



MOZAMBIQUE

Law, Land Tenure and Gender Review: Southern Africa



UN-HABITAT

Scale 1:51,400,000

Cylindrical Equal-Area Projection

LAND TENURE, HOUSING RIGHTS AND GENDER

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M O Z A M B I Q U E



UN-HABITAT

2005

Law, Land Tenure and Gender Review Series: Southern Africa

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Foreword To Southern Africa Law And Land Tenure Review



Africa is currently the region of the world that is witnessing the most rapid rate of urbanisation. The Southern African sub-region is no exception. The chaotic manifestations of rapid urbanisation include poor and inadequate infrastructure and services, urban poverty and the proliferation of slums and informal settlements. The precarious nature of land tenure characterizing these settlements renders millions of people vulnerable to evictions. Their illegal status further hinders their access to basic infrastructure and services, a key challenge that has to be overcome in order to attain the Millennium Development Goals of improved water and sanitation, gender equality, health, education, nutrition and the prevention of diseases.

Through the generous support of the Government of the Netherlands, UN-HABITAT is pleased to publish its review of the legal and policy frameworks governing urban land tenure in Southern Africa. In addition to an overview of the situation in all ten countries of the sub-region, the present report contains four case studies which analyse the specific cases of Lesotho, Mozambique, Namibia and Zambia. These case studies provide a comprehensive examination of the laws and policies governing urban land tenure, with a special focus on their impact on women's rights to land and housing. National experts in each country have conducted extensive research to reveal the often-complex legal issues which hinder or enable the efforts of Governments, local authorities and their civil society partners in improving the living conditions of the urban poor. The study reveals that the sub-region is characterised by overlapping legal regimes. These include pre-colonial customary law which co-exists with a mixture of outdated and often draconian colonial laws and more recent legislation.

Strengthened security of tenure for the urban poor of Southern Africa is an essential step towards sustainable urbanisation and development of the sub-region. Without secure tenure, the prospects for local economic development, a safe and healthy environment, and stable homes for future generations to grow up in will remain bleak. Secure tenure alone will, however, not be sufficient and a clear message that emerges from this review is that good local governance is essential for tenure security programmes are to achieve their desired goals and effectiveness.

This review contains findings and recommendations for both immediate and longer-term law reform to strengthen the tenure rights of all people, especially the poor and women. While they will further guide and inform UN-HABITAT's normative work through its two Global Campaigns for Secure Tenure and Urban Governance, it is my sincere hope they will contribute to furthering broad-based dialogue and engagement in land reform and security of tenure in all countries in Southern Africa in support of attaining the Millennium Development Goals.

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List of Abbreviations

AIDS	Acquired immunodeficiency syndrome
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AMMCJ	Associação Moçambicana das Mulheres de Carreira Jurídica (Women Lawyers' Association)
CBO	Community-based organisation
DCU	Directorate of Construction and Urbanisation
DUAT	Direito de Uso de Aproveitamento da Terra (Right to use and benefit from land)
DINAGECA	Direcção Nacional de Geografia e Cadastro (National Directorate of Geography and Cadastre)
FAPF	Faculdade de Arquitectura e Planeamento Físico (Faculty of Architecture, Eduardo Mondlane University)
FFH	Fundo de Fomento de Habitação (Housing Promotion Fund)
FRELIMO	Frente de Libertação de Moçambique (Liberation Front of Mozambique)
G20	Group of NGOs
GTZ	German development organisation
HDI	Human Development Index
HIV	Human immunodeficiency virus
IMF	International Monetary Fund
INE	Instituto Nacional de Estatística (National Statistical Institute)
IPAJ	Instituto de Patrocínio e Assistência Jurídica (Institute for Legal Assistance)
LDH	Liga dos Direitos Humanos (Human Rights League)
LINK	NGO network

MAE	Ministério da Administração Estatal (Ministry of State Administration)
MICOA	Ministério para a Coordenação da Acção Ambiental (Ministry of the Environment)
MOPH	Ministério da Obras Públicas e Habitação (Ministry of Public Works and Housing)
NGO	Non-governmental organisation
ORAM	Organização Rural de Ajuda Mútua – a rural development NGO
PARPA	Plano de Acção para a Redução da Pobreza Absoluta (Action Plan for the Reduction of Absolute Poverty)
RENAMO	Resistência Nacional de Moçambique (Mozambican National Resistance)
SPGC	Serviço Provincial de Geografia e Cadastro (Provincial Service for Geography and Cadastre)
UNAC	União Nacional de Camponeses (National Peasants Union)
WLSA	Women and Law in Southern Africa

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