

HLP IN MOZAMBIQUE



The Basics

LAND IS OWNED BY THE STATE

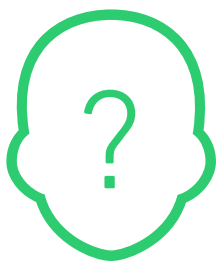
All land is owned by the Mozambican State. This means that no individual, group or company can own land. They can only own (and sell/buy) the buildings, crops and fixtures on the land.



The DUAT

LAND USE RIGHT

Instead of ownership titles, individuals, groups and companies in Mozambique can have a Land Use Right certificate called DUAT ("Direito de Uso e Aproveitamento da Terra").



Who has a DUAT

ONLY A MINORITY HAVE DUAT

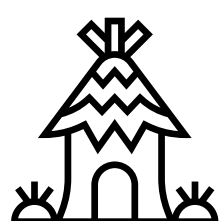
Only 10% of land parcels in Mozambique are formally registered. DUAT is common in wealthier urban areas, but rare in informal settlements and in rural contexts. Technically, persons who occupy their land based on customary practices, or who have occupied their land in good faith for 10 years, have the right of use, regardless of having or not a certificate.



Urban informal settlements

PARALLEL TENURE SYSTEMS

It's common to find parallel land administration systems in informal settlements in urban areas. These systems use paper documents issued by the "Secretários de Bairro" and the "Chefe de Unidade", who usually keep records. These "certificates" are not recognised by official authorities, but are respected within the communities and provide a basic level of tenure security.



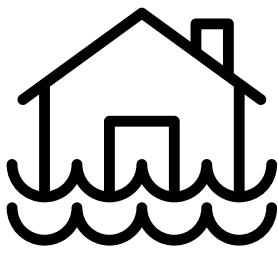
Rural areas

GOOD FAITH AND CUSTOM

In rural contexts it is less common to find paper certificates as proof of land rights (except in commercial agricultural projects, etc). Rural households usually derive their right to land from customary rules and practices or from simple good faith possession over the years. Establishing this type of tenure requires verbal proof from neighbours, elders and local authorities.

Affected areas

RISK AND HAZARD ZONES



When providing shelter assistance in inhabited hazard areas - declared so by government - it's important to make sure that beneficiaries will have enough tenure security and will not be forcibly evicted. In such cases, the threat of eviction will most likely come from Government. In these cases, intra-communal parallel land administration systems will not provide enough tenure security. Shelter practitioners are encouraged to engage with INGC, MITADER and other relevant agencies before intervening, to ensure that assisted residents will be able to remain in the area.

"Tenure Insecure"

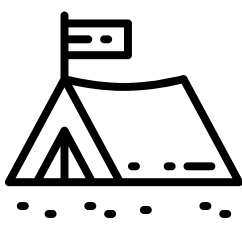
SPOUSES, RENTERS, MINORS



The "ideal" shelter beneficiary usually imagined by practitioners is one household who was living in a house, which they owned. In reality, this is rarely the case. Most affected households fall into the category of what we call "tenure insecure": these include, renters, persons being hosted by family, unregistered spouses (usually women and particularly in cases of polygamy or underage marriages), dwellers of multipurpose buildings (such as households that lived above shops) and any other individuals that struggle to prove their connection to a particular "damaged" house of their own. The tenure insecure tend to overlap with the most vulnerable of the affected, and shelter interventions must ensure that they are included in the modalities of assistance.

Relocation sites

SECURITY OF TENURE FOR RESETTLED FAMILIES



It is estimated that approximately 14,000 parcels will be demarcated and allocated to affected households in 26 Government assigned relocation sites. The Government has pledged to issue DUAT for the relocated households, who expect to have enough tenure security to be able to invest in their land, improve their shelter, and grow crops in their machambas with peace of mind. Shelter actors should consider assisting the Government in securing land rights to the relocated households and ensure that women are included in the title. In many cases, civil registration will need to be conducted prior to land certification so as to provide personal identification documents to the affected, who may have lost theirs in the disaster or may have never had them.