Urban LandMark

'Operation of the Market' Study
How the poor access, hold and trade land

Findings from research in two settlements in Tete, Mozambique

March 2013

Progressus
Research & Development Consultancy cc

PROJECT TEAM

This assignment was undertaken by Progressus Research & Development: South Africa

The Project Team comprised:
Reathe Rain-Taljaard (Progressus, South Africa)
Cornelius Monkwe (Progressus, South Africa)
Motlalepule Tsepe (Progressus, South Africa)
Ros Gordon (Consultant: South Africa)
Eusebio Teodoro Pequenino (Consultant, Mozambique)
Egildo Massuanganhe (Consultant, Mozambique)

This report was prepared by Ros Gordon, Reathe Taljaard and Egildo Massuanganhe

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1. INTRODUCTION

Since 1950 Africa has seen extremely high levels of urbanization. It is estimated that by 2025, more than half of the African population will be urban, and during the next quarter century the urban population will be growing almost twice as fast as the general population, increasing by more than half a billion from 1990 levels.[1] It is estimated that the African urban population will comprise about 780 million people by 2030, more than the total urban population in the western hemisphere.[2] This rapid urbanisation is primarily driven by massive rural-urban migration.[3]

Of the four regions making up Africa, Southern Africa over the 2000-2010 decade, retained its position as the most urbanised on the continent, with the rate increasing from 53.8 to 58.7 percent. The sub region is projected to reach a two-thirds urban majority sometime around 2025[4]. This urban growth is concentrated in larger and medium sized cities in the region, with cities of less than 500,000 people absorbing two thirds of the urban growth[5].

The process of urbanization in Africa has been referred to as the 'urbanisation of poverty', as, coupled with high unemployment rates, it generally leads to extremely poor living conditions, mostly in slums (informal settlements). About 62% of people living in towns and cities in sub-Saharan Africa today live in such informal settlements[6].

These informal settlements are generally located in peri-urban environments and are characterized by very poor infrastructure. They are social and economic entities in their own right with a social and economic capital base. Land transactions are informal resulting in such settlements being 'holes' in the land cadastre. Land tenure information for these areas is missing, which has negative implications for the ability of municipal authorities to exercise proper land management and to generate a tax base.[7]

The way in which informal land transactions occur and the extent to which they result in tenure security and asset creation in these informal settlements is not well understood. For this reason **this study comprises research into two informal settlements (namely Matundo and Mateus Sansão Muthemba [Sansão Muthemba]) in Tete, Mozambique, so as to understand how the poor access, hold and trade land.** This research forms part of a larger research programme being undertaken by

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1 World Bank Regional Reports - Africa Region, Spring 2001
[2] Second Anton Rupert Memorial Lecture, given by Maria Ramos, University of Pretoria, November 2010. The Western Hemisphere is a geographical term for the half of the Earth that lies west of the Prime Meridian
[3] J Chome and M McCall, Neo-customary title registration in informal settlements, The case of Blantyre, Malawi, IDPR, 77(4), 2005
[4] UN Habitat (2008). The State of African Cities 2010 Report. Nairobi, UN Habitat
[5] UN Habitat (2008). The State of African Cities 2008 Report. Nairobi, UN Habitat
6 United Nations Human Settlement Programme, For a better urban future, op. cit., p. 4.
[7] J Chome and M McCall, Neo-customary title registration in informal settlements, The case of Blantyre, Malawi, IDPR, 77(4), 2005

Urban LandMark which includes similar studies in Lilongwe (Malawi), Maputo (Mozambique), Luanda (Angola) and Durban, Cape Town and Johannesburg (South Africa). Reports on these other research projects can be seen on www.urbanlandmark.co.za. The research is funded by Cities Alliance, with co-funding from UKaid,

This report includes:

▪ Method
▪ Background
▪ Key findings
▪ Conclusions and recommendations

2. METHOD

As indicated in Figure 1, the research consisted of four phases.

Figure 1: Research process
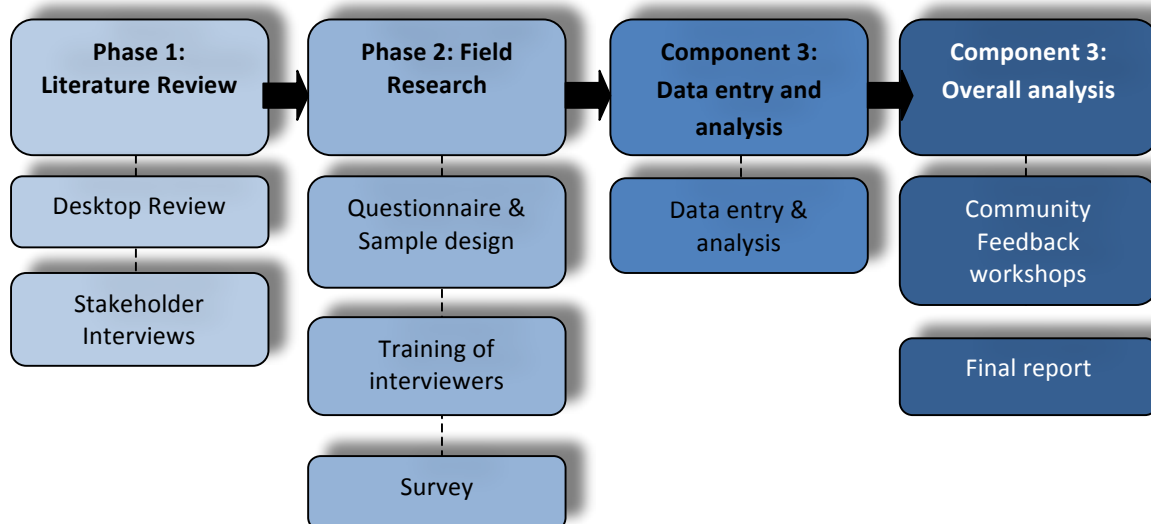
▪ **Phase one: Literature review:** This phase comprised a review of land legislation and policy in Mozambique, as well as reports and research articles on various land-related aspects. A review was also undertaken of the study area namely Tete and the two selected settlements (Matundo and Sansão Muthemba). Interviews were held with the following key stakeholders (6) on land issues and the study area including:
  – City Council for Urban and Works Management (David Medson)
  – City Councilor, Public Infrastructure, Transport and Traffic (Waide Nortino Cadra)
  – Mateus Sansão Muthemba Ward Secretary (Francisco Antonio Moiane)
  – Matundo Ward Secretary (Julio Respeito Tomo)
  – Extension Supervisor, Ministry of Agriculture, Department of Land (Roberto Mundau Mate)
  – Ian Rose, Land Expert (Maputo)

In addition Carlos Shenga provided input on the data analysis and this report.

▪ **Phase 2: Field research: This phase comprised the field research in the selected settlements.**

- Liaison was undertaken with relevant authorities and community leaders to obtain cooperation and agreement for the survey.

- A survey instrument (questionnaire) used previously by Urban LandMark was used. The questionnaire was discussed and adapted to be relevant to Tete based on the findings from Phase One. The target of the survey was households living in the selected settlements. The household information was obtained through interviewing one respondent from the household. All efforts were made to interview the head of household, but where this was not possible the spouse or partner was interviewed.
- The questionnaire was tested in the field and amended accordingly.
- A sample was drawn using a 2 stage sample process. Firstly 4 units from the 18 units (with 500 stands per unit) in Sansão Muthemba and 4 units of the 13 units (with 500 stands) in Matundo were selected. This selection was not random but qualitatively selected based on a spread of units through the community. A random sample of 55 stands was selected from each unit to allow for some over sampling.
- The total sample per settlement is 95% accurate within a range of 6.8% in each community for the selected areas. The realized sample was as follows (table 1):

Table 1: Sample selected

Area	Sample Realisation	Weighted Sample
Matundo	206	2000 (500 stands * 4 units)
Mateus Sansão Muthemba	201	2000 (500 stands * 4 units)
Total	407	4,000

- Twelve local fieldworkers were trained and deployed to undertake the survey.
- Rigorous monitoring was undertaken during the field work to ensure accurate execution of the sampling strategy and that questionnaires were completed correctly.
- Training and data collection was undertaken over a 2 week period

- **Phase three: Data entry and analysis:** Data was captured to electronic file by means of a system designed and written in Epi-Data. This data entry programme provides for internal data checks. The data set was verified and discrepancies investigated from the original questionnaires. A Power Point presentation was developed from the survey data, incorporating the secondary research and interviews with officials.

- **Phase four: Research report:** A feedback workshop was held in each of the studied settlements, where relevant key people and community members were invited to review the results and comment on it. A final report (this report) was developed incorporating feedback from the workshops in each settlement.

3. BACKGROUND

This section outlines the background to the research and includes:
- General overview of Mozambique
- Land policy and legislation in Mozambique
- Overview of the study area

It outlines the work undertaken during Phase 1.

3.1 General overview of Mozambique

Mozambique is located in eastern Africa and has an area of about 801,490 square kilometres[8]. It is bordered by South Africa, Swaziland, Zimbabwe, Malawi, Zambia and Tanzania. In addition, the country has 2,600km Indian Ocean coastline which is served by 25 main rivers and several deep-water ports.

Mozambique is divided into ten provinces and three main regions: south, centre, and north. The southern region includes Maputo, Gaza and Inhambane provinces, the central region, Sofala, Manica, Tete, Zambezia and the northern Nampula, Cabo Delgado and Niassa[9]. Nampula, Zambezia and Maputo are the most populated with about 40% of the country's total population, while the other 7 provinces, Manica, Tete, Sofala, Cabo Delgado and Niassa are home to 60% of the country's total population[10] (see figure 2).

Maputo, Sofala and Nampula provinces are the most developed compared to other provinces in the country because they have developed infrastructure including good roads. Zambezia, Tete, Manica, Cabo-Delgado and Nampula provinces are richer than other provinces in natural resources, such as coal, iron, petroleum products, ore and precious stones[11]

Figure 2: Map of Mozambique

Source: (INE 2009)

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[8] INE. 2010. Anuario Estatistico. Maputo, Mozambique
[9] Centro de Promocao de Investimentos. 2006.
[10] Maasdorp and Whiteside 1992
[11] INE. 2007. Censo Gerald da Populacao. Anuario Estatistico. Maputo – Mozambique.

The general census 2007 showed that Mozambique has 20 million inhabitants, 80% of which live in the rural areas. Fifty four percent of the total population live below international poverty levels, with less than USD1.00 (One American Dollar) per day. Sixty four percent are illiterate. The population is plagued by the serious and deteriorating problem of HIV/AIDS with 16.2% of the population affected by this disease[12].

Portuguese explorers arrived in Mozambique in 1498. Over time Mozambique became a colony of Portugal[13]. During the colonial era, Mozambique was one of the major exporters of sugar, copper, cotton, rice, tea, and cashew nuts. The state of the economy during this period was predominantly characterised by the agricultural sector. Agricultural products were grown mainly for export and not for subsistence. In the same period Mozambique also exported labour in large quantities because the colonial government was compensated for each Mozambican who travelled to South Africa and Rhodesia (now Zimbabwe) to work in the mines[14].

In September 1964, the Mozambique Liberation Front (FRELIMO) started an anti-colonial armed campaign against the Portuguese colonial settlers which led to the country's independence in 1975. Following independence, a one-party state, based on a socialist economic model, was established where private enterprises were nationalised and collective farms were created[15].

One of the consequences of establishing a one-party state was a civil war that broke out between FRELIMO, the ruling Government and a dissident group, the Mozambican National Resistance (RENAMO) between 1976 and 1992. This war resulted in a total collapse of the country's economy through systematic sabotage of the country's infrastructure. This collapse resulted in the deterioration of the quality of roads, low economic growth, a high level of unemployment and a deficit in the balance of payment. Mozambique plunged into extreme external debt and became aid dependent[16].

In the 1980s, the Mozambican government started to dismantle the centralised economic system in order to improve economic growth. This was done by introducing a market-based economy which included introducing market economy policies, such as privatisation of key industry bodies in sectors such as cashews and cement. The government changed its role to be a regulator in the economy[17].

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[12] INE. 2010. Anuario Estatistico. Maputo, Mozambique
[13] Centro de Promocao de Investimentos. 2006. Deepening Integration in SADC: Rapid Changes for Mozambique to Meet SADC
[14] Government of Mozambique. 2007. Programa Quinquenal do Governo
[15] INE. 2007. Censo Gerald da Populacao. Anuario Estatistico. Maputo – Mozambique.
[16] Centro de Promocao de Investimentos. 2006. Deepening Integration in SADC: Rapid Changes for Mozambique to Meet SADC
[17] IMF. 2005. Report on Observance of Standards Codes: l.

Between 1980 and 1990, Mozambique went through dramatic political-economic changes, which included: the shifting from a central planning economy to a free-market economy; the transition from emergency to economic development and the transition from war to peace which currently Mozambique is enjoying[18]. On 4th October 1992, FRELIMO and RENAMO signed a general peace agreement (Acordo Geral de Paz). In 1994 a new constitution was adopted and the first general multi-party elections in the history of the country were held. FRELIMO was the winning party with 65% of votes. Since then, historic development milestones such as economic growth have been achieved by the Mozambican Government. The economy grew at an average of close to 10% per annum from 1995 to 2005[19].

Gaulier and Chauvin (2002) explained that from 1997 to 2004, the major activities of the economy were mainly driven by the extractive and manufacturing industries that had strong performance, such as aluminium and natural gas, which were run by large foreign companies (the Mega-Projects). These companies invested large amounts of capital and employed a large work force in Mozambique.

In 2004, the real GDP growth rate reached 7%, mainly as a result of the two mega projects owned by foreign companies, the natural gas pipeline owned by South African Petrochemical Giant, SASOL, and the expansion of the aluminium smelter Mozal. This was in line with the 8% growth target according to the Plano de Alívio e Redução da Pobreza Abosuluta/Poverty Reduction Strategy Paper (PARPA) (see below).

According to the ILO[20] Mozambique is enjoying economic growth since 1992 as a result of peace and a good political environment. The GDP growth rate was 9% in 2007, while the inflation average was about 8%. The main export products are from agricultural produce, fishing, forestry, and the metal and mining industries. Agricultural goods manufactured locally grew by 9%, exports increased by 14% and commerce increased per 9%[21].

Mozambique depends heavily on imports of consumer and capital goods and the balance of payments is traditionally in deficit. From 2007 to 2008, the deficit increased from US$ 869 million to US$ 1,223 million, respectively. Domestic prices increased from 8% in 2007 to 10% in 2008.

Despite enjoying consistent economic growth since 1995, Mozambique remains one of the world's poorest and least developed countries with high levels of poverty. In 2007 it was estimated that only 34% of the economically active population were formally employed. Between 2007 and 2009, people living below the poverty line increased from 54% to 66% while the human development index in 2008 was 0.4%.

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[18] Abrahamson and Nilsson, 1995

[19] Centro de Promocao de Investimentos. 2006. Deepening Integration in SADC: Rapid Changes for Mozambique to Meet SADC

[20] ILO Country Office.2008. Trade Union Training on Research and Youth Employment Policies. Maputo, Mozambique

[21] Government of Mozambique. 2007. Programa Quinquenal do Governo

The current government has a strong commitment to eradicating poverty. A nationwide programme to combat urban poverty is being implemented through the Reduction Programme Projects (PERPU).The programme has two major facets:

- The first is job creation, including the informal sector, small and medium companies, labour intensive services, and improving the business environment,
- the second is social protection for the vulnerable strata of the population.

3.2 Land policy and legislation in Mozambique[22]

3.2.1 Land access in Mozambique

The current situation pertaining to land access in Mozambique, mainly in urban areas, is a result of the combination and overlap of the legal framework and informal rules, or consuetudinary law. Both changed as a consequence of economic, social and political transformations throughout the history of Mozambique.

During the colonial period, the Portuguese system dictated that access to land should be in accordance with European rules. This situation established unequal social conditions along racial lines. Only the Whites or the *assimilados* were entitled to own land. The first piece of land legislation passed after independence in 1979 was Law No 6/79, which focused on reversing social injustice so as to return land to the Mozambican people. The Structural Adjustment Program of 1987 established Decree No 16/87 to 'reduce state power' on land issues.

The right to access or own land is an important social issue. These rights are in many cases transmitted through an entirely male inheritance system. In traditional society, land cannot be transferred to women. Forms of access to land and land ownership within traditional households as per gender criteria, indicate who holds the power in a household. Ownership of land represents the social relationship established around the land, which determines who can use it, as well as the purpose of such land. These relationships are linked to other institutions such as marriage, inheritance and the market.

According to the kinship system, land belongs to men directly within a patrilineal system and indirectly within a matrilineal system. Women's access to land always occurs through male mediation. The cash income that women earn through their work or business on the land is generally managed by their husbands or partners. The majority of women who have migrated to the cities do so in response to various situations within the household, in order to meet their livelihood requirements.

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[22] This section is adapted from Operation of the Market Study Land Access in Urban Areas, The Case of Maputo, José Alberto Raimundo and Inês Macamo Raimundo, 2012

The Mozambique Constitution of 1994 stipulates that all land in the country is owned by the state and no land may be sold, mortgaged, or otherwise encumbered or alienated. All land is held in the State Land Fund. The 1997 Land Law retained this principle, as well as retained local traditional land management systems as the de facto land management system of Mozambique. This law includes the following basic principles:

- customary land systems and the rights allocated through them are recognized;
- private investment in land is to be promoted with guaranteed secure rights;
- women and men have equal rights over land;
- land access and use must obey principles of sustainable use;
- land access and use must promote principles of equity.

A key factor of the Land Law of 1997 is that it eliminated unequal land access based on gender differentiation. The Law offers considerable protection for women against the often discriminatory aspects of customary land administration. To date however, there is no known case of a woman or women using these provisions to defend their rights, in spite of the growing evidence of abuse and injustice as HIV/AIDS impacts ever more deeply on rural social and economic relationships. Ian Rose indicate in the stakeholder interview that the law allows for co-titling but that very few women in their projects are aware of this option. As they (HTSPE / MCA Mozambique Land Project) continues to raise awareness of co-titling more women opts for this.

The Land Law of 1997 excluded the municipalities, which meant that there was no clear land legislation at this level[23]. This situation increased informal land access, which led to land conflicts. Only in 2006 did the Council of Ministries approve the Urban Land Regulation (Regulamento do Solo Urbano). This regulation defines urban land access through Decree 60/2006, which allocates the responsibility for determining land access and granting land tenure to the municipality.

Migrants and non-migrants alike supplement their incomes or meet their entire needs through agriculture. Access to land and land usage assure the survival of many households. Given this, access to and use of land has become a source of conflict among people and between the government and the people. Since the signing of the General Peace Agreement, various land disputes have arisen in Mozambique. In these instances, the people most affected are migrants and women. In addition there have been land use conflicts as a result of the growth in international investment in Mozambique.

3.2.2 Land legislation

Chilundo et al (2005) and Raimundo (2008) confirm that the history of land legislation and land rights in Mozambique goes back to the colonial period, when the Portuguese colonials declared that the land belonged to Portugal regardless of the existence of customary laws and the chiefs' methods of ruling on land issues. At that time, land registration, within the legal framework system, was

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[23] Morar nos bairros suburbanos de Maputo. Livelihoods e a implementacao de planeamento local, Ute Ammering, 2009

predominantly used by Portuguese citizens. The Portuguese administration in Mozambique established three categories of land administration:

- Land in large urban areas and small towns
- Land within and on the outskirts of African villages
- Free land (land that was considered without ownership).

As Chilundo et al (2005) states, the process of land acquisition was by way of a formal request to the Portuguese authorities, either by a Portuguese citizen or an organisation in need of the land. The authorities would inspect the land requested to verify whether it was already occupied or not. The land would then be allocated and later registered.

One year after Mozambique's independence, the state nationalised all the land. The Provincial Services of Geography and Cadastre and Land Registry was given the authority to assign land concessions in rural areas, while the town councils were mandated to do so in urban areas.

The first Land Law after independence was drawn up in 1979, known as Law 6/79. According to the regulation (Decree 16/87), the State rented land to users for a 15-year term (Chilundo et al 2005:5), automatically renewable for the same period. In rural households, each member of the household had the right to half a hectare in irrigated areas and one hectare in rainfall areas. The one hectare was allocated in rural areas, as large tracts of land are needed for agriculture. However, in the urban areas or cities, the land dimensions were conventionally 15m x 30m, in other words 750 m²– usually the size appropriate for buildings. The 1979 Land Law was amended in 1986 (Law 1/86), with a view to reinforce the security of land ownership. The main amendment introduced was to extend the period of land use concessions from 15 years to 50 years, renewable.

