



The evolution of the land struggle for smallholder irrigated rice production in Nante, Mozambique

Wouter Beekman^{a,*}, Gert Jan Veldwisch^{b,1}

^a Resilience BV and Wageningen University, Irrigation and Water Engineering Group, Resilience BV, Postbus 221, 6700 AE Wageningen, The Netherlands

^b Irrigation and Water Engineering Group, Wageningen University, Droevendaalsesteeg 3a, 6708 PB Wageningen, The Netherlands

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ABSTRACT

The case of Munda Munda irrigation system in Nante, Zambezia, Mozambique, is an example of how a smallholder community, with the active support of local NGOs, has successfully defended its land and water resources against several attempts of resource grabbing. This article examines the strategies the community used to defend its resources. After an initial struggle over legal entitlements the discussion shifted to questions of efficient and productive use of the land. This shift is possible in the context of Mozambican land law which prohibits land from being privately owned while simultaneously aiming to regulate external investments on a basis of arguments of productive use of resources. Smallholders sustained their claim of productive use by switching to 'modern' technologies (tractor, fertilizers, improved seeds), investments in infrastructure (rehabilitation and extension of the irrigation system) and commercialisation of their production (increase of yields, processing and marketing). At a second level the case reveals a conflict between two alternative rural development models, the company/concessionary model and the smallholder/cooperative model. The dynamics in Nante are an expression of how this dichotomy plays out at a local level. The article is based on a long-term involvement in the area since 2004.

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1. Introduction

The case of Munda Munda irrigation system in Zambezia, Mozambique, is an example of how a smallholder community, with the active support of local NGOs, have successfully defended their access to land and water against several attempts to claim the land by external investors. The context is that of diverging visions on rural development in Mozambique, roughly between those that see large scale, capital intensive, concession-based, 'modern' agriculture as the motor of development and those that promote a smallholder, community-based development (Hanlon, 2004; Bolding, 2009; Woodhouse, 2012). Hanlon (2004) calls the first approach the 'foreign investor model', Bolding (2009) refers to it as the 'company model of rural development', while Woodhouse (2012) emphasises the association of these contradictory visions on rural development with modernisation versus conservation respectively. All three authors identify the diminishing access to capital through development aid as an important driver for national government to turn its attention to other sources for investment in the agricultural sector. Foreign Direct Investments

(FDIs) have thus become a favored source of access to capital for rural development.

Conflicts between the two models of development materialise in concrete local settings, where they have been labelled as 'land grabbing'.² Large land deals with foreign investments have greatly increased in Mozambique over the past few years (Schut et al., 2010; Van der Zaag et al., 2010; Borras et al., 2011; Fairbairn, 2011; Kaarhus, 2011). In many of these cases securing access to water plays an important role, and is sometimes even the primary driver for the grabbing process, which thus is also being referred to as 'water grabbing' (Skinner and Cotula, 2011; Woodhouse and Ganho, 2011; Kay and Franco, 2012; Mehta et al., 2012). After Mehta et al. (2012) we define water grabbing as the process in which "powerful actors are able to take control of, or reallocate to their own benefits, water resources already used by local communities..."

Borras et al. (2012: p. 850) point out that the process of resource grabbing is essentially a process of 'control grabbing', with the aim 'to derive benefit from such control of resources'. This implies that the land grabbing does not necessarily involve expulsion of smallholders from their land (White et al., 2012). Hall (2011) identified a number of alternative institutional forms, including the outgrower model and various commercialisation models. The grabbing of

* Corresponding author. Tel.: +258 829363137; fax: +31 317 419000.

E-mail addresses: wouter.beekman@wur.nl (W. Beekman), gertjan.veldwisch@wur.nl (G.J. Veldwisch).

¹ Tel.: +31 317 482668.

² See White et al. (2012) for a recent write-up of the state-of-affairs in this field of work.

control over resources thus goes far beyond the grabbing of formal ownership. This suggests that rather than being about land and water the real issue is about the access to and control over the benefits of land and water use. The domain of formal law and regulations is only one of the domains in which such contestations take place (Zwarteveen et al., 2005; Boelens, 2008). Mehta et al. (2012) point out the ‘slippery’ nature of the grabbing process: unequal power relations, obscured negotiation processes, formal and informal rights and the role of (local) government in these processes.

An important justification for large-scale investment in agriculture around the globe is the “capturing of so-called ‘marginal, empty, and available’ lands” (White et al., 2012), the creation of an image of virgin, unused lands or *terra nullius*. Mozambique is particularly presented as a country with high potential, as it has “large tracts of suitable land, but also a large proportion of smallholders with very low productivity” (World Bank, 2010: xviii, cited in White et al. (2012)). Various studies have shown that investors actually look for the best lands in terms of water availability and soil fertility (e.g. Cotula, 2012) and that lands marked as ‘empty’ are actually being used, even if population densities are low (e.g. Woodhouse, 2012).

