. Formalization of DUATs will reflect women's weak access to land and property in the selected districts, and ensure women's participation in the allocation of the DUATs. The project promotes the issuance of DUATs to women-headed households or obtaining land-use rights jointly with husbands. The awareness of community members of the women's property rights will be increased. Special attention is given to the training of the paralegals on gender issues and women's land rights (Di Persio, 2019).

The Payment for Ecosystem Services to Support Forest Conservation and Sustainable Livelihoods program is currently implemented from 2017 through 2021. The focus has been the promotion of biodiversity conservation and climate change mitigation in Miombo forest ecosystems. It achieves this through the improvement of an existing Revenue-Sharing Mechanism (RSM) that supports sustainable use and conservation of forests and wildlife and improves local peoples' livelihoods. The project will improve the national RSM, strengthen the capacities of local communities for the improved RSM, and pilot the improved RSM in Zambézia Province. The project's use of participatory approaches, which have included gender considerations, have been aimed at ensuring participation of women in each stage of the project implementation. Women will be equally represented in the NRM Committees. In order to provide an opportunity for women to participate actively, special conditions for women and women's groups will be provided, including training sessions organized at times and in locations accessible and appropriate for women, and materials and sessions designed to take into account illiteracy issues and language barriers. The preparation and organization of the training and awareness campaign will be done with a strong emphasis on women-headed households as one of the poorest and the most marginalized groups. In general, to track gender equality, the project will conduct gender analysis, gender mainstreaming will be supported, and gender indicators will be used in each stage of the project implementation process (Di Persio, 2019).

Given the importance of DUAT formalization to the ER-P (as indicated by the ERPD's EA B1), follow-up, deep-dive research into how Terra Segura has promoted women's inclusion as individual and joint DUAT holders would be useful in determining how to make the EA B1 DUAT formalization as gender-sensitive as possible. It would also be useful to look at how the PES project and its improvement of the national RSM similarly improve the ER-P BSP in its detailing and application.

Existing Organizations Working with Women



Photo by [Dan Maisey](#)

Mozambique's women's organizations exist both within state structures and within civil society. They address a variety of women-related issues, including land and natural resources uses and rights. There are both national women's organizations and local women-focused CSOs. A few of the national organizations are described below.

National Council for the Advancement of Women (CNAM), a state-organized and state-funded organization, manages the national strategy for the prevention of discrimination against women and its activities, and coordinates 27 gender units set up within each government sector. It has a specific budget allocated from the national budget. Councils have also been set up at provincial (CPAM) and district (CDAM) levels. Nominal responsibilities of the national, regional, and district councils include approval of plans and programs coming out of the national council; identifying legislation and administrative practices that discriminate against women; monitoring the development of state sectoral instruments for gender mainstreaming, gender equality and women's empowerment; creating proposals to prevent domestic violence in general and against women and children in particular; promoting measures preventing and combating prostitution, trafficking, and other forms of exploitation of vulnerable persons in general and of women, girls, and children in particular; promoting actions and formulate proposals to take measures to ensure equal access and active participation of women in decision making and decision-making bodies; and periodically evaluating the implementation of state policies and strategies from a perspective of women and gender equality and making relevant recommendations (UNOHCHR, 2019).

Association of Mozambican Professional and Business Women (ACTIVA), established in 1990, is a national association that advances women's role Mozambique's economic development. ACTIVA's headquarters is in Maputo; it has an office in *Quelimane*, the administrative capital of Zambézia. ACTIVA activities have included organizing street markets and fairs to promote products and services from women's enterprises; professional training and capacity building for business and executive women; workshops and conferences; and the representation of women in the public and private sectors (FAO, 2021).

Association of Women for the Promotion of Community Development (AMPDC) is a Mozambican non-profit organization with the aim of guaranteeing the participation of women in the public sphere. With over 10 years in existence, AMPDC works in areas related to gender, women's empowerment, and community development. It also focuses on promoting women's groups and women's savings groups, with an emphasis on livelihoods skills training (AMPDC, 2021).

Fórum Mulher is a network organization based in Maputo that provides resources and a communications network in support of other NGOs involved in gender mainstreaming. Fórum Mulher played an active role in the development of the 2004 Family Law and produced a summarized version of the law, translating it into six local languages to facilitate dissemination at community level (Fórum Mulher, 2021).