In 1992 after the signing of the General Peace Agreement that brought to an end 17 years of civil war, a new challenge presented itself: how was the government to accommodate exiles and displaced persons (Chilundo et al). Furthermore, the urban elite were clustering plots of land in rural and urban spaces. After the signing of the General Peace Agreement, people who had migrated to a specific urban area did not return to their place of origin since they had become accustomed to the urban life style (Raimundo 2009; Raimundo, 2008; Araújo 2005). Many of the former refugees who did attempt to return to their homes found their land occupied.

A new land policy was drawn up in 1995 as a means of responding to the various land conflicts arising from the demands of those who refused to move to their original homes, the former refugees, people displaced due to war or floods and the foreigners. The purpose of this law was to promote national and foreign investment without adversely affecting local people occupying land that had not been formally registered. Within the framework of that policy, the then Council of Ministers created the inter-ministerial Land Commission and mandated it to coordinate the process of consultation, discussion and national debate leading to the drafting of the new land law.

The new land law, known as the 1997 Land Law, reaffirms state ownership of land, but recognises and safeguards rights acquired traditionally through occupation and inheritance. At the same time, it creates incentives for investment, by granting land use concessions to private entities for renewable periods of 50 years. The law seeks to guarantee access to land and security of land tenure for

smallholding farmers, and to create an enabling environment for national and foreign investors. It supports the principle that land is state property that cannot be sold, yet it recognises the rights acquired traditionally through occupation.

As Kanji et al (2005:9) states, "The 1997 Land Law was the result of extensive consultations with civil society and it is praised internationally for having sought to protect smallholders' rights."

3.2.3 Direito de Uso e Aproveitamento da Terra (DUAT)

Land tenure in Mozambique does not take the form of ownership, but of use rights. The legal framework provides an innovative approach to tenure in that there is one single form of land tenure right, the DUAT. The DUAT is a form of state leasehold, subject to conditions based upon how it is acquired. If these conditions are met, the DUAT provides tenure security. DUAT's can be inherited and some are restricted for a 50 year period. In practice, the DUAT is treated as if it were akin to freehold, – once you have it, the land is "yours"

The DUAT is a document that allocates a title deed to someone who occupies land. This is issued by the Provincial Cadastral Services, following a process which includes participatory delimitation of community lands and negotiation with neighboring communities on the management of shared natural resources.

In reality, there are two documents that need to be considered in the context of land issues. The Título is a document that gives someone the right to use land for a specific purpose, while the DUAT grants the right to use the land. In practice there is no difference.

Applying for a land concession is a long bureaucratic process which requires lengthy consultation before the document can be issued. The applicant, whether it be an individual or an organisation, must submit to the consultation process since the state has to determine whether the land is being used or not, and if it is inhabited, the state needs to establish the compensation due to the people occupying the land at the time.

Land registration takes place on request, taking into account the land rights protected by the Land Law of 1997. Registration fees ranges from less than MZN1000 to over MZN5000 depending on the size of the land. Although objectively speaking the registration fee seems low, the respondents interviewed consider the fee to be high since the income per household is often less than $1.00 (One American Dollar). The 90-day registration period is never adhered to since the procedures are time-consuming. Furthermore, the main authority involved in the land registration process is based in the provincial capital, rather than the district or village. The Provincial Cadastral Service is responsible for certification, and there are only a few districts in which the cadastral service has been set up. Figure 3 below illustrates the process to be followed to acquire a DUAT.

Figure 3: Registration process for land use rights in municipal areas

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┌─────────────────────────────────────────────────────────────────────┐
│                       Land Title Applicant                          │
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┌─────────────────────────────────────────────────────────────────────┐
│                        Title Request Form                           │
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┌─────────────────────────────────────────────────────────────────────┐
│        Form submission to the District Municipal Administration     │
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┌─────────────────────────────────────────────────────────────────────┐
│                    Formal identification of the plot                │
└─────────────────────────────────────────────────────────────────────┘

┌─────────────────────────────────────────────────────────────────────┐
│                   Consultation with Local Communities               │
└─────────────────────────────────────────────────────────────────────┘
                                  │
                                  ▼
┌─────────────────────────────────────────────────────────────────────┐
│                          Drawing up the file                        │
│  Includes the completed form, photocopies of national identity      │
│  documents or foreign documents, record of plot and description,    │
│  usage plan or project description, communicates consultation       │
│  statement municipal fees receipt                                   │
└─────────────────────────────────────────────────────────────────────┘
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                                  ▼
┌─────────────────────────────────────────────────────────────────────┐
│               District municipal administration decision            │
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                                  ▼
┌─────────────────────────────────────────────────────────────────────┐
│                          DMCU deliberation                          │
│  Provides opinions on the file, records the file in the Municipal   │
│  Cadastral registry, issues the provincial land use title, send     │
│  the file to Municipal Council Administration                       │
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                                  │
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┌─────────────────────────────────────────────────────────────────────┐
│             Deliberation by Municipal Council President             │
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│                    Decision by Municipal Council                    │
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┌───────────────────────────┐        ┌───────────────────────────────┐
│         Rejected          │        │           Approved            │
│  Land title applicant is  │        │  Land title applicant is      │
│         informed          │        │  informed and granted the     │
│                           │        │  provisional land title       │
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            │                                        │
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│                  Publication in the Official Gazette                │
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Source: Chilundo et al, Land registration in Maputo and Matola cities, Mozambique, 2005

The above process does not necessarily apply in peri-urban areas. Kanji et al comments that peri-urban areas often experience spontaneous, unplanned development as cities expand. The boundaries of peri-urban areas are not fixed, but are continuously redefined as a result of urbanisation and the ensuing expansion of urban areas.

Apart from the national land law that regulates the right of use of land, these areas have their 'own' land system. Generally, poor people feel that applying for land registration is futile due to the long bureaucratic process and the costly fees involved. Based on anecdotal information the *secretário de bairro* issues a *declaração (declaration)* to address land issues. In peri-urban areas the *declaração* is an official document. The *declaração* is recognised by the authorities for purposes of applying for a bank loan or for use as a travel document. This document serves to certify that the individual is a national living legally in the particular ward or community.

It is common practice for anyone moving away from a ward to apply for a *declaração* or travel permit to be produced at the final destination. Some churches also request that a *declaração* be produced before a new resident can join the parish. Thus, the *declaração* works as an affidavit, serving to confirm the residence of an individual. It is used largely as an administrative tool, for census purposes or in criminal investigations to identify a person's residence. The *declaração* however, is not a *sine qua non* for the granting of the DUAT.

3.2.4 Transferring land rights

Article 12 of the Land Law sets out three routes in which a DUAT may be acquired:
1) DUAT acquired by traditional occupation – the occupation of land by individual persons and by local communities, in accordance with customary norms and practices, so long as these do not contradict the Constitution;
2) DUAT acquired by occupation – the occupation of land by individual national persons who have been using the land in good faith for at least ten years;
3) DUAT acquired by award – the authorization of an application submitted by an individual or corporate person.

In terms of 1) - rights acquired through customary occupation:
▪ Policy-makers have developed the "local community" concept. The "local community" holds a single state DUAT in its own name (thus also acquiring legal personality), and is responsible for the internal allocation and management of land rights through its own customary system.
▪ Lower order rights acquired by families and individuals in this way are also equivalent to a state DUAT and do not need to be registered.
▪ There are explicit provisions for the subdivision of land held under community titles, which allows opting out of community control and securing an individual title in the cadastral service. This provides a way for individual members of groups to define where they have individual tenure rights, and a legal route to formalize these rights. In this way individual investment and capital accumulation can occur at the local level.

In terms of 1) and 2): The Land Law allows for verbal testimony and other technical means to prove existing DUATs and to establish their borders. The principal technical instrument for doing this is "delimitation", through which a community DUAT is proven and its limits recorded on official cadastral maps. To date, only some 185 communities have been delimited in this way, leaving the vast majority of legally recognized local rights still invisible and "unofficial" in terms of cadastral registration.

In terms of 3) - DUAT acquired through award: These DUATs are granted on a 50-year state leasehold, renewable for another 50 years and they must be registered. Those requesting new rights must carry out a consultation with local communities to ensure the land is free or determine the conditions by which local rights are given up in favour of the newcomer (see process in section 3.2.3 above).

The DUAT that results from any of these three situations enjoys exactly the same level of protection in law.

Formalization of a DUAT is through:
▪ Formal recognition in law of informally acquired rights (customary and good faith occupation).
▪ Formal recognition of the "local community" in administering land and use rights within its own area.
▪ Formal recording and registration of land rights – obligatory for awarded rights.

Although DUATs cannot be bought, sold or mortgaged, they can be transferred between third parties, but only when linked to the sale or transfer of standing assets. The Constitution recognizes the right to private property and that any improvements and constructions made on or to land over which a private person or firm has a DUAT are the private assets of that person or firm. These assets can be bought and sold, while the underlying DUAT is administratively transferred to the new asset owner.

3.2.5 Responsibility for land registration and transfer

Overall responsibility for land administration lies with the National Directorate of Land and Forests of the Ministry of Agriculture, working through a range of provincial and district services (the Public Cadastre Services). The DUAT is issued by this general or urban Public Cadastre Services.

The absence of title does not prejudice the right of land use and benefit. The constitution, modification, transfer and termination of the right of land use and benefit are subject to registration within the Public Property Registry of the Ministry of Justice. Legal registration is essential if land rights holders – private or local by occupation – are to secure bank credit and enter into contracts.

Municipal Councils and Settlement Councils and, where there are no municipal structures District Administrators, have the competence to authorise applications for land use and benefit in areas that are covered by urbanisation plans, provided they have public cadastre services. In rural areas the local communities participate in:
▪ The management of natural resources;

- The resolution of conflicts;
- The process of titling
- The identification and definition of boundaries of the land that the communities occupy.

In exercising the above the communities can use customary norms and practices, which reinforces existing local practice and institutions.

3.2.6 Challenges pertaining to land and title

The following challenges are identified in respect to land and title:

- The Public Cadastre services structure is very weak in terms of higher level staff and its local-level coverage, and approaches to land administration are still very conventional and poorly adapted to the innovative challenges of the Land Law.
- The implications of new policy and legislation for the interaction between customary, elected local structures and state local administration remain unclear, especially in terms of their source of authority and legitimacy.
- The Public Property Registry of the Ministry of Justice is even weaker than the Public Cadastre services, with offices only in the provincial capitals and a very few of the larger municipalities. This undermines security and the ability to access bank credit and enter into contracts.
- Very limited public resources are allocated to the community and occupation aspects of the Land Law, with most attention being given to facilitating and recording DUATs awarded by the state to investors and others not eligible via the occupation routes. The result is a cadastre that is very incomplete, and contains mainly information on a very small percentage of all the land rights recognized by law.
- Meanwhile, and in the context of rapidly rising demand for land from investors and others, DUATs by occupation remain invisible on official maps and are vulnerable to expropriation and "capture". There is thus a growing need to formalize these rights using available technical and legal instruments.
- The Land Law is being used to develop local land bringing very few real benefits to the communities who are ceding their rights over very large areas.
- The land registration process is lengthy, the fee is costly, and lack of information on the land law can cause significant frustration for the applicant.
- Most people do not possess the formal documents granted by the various authorities granting access to land for various reasons. Raimundo (2008) argues that directly after independence people were relying on the new government or FRELIMO policy to reinstate the dignity of the Mozambicans through their right of access to land or property. The socialist regime allowed people to occupy land without any formal approval.

3.3 Overview of the study area

3.3.1 Tete

The City of Tete is located in the southern province of Tete, and is divided by the Zambezi River in a Northwest-Southeast direction (figure 4). Tete is 287 km^2 and has a total population of 155,870 inhabitants, of which 78,061 (50%) are female (Census 2007). According to (INE, 2010), the network of health services includes a Provincial Hospital and 7 Health Centers. In 2008, education services consisted of 59 schools and 4 Technical-Vocational Schools. Basic services provision in the city is inadequate. Tete has an inadequate public transport service. The transport of the population is via personal vehicle or "Chapas". The city is served by a network of fixed and mobile telecommunications, and television, with access to Internet services.

Figure 4: Map of Tete City
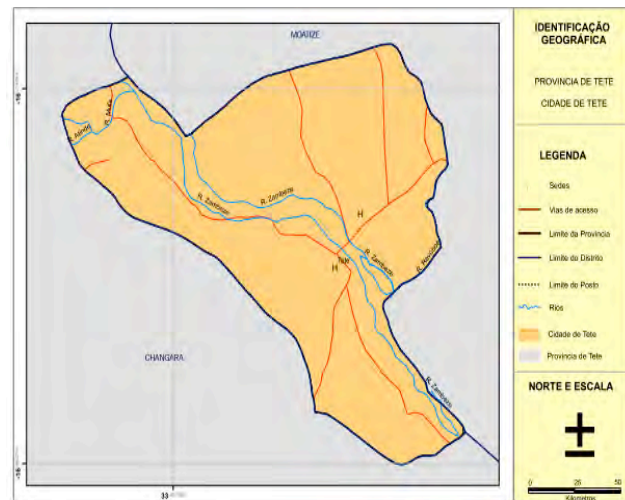
The City Council Tete (Tete City) is divided administratively by 9 Municipal Districts: District Josina Machel; Neighborhood Francisco Manyanga; Neighborhood Mateus Sansão Muthemba; Neighborhood Filipe Samuel Magaia; Neighborhood Matundo; Neighborhood Chingodzi; Neighborhood M'padué; Neighborhood Samora Machel and Neighborhood Dégué.

As the process of decentralisaiton (i.e. devoluiton of power from central to municipal level) is taking place in the country slowly since 1998 the central government through the Tete Province (Tete Governor) and District (Tete administrator) administer health services, education, communication, water, electricity, police, retail sector, court, notary, economic infrastructure, industry and commerce. Only private transportation (chapas) is administered by municipal government. Some health facilities and education are being passed to the municipalities. The municipality has its own police, but they control mainly private transport. The municipality also collects some revenue in local markets, and taxes at cemeteries which are under municipal administration.

Tete has extensive coal reserves which are in increasing demand by international investors. Thousands of Mozambicans have flocked to the city in the past five years, drawn by work prospects at the mines and a tobacco factory, as well as the city's new universities. Hundreds of expatriate mining specialists have booked out hotels and houses and the population is now thought to be 180,000. The increased population has resulted in pressure on infrastructure and a shortage of houses.

The city is home to one of three bridges that cross the Zambezi. Construction of a second bridge has commenced. Around the city, roads and railways are being reconstructed and improved to bring coal and cargo to overseas markets. The Sena railway line, which connects Tete's coal reserves to Beira was partly reopened for passengers last year. And a concession company is finishing rebuilding the 600-kilometre (380-mile) railway, which had been destroyed during the civil war.

3.3.2 Matundo and Sansão Muthemba

Matundo and Sansão Muthemba are both located in Tete City with Matundo on the north side of the Zambezi River and Sansão Muthemba on the south side of the river. Matundo is located close to the airport and the mine.

Matundo is a settlement in Tete that was established after independence in 1975. By 2005 the settlement had 17,709 inhabitants this has increased to 25,505 in 2013. The settlement has been identified as an area to accommodate new applicants.

Public facilities available are: electricity connected in the houses, piped waters, water points (20), boreholes (5), primary schools (3), secondary schools (3), national institute of employment and professional training (INEFP) and Pedagogic University (1), health center (1) and commercial shops (9). . The urban poverty alleviation program funded 30 beneficiaries which the minimum amount funded as the 30,000 MTs and maximum was 100,000 MTs

Sansão Muthemba was established in 1994. The main reason was that people came from other areas that had been flooded (Francisco Manyanga, Josina Machel and Filipe Samuel Magaia). The settlement initially started as Chimazi unit and officially became Sansão Muthemba in 1998 In 1998 there were 36,178 inhabitants and currently there are 36,270 inhabitants. Even though the number appears to be the same with little growth in 5 years, it is important to note that Sansão Muthemba was divided in 2 separate barrios or wards after 2008. According to the ward secretary they experienced tremendous growth in the last 5 years, and the ward split is the only reason why the growth is not reflected in these numbers.

The public services being provided in the settlement are: health center (1), primary school (1), public water tank (1), electricity system, piped water, water points (12), boreholes (18), private grindmeals (38), private shop (1). The settlement does receive funds in respect of the national poverty alleviation fund.

Land management in the two settlements

Anecdotal evidence indicates that the land management process in the two settlements can be described as follow:
▪ The applicant approaches the 10 house chief with a request for a site.
▪ The 10 house chief will write a letter to the 100 house chief formalizing the application.
▪ The 100 house chief writes to the secretary of the neighborhood
▪ The secretary of the neighborhood writes to the municipality

- Either the Ministry of Agriculture or the Municipality will intervene in the case of a land dispute.

It is noted that the 10 house chief is the lowest grass root level state structure in urban settlements in Mozambique. This lowest grass roots level state structure was established by the government after independence under the socialist regime. While it exists in the informal settlements in Tete, it is likely to be found now in informal urban settlements more than formal areas. They tend to not exist either in rural areas where houses are too far from each other. Instead traditional rulers play the major role in rural areas.

The Municipality is likely to intervene in the case of a land dispute. The Ministry of Agriculture does not get involved at municipal level. On the other hand, where the municipality does not exist District Administrators play that role. The Ministry of Agriculture might get involved if the issue deals with very huge portions of land mainly for agriculture or other big investments

4. KEY FINDINGS

This section sets out the findings from the interviews of recipients of households in the selected settlements (See Phase 2 of Figure 1.) The data reflects the findings for Matundo and Sansão Muthemba separately, where relevant a total is provided.

Key findings are reflected in terms of the following categories:
- Demographic profile
- Living arrangements
- Reasons for moving to settlement
- Finding a place to live
- How a site/house is secured and tenure
- Making improvements
- Ownership of other properties and renting
- Tenure security
- Land dispute resolution in the settlement
- Perceptions about the settlement and land access
- Moving away from the settlement

The weighted sample size of the data being reported is:
- Matundo: 2000
- Sansão Muthemba: 2000
- Total: 4000

Where the data being reported in a section is not the full sample, the weighted sample size is shown as a footnote at the start of the section.

A short summary of the findings is provided at the start of each section shown against a brown background.

The quantitative data is supplemented by findings from a community meeting held separately in each settlement, as well as interviews with stakeholders. This qualitative data, which is not statistically representative, is shown against a blue background and provides added context to the quantitative data.

4.1 Demographic profile

There is a strong demographic similarity between the two settlements with no marked differences between them. Both settlements have a relatively young population (mean age of respondents is 35 and most children are below primary school age). It appears that the two settlements comprise a community that is made up predominantly of married couples or couples who live together (83%). There are some single parents (11% overall). The majority of respondents are Nhungue. The main source of income for respondents is a monthly salary or wage (47%) or earnings from a main business or farm (49%). The majority of households (57%) have a monthly income that is less than MZN3,600 s per month ($117).

4.1.1 Gender, age, education and ethnic group of respondent

Just over two thirds (67% overall) of respondents are female in both settlements. The reason for the high number of females interviewed was due to the fact that males were either away at work or were reluctant to be interviewed (see figure 5).

Figure 5: Gender of respondents

	Matundo	Sansão Muthemba	Total
Male	35	32	33
Female	65	68	67

As shown in the figures 6 and 7 below, the mean age of respondents is 35 years old overall, most respondents are between 19 and 39.
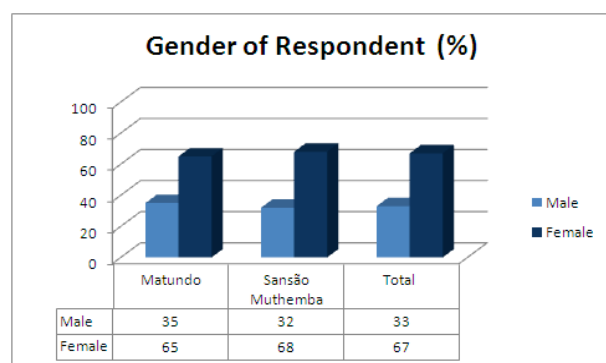
Approximately 39% of respondents overall have completed secondary school (this is higher in Matundo (44%) than Sansão Muthemba (34%)). Just over one quarter of respondents (27% overall) in both settlements have completed primary school. Approximately 11% of respondents overall did not attend school (this is slightly higher in Sansão Muthemba (12%) than Matundo (9%)).

