



IMPROVING TENURE SECURITY IN SOUTHERN AFRICA – REFLECTIONS FROM PRACTICE



Urban LandMark
making urban land markets work for the poor

Tenure Security Facility Southern Africa Project

29/Jul/2013

LUANDA - LILONGWE - MAPUTO - PRETORIA

Christian Kapfensteiner, GIZ – Decentralization Program, Mozambique



Municipalities in Mozambique

4(5)3 Municipalities: 1998: 33 + 2008: 10 + 2013: 10

Municipal Organs: Municipal Assembly, President of the Municipal Council (41+2);
Municipal Council

Creation: technical-political + judicial process

Pop.: 20.000 – 1.5mio/municipality- 30-40% Mozambicans reside in cities

Challenges: planning (70% informal settlements), financial and environmental sustainability, urban transport, basic service delivery;
Human Resources – know-how, experience, etc.



Fundamental Aspects

One year after independence in 1975, the **Mozambican State** **nationalized** all land.

The Constitution of 1994 enshrined the principle:

➤ ***All land is State property*** and

➤ it may not be sold, mortgaged, or otherwise encumbered or alienated.

✓ Titling : DUAT

✓ Acquisition of DUAT: Municipal Authorities



Positiv Aspects

Mozambique land law is one of the most progressive and offers significant opportunities for tenure security for people living in informal settlements.

- + Individual people or communities who have occupied land in good faith can secure title to the land after a period of ten years
- + Title can be provided on an individual or joint basis
- + In the case of joint title the individual can secure title on an individual basis
- + The Land Law allows for verbal testimony and other technical means to prove the right to land and to establish its borders
- + Neighborhood leaders are recognized in the law



Challenging Aspects

- The process of obtaining a DUAT is expensive and currently the systems within Mozambique to facilitate access to DUAT's are weak.
- The process of approving and issuing a DUAT is expensive and Municipalities often lack resources to approve and issue DUATs.
- A key issue is whether an informal settlement is defined as urban or rural land – this influences the authority under which it falls and the laws that apply to it and more importantly the extent to which the municipality is willing to provide basic services.
- The lack of regulations in respect of urban land is problematic.



Relevant Aspects

A market exist for households to trade and hold land on ownership and rental basis. Key characteristics:

- Friends and relatives play important role in identifying the place to live and in ensuring that contractual arrangements will be valid.
- The neighbourhood leaders play key role both in allocating houses, confirming tenure and resolving disputes.
- It appears that the market operates effectively and there are very few disputes.
- Evidence of ownership is secured through a Declaração or verbal agreement.



General Aspects

Local systems are:

known,

understood,

participatory,

inclusive,

trusted and

relatively effective;

They allow for conflict resolution through and because of the key actor: *Secretário do Bairro*



Aspects of Improvement

To consider:

- Strengthen *accountability* of the Secretário do Bairro,
formalising: provide the Declaração in all instances,
Local processes and procedures for external recourse should be explored,
community-based planning processes improved to provide for orderly expansion.
- 'Know your rights' campaigns and legal aid.
- Pilot group DUATs.



Mozambique Country Program



Cities Alliance
Cities Without Slums

BOAS VINDAS



**Universidade Eduardo
Mondlane**



German Cooperation & Municipal Development in MZ

Decentralization Program: PNPF + Municipal Component

Urban Planning: 4 international experts

Financial Management & Participatory Budgeting:

4 national experts

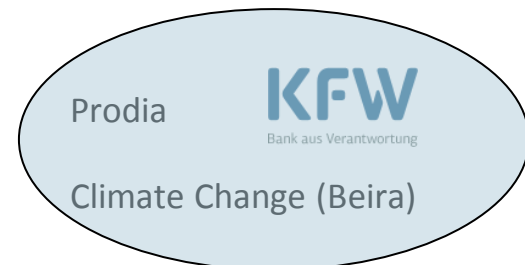
HCD: Good Financial Local Governance (Zambia, Malawi, MZ)