Association for the Promotion of the Socio-economic and Sociocultural Development of Women (MBEU) is an NGO that seeks to improve the livelihoods of Mozambican women. Registered in 1993, MBEU is primarily involved in establishing income-generating activities based on the skills of local communities (FAO, 2021). However, the lack of adequate resources often limits the extent that the organization actually impacts the lives of women in the community.

Women, Law, and Development (MULEIDE), founded in 1990, is an organization operating in Maputo, Pemba, and Beira that conducts gender-focused research and provides legal awareness training to women. It focuses on women's health, gender-based violence, and HIV/AIDS prevention (MULEIDE, 2021).

Organização da Mulher Moçambicana (OMM) promotes the participation of women within the political, economic, social, and cultural aspects of Mozambican society. Established in 1973, OMM is active at national, provincial, district, and village levels. It provides training to women aimed at promoting the basic principles of equality. Its target beneficiaries are women and girls that are unable to continue to pursue formal education (OMM, 2021).

Follow-up, deep-dive research would be useful to identify local organizations within Zambézia Province as possible implementers if narrower, discrete activities are designed to increase women's participation, focus on improving women's formalized rights to land, and increase women's ability to benefit from the ER-P and related BSP. It would also be useful to investigate the full scope and impact of the National Council for the Advancement of Women and its provincial and district affiliates. The ERPD does not mention CNAM (ERPD, 2018).

Analysis and Recommendations for Gender Inclusion

Analysis

Many Mozambican women lack formalized, registered DUAT land rights, both as individual holders and as joint owners within marriages. The lack of formalized individual rights (as the head of a woman-headed household) can likely be attributed to the generally slow pace of DUAT rights formalization nationally. The lack of formalized joint rights can likely be attributed to the slow pace of formalization, as well as to the tendency of formalization programs to title and register land in the names of male heads of households.

Women's participation is likely lacking in many development interventions generally, as well as in interventions where it is nominally required (such as during community DUAT formalization and during ER-P activities). Despite the participation of women that has been reported for ER-P consultations within the ERPD, women's participation could be improved. While women's consultative participation is mentioned and reported on in various ER-P documents, the nature of the specific inputs gathered from women is not well reported. Consequently, there is little information within ER-P documents on how women's inputs have influenced the design and implementation of ER-P activities. Within the almost 400-page ERPD, "women" is mentioned ten times, and "gender" is mentioned twice. Within SESA, women receive a more substantial treatment, particularly regarding risks and mitigating measures. Within the BSP, women are mentioned three times, with two of the references pertaining only the extent that women were included in consultations. Here too, there is no mention of how women's inputs have influenced (or might influence) the distribution of benefits through grants for ER or community development projects.

Women's treatment under the various laws and regulations is mixed. While the Constitutional mandates are clear, laws and implementing regulations are inconsistent in their delivery of

women’s constitutional rights. The outdated succession provisions within the Civil Code provide an example.

When “gender-vacuums” are created by a lack of formalized rights, by slow implementation of national gender policies, by a lack of meaningful participation during development interventions, and by an inconsistent governance framework, the space is frequently filled by customary regimes that favor men over women. An example noted several times above is linked to instances where male-dominant customary approaches are used in the absence of an equitable inheritance and succession regime.

Recommendations

Given the land- and forest-related legal and social frameworks within Mozambique, along with the measures for women’s inclusion and participation set out in the ERPD, SESA, and BSP, there are several areas where follow-up, deep-dive research, accompanied by subsequent initiatives, may help to improve women’s property rights and their inclusion and participation in ER-P. A number of these areas are mentioned above and also addressed in the following:

National legal and policy frameworks. Follow-up, deep dive research would be useful in determining the extent to which the various national gender policies have been implemented and ascertaining the future potential for those policies to be made a part of sectoral interventions (land, natural resources, employment, economic empowerment, and others) undertaken by the national government. A future activity that centers around work planning (from a land rights and resource management perspective) for implementation of national gender policies could be useful.