Figure 6: Age of respondents

	Matundo	Sansão Muthemba	Total
<18	0	2	1
19 to 29	35	40	37
30 to 39	40	33	37
40 to 49	11	15	13
40 to 59	11	6	9
60+	3	4	3
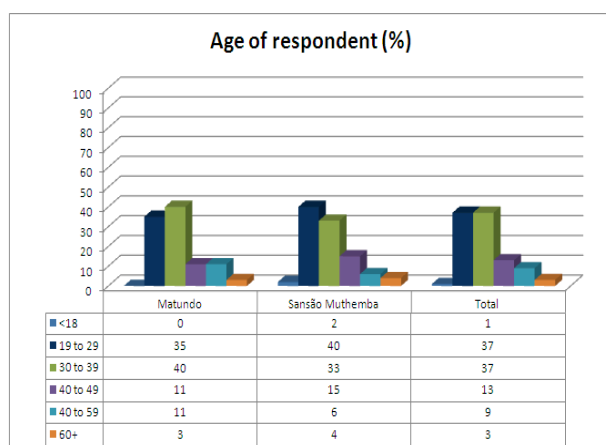
Figure 7: Highest level of education completed of respondent

	Matundo	Sansão Muthemba	Total
Did not attend school	9	12	11
Primary school	1	2	1
Primary school completed	24	29	27
Some secondary school	7	15	11
Secondary school complted	44	34	39
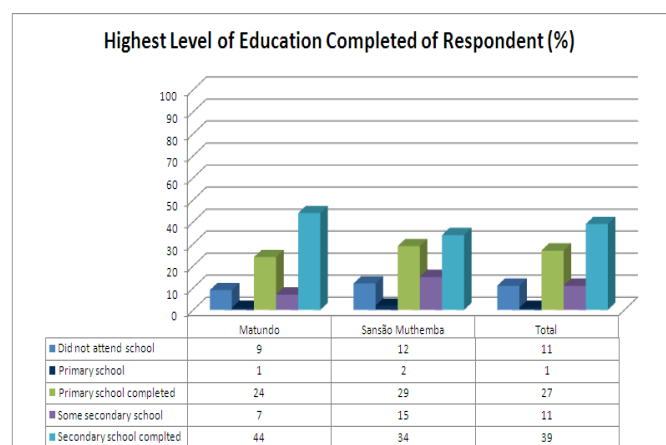
The majority of respondents are Nhungue (75% overall) (see figure 8). Other ethnic groups include Tchewa and Sena (both with 6 % overall).

Figure 8: Ethnic group of respondents
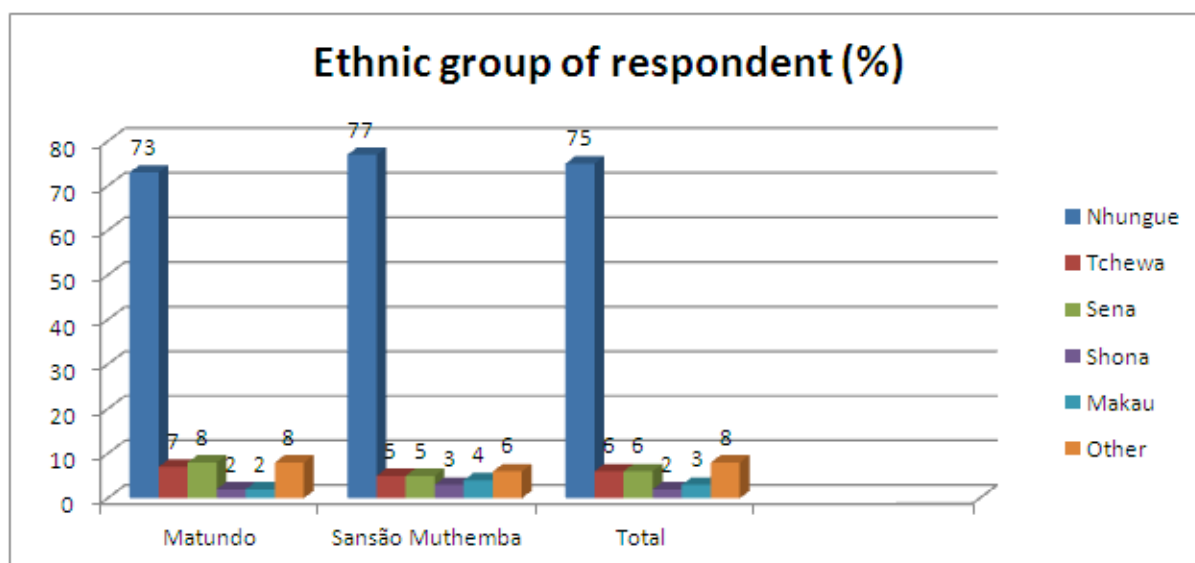
4.1.2   *Marital status and household structure*

As shown in the figures 9 and 10 below, the majority of respondents in both settlements (over 83% overall) are married or living together. This is less so in Matundo (78%) than Sansão Muthemba (88%) due to the fact that Matundo has a higher percentage of single person households (8% as opposed to 4%) and widowers (10% as opposed to 5%).

With respect to household structure, in both settlements 60% overall are a nuclear family. Approximately 15% of households overall are nuclear families with other household members. 11% of households overall are single parent households – this is higher in Matundo (15%) than Sansão Muthemba (6%).

Figure 10: Marital status by settlement
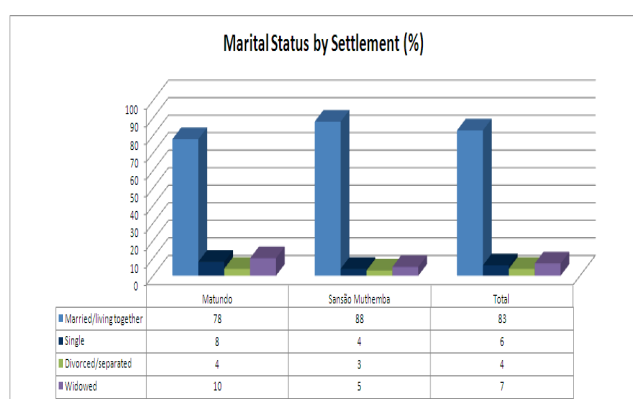
Figure 9: Household structure by settlement

Marital Status by Settlement (%)	Matundo	Sansão Muthemba	Total
Married/living together	78	88	83
Single	8	4	6
Divorced/separated	4	3	4
Widowed	10	5	7

Household Structure by Settlement (%)	Matundo	Sansão Muthemba	Total
Married	7	7	7
Nuclear family	54	66	60
Nuclear plus other hh members	17	14	15
Single person living alone	4	2	3
Single people sharing	2	1	1
Single parent household	15	6	11
Grandparents & grandchildren	1	1	1

As shown in figure 11 below, approximately one fifth of households overall (21%) in both settlements earn below MZN1,800 per month (approximately $58 [US])[24] which is over the United States poverty line of $1. per day[25]. .

A further third of households in both settlements (36% overall) earn between 1,801 to 3,600 Metical's per month (approximately $59 to $117). Approximately one third of households in both settlements (30%) earn more than 3,600 Metical's ($117).

Figure 11: Total combined monthly income of households
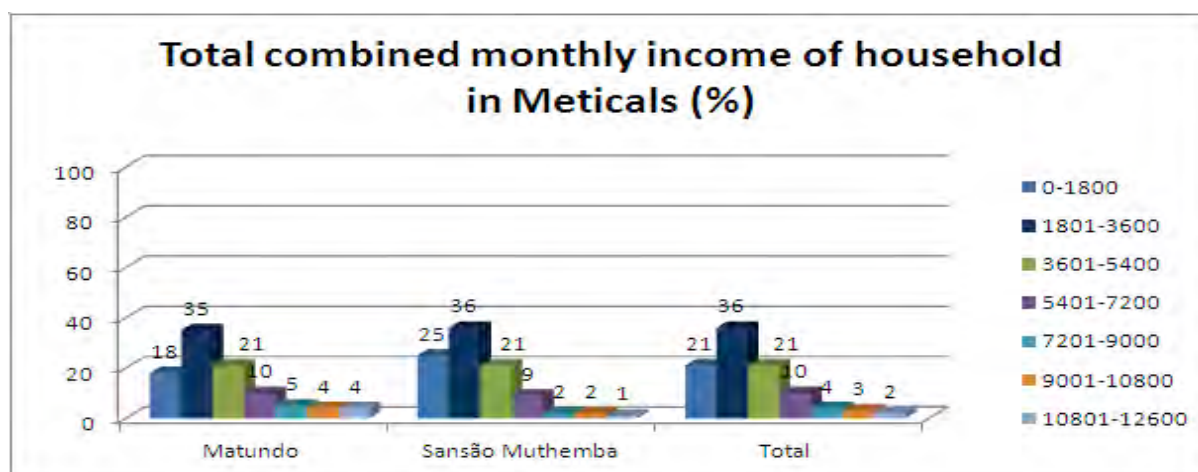
Just under half of households in both settlements main source of income is from a monthly salary or wages (47% overall) (see figure 12 below). This is more in respect of Matundo (52%) than Sansão Muthemba (40%). A further 47% overall of households main source of income is earnings from their own business or farm. This is more in respect of Sansão Muthemba (56%) than Matundo (42%). Very few households indicate that they are unemployed (4%) and receiving grants from the state or support from elsewhere.

With respect to Sansão Muthemba having more own business or farms as the main source of income than Matundo is that Sansão Muthemba is composed of people coming from flooded areas which tend to be good for agriculture. Also being a new established ward, agrarian and migrant people tend to quickly develop their own business for survival than already settled people who tend to rely on old traditional ways which is either working for someone or government[26].

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[24] Exchange rate of MZN1 to USA0,03
[25] 1,800 to 2000 Metical is approximately the minimum salary in the country
[26] Input from Carlos Shenga on presentation

Figure 12: Main source from which household usually received income

Main Source from which household usually receives income (%)

- Wages
- Earnings from own business or farm
- State grants
- Private pension
- Remittances from people outside the household

Matundo: 52, 42, 2, 1, 3
Sansão Muthemba: 40, 56, 2, 1, 1
Total: 47, 49, 2, 1, 1
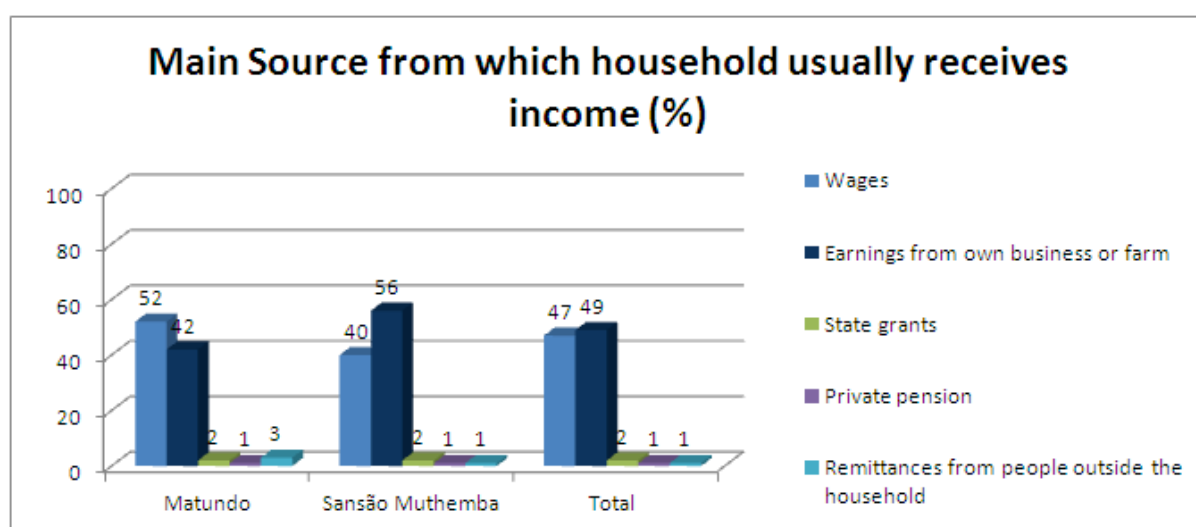
4.1.4 Number and age of children in the household

As shown in figure 13 below, the majority of households in both settlements have 2 to 3 children. The majority of children in both settlements are either not in school yet or are in primary school (44% and 29% respectively overall).

Figure 13: Age group of children

Age Group of Children (%)

	Matundo	Sansão Muthemba	Total
Not in school yet	38	49	44
Primary school	33	26	29
Secondary school	19	17	18
University	2	1	2
Adults	8	7	7
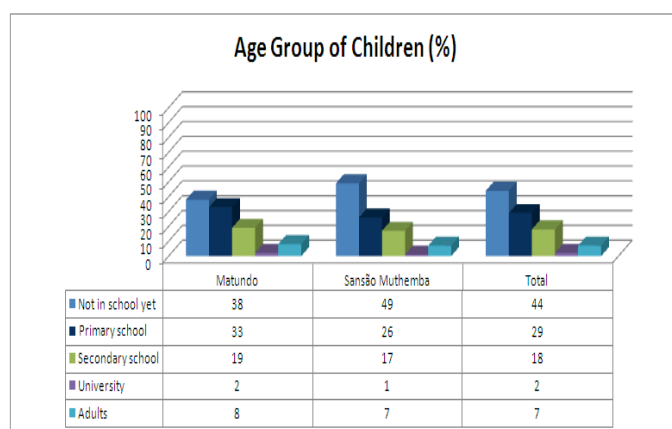
Children in Sansão Muthemba

4.2 Living arrangements

Most households live in a burned brick house (56%), but there are a range of different house types including traditional materials, brick and cement and stone. The majority of households have lived in the settlement for less than 5 years (52%). There are few households that are multi-nodal (16%). The other place where household members live varies between the two settlements:
- *In Matundo they live either in the rural areas or elsewhere in the settlement.*
- *In Sansão Muthemba they live in Tete or another province.*

The reason why household members live elsewhere in both settlements is predominantly because they are looking after the family home and to a lesser extent to access work.

4.2.1 Type of dwelling

As shown in figure 14 below, just over half of respondents in both settlements live in a burned brick house (56%). Overall 13% live in a house made of traditional materials, 10% overall in a brick and cement house and 8% overall in a stone house.

Figure 14: Type of dwelling lived in

Type of dwelling you live in (%)

	Matundo	Sansão Muthemba	Total
Shack	4	4	4
Corrugated iron dwelling	0	3	1
Stone house	8	8	8
Burned brick	56	56	56
Brick & cement	9	12	10
Traditional materials	16	10	13
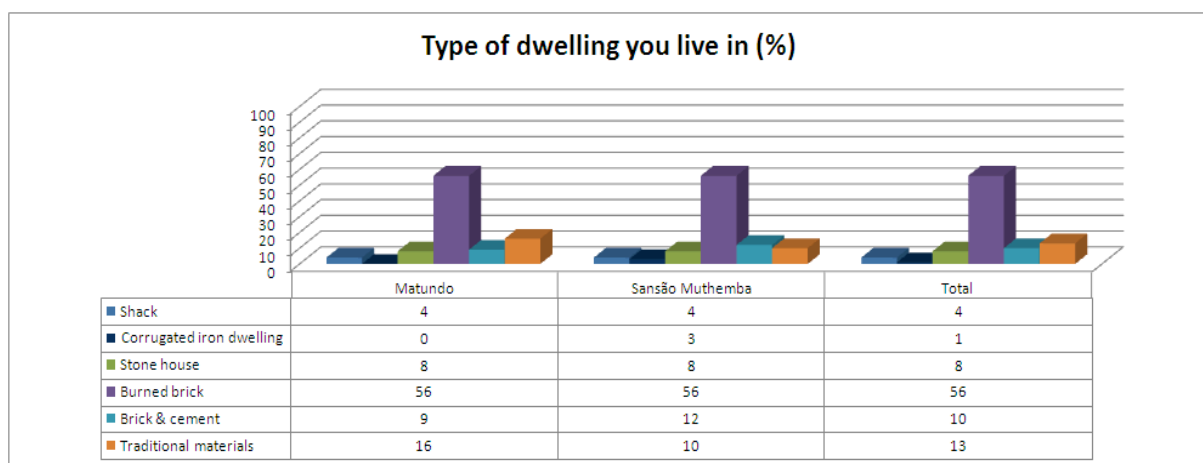
Burned brick house   Brick and cement house

29

4.2.2 Number of years in settlement

As shown in figure 15, the majority of respondents were not born in the house in which they are living. As shown in figure 16 and table 2 below, one third of respondents (34% overall) have been living in the house for 2 to 5 years and a further 17% overall have lived there for less than 1 year. The median number of years lived in the settlement is overall 5 years.

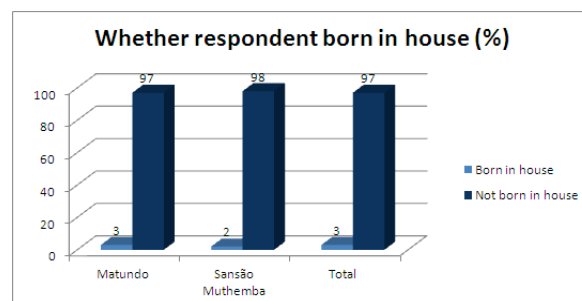**Figure 15: Whether respondent was born in the house**

Figure 16: Number of years lived in settlement

Table 2: Number of years lived in settlement

	Mean	Median
Matundo	10	6
Sansão Muthemba	8	5
Total	9	5
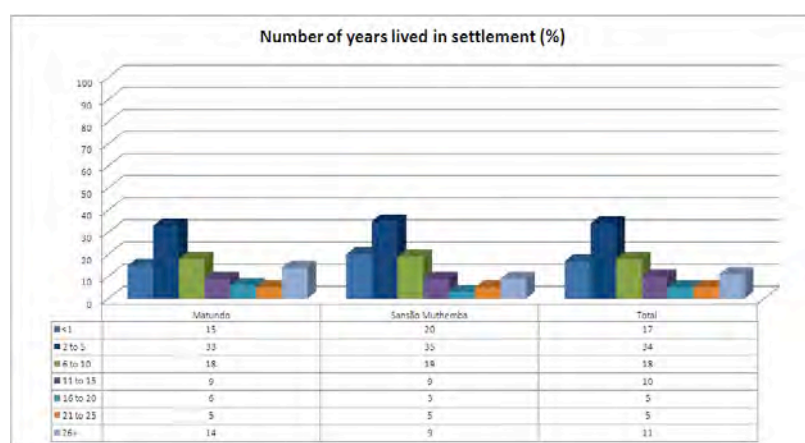
4.2.3 Multi-nodal households

Only a small number of households (16% overall) have multi-nodal arrangements i.e. where a spouse or children-under-18-years live elsewhere.

As shown in figures 17 and 18 below, in Matundo of those households who live elsewhere, one third (31%) live in the settlement (Matundo), one quarter (27%) live in the rural area and one fifth (21%) live in another part of Tete City. The reason why household members live elsewhere is predominately (40%) that they are looking after the family home or to a lesser extent (12%) that they moved away to work.

In Sansão Muthemba of those household who live elsewhere, 45% live in the area (Sansão Muthemba), one third (29%) live in another part of Tete City and 23% live in another province. The reason why household members live elsewhere is predominately (35%) that they are looking after the family home or to a lesser extent (10%) that they moved away to work.