This article studies an attempt of land (and water) grabbing, that is the process of contestation over control over the benefits of irrigated agricultural land between a smallholder community and external investors in the Nante area, Zambezia Province, Mozambique. We aim to answer the following research question: what strategies did the local community use to defend its land and water resources against a resource grab within the context of a ‘slippery’ political process? Through studying the case we found that an important aspect of the defence strategy is sustaining the claim that the land under discussion is productively used, thus countering the (implicit) claims that the land is empty and unproductive. We identify four interrelated domains in which contestation has been taking place: the first domain was a legal land ownership struggle, while the other three can be seen as responses to the suggestion that the land is underutilised. Smallholders actively strategized to demonstrate their capacity to use ‘modern’ technology, invest in agriculture and market their products.

This paper is based on an involvement in the area that has been on-going since 2004. The authors have had many interactions with the local community through a variety of assignments and projects to map and (re-)design the irrigation system and several socio-economic and hydrological studies. Through this involvement rich empirical material was gathered, although the topic of this paper was never an explicit or intended aim of the fieldwork.

After this introduction follows a section on the legal context around land and water rights in Mozambique (Section 2). In Section 3 the case of Munda is presented, which in Section 4 is analysed along the four interrelated domains of contestation. The article ends with a conclusion (Section 5) on the nature of the community’s strategies to defend its local resources and its connection to the conflict between two dominant models for rural development.

2. Mozambican land law

Before analysing the local dynamics of the struggle in the Nante area we first explain the framework of the Mozambican land law. The Mozambican law on land is as progressive in its potential to support smallholder farmer communities, as it is ambiguous in its capacity to maintain those rights. The Land Policy (1995) and Land Law (1997) are both internationally praised for the inclusionary democratic process through which they were developed. Through this process it was tried to resolve the question of how

“to safeguard the rights of the Mozambican people over their land and natural resources, while promoting new investment and the process of equitable and sustainable development” (Tanner, 2009: p. 38).

Under these Mozambican laws and regulations the land belongs to the state and cannot be owned privately. An individual or a group of farmers in a community can obtain the right to use and profit from the land (DUAT in the Mozambican acronym³) for a period of 50 years. Three ways through which land use rights can be obtained are mentioned in the law (Tanner, 2002: p. 25); (1) through ‘occupation, according to customary norms and practices’, (2) through ‘good faith’ occupation of land previously used by others, and (3) through a formal request to the State by investors and other externals. Formally good faith occupation has “the full legal equivalence to the State DUAT” (De Wit et al., 2009: p. 38), also if this is not in writing (Cotula, 2009: p. 70). The granting of a DUAT to external investors depends on the submission of a business plan that describes the investment strategy and the plans to use the land in a productive way. The process of obtaining a DUAT starts with a delimitation⁴ process which determines the area, which in the case of a community is often interpreted as the area that it has traditionally used. The next step is to map the natural resources and develop a plan for their economic use. If this plan is approved, a DUAT is given for a period of 50 years. Although the DUAT is based on the productive use of all the available natural resources, including water, it only ensures the right to use the land. However, for a farming community this process is often fraught with uncertainties. We mention three of them.

Firstly, the traditional area used by a community often belongs to an administrative area or a *Regulado*, a local chiefdom. As such, it often includes areas that are not being physically used at that moment by the communities. Only a very small portion of community land rights have been formalised, mostly as a result of the tedious and time-consuming process required (cf. Norfolk and Liversage, 2002). As a result large areas of Mozambique still appear to be ‘empty’ when official maps are consulted by investors (Tanner, 2009). This provides an opportunity for completing claims on the grounds that (some of the) land is not being productively used and should be given to a person/group that can make better use of it.

Secondly, mapping the resources is aimed at attributing users’ rights but the national law has a predominant focus on individual use, which often comes into conflict with the local traditional customs over community land use. This does not only relate to land, but also to the resources connected to the land, including water, wetlands, grazing areas and forests, which are included in the DUAT (Tanner, 2002).

Thirdly, the DUAT is given on basis of a business plan for use, which serves as a check and control mechanism. However, when plans made by a community are compared with plans by an outside investor it is more likely that the latter will be seen as more viable and economically beneficial.

These tensions within the land law give room to contest the right of communities to hold land and favor commercial enterprises searching for land to invest in. Though, formally, communities have to be consulted regarding proposals by private investors, in various cases the outcomes of these processes have been disadvantageous for the communities (Hanlon, 2004). Both the process of obtaining the DUAT and opposing an outside claim require

³ Direito de Uso e Aproveitamento de Terra.

⁴ Delimitation is the ‘identification of the limits of areas occupied by communities [...] including entering this information in the national land registry’ (Diploma Ministerial no 29-A/2000, article 2, ‘definitions’; in Hanlon (2004: p. 610)). The land demarcation process, which among others requires accurate surveying and the construction of cement landmarks, is more complex and expensive (Cotula, 2009).

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