Follow-up, deep-dive research would also be useful to determine the status and content of revisions to the succession law within the Civil Code. It appears these revisions will be needed to fully entrench the more progressive legal treatment of inheritance included in LL97 and the 2004 Family Law. To the extent possible, it would also be useful to determine how ER-P efforts to formalize DUAT rights (described below) might be able to prioritize joint titling/registration, such that women are able to inherit land when the legal system fully supports it. A future activity that supported state efforts to improve and amend the inheritance and succession laws might be worthwhile. In support of such an activity, follow-up, deep-dive research would be useful to determine the extent that inheritance occurs pursuant to customary patrilineal regimes, as opposed to the more equitable inheritance regime provide for in portions of the law.

Women's voice and meaningful participation. Follow-up, deep-dive research would be useful to determine the extent to which the DUAT formalization process for a community land DUAT actually facilitates or solicits input and participation from men and women from different socio-economic and age groups. Also, how are the community participants "chosen" and to what extent have these representative groups actually included women? Plus, it would be useful to know how collected broad community input has influenced community land formalization. Has it increased the number of women listed on community rosters? Has it influenced the quantity and boundaries of the land proposed for community formalization? Is participation by the full community cut short by the creation of smaller community representation groups or councils? A future activity could create a clearer and more detailed approach to including women within community DUAT formalization. The approach could be embodied within a guide intended to supplement or provide greater detail to the 1999 Technical Annex that addresses community DUAT formalization.

Similarly, and in support of the previous activity, follow-up, deep dive research would be useful in understanding how women are actually involved in community DUAT formalization processes. To what extent do they receive information on the legal requirements, on the details related to their community land, on the DUAT formalization process itself, and on the legally-mandated requirements that women participate in the process? What kinds of opinions might women hold (if any) that could conceivably affect the community DUAT formalization? After DUAT formalization, to what extent are women permitted to participate as community members in the management of community land? A future activity could include a guide that communities could use in the future in managing the resources within the boundaries of their community land.

It would also be useful to understand more about the local Consultative Councils. Do they widely exist? Are they operational? Do they exist for communities that hold informal DUAT rights? For communities that hold formal DUAT rights? What are the community and women's expectations as to the purview and portfolio of the Consultative Councils?

Follow-up, deep-dive research on "community membership" would be useful to determine the extent that women are deemed by custom to be members of the community for purposes of having a voice in the use of community land. Are women permitted and encouraged to participate in community dialogs on land use? If communities are consulted by the ER-P about proposed program activities, are women included only by virtue of ER-P requirements? Or do women have some access to land and resource use conversations by virtue of custom? Do

women in areas where matrilineal land inheritance practices are customarily embraced have a greater opportunity to participate and voice opinion about land and resource use?

Follow-up, deep dive research could also usefully look at whether Participatory Management Committees in fact exist. If so, how many are there in the ER-P accounting area? What is their function? How is membership composed? Do women participate as members? Do women otherwise have entrée to express opinions to the committees?

Finally, follow-up deep-dive research would be useful to identify local organizations within Zambézia Province as possible implementers if narrower, discrete activities are designed to increase women's participation, the focus on improving women's formalized rights to land, and their ability to benefit from the ER-P and related BSP. It would also be useful to investigate the full scope and impact of the National Council for the Advancement of Women and its provincial and district affiliates. The ERPD does not mention CNAM (ERPD, 2018).

Land rights registration. Follow-up, deep-dive research would be useful to answer the important question of the extent that women's names will be included as joint owners of DUATs for individual household rights formalized during EA B1. Will women be included as joint owners as a matter of prioritization? Will the EA B1 activities include special procedures (sensitization, capacity building, queries directed at the possibility of joint rights, tailored forms designed to capture joint rights, and others) aimed at increasing the number of women registered as joint rights holders? Also, in a similar vein, to what extent have other DUAT formalization schemes in Mozambique captured and formalized women's individual rights held as heads of households? Based upon this information, a supporting activity could review and improve the existing procedures aimed at including women in all land formalization activities, including within state land administration entities (e.g., National Cadastral Service, local land registries, etc.).

Given the importance of DUAT formalization to the ER-P (as indicated by the ERPD's EA B1), follow-up, deep-dive research into how Terra Segura has been promoting women's inclusion as individual and joint DUAT holders would be useful in determining how to make the EA B1 DUAT formalization as gender-sensitive as possible.

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