Figure 17: Where other household members live
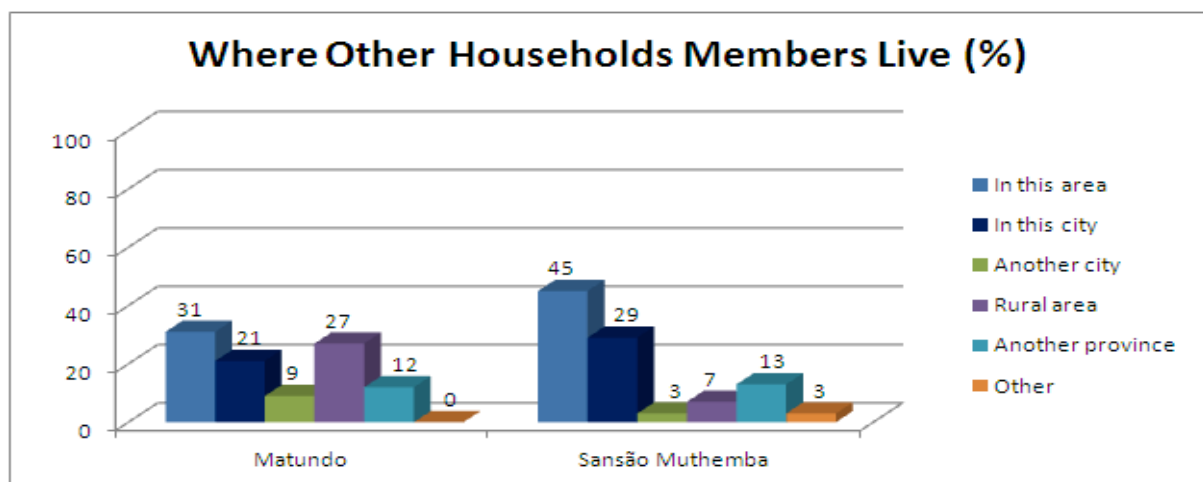

Figure 18: Reason why household members do not live in the settlement
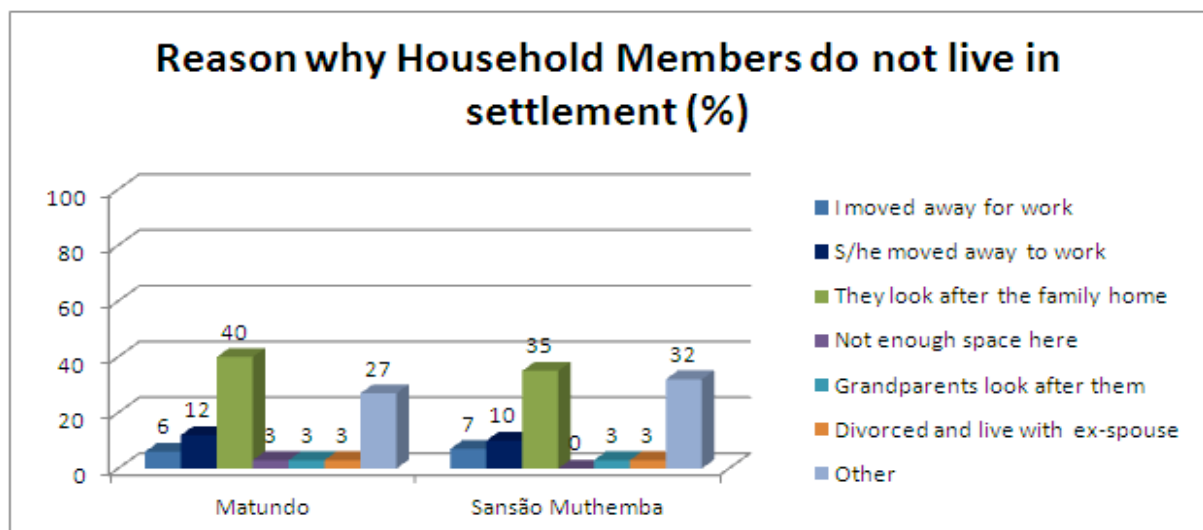
4.3 Reasons for moving to settlement

Most households in both Matundo and Sansão Muthemba lived in Tete Province before moving to the settlement either in a rural area or Tete City in an informal settlement. Most households previously lived in a house made of traditional materials or in a shack. One third of respondents lived independently from their parents previously. The most common reason for moving in both settlements was as a result of a new life phase (getting married); getting a new job or to reduce costs. Other places that the household could have moved to were another settlement in Tete, sharing with family or going back to the rural area.

4.3.1 Previous area

As shown in figures 19 and 20 below, most households in both settlements (83% overall) lived in Tete Province before moving to the settlement. Just under two thirds of households (64% overall) came from a rural area. One third (34%) overall came from Tete City.

Figure 19: Province lived in before coming to the settlement
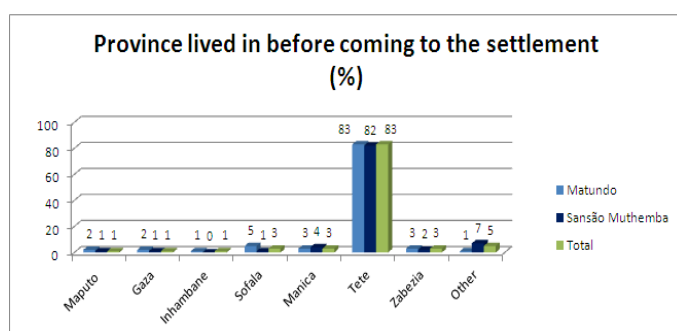
Figure 20: Type of area lived in previously
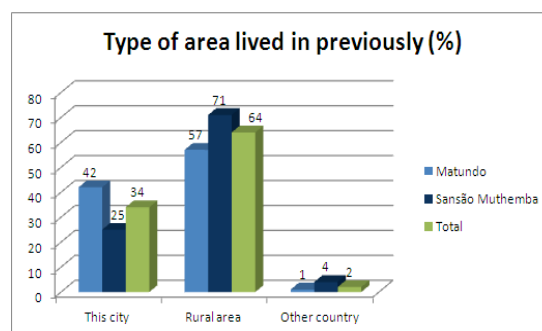
The majority of households moved from another informal settlement (57% overall). To a lesser extent they moved from a private house that they owned (17% overall) or from a rural house (7% overall) (see figure 21 below).

Figure 21: Type of settlement lived in previously

Type of settlement lived in previously (%)

	Matundo	Sansão Muthemba	Total
Informal settlement	71	43	57
Backyard shack	2	5	4
Domestic servant quarters	1	8	5
Work accommodation	2	0	1
Private sector house as an owner	14	20	17
Private sector house as a tenant	3	4	4
Community land	1	4	2
State house	1	1	1
Rural house	5	10	7
Other	0	5	2
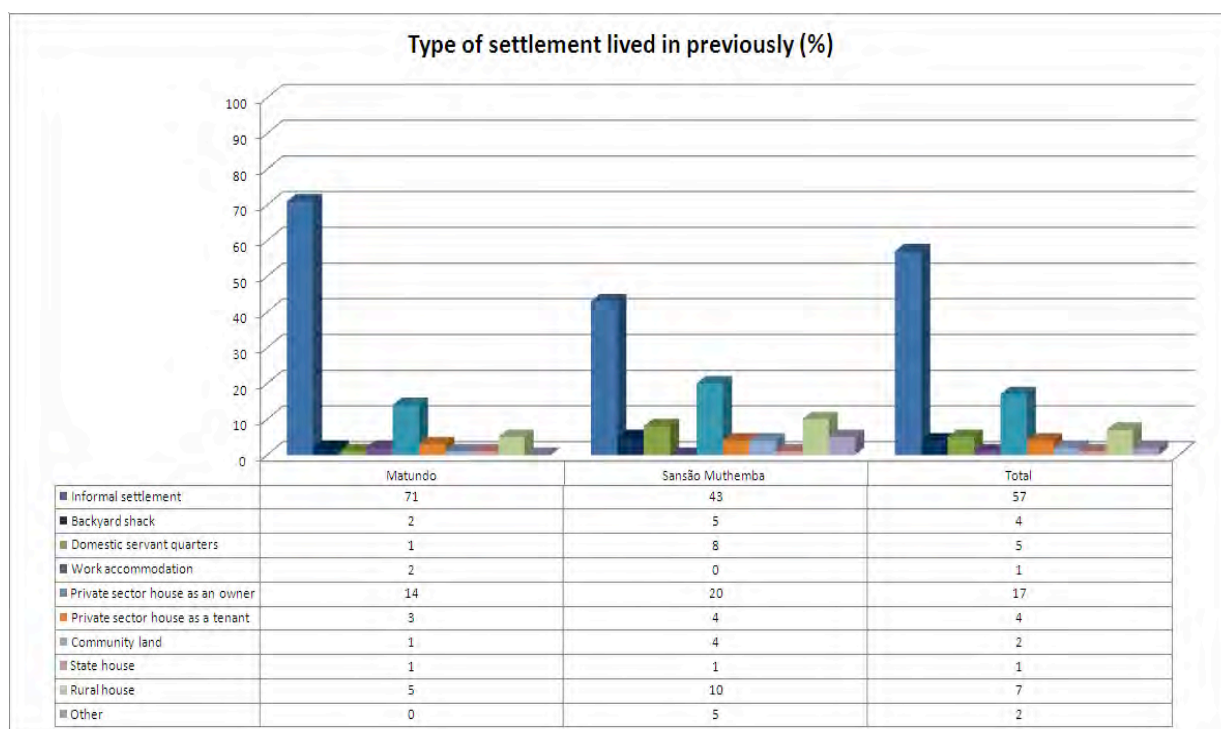
4.3.2   Previous dwelling

As shown in figure 22, just about a quarter of households (28% overall) in both settlements lived independently before moving to the settlement.

Most households in both settlements (41% overall) lived in a house made of traditional materials previously. One third of households (32% overall) lived in a shack previously. One fifth (21% overall) lived in a stone house (see figure 23 below).

Figure 22: Living independently

Percent of Household Heads who Lived Independently (Away from Parents) before Current House

	Value
Sansão Muthemba	28
Matundo	26
Total	28
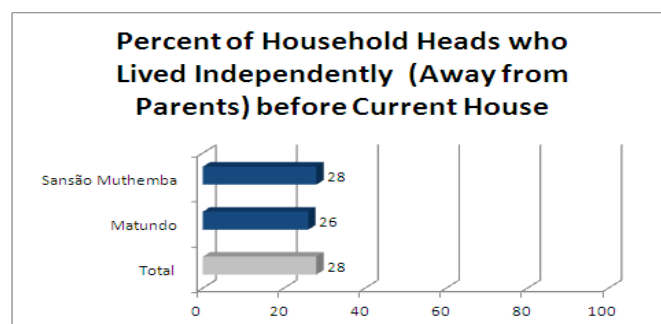
Figure 23: Type of dwelling lived in previously
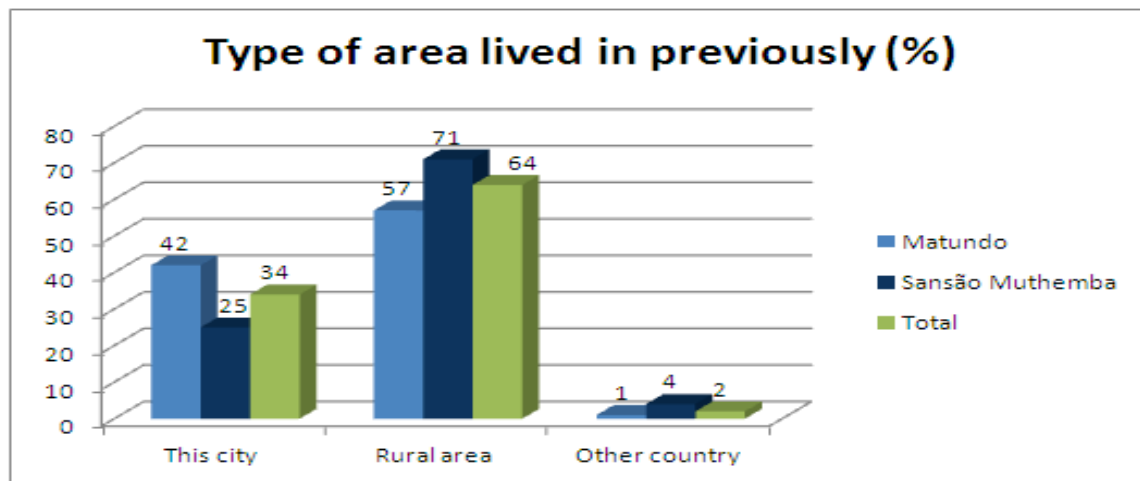
4.3.3   Reasons for moving to the settlement

As shown in figure 24 below, the most common reason for a household moving to either Matundo or Sansão Muthemba was as a result of a new life phase – getting married (42 and 40% respectively). A second common reason was that they got a new job (13 and 9% respectively). Some moved because they had to reduce their costs, but more so in respect of Sansão Muthemba (4%) than in Matundo (12%).

Figure 24: Reasons for moving to the settlement

	Got married	Got new job	To reduce costs	Invited to live here	Birth of new child	Armed conflict/war	Had money for house	Became a student	Conflict in family	Death in family	Divorce	Got older	Lost previous house	Sold previous house	Crime	Displacement by floods	Inherit another place	Lost job	Conflict with landowner	Violence	Other
Matundo	42	13	4	5	2	2	2	2	1	2	2	2	1	0	0	1	1	1	1	1	2
Sansão Muthemba	40	9	12	3	5	5	5	3	2	2	1	2	1	2	2	1	0	0	0	0	39

4.3.4   Other places the household could have moved to

As shown in figure 25 below other places that the household could have moved to include:

- Another settlement in Tete City (31% overall)
- Move to a formal area in Tete city (19% overall)
- Sharing with family (16% overall)
- Going back to the rural area (15% overall)

Figure 25: Other places the household could have moved to

	Matundo	Sansão Muthemba	Total
Go back to rural area	11	18	15
Move to Tete city	22	16	19
Move to another settlement in Tete	39	24	31
Move to hostel	1	0	0
Share with friend	2	1	1
Share with family	18	13	16
Other	7	28	18
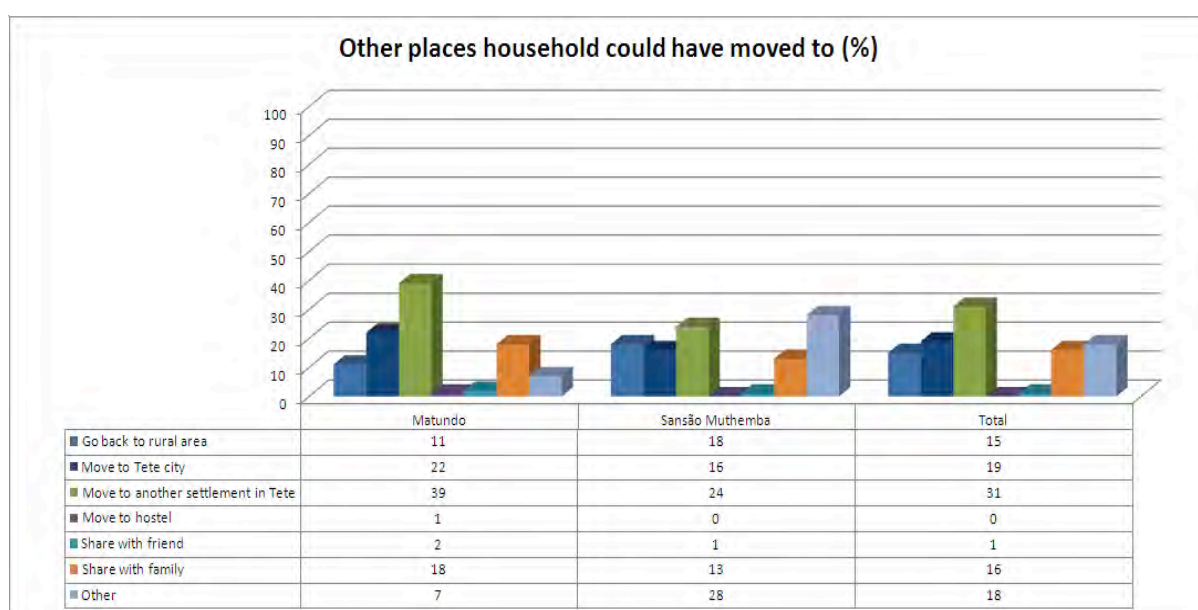
4.4   Finding a place to live

Most households heard about Matundo or Sansão Muthemba through their social network i.e. from a family member (43% overall) or a friend (29% overall). Three processes apply in accessing a site/house i.e.:
- *A process using neighbourhood leaders including securing agreement from the Chief of 10 houses, the Unit Chief of the Settlement and then the Municipality.*
- *A market process which is purchasing the house from an existing owner.*
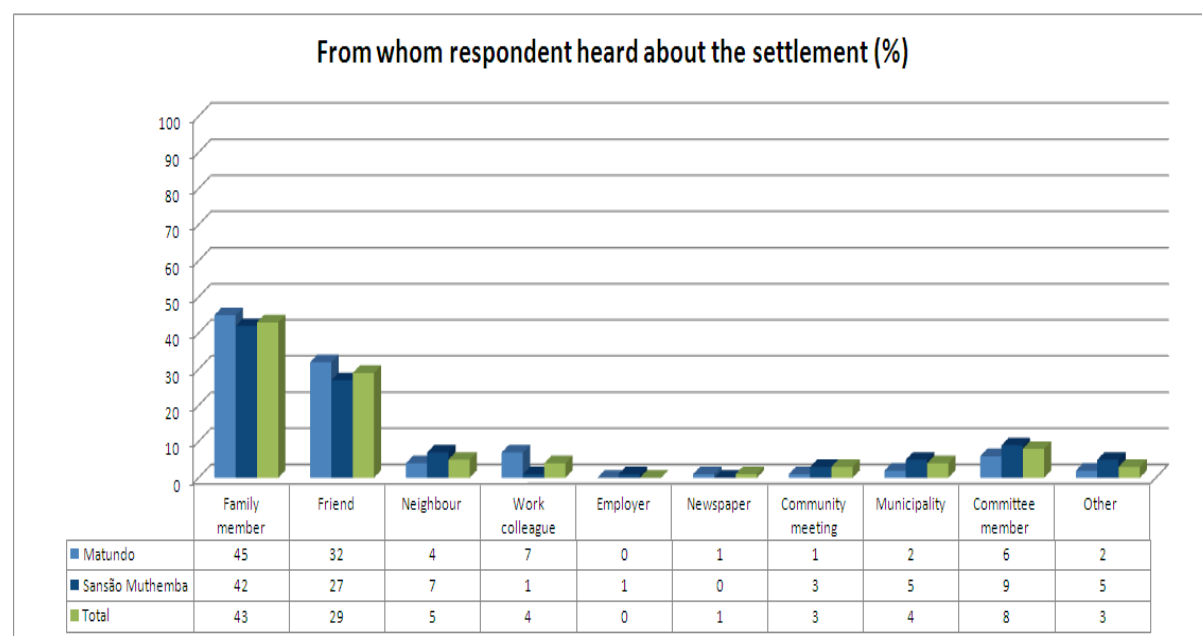- *Inheriting the site/house.*

The time and money spent in finding and securing a house varies significantly, but most people spent 30 days to find a place spending 32% of their monthly salary in Matundo and 55% of their monthly salary in Sansão Muthemba.

The reasons for choosing the settlement vary but include predominantly access to schools, it is cheap to live in the settlement, an opportunity to be independent and it is close to jobs.

4.4.1   Finding out about the settlement

As shown in figure 26 below, just under half of households heard about the settlement from a family member (43% overall) and 29% overall from a friend. To a lesser extent 8% of households heard about the settlement from a committee member.

Figure 26: From whom respondent heard about the settlement

From whom respondent heard about the settlement (%)

|	Family member	Friend	Neighbour	Work colleague	Employer	Newspaper	Community meeting	Municipality	Committee member	Other
Matundo	45	32	4	7	0	1	1	2	6	2
Sansão Muthemba	42	27	7	1	1	0	3	5	9	5
Total	43	29	5	4	0	1	3	4	8	3

4.4.2 Process of finding a place

As shown in figure 27 below about two thirds of respondents followed a process that used the neighbourhood leaders to access a site/house i.e.:
- They went to the 'Chief of 10 houses' who gave them a letter (61% in Matundo and 65% in Sansão Muthemba)
- They took the letter to the 'Unit Chief of the settlement' (38% in Matundo and 37% in Sansão Muthemba)
- The 'Ward secretary sent them to the Municipality with a letter of the land (Declaration) (40% in Matundo and 31% in Sansão Muthemba)

Figure 27: Process of finding a place
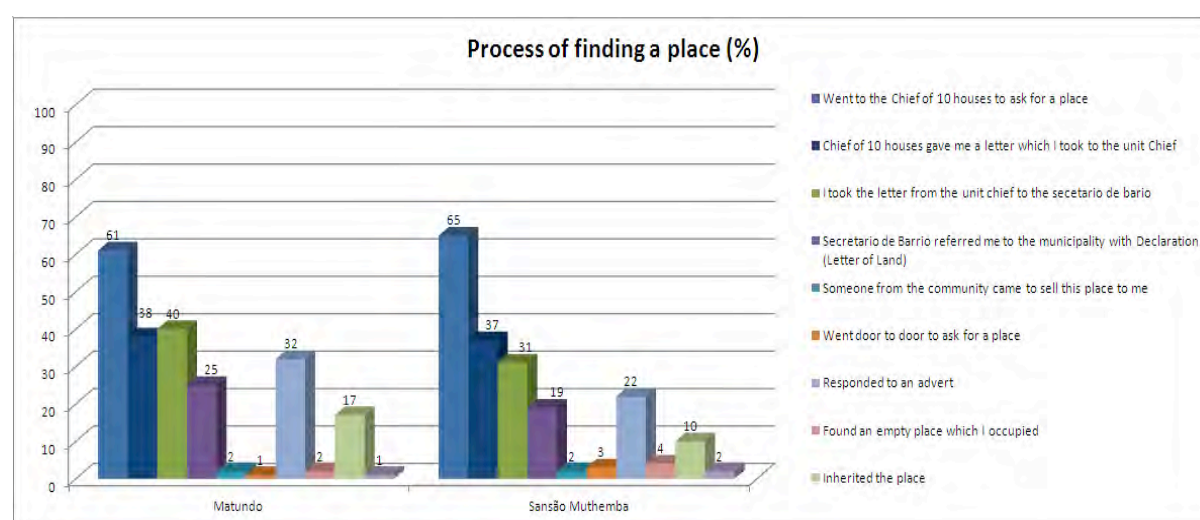
The total process is not pursued fully in that some respondents only got the letter from the 'Chief of 10 houses' and do not pursue the rest of the steps.

