

Mozambique's land law 2024 in summary

WHAT SHOULD LOCAL COMMUNITIES KNOW?

In Mozambique, land provides a livelihood and contributes to social well-being. It is the right of all Mozambicans to use and enjoy it. The government is seeking to change the Land Law and is currently on a process to do so. It is important that this process involves all sectors of society, ensuring a Land Law that protects the interests and aspirations of the Mozambican people.

An initial draft (Draft 0) of government's proposed Land Laws resulted in an inadequate and ineffective public consultation process. The public consultation process did not cover all areas of the country and all communities. With a population of around 32 million, only a small percentage (roughly 75 000 Mozambicans) have been consulted.

In 2024, Mozambicans will once again have an opportunity to make their voices heard regarding the latest draft of proposed laws.

Timeline:

November 2017

The consensus achieved on the IX Session of the Land Consultation Forum, translated into the IX LCF Declaration highlighted the need to move on from mere debates to a practice, a reform of the Land Legal and Institutional Framework.

28 November 2022

Through Resolution 45/2022, a New Land Policy is approved by the Counsel of the Ministers.

April 2023

The Land Law Reform process begins with the presentation of the:

- Proposed Structure
- Methodology
- Timeline for Public Consultation

Draft 0

May 2023

Draft 0 of a Land Law proposal is made public.

July - August 2023

The Commission for National Land Policy Revision conducts public consultation meetings.

Draft 1

December 2023

Draft 1 of the proposed Land Law was presented was presented for a second round of public consultation process.

29 February 2024

Submit comments and contributions to Draft 1.

WHAT TO KNOW ABOUT THE NEW LAND LAW

The proposed Land Law:

PRIVATISES LAND



Currently, land in Mozambique is owned by the State and is used by communities. This means that land is not owned by private people or companies. The new Land Law changes this.

REMOVES ACCESS TO “UNAVAILABLE LAND”



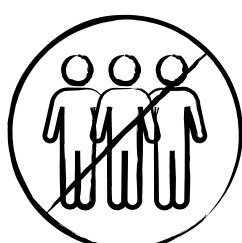
State reserves of land are foreseen as “unavailable land”. On those areas, land occupation through customary law and “good faith occupation”, will be illegal and impossible, and restrict access to land by local communities and other marginalised groups.

PROVIDES NO LEGAL GUARANTEES FOR COMMUNITIES



Draft 1 is far from aligned with international law and human rights standards bounding the State of Mozambique to recognise the principle of free, prior and informed consent. Draft 1 of the proposed Land Law offers no legal guarantees for local communities as primary stewards of land and natural resources to effectively in land decision making process, such as land titling, special by corporation.

DOES NOT PROTECT COMMUNITIES FROM FORCED DISPLACEMENT



Draft 1 does not solve problems of community evictions due to extractive and development megaproject. Mascaraed into a public interest, mostly economic, if approved the proposed law will continually allow communities forced displacement due to economic and private interest. Communities forced displacement has often led to livelihood disruptions, loss of historical and cultural identity and conflict between communities and private sector and or government.

The X (10th) session of the Land Consultation Forum

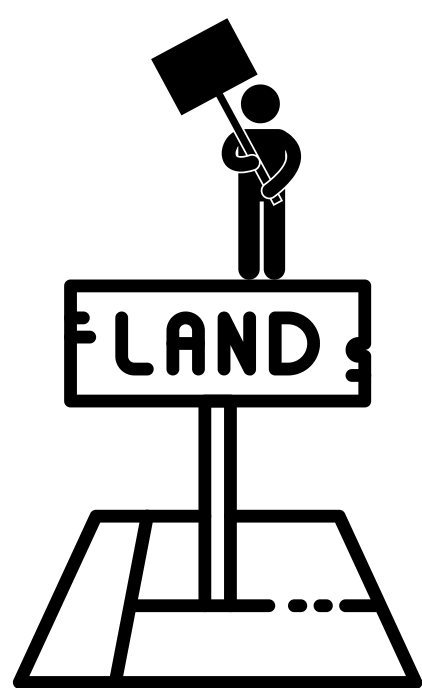
The Land Consultation Forum is a multistakeholder platform that is comprised of government institutions, municipalities, civil society organisations and professional organisations, presided over by the Minister of Land and Environment. The Minister serves as government’s advisor for the Land Policy and Land legal framework. The X session of the Land Consultation Forum is to be held on the **18 March 2024** to approve the text of the proposed Land Law, before the submission to the Counsel of Ministers.



COMMUNITY PARTICIPATION

Did your community participate in the land law process?

Unfortunately, the public consultation process on Draft 0 of the Land Law did not cover all areas of the country and all communities. With a population of around 32 million, only a small percentage (roughly 75 000 Mozambicans) have been consulted.



YOUR RIGHT TO PARTICIPATE

Article 73 of the Constitution of the Republic of Mozambique states: all citizens have right to “permanent participation in the life of the Nation”.

Article 8 of the Environmental Law (Law 20/97, from 1st October) states that there is a legal obligation on the Government of Mozambique to create adequate mechanisms to ensure all citizens and local communities participate in the process of creating laws and policies to do with land, environmental and natural resources.

WHY SHOULD LOCAL COMMUNITIES PARTICIPATE?

Local communities live on land and conserve natural resources and traditional knowledge. Land provides food, freshwater and multiple other ecosystem services, as well as biodiversity. Land is also a resource for local communities for livelihoods and social and cultural development. Local communities should have a say in what happens to land and how it should be used and managed.

HOW TO PARTICIPATE:

Gain Knowledge

Access adequate information, including the Draft 1 of the proposed Land Law. All the documents related to the Land Reform process must be available at the National Land Policy Review Commission and all public institutions.

Add your voice

In principle, local communities are not considered in the second round of the public consultation process for Draft 1, as the second round of comments is aimed at public institutions and Civil Society Organisations (CSOs). However, the Constitution recognises a right to permanent participation on the nation’s affairs. Therefore, Mozambicans are encouraged to comment on the process and request that they be allowed to submit comments on Draft 1.

The deadline to submit comments and contributions to Draft 1 is 29 February 2024.

Natural Justice is monitoring the process and is working closely with partners and local CSOs to promote and ensure that a broader involvement of local communities.