Waste Management: 2 international experts

ANAMM: Knowledge Management & Communication: 1 international expert

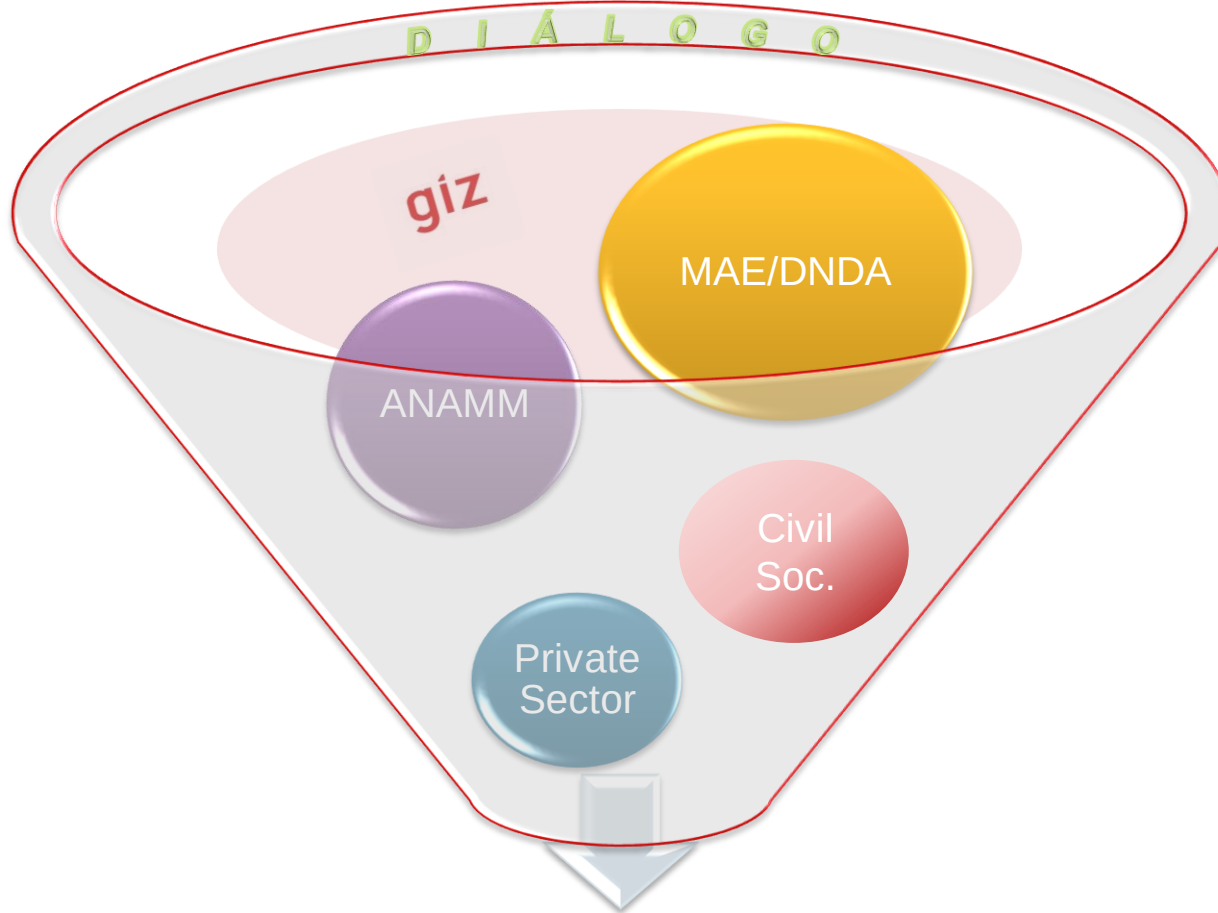


Inhambane
Dondo
Gorongosa
Gondola
Chimoio
Manica
Catandica
Beira
Massinga





Country Program



National Municipal Agenda



O B R I G A D O !

Christian Kapfensteiner, GIZ –Decentralization Program
christian.kapfensteiner@giz.de