At the community meeting in Sansão Muthemba it was explained that people see this process of 'legalisation' of their land rights as an incremental process because of the costs involved. It is too expensive to follow the entire process immediately. The full process and the costs were explained to be as follows:
- An informal letter is written by block leader of 10 houses and he records the applicant's request in a register
- Block leader of 100 houses write informal letter and record in register
- Unit head writes informal letter to Secretario de barrio and records in register
- Secretario de Barrio gives Declaration
- Declaration is taken to municipality
- Municipality first do inspection and verify the space for the application
- A DUAT is issued

The costs are:
- 50 MZN for the ward,

- 1000 MZN for the municipality,
- 600 MZN for descriptive memory and demarcation.
- 400 MZN pays the DUAT

During the community meeting people explained that people aspire to concluding the full process and plan to do it when they have money.

The fact that people do not fulfil the full legal process if problematic in that this undermines their right to the land. As explained by David Medson (City Council for Urban and Works Management) there are instances whereby the 10 house chief allocates land plots to more than one beneficiary and this results in a land dispute. Once the dispute arises the municipality mediates and the applicant who has formalized the application at the end occupies the land.

Lack of title (DUAT) is also problematic when services are to be developed, in any Informal Settlement upgrading process, according to Ian Rose.

About one third secured the site/house through a market process i.e.

- They bought the house from someone in the community (61% in Matundo and 65% in Sansão Muthemba).
- They went door to door to find the place (61% in Matundo and 65% in Sansão Muthemba).
- They responded to an advert (61% in Matundo and 65% in Sansão Muthemba).

Approximately 17% of respondents in Matundo and 10% in Sansão Muthemba inherited the place/house.

It is noted that the councilor for infrastructure mentioned that although the grass root chiefs (10 house chiefs, ward secretaries) provided letters for accessing land, there was a period when those letters were no longer accepted by the municipality, as they tried to give the same land to more than one person or the land/plot was cutting a street. This situation created problems for the municipal officers who delineate land/plots in urban settlements. This suggests that having land letters from grass root chiefs does not necessarily guarantee that land rights are secured as perceived by households.

4.4.3   Time and cost of finding a place

As shown in Table 3 below, most people take 30 days to find a place, although there is a wide range of time frames. In Matundo people spend on average MZN1, 388 ($46) on the process of finding a place although there is also a wide range in costs. This comprises approximately one third of the average monthly salary. In Sansão Muthemba people spend a higher amount, on average MZN2,049 ($68). This comprises just over half of the average monthly salary.

Table 3: Time and cost of finding a place

|	Time spent in finding the place (Days)		Mean total cost paid in finding the place (Metical ($))	% of mean cost of finding the place of mean monthly income
	Mean	Median		
Matundo	137	30	1,388 (*$46*)	32%
Sansão Muthemba	155	30	2,049 (*$68*)	55%
Total	147	30	1,711 (*$5*)	42%

At the community meeting in Sansão Muthemba, it was explained that finding a place depends directly on whether the prospective owner/ renter knows someone in the community. If he knows someone in the community he will save costs because (1) his social network will help him in finding a place quicker, and (2) he will save costs because he will be staying at the friend/ family's place for free while looking for a place. If a person comes into the community without knowing anyone it will take longer and this person will have to pay rent in the community while looking for a place.

4.4.4 Reason for choosing the settlement

As shown in figure 28 below, in both settlements the most important criteria given for choosing the settlement is that it is close to schools (34% in Sansão Muthemba and 26% in Matundo). The other important criteria are:
- It is cheap to live in the settlement (15% in Matundo and 16% in Sansão Muthemba)
- An opportunity to be independent (13% in Matundo and 14% in Sansão Muthemba)
- Close to jobs (15% in Matundo and 9% in Sansão Muthemba*)*

Figure 28: Reason for choosing the settlement
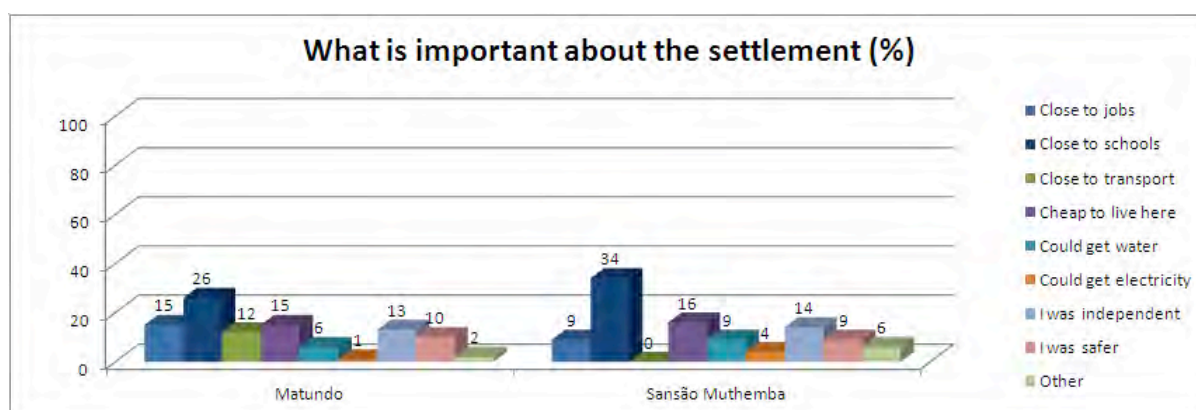
4.5   How a site/house is secured and tenure

Methods using an informal process of securing land appear to dominate in the two settlements with the main basis of securing agreement for a land transaction being through a declaration or verbal agreement. Social networks are also used to give confidence that an agreement has been reached.

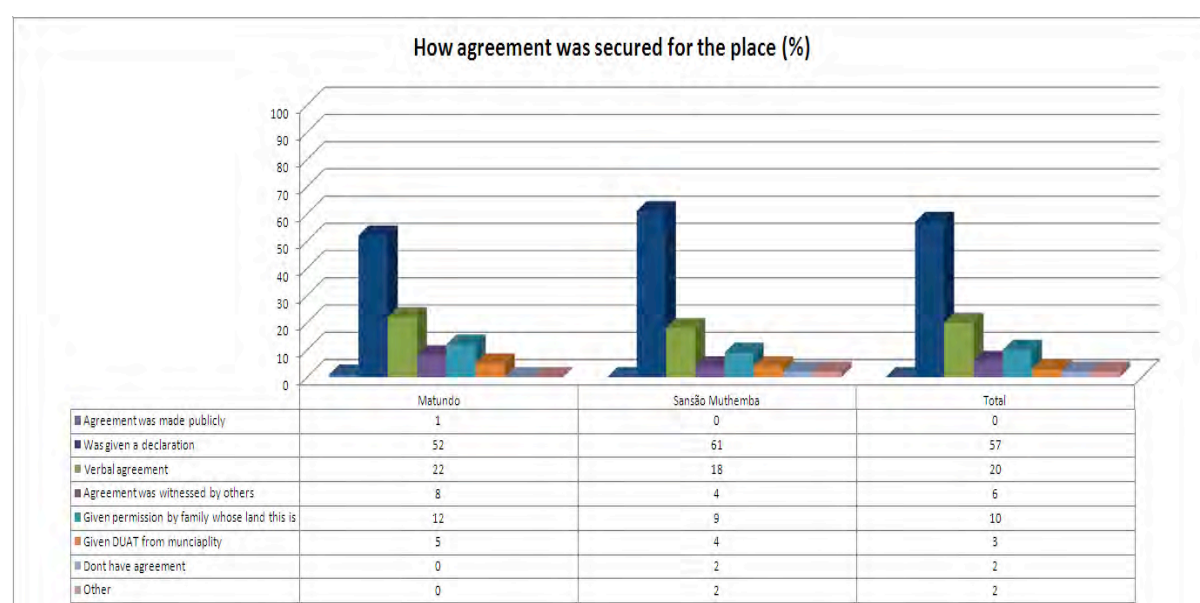*The types of tenure evident in the settlements are:*
- *Ownership whereby:*
    - *Just over one quarter of respondents bought their property (28% overall)*
    - *A further quarter were allocated the property by the municipality (28% overall)*
    - *14% overall inherited*
- *16% overall rent*

In respect of those respondents who bought, market methods appear to be used in terms of setting the price i.e. the condition of the house, comparison with neighbors, determining the market value. In respect of those respondents who rented, the rental is set by the landlord who either lives on the property (36% overall) or lives in Tete City (39% overall). The main reason why respondents rent as opposed to owning is that they do not have sufficient money to own.

4.5.1   Securing the agreement

As shown in figure 29 below, in both settlements agreements were secured predominantly (57% overall) through being given a declaration, and to a lesser extent (20% overall) a verbal agreement between the seller and buyer or landlord and tenant. The declaration is issued by the ward secretary and carries his official stamp. The declaration is also recorded in his register.

Figure 29: How agreement was secured

How agreement was secured for the place (%)	Matundo	Sansão Muthemba	Total
Agreement was made publicly	1	0	0
Was given a declaration	52	61	57
Verbal agreement	22	18	20
Agreement was witnessed by others	8	4	6
Given permission by family whose land this is	12	9	10
Given DUAT from munciaplity	5	4	3
Dont have agreement	0	2	2
Other	0	2	2

In Matundo confidence that the agreement would be valid was obtained from friends or family confirmation (25%) and that a receipt was provided (16%). In Sansão Muthemba receiving a receipt was indicated by 22% of respondents and confirmation by family or friends by 15% of respondents. 14% also got confidence from the head of the block (chief of 10 houses) (see figure 30 below).
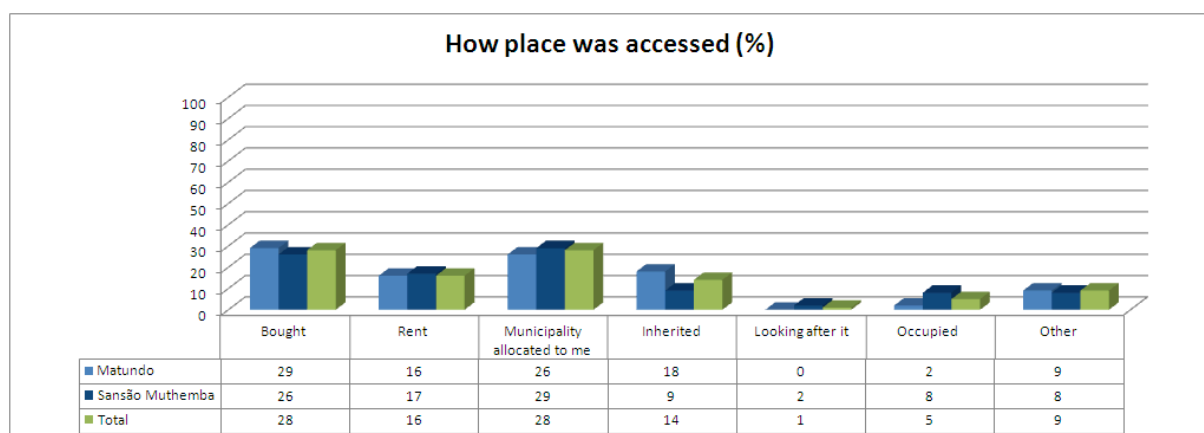
Figure 30: What made respondent confident that the agreement would be valid

What made respondent confident that the agreement would be valid (%)

	Matundo	Sansão Muthemba	Total
A friend/family introduced me	7	11	9
Friend/family member confirmed trustworthiness of contracting party	25	13	19
Gave me a receipt or document	16	22	19
My family gave me permission to stay	16	9	13
House had a number put by the head of block	0	3	2
The land was empty	1	3	2
Head of block said I should	12	14	13
The ward secretary said I should	9	9	9
I had to sign the official papers	3	3	3
I received official papers	4	5	5
Other	7	8	6

4.5.2 Types of tenure

As shown in figure 31 below, just over one quarter (28%) of respondents bought their property, the same percentage (28%) were allocated the property by the municipality, 16% are renting and 14% inherited the property.

Figure 31: How place was accessed

How place was accessed (%)

	Bought	Rent	Municipality allocated to me	Inherited	Looking after it	Occupied	Other
Matundo	29	16	26	18	0	2	9
Sansão Muthemba	26	17	29	9	2	8	8
Total	28	16	28	14	1	5	9

Age appears to impact on tenure as shown in Table 4. Younger respondents were more likely to have bought the place they live in than older respondents (36% of respondents below 30 bought as opposed to 23% and 22% of respondents between 30 to 39 years and 40 years and older respectively). Furthermore more young respondents are renting the place than older respondents (24% younger than 30 rent as opposed to 14% between 30 to 39 and 7% older than 40).

More older respondents received their place in which they are living through an allocation by the municipality (32% between 30 and 39 and 35% over 40 as opposed to 19% younger than 30).

Table 4: Comparison of age and tenure (both settlements)

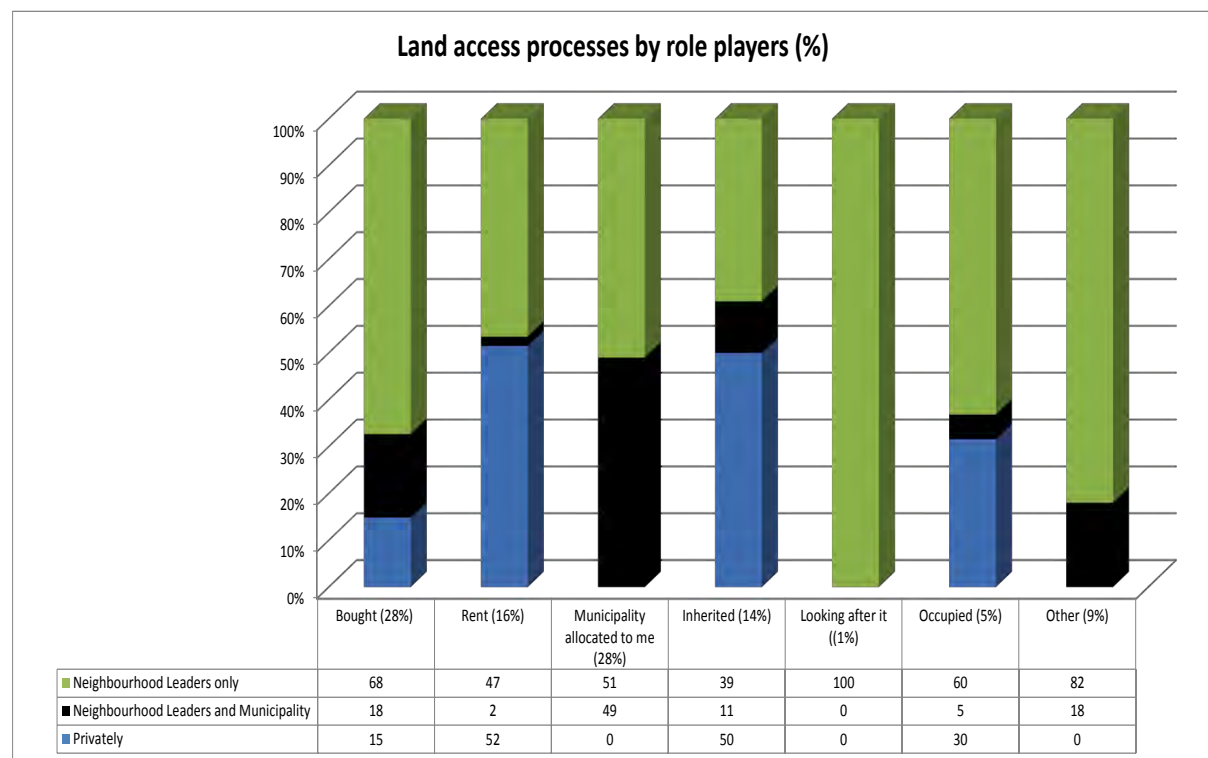| Tenure	Younger than 30	30 to 39	40 and older	Total
Bought	36%	23%	22%	28%
Are renting	24%	15%	7%	17%
Were allocated this place by the municipality	20%	32%	36%	28%
Inherited this place	13%	16%	12%	14%
Looking after it	1%	0%	1%	1%
Occupied this place	2%	3%	13%	5%
Other	5%	11%	11%	9%

The figure below comprises an analysis of the role played by different stakeholders in respect of accessing the different types of tenure. In this regard:
- Privately refers to accessing land without involving any neighbourhood leaders or municipal officials.
- Neighbourhood leaders refers to accessing land using one or more of the neighbourhood leaders i.e. (chief of 10 houses, chief of 100 houses, unit chief or Secretario Barrio)
- Neighbourhood leaders and Municipality refers to accessing land using one or more of the neighbourhood leaders (chief of 10 houses, chief of 100 houses, unit chief or Secretario Barrio), as well as the Municipal Offices.

As shown in figure 32 below, the role played by different stakeholders in the process varies with the neighbourhood leaders playing the most significant role. This is more so in respect of respondents who bought (68%) or occupied (60%). *Neighbourhood leaders* are more likely to play a major role when a respondent is looking for land (100%) than when he or she is about to inherit (30%) or is renting (47%) a place, getting an allocation from the municipality (51%), just occupying (60%) or about to buy (68%) a place. *Neighbourhood leaders together with municipal officers* tend to play a major role when a respondent is looking for a municipal allocation of land (49%). Private people are more likely to be contacted when the respondent wants to rent (52%) or inherit (50%) a house or property.

At the community meeting in Sansão Muthemba it was explained how the chief of 10 houses; chief of 100 houses and chief of the unit get elected. These leaders are nominated by the community based on good attitude and behaviour. Their names are put forward to the Secretario de Barrio and the senior leaders then decide and appoint the block leaders. They do not have a fixed term of appointment but stay appointed until they are not effective anymore.

Figure 32: Land access processes by role players

|	Bought (28%)	Rent (16%)	Municipality allocated to me (28%)	Inherited (14%)	Looking after it ((1%)	Occupied (5%)	Other (9%)
Neighbourhood Leaders only	68	47	51	39	100	60	82
Neighbourhood Leaders and Municipality	18	2	49	11	0	5	18
Privately	15	52	0	50	0	30	0

4.5.3 Buying a property

As shown in table 6 below, the price range for what people paid for their place varies significantly, but on average the amount paid in Matundo is MZN78,930 (US$2,627), and MZN43,603 (US$1,451) in Sansão Muthemba . This comprises 18 times the mean monthly income in Matundo and 12 times the mean monthly income in Sansão Muthemba.

Table 5: Amount paid for property

	Mean cost (Metical (US$))	Mean monthly income (Metical)	Comparison to mean monthly income
Matundo	78, 930 *($2,627)*	4,343	18 x
Sansão Muthemba	43, 603 *($1,451)*	3,730	12x
Total	62,164 *($2,069)*	4,036	15x

As shown in figure 33 below, 49% of respondents indicate that the amount paid is for the dwelling and the land, while 41% indicated that it is for the land only.
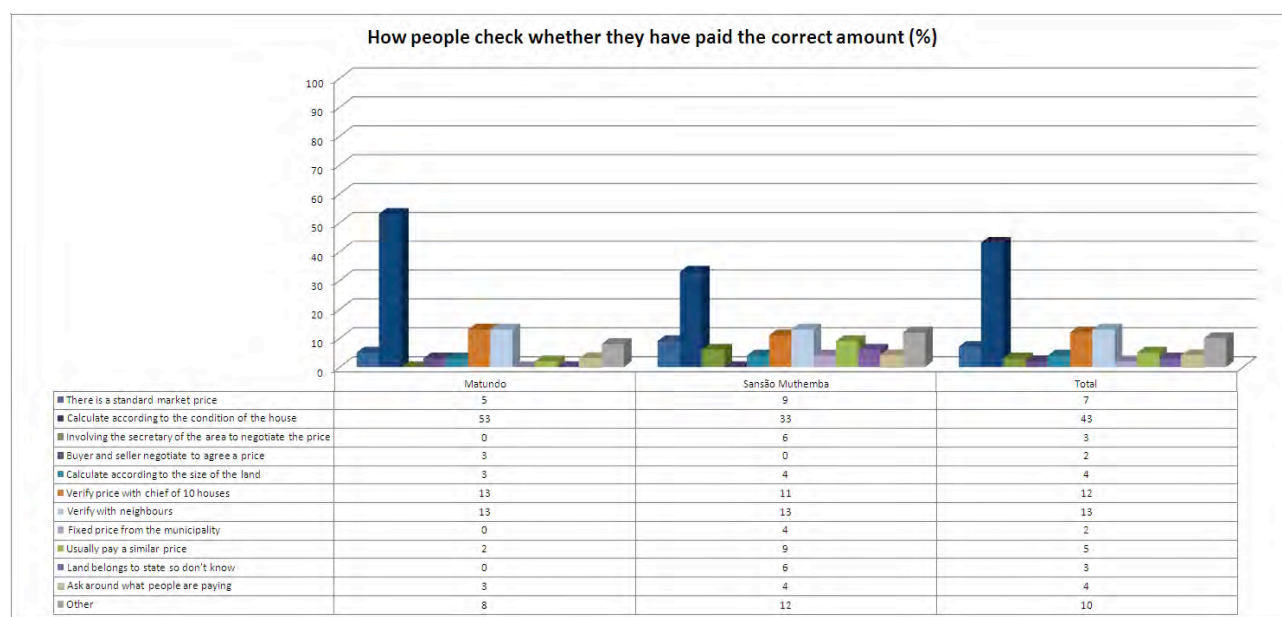
Figure 33: What the amount was paid for
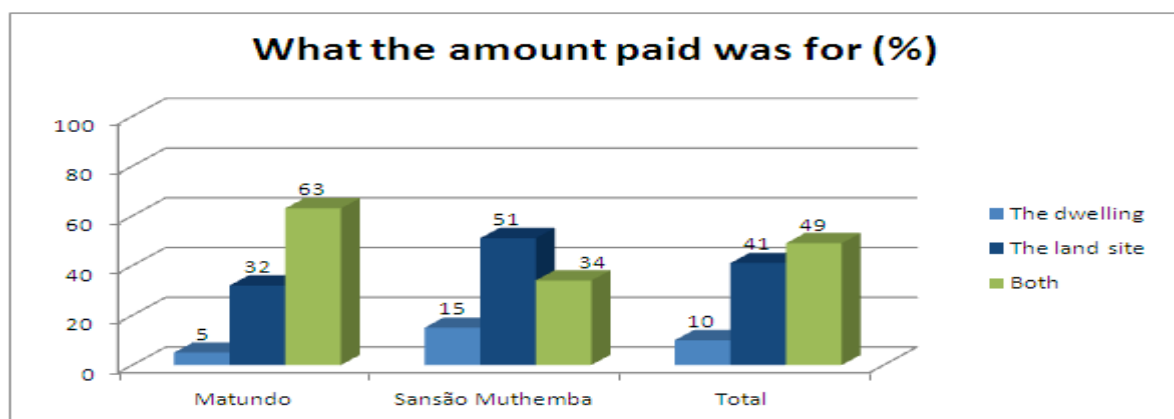
For most respondents (43% overall) the amount paid is based on the condition of the house (see figure 34 below). Other ways of determining the price are:
- Verifying with neighbours (13% overall)
- Verifying the price with the chief of 10 houses (12% overall)
- Asking around what people are paying (10% overall)

Figure 34: How people check whether they have paid the correct amount

How people check whether they have paid the correct amount (%)

	Matundo	Sansão Muthemba	Total
There is a standard market price	5	9	7
Calculate according to the condition of the house	53	33	43
Involving the secretary of the area to negotiate the price	0	6	3
Buyer and seller negotiate to agree a price	3	0	2
Calculate according to the size of the land	3	4	4
Verify price with chief of 10 houses	13	11	12
Verify with neighbours	13	13	13
Fixed price from the municipality	0	4	2
Usually pay a similar price	2	9	5
Land belongs to state so don't know	0	6	3
Ask around what people are paying	3	4	4
Other	8	12	10

4.5.4 Renting a property

As shown in figures 35 and 36 below, in Matundo for two thirds (59%) of respondents the landlord lives on the property and a third (31%) the landlord lives elsewhere in Tete City. In Sansão Muthemba for 39% of respondents the landlord lives elsewhere in Tete City and for 36% the landlord lives on the property. For the majority of respondents (87% overall) the rental amount was prescribed by the landlord.
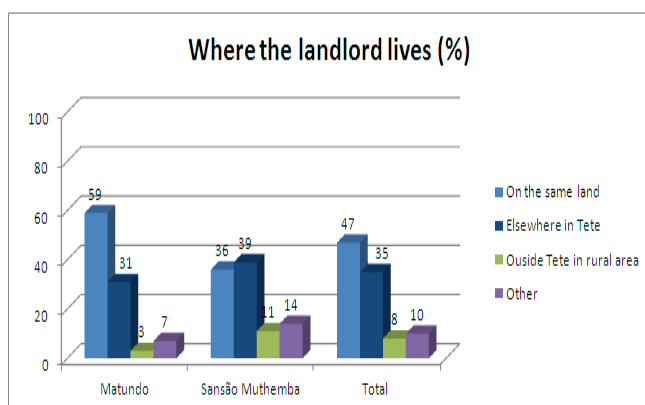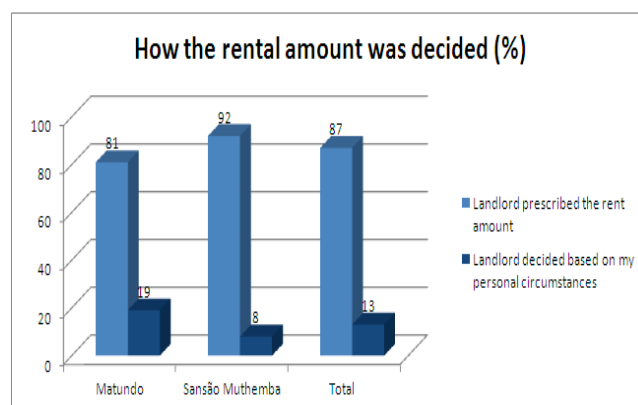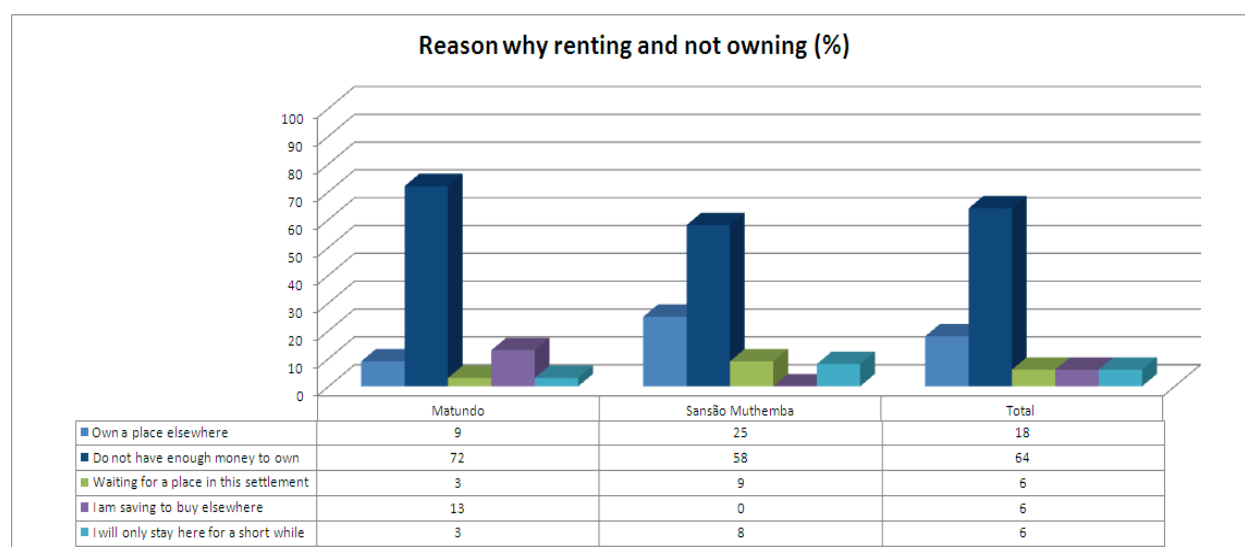
Figure 35: Where the landlord lives

Figure 36: How the rental amount was decided

As shown in figure 37 below, in both settlements for 64% of respondents overall said the reason why they are renting and not owning is that they do not have enough money to own. In Matundo it is also that they are saving to buy elsewhere (13%) or own a place elsewhere (9%). In Sansão Muthemba it is also that the respondent owns a place elsewhere (25%).

Figure 37: Reason why renting and not owning

Reason why renting and not owning (%)

	Matundo	Sansão Muthemba	Total
■ Own a place elsewhere	9	25	18
■ Do not have enough money to own	72	58	64
■ Waiting for a place in this settlement	3	9	6
■ I am saving to buy elsewhere	13	0	6
■ I will only stay here for a short while	3	8	6

As shown in table 7 below the age of respondents has an influence on the reason why respondents rent and not own. More of the older respondents are renting because they own a place elsewhere (29% respectively of respondents between 30 and 39 years and 40 years and older as opposed to 12% of those that are younger than 30 years). More young respondents said they are renting because they do not have enough money to own (72% of respondents younger than 30 years as opposed to 57% of respondents between 30 to 39 and 42% of respondents older than 40 years)

Table 6: Reason why renting and not owning by age (%)

	Younger than 30	30 to 39	40 and older
I own a place elsewhere	10.2%	28.5%	29.0%
I do not have enough money to own	72.3%	57.0%	42.0%
I am waiting for a place town to become available in this community	2.5%	9.7%	14.5%
I am saving to buy a place elsewhere	7.4%	4.8%	0.0%
I will only stay here for a short while	7.6%	0.0%	14.5%

4.6   Making improvements

Just over half of respondents are making improvements which indicates a level of security of tenure and also an investment into the area. Those respondents who are making improvements are predominantly using their savings. Very few are using either formal or informal loan finance.

As shown in figures 38 and 39 below, in both settlements just over half (53% overall) of respondents have made improvements to their site/house. The majority used savings or money borrowed from family (75% overall).

Figure 39: Whether improvements were made to the site/house
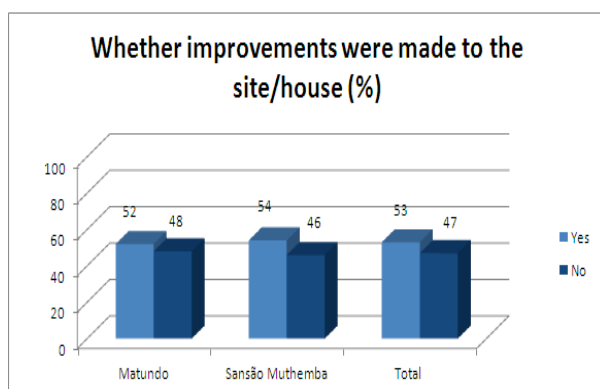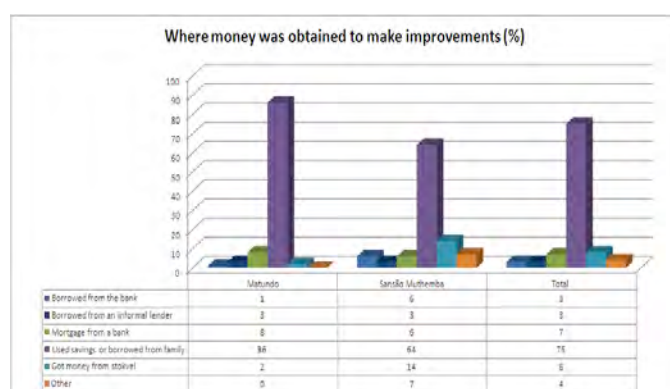

Figure 38: Where money was obtained to make improvements

As shown in table 8 below, the average time taken to make improvements varies significantly but on average people took 434 days (1,2 years) in Matundo and 527 days (1,5 years) in Sansão Muthemba. The cost of the improvements also varied significantly, but most people paid MZN60,366 ($2,009) in Matundo and MZN47,421 (1,578) in Sansão Muthemba. This comprises 14 times the mean monthly income in Matundo and 13 times the mean monthly income in Sansão Muthemba.

Table 7: Time taken and cost of improvements

	Mean Time	Cost (Metical *US$)*)		
	Mean	Mean	Mean monthly income (Metical)	Comparison to mean monthly income
Matundo	434	60,366 ($2,627)	4,343	14X
Sansão Muthemba	527	47,421 ($1,451)	3,730	13X

As shown in table 9 below, people in the age category 40 years and older took more time making improvements and spent more than respondents in the younger age categories. Respondents younger than 30 took on average 300 days to make improvements to their property and spent MZN27,080. Respondents in the age category 30 to 39 years took on average 529 days to make improvement to their property and spend on average MZN63,139.

Respondents in the age category 40 years and older took on average 661 days to make improvements and spent MZN77,488.

Table 8: Improvements by age

Age Category	How much time did you spend making improvements (days)	Cost of improvements
Younger than 30	300	27 080
30 to 39	529	63 139
40 and older	661	77 488
Total	481	53 784

4.7 Ownership of other properties and renting

Less than a fifth of respondents have a second property either being a farm or a second house. For those that did the process of accessing these additional assets comprised one of the following:
- *A process using neighbourhood leaders is used whereby permission is granted by the Chief of 10 houses who refers the matter to the Unit Chief and then the Municipality. In this instance it appears that the full process is often not followed to securing registration.*
- *Occupation of the land.*
- *Inheritance.*
There is also evidence of a market process whereby the land is purchased from a seller.

4.7.1 Piece of land to farm

As shown in figure 40, in both settlements a limited percentage of respondents (16% overall) have a piece of land which they farm.

As shown in table 10 below significantly more respondents in the age category of 40 years and older have a piece of land where they farm (23%) as opposed to younger respondents (13 and 14% respectively in the age categories younger than 30 years and 30 to 39 years)

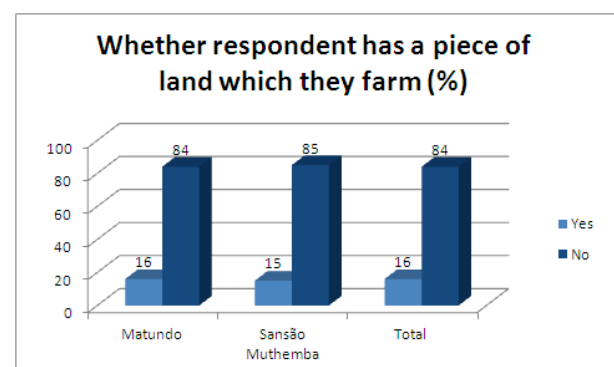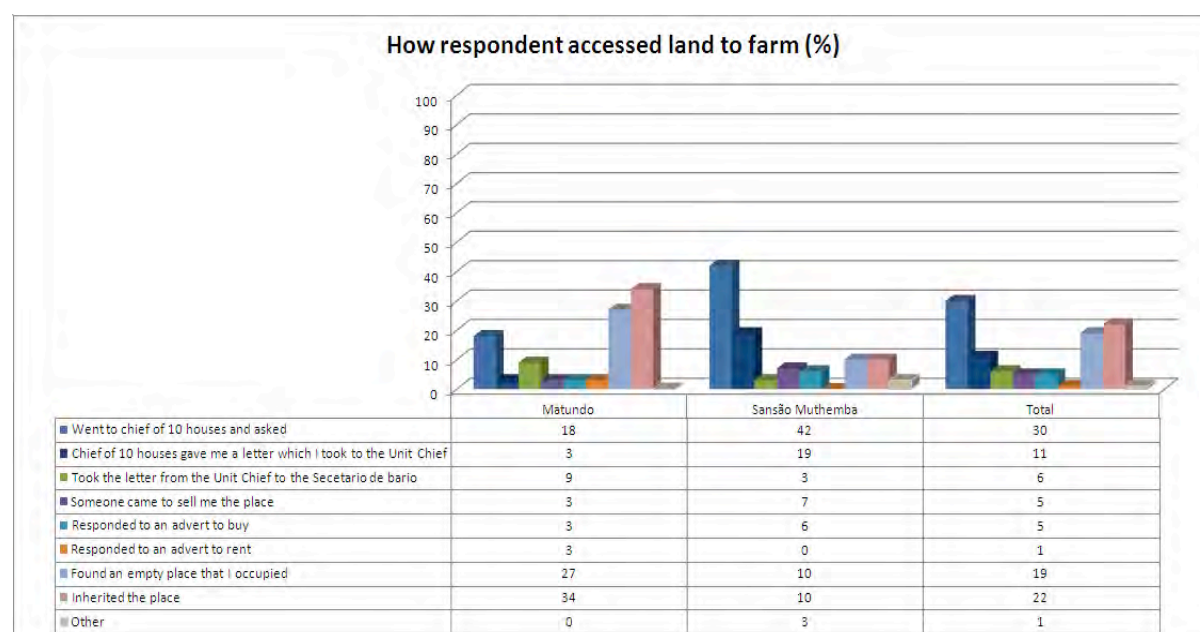**Figure 40: Whether respondent has a piece of land which they farm**

Table 9: Whether respondent has a piece of land where they farm by age (%)

	Younger than 30	30 to 39	40 and older
Have a piece of land where I farm	12.8%	14.1%	22.5%
Do not have a piece of land where I farm	87.2%	85.9%	77.5%

Farm land was accessed (see figure 41 below):

- In Matundo for one third through inheritance (34%) and a further quarter (27%) through occupation. Approximately 18% engaged with neighbourhood leaders by going to the chief of 10 houses.
- In Sansão Muthemba about two thirds used a process of neighbourhood leaders i.e. getting a letter from the chief of 10 houses and/or the Unit Chief.

Figure 41: How respondent accessed land to farm

How respondent accessed land to farm (%)

	Matundo	Sansão Muthemba	Total
■ Went to chief of 10 houses and asked	18	42	30
■ Chief of 10 houses gave me a letter which I took to the Unit Chief	3	19	11
■ Took the letter from the Unit Chief to the Secetario de bario	9	3	6
■ Someone came to sell me the place	3	7	5
■ Responded to an advert to buy	3	6	5
■ Responded to an advert to rent	3	0	1
■ Found an empty place that I occupied	27	10	19
■ Inherited the place	34	10	22
■ Other	0	3	1

4.7.2   Ownership of a second property

As shown in figures 42 and 43 below, in both settlements a limited number of respondents (12% overall) have a second house. In respect of those who do own such a house, for two thirds the location is in Tete City (60% overall). In Matundo 19% respectively will own a house either in another town in Mozambique or the rural area of Mozambique. In Sansão Muthemba about one third owns the second house in the rural areas of Mozambique.

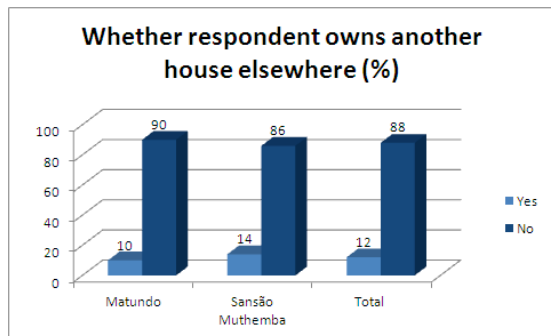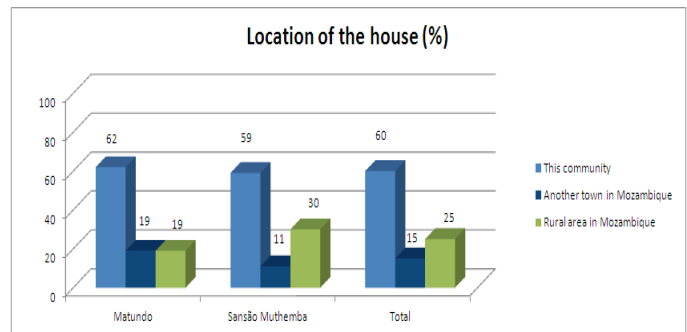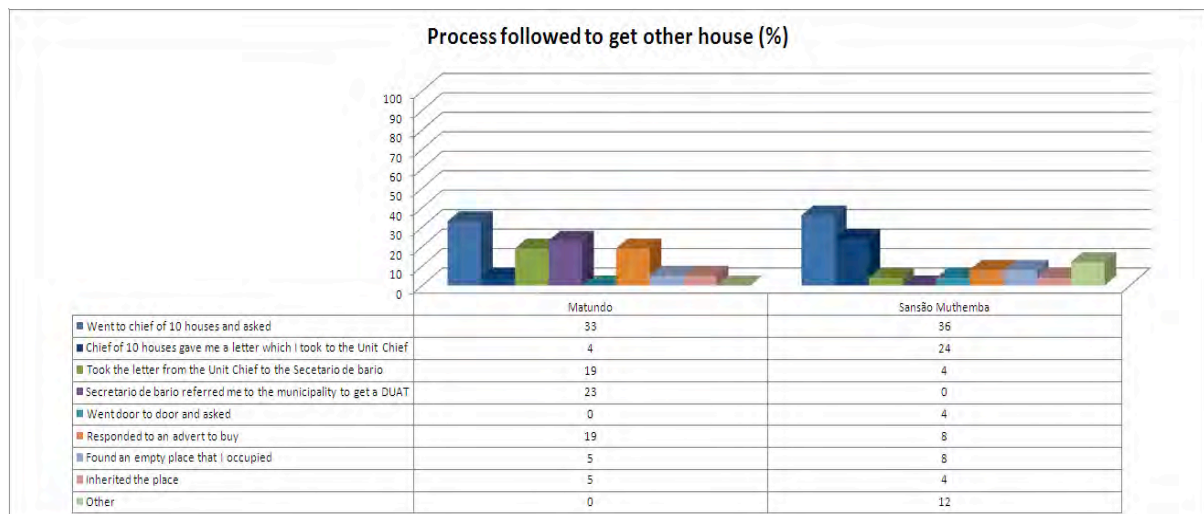**Figure 43: Whether respondent owns another house elsewhere**

Figure 42: Location of the house

In both settlements the most common process to get the other house was a process using neighbourhood leaders i.e. went to chief of 10 houses, then unit chief, then secetario de bario and then municipality. In Matundo there is evidence of a private market process in that 19% of respondents bought as a result of an advert (see figure 44 below).

Figure 44: Process followed to get other house

	Matundo	Sansão Muthemba
Went to chief of 10 houses and asked	33	36
Chief of 10 houses gave me a letter which I took to the Unit Chief	4	24
Took the letter from the Unit Chief to the Secetario de bario	19	4
Secetario de bario referred me to the municipality to get a DUAT	23	0
Went door to door and asked	0	4
Responded to an advert to buy	19	8
Found an empty place that I occupied	5	8
Inherited the place	5	4
Other	0	12

4.7.3 Renting out

As shown in figure 45, in both settlements very few respondents rent out a room or house (8% overall). As shown in figures 46 and 47 below, for the few respondents who do rent out a room or house, the reason is predominantly to earn income (83% overall). The basis of determining the rental is through calculating the size of the house (52% overall), calculating on basis of need of family (29% overall) and to a lesser extent looking at what tenants can afford (13%) overall.

Figure 45; Whether respondent rents out a room or house
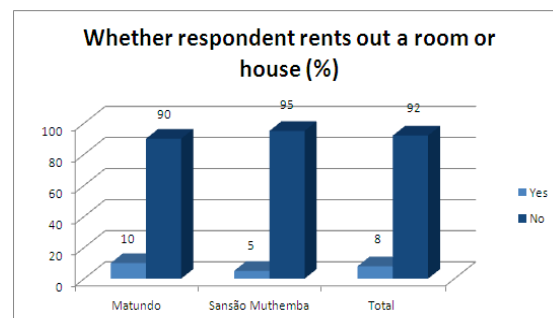
Figure 47: Reason for renting out a room or house
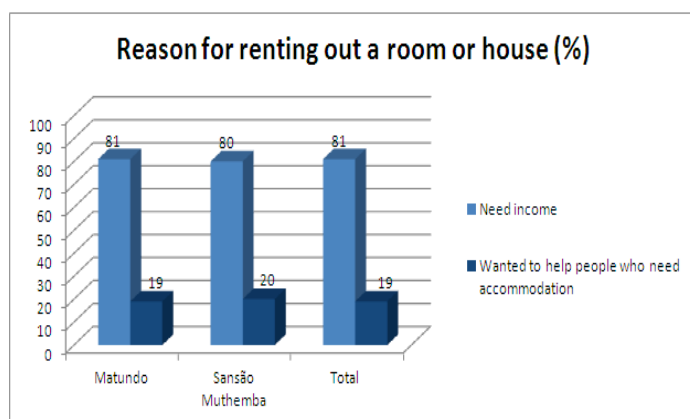
Figure 46: How the rental amount was decided
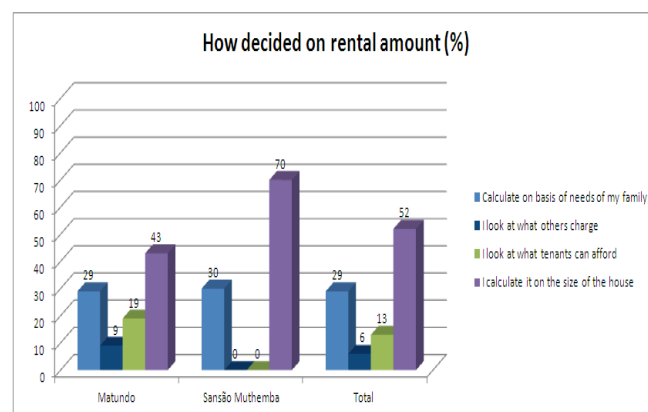
As shown in figures 48 and 49 below, in both settlements 100% of respondents would not sell their second property. The main reason being (74% overall) that they are keeping it for their children.

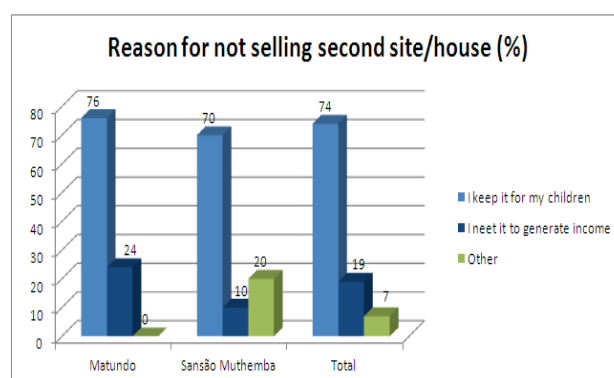**Figure 49: Respondents who would not sell their second property**
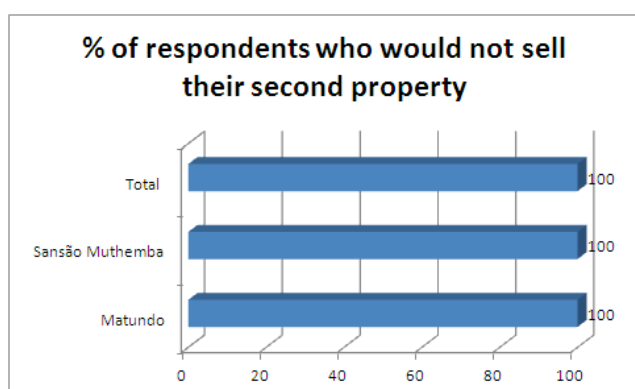
Figure 48: Reason for not selling second property

4.8   Tenure security

There does seem to be reasonable levels of tenure security:
- *About two thirds of respondents (63% overall) feel that their rights are stronger having lived in the settlement for some time.*
- *About one third (31% overall) feel that their rights are the same.*
- *Very few (6% overall) feel that their rights are weaker.*

Factors that increase tenure security include:
- *Having a document or a name on a neighbourhood leader's list*
- *Neighbours supporting a claim.*

Factors that weaken tenure security include:
- *Disputes with neighbours around site allocation etc.*
- *A site being misallocated.*

The data in figure 51 shows the majority of respondents felt their rights are stronger now that they lived there for a while. Figure 50 below compared people's perception of how strong their rights are after living there for a while, with the different methods of acquiring the place. The data shows that those people who followed the process from the neighbourhood leaders through to the municipality to apply for a DUAT, has the strongest sense of their tenure rights (74% felt their rights are stronger). Those who use one or more of the neighbourhood leaders to acquire the place shows the second strongest sense of tenure security with 63% of people saying their rights are stronger.   Those respondents who only acquired a property privately (not involving neighbourhood leaders or the municipality shows the lowest level of tenure security (52% said their rights are stronger)

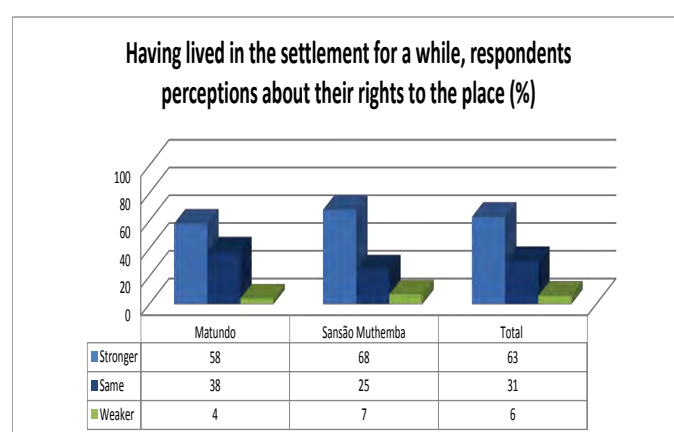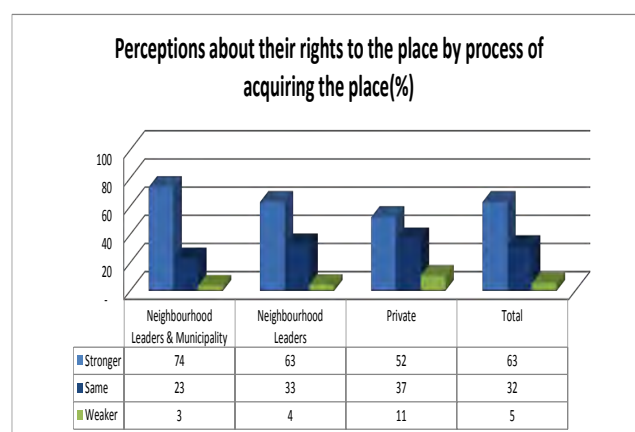**Figure 51: Having lived in the settlement for a while, respondents perceptions about their rights to the place**

Figure 50: Perceptions about their rights by process of acquiring the place

Having lived in the settlement for a while, respondents perceptions about their rights to the place (%)

	Matundo	Sansão Muthemba	Total
Stronger	58	68	63
Same	38	25	31
Weaker	4	7	6

Perceptions about their rights to the place by process of acquiring the place(%)

	Neighbourhood Leaders & Municipality	Neighbourhood Leaders	Private	Total
Stronger	74	63	52	63
Same	23	33	37	32
Weaker	3	4	11	5

As shown in table 10 below, there are strong similarities between the two settlements in respect of the reasons why respondents feel that their rights are stronger or weaker. The reason why respondents feel that their rights are stronger is due to having documents or their name on a list. This list refers to any of the list kept by a neighbourhood leader (i.e. chief of 10 houses, chief of 100 houses, unit chief, or ward secretary).. The reasons why respondents feel that their rights are weaker are due to disputes over delineation of a site or the site being allocated wrongly or to more than one person.

Table 10: Perceptions about rights

	Main reasons why rights are stronger (63% said rights was stronger)	Main reasons why rights are weaker (6% said rights were weaker)
Matundo	43% - Have a document that proves it is my place 21% - Name is on a list with the head of block of houses 15% - Neighbours can prove this is my space	69% - Dispute between my neighbour about site delineation 16% - Dispute with someone who wanted to sell by site 16% - Site was allocated to two people
Sansão Muthemba	50% - Have a document that proves it is my place 26% - Name is on a list with the head of block of houses 9% - Neighbours can prove this is my space	36% - Dispute between my neighbour about site delineation 26% - Site was allocated to two people 18% - Site sold to two people or wrongly sold

4.9 Land dispute resolution in the settlement

As shown in figure 53, very few respondents have experienced conflict or disagreement over their property (6% overall). Of the few who did have conflict, those who inherited the place appear to have experienced higher levels of conflict, than those who accessed the place through other mechanisms (see figure 52).

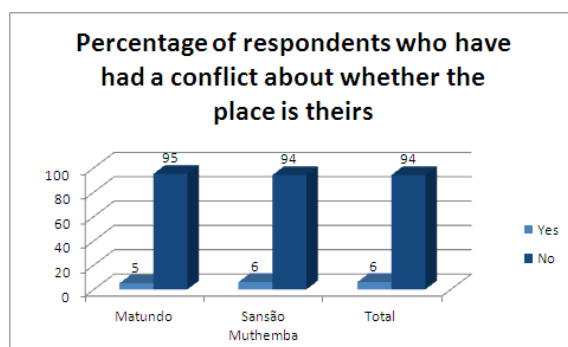**Figure 53: Percentage of respondents who have had a land conflict**

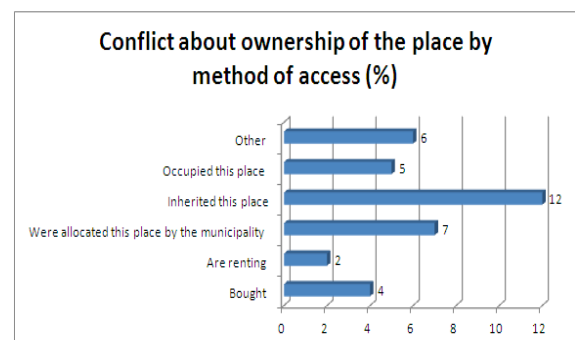**Figure 52: Conflict about ownership of the place by method of access**

Table 11: Type of disputes (reported by 6% of respondents)

	Matundo %	Sansão Muthemba %	Total %
Dispute between my neighbour and me about my space	69	36	87
There were duplicate of documents that stating I share the space with someone but I eventually won the case at court	8	18	17
The space was allocated to two people and the only document valid documents were mine	8	9	12
Dispute with my father as he wanted to sell this place even though I have inherited it	8	-	8
I had a dispute with someone who wanted to sell my space	8	-	8
This piece of land was sold to two different people and one had to move out	-	9	5
I bought the place that did not belong to the seller	-	9	5
There was no agreement signed and I lost my place because somebody claimed it back	-	9	5

During the community feedback meeting people were asked what kind of disputes they experience. They described that before plots were demarcated by the municipality opportunistic people moved onto the land illegally. Respondents explained that the law allows this occupation and therefore they cannot be removed. The secretario de bairro is now forced to give them a Declaration for the land which will enable them to obtain a DUAT. However it is possible that the municipality also allocated the same piece of land which will not result in a land dispute which is challenging to resolve. According to the meeting the person that either has a DUAT or in the absence of a DUAT the person that followed most step in the process towards getting a DUAT will be given the land.

Another form of dispute relates to some opportunistic people that take advantage of newcomers and sell this unallocated land to newcomers. However the ward secretary reported at the meeting that serious action was taken against these opportunistic people and 3 people are now in jail because of this.

Of the few that did experience conflict, in both settlements, should a problem occur respondents would seek help primarily from the Chief of 10 houses (58% overall) and to a lesser extent the ward secretary (15% overall) (see figure 54 below).

Figure 54: Who respondent would ask for help

If there is a dispute who respondent will ask for help (%)
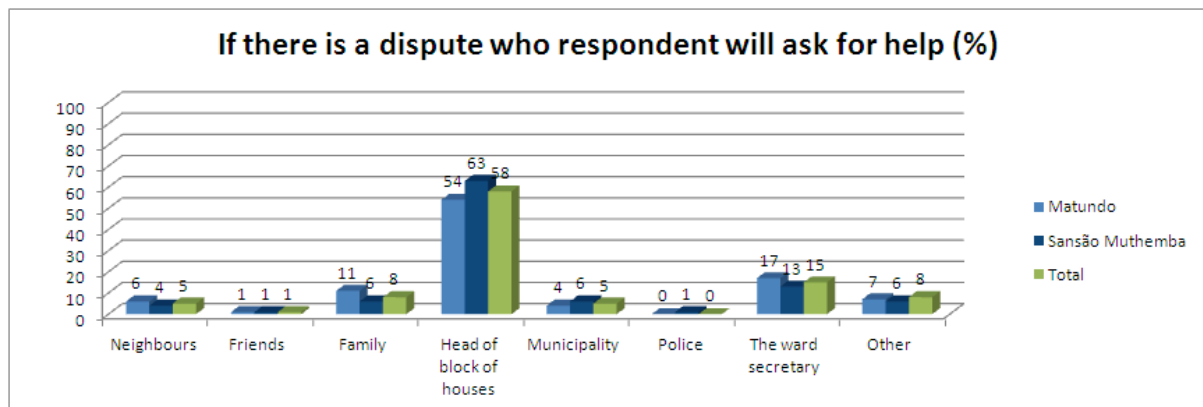
4.10 Perceptions about the settlement and land access

About half of respondents in both settlements feel that their situation has improved as a result of moving into the settlement (43% overall). The main reasons given for this is reduced living costs and access to services mainly water.

A similar number (45% overall) feel that their situation has stayed the same.

Only 4% feel that their situation has worsened. The main reason given for this is increased living costs, the small space of the house and decreasing values of properties.

Most respondents see the process of accessing and holding land to be easy.

Most respondents said the Landowner and the Municipality values the land, but few respondents felt that the mine values the land.

Half of respondents feel that there is no room for new households to come into the area. The reason why respondents believe that households want to do this is seen to be rural urban migration, growing families and the provision of services by the municipality.

4.10.1 Whether situation has improved

As shown in figures 55 and 56 below, just under half of respondents in both settlements feel that their situation has improved (43% overall). A similar number (45% overall) feel that their situation has stayed the same. In terms of the households wealth just under half, respectively in both settlements, feel that it has increased (44% overall) or stayed the same (46% overall).
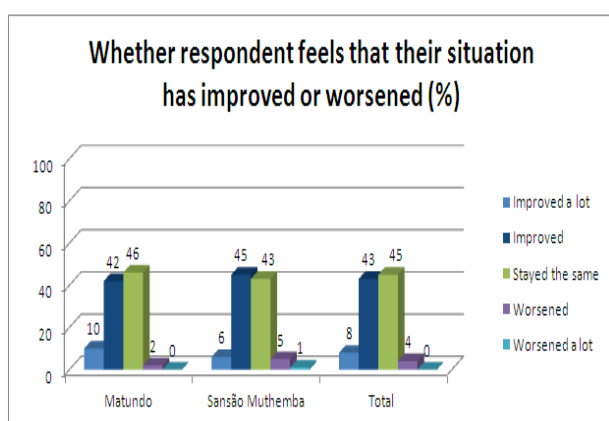
Figure 56: Whether respondent feels that their situation has improved or worsened

Figure 55: Whether respondent feels that their household's wealth has improved or worsened
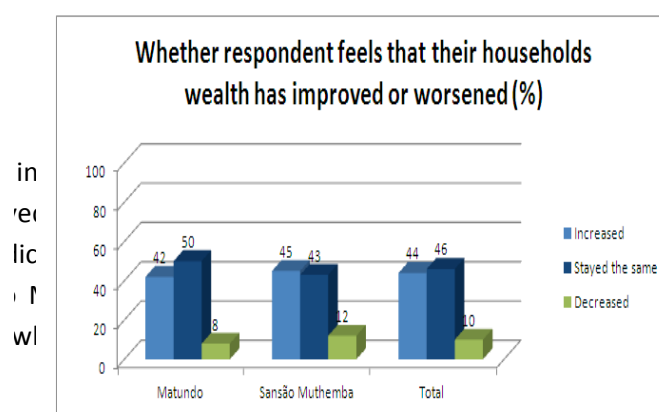
Table 12: Perceptions on reasons why situation has improved or worsened

	Main reasons why situation has improved (51% said it improved)	Main reasons why situation has worsened (8% said it worsened)
Matundo	54% - Have reduced living costs 12% - Have improved the house 11% - Access to water	50% - Have increased living costs 33% - House is too small for the family 17% - Value of the space has decreased
Sansão Muthemba	34% - Have reduced living costs 20% - Have improved the house 11% - Access to electricity	72% - Have increased living costs 9% - Health has got worse

4.10.2 New entries into the settlement

As shown in figure 57, just over half of respondents in both settlements think that there is no more space for new people to move into the settlement.

As shown in figure 58 below, the reasons why respondents think that people are coming into the area vary but are predominantly that they are coming from rural areas, growing households need more space and the municipality has installed water.

Figure 57: Whether respondent thinks there is space in the settlement for more people
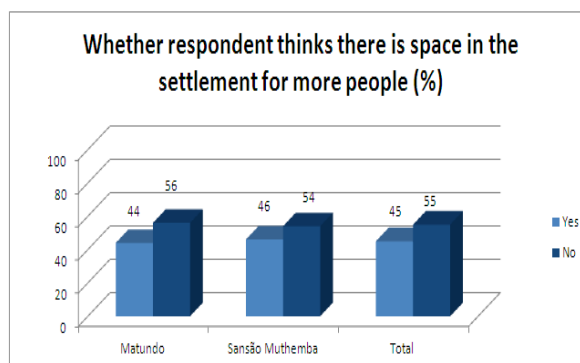
Figure 58: Reasons why people are coming into the area

Reasons why people are coming to the area (%)	Matundo	Sansão Muthemba	Total
Wanting to leave rural area for urban life	32	26	29
Additional households are forming	7	11	9
Additional people looking for jobs	11	7	9
Growing households need more space	15	17	16
The municipality has installed water	14	18	16
Electricity is available	4	3	3
There are better health services	6	2	4
There are jobs close by	6	3	4
Other	5	13	10

4.10.3 Perceptions on views of key stakeholders

Table 13 below sets out the perceptions of respondents of the views of key stakeholders namely the Municipality, the Landowner and the Mine. As is evident in the table most respondents believe that the Landowner and Municipality value the land, but very few believe that the mine values the land. In terms of the latter this is more significant in Sansão Muthemba than in Matundo.

Table 13: Perceptions of respondents on the views of stakeholders

	Matundo	Sansão Muthemba
% of respondents that think the **municipality** value the area	67%	76%
Reasons why **Municipality** value the area	37% - Access to clean water 29% - They collect rubbish 21% - Access to electricity	37% - Access to clean water 29% - Access to electricity 24% - Improve our living conditions
% of respondents that think the **Landowner** value the area	100%	100%
Reasons why **Landowner** values the area	62% - Value the house 21% - Value the land	32% - Value the house 15% - Value the land
% of respondents that think the **Mine** values the area	32%	17%
Reasons why **Mine** does **NOT** value the area	25.7% - They are not employing people from this community 20.6% - There are no mineral resources 19.9% - They have never come to consult this community 14.7% - They are not doing anything that benefits this community	29.9% - No mineral resources on land 22.2% - Don't do anything that benefits community 21.5% - They never came to consult this community

4.10.4 Perceptions on the process of accessing and holding land

Table 14 below sets out the perceptions of respondents on the process of accessing and holding land. As is evident in the table the majority of respondents found the different activities pertaining to the process of accessing and holding land to be easy.

Table 14: Perceptions on the process of accessing and holding land

	Finding a place	Checking trustworthiness of seller /landlord	Deciding on a price	Negotiation of an agreement	Protecting rights to the property	Deciding what to do with the property when moving
Matundo	🟢	🟢	🟡	🟢	🟢	🟢
Sanso Mutemba	🟢	🟢	🟡	🟢	🟢	🟢

Key:

Majority of respondents (over 70%) found the activity easy	🟢
Majority of respondents (over 70%) found the activity moderate	🟡
Majority of respondents (over 70%) found the activity difficult	🔴

At the community meeting in Matundo it was explained that '*the only challenge people face is to finding an actual place. There are no other challenges as the process (of accessing land) is clear to everyone and is followed by everyone, even though everyone cannot do it immediately because of the financial constraints.*

The only perceived threat is the mines as there is the possibility that the mine will want the land and they will be relocated. But even though it is a threat the community feels safe because the municipality will stand up for their rights and the land rights are protected in the law'.

4.11 Moving away from the settlement

4.11.1 Reasons for moving away from the settlement

As shown in figure 59 below, just under half of respondents indicated that they would not move away from the settlement (49% overall). For those that indicated that they would move, the main reasons for moving away from the settlement would be to earn more money (17% overall) or to find a cheaper place (8% overall).

Figure 59: Reason for moving away from the settlement
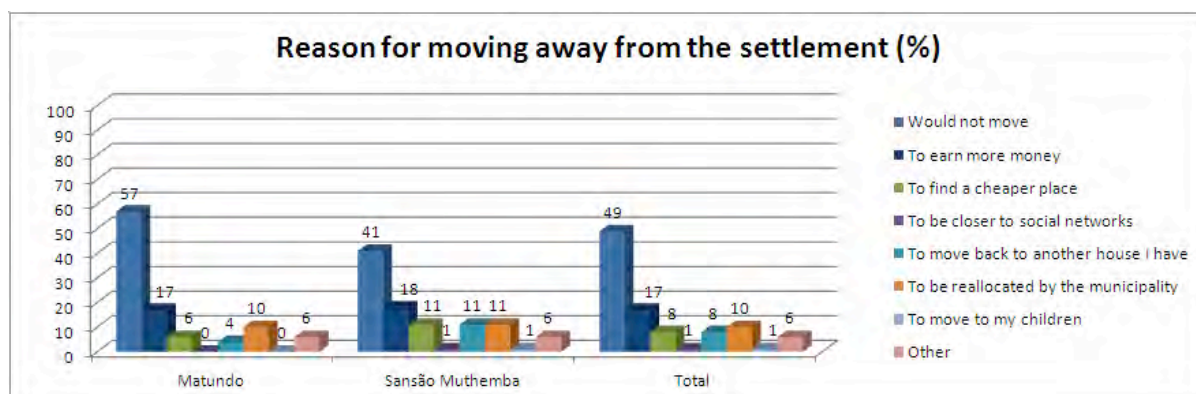
As shown in table 15, the younger the respondents the more likely that they will move some day in future. About 38% of respondents younger than 30 said they will never move away from the place they are staying now, while 50% of those between age 30 to 39 years and 66% of respondents in the age category older than 40.

Table 15: Reason for moving by age

	Younger than 30	30 to 39	40 and older
I will not move	38%	50%	66%
To earn more money	23%	16%	11%
To find cheaper place	10%	8%	6%
To be close to social networks e.g. church	0%	1%	1%
To stay in another place that you have	11%	9%	1%
To be reallocated by the municipality	6%	8%	1%
To accept government offer of a house	6%	1%	9%
To receive care from your sons	0%	1%	0%
Other	5%	7%	6%

4.11.2 Consequences of moving

As shown in figure 60 below, if respondents would move just over one third would put a family member into the house (37% overall) or would rent (37% overall). One fifth would just leave the house (20% overall).

Figure 60: What will happen to the place if the respondent moves

What will happen to this place if respondent moves (%)
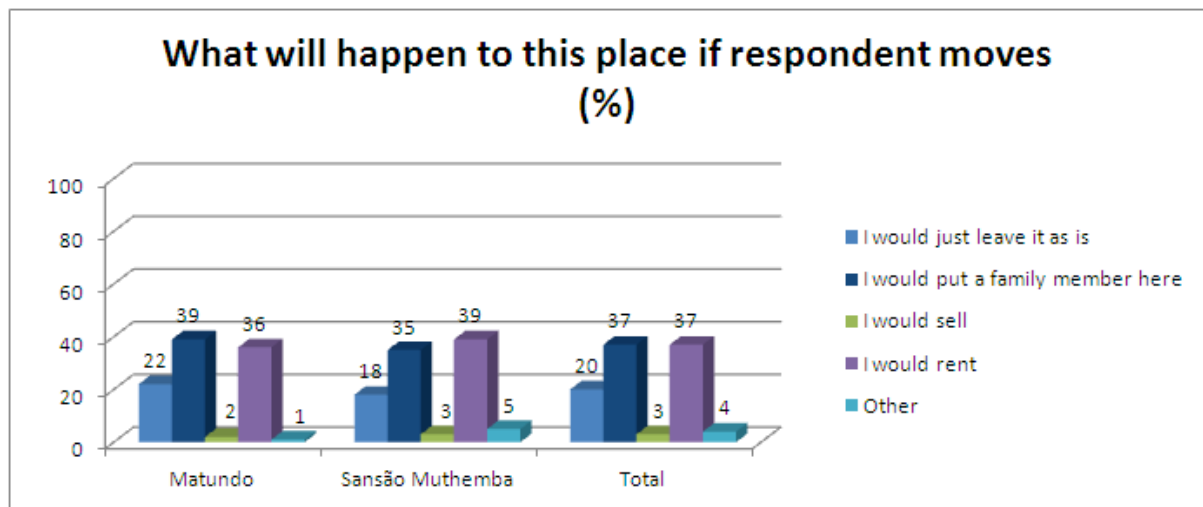
5 CONCLUSIONS

This study sets out the basis by which land is traded and held in two informal settlements in the City of Tete in Mozambique namely Matundo and Mateus Sansão Muthemba (Sansão Muthemba). These informal settlements are located on the outskirts of the city and are managed through a mix of national and municipal government and neighbourhood leaders. The neighbourhood leadership consists of layered structure of chiefs of 10 houses, followed by a chief of 100 houses and a unit chief of 500 houses. The 18 units in Matundo and 13 units in Sansão Muthemba report to the ward secretary of each community. This neighbourhood leadership is not the same as traditional leaderships in rural areas. Traditional authorities are recognized by law in Mozambique in respect of land, but not neighbourhood leaders. In the case of Tete, the neighbourhood leadership is however firmly established in both communities and work very closely with the municipal authorities. Their role in land access also forms the preparatory steps towards the legalization process of land through the issuing of the DUAT.

The communities in the study area are made up of about half of residents that have moved into the community in the last 5 years (of these almost a fifth moved in the last year only), while the other half have lived there for between 6 and 30 years. Households are made up predominantly of married couples or couples living together as a nuclear family (83% overall). There are some single parents (11% overall). A high number of female respondents (67% overall) were interviewed for this survey due to the fact that the men were away at work or were reluctant to be interviewed. Both settlements have a relatively young population (mean age of respondents is 35 years and most children are below primary school age). The main ethnic group in both settlements is Nhungue. There are a small number of households (16%) that are multi-nodal. Multi-nodal is where a spouse or children-under-18-years live elsewhere. Most households live in a burned brick house (56%), but there are a range of different house types including traditional materials, brick and cement and stone.

There are high levels of poverty in these settlements. While there appears to be high levels of employment either in a formal job or a business the amount of income earned is very low (either below or close to the poverty line as defined by the United States Government for developing countries). Approximately 21% of households are living below the poverty line.

Most households in both Matundo and Sansão Muthemba lived in Tete Province (83% overall) and in a rural area (64%) before moving to the settlement. The most common reason for a household moving to Matundo or Sansão Muthemba is a life change namely getting married (41% overall). A smaller number moved to the area for economic reasons getting a job or to reduce costs.

People found out about a place in this community mostly through their own social network of family and friends. This allowed people to find a place quicker and spend less money on the process of finding a place. Those people that did not know someone in the community at the time of finding a place took longer to find a place and the process of finding cost more.

Most households (70% overall) own their property and 16% rent their property. For those who own they would have acquired the property either through purchasing it (28% overall), being allocated the property by the municipality (28% overall) or inheriting the property (14% overall). A small percentage took occupation of an empty space or is looking after it on behalf of someone else. When asked if they rent out a room or a house 8% of respondents indicated that they do this implying that there are a few households who own property and are generating income from the property through renting it out.

There appear to be three dominant methods through which a property was acquired in the settlements namely a market trading process through which people buy or rent, a municipal allocation process, and through inheritance.

- In respect of the of people who have <u>bought</u>:
  - The price paid for the property was on average 15 times the value of hosueholds' monthly income
  - The price paid for the property was mostly based on the condition of the house or land, but in some instances people would verify the average house prices with the chief of 10 houses or neighbours
  - Just less than half of respondents said they paid for the land/ site only, while the other half said they paid for the site and the dwelling. Only 10% said they paid for the dwelling only. This perception is despite the fact that according to Mozambican law land cannot be sold, only the value of that which is on the land (i.e. trees, houses, etc.).
- In respect of the people who have <u>rented</u>:
  - The rent charged was mostly determined by the landlord.
  - In about half of rent cases the landlord lives on the same property as the renter.
  - Overall more young people are renting than older people.
  - Most young people said they do not own because they do not yet have enough money to buy, while more old people said they are renting because they own another place elsewhere.
- In respect of the people who <u>inherited</u> their place:
  - Less than a fifth of respondents inherited a place
  - Even though disputes about property rights are low, the highest reported disputes are among those who have inherited.
- In respect of the people who <u>were allocated a place by the municipality</u>:
  - From the community feedback meetings it became clear that some people in the community was resettled because they were either flood victims or were living on wetlands and had to be resettled. These respondents were allocated a new place in the community.

More than half of respondents have made improvements on their property to the value of 14 times their monthly salary, and did this incrementally over an average period of 1.2 to 1.5 years, and financed it mostly through their own savings.

A key element in all the different tenure types is the role that the neighbourhood leaders play in the allocation and management of land. This process is made up of the following steps:

- Households go to the 'Chief of 10 houses' who gives them an informal letter and records their names in an informal register (61% in Matundo and 65% in Sansão Muthemba)
- The letter is taken to the 'Chief of 100 houses' or to the 'Unit Chief' (of 500 houses)' (38% in Matundo and 37% in Sansão Muthemba)
- The 'Unit Chief' sends them to the Ward Secretary who issue them with a Declaration and record their names in a register (40% in Matundo and 31% in Sansão Muthemba)
- The ward secretary sends them to the Municipality with a letter of the land (Declaration), with the intention to obtain a DUAT. (25% in Matundo and 19% in Sansão Muthemba). The research did not distinguish between those that applied and are still waiting for the DUAT and those that already obtained the DUAT. It is however expected that those that were resettled by the municipality would have received a DUAT as this forms part of the resettlement process.

The above process is not pursued fully in that some respondents only get the letter from the 'Chief of 10 houses'. It is noted that the Chief of 10 houses and the Unit Chief are local leaders who are elected by the community and are recognised by the Municipality. In the community discussions it was noted that the reason why households do not complete the full process is due to the high cost and that there is an intention to do so when they have the funds. The research indicated that respondents who have only partially completed the process experience the same level of security of tenure than those who completed the full process. In addition those who involved the neighbourhood leaderships and the council reported the highest level of tenure security, followed by those who only used the neighbourhood leaders, while those who did not include the neighbourhood leaders or municipality reported the lowest level of tenure security. These processes followed to acquire land through neighbourhood leaders, does not exist *outside* or separate from the legal structure of the Mozambican land law, but forms intermediate steps that if fully concluded, will end up with evidence (DUAT) that are recognized by the law. The system followed within the community makes up a trusted local system of recognition and although not recorded within the law, it feeds into the law and compliments the Mozambican law system.

Despite the fact that the research indicated that the absence of a DUAT does not impact negatively on people's sense of security, commentary by the stakeholders interviewed indicated that the fact that households do not complete the process is a problem in that if there is a dispute the household that does complete the process and has a DUAT will be given preference.

- On the basis of the above it is evident that a market exist which enables households to trade and hold land both on an ownership and rental basis. Key characteristics of this market are as follows:
  - Friends and relatives play an important role in identifying the place to live and in ensuring that contractual arrangements will be valid.
  - The neighbourhood leaders i.e. the Chief of 10 houses, Chief of 100 houses, the Unit Chief and ward secretary play a key role both in allocating houses, confirming tenure and resolving disputes.

- It appears that the market operates effectively and there are very few disputes (6% overall). If disputes should occur most respondents (58% overall) would seek help from the neighbourhood leader i.e. the Chief of 10 houses.

6 POLICY RECOMMENDATIONS

Mozambique is experiencing high rates of urbanisation. This is particularly in respect of Tete City which could be due to the direct and indirect industries created because of the coal mining sector in the city. As is the case in the rest of Africa, this rapid urbanisation is not associated with the commensurate economic growth and effective redistribution measures required to alleviate poverty. The result is increasing urban poverty whose most visible manifestation is the slums on the outskirts of most towns and cities. The country is not well prepared for the reality of this informal urbanisation. While formal land systems are well developed, they do not cater for those households living in the slums.

This study outlines how households access land in the Matundo and Sansão Muthemba settlements and how land management occurs in these areas. In particular it provides in-depth, statistically relevant information about existing land management arrangements. It supplements these with more qualitative reflections from community feedback forums, household interviews and key person interviews. This study therefore provides insights and lessons that can be applied in the urban policy and the slum upgrading programmes of Mozambique.

If informal settlement upgrading is to be effective and meaningful it should recognise and build on the existing land management practices in an area. The key lessons and policy implications for informal settlement upgrading based on the findings from the study are set out below.

1) **Functional markets**
   The data shows that the majority of occupants are not the original land owners, which indicates a functional market where the majority of occupants have traded successfully to either rent or own the property on which they live. The system implemented to access, hold and trade land seems to work effectively with the following aspects of this system contributing to its effectiveness:
   - The land access system is <u>known</u> to all in the community
   - The role players in the system are <u>easily accessible</u> to the community
   - The intermediate steps towards legalising a place is <u>affordable</u> (i.e. letter from Chief of 10 houses/ 100 houses or Unit chief)
   - The system is <u>trusted</u> by the community and allows for effective dispute resolution
   - Dispute resolution is <u>immediate</u> and the outcome understood by the community
   - The system is participatory and <u>inclusive</u> and allows for ordinary members of the community to act as witnesses and become part of the trusted land system.
   - The absence of strict building regulations allows poor households to access land and also to build and <u>improve incrementally</u> according to their own needs and abilities.

   Although the land management system functions well, it has weaknesses:
   - The full system to obtain a DUAT is <u>expensive for poor families</u>. Due to the high cost and complexity many households do not follow the process fully with respect to securing title, often stopping at the point of getting a letter from the Chief of 10 houses and not taking the

process to the end of getting a DUAT from the Municipality. This can undermine their right to the land.

- Even though the neighbourhood leadership seem to be operating a fair and efficient land management system in Tete, it is acknowledged that a neighbourhood leadership system could easily be <u>corrupted</u> and systems should be developed to ensure that leaders' role is transparent and that they are accountable. The neighbourhood leaders are indeed nominated by the community but the ward secretary and his advisors ultimately decides on the appointment of each of the neighbourhood leaders. The term is also on-going and not a fixed term. Neighbourhood leaders can thus be appointed or removed at the mercy of the secretary and his advisors. As long as a community is served by a good leaderships all should be well, but the system does not provide for recourse if a poor or corrupted leader is appointed in any of the neighbourhood leadership structures.

Any informal settlement upgrading programme should recognise and build on the existing neighbourhood leadership system. This needs to be carefully structured so as to retain the strengths of the existing system as detailed above, while addressing some of its inherent weaknesses.

2) **Formal legal administration of land vs Neighbourhood leadership system**
Currently the settlements are being administered predominantly in terms of a management system overseen by neighbourhood leaders. This system is not included in the Mozambican law, but compliments the land law and the processes followed by the neighbourhood leadership feeds into the legal land system. In other words the neighbourhood leadership system provides local, trusted interim steps that can lead to legalization in the form of a DUAT.

As detailed in *1)* above this system has some key strengths, but also some weaknesses. In order to undertake informal settlement upgrading it will be necessary to build on this neighbourhood leadership system and continue to incorporate it into the legal system, in a manner that builds on rather than discards the existing neighbourhood system and links it to the formal system, in a manner that is cost effective. This interface between the two systems (local neighbourhood system and formal legal system) should be clear and workable and roles and responsibilities of the different stakeholders should be explicitly defined.

There is a need for community members to be educated on the importance of following the full process of getting a DUAT. In addition there is a need to streamline the process so that it is more affordable to the poor.

The role of the local neighbourhood leaders (chief of 10 houses, chief of 100 houses and unit chiefs) is significant. This role cannot be divorced from the process of slum upgrading. The existing practices work to the benefit of the community and must be integrated into any slum upgrading intervention. Any intervention must recognise the strengths of the neighbourhood system and build on it.

3) **Formal structures**

A unique factor in respect of the two settlements surveyed is that the structures in the settlement are predominantly formal as opposed to shacks. This has implications for the type of services offered in respect of an informal settlement upgrading programme which should focus on improving access to basic services and upgrading the existing structures.

Minimum building guidelines should be developed that promote the development of safe structures and the proper layout of houses on a stand (which allows for example basic courtesies like a front door not opening onto a neighbour's toilet). Care must be taken in the development of these guidelines to ensure that the standards set are not too high and do not result in significant cost implications or they will be disregarded. The slum upgrading programme should provide support to households to comply with these guidelines. This support should include both access to finance and technical advice.

4) **Evidence used to prove tenure security**

In both settlements in respect of ownership the evidence to prove tenure is a letter from the Chief of 10 houses, Chief of 100 house or from the Unit Chief, or the declaration issued by the ward secretary. This evidence is trusted by the communities and should therefore become the cornerstone of the evidence base used in the slum upgrading programme.

5) **Building on the social network**

The key basis by which an individual will identify a house to live (either for ownership or rental) and undertake the transaction is through using his/her social network i.e. family and friends. While this is effective it is also limiting in that the choices that individuals have are restricted by the extent of knowledge within their social network.

A key element to an effective property market is information both in respect of how the market operates i.e. how to purchase or rent a property, the roles and responsibilities of different stakeholders, as well as providing a platform for sellers and landlords to offer their stock. This should be a key focus of the Municipality (both generally and as part of a slum upgrading programme), who should be encouraged to develop and disseminate this information. Given the local leaders role in this process they should be part of the information dissemination process.

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