

# Gender-responsive good practices in documenting customary and statutory land in Mozambique

## Promoting women's land rights

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### ABSTRACT

#### Context and background

Sustainable growth and development in Africa will continue to depend mainly on how land and land-related resources are secured, used, and managed, which is extremely important for the socio-economic development of women and men. Equitable land rights support the eradication of poverty, increase food security, and respond to climate change. However, women's land rights are strongly gendered across many regions of the globe, especially in Africa, where access to and control over land and productive resources is affected by customary norms, usually discriminatory against women.

#### Goal and Objectives:

This paper focuses on Mozambique's legal reform and institutional capacity-building efforts, with special attention to social institutions, to promote equitable land rights and enhance land tenure security. It is based on specific practices in documenting customary and statutory access, control, and ownership of land, considering both the ongoing legal reform and the systematic land registration program the country has been promoting over the past decade. This paper intends to document these efforts and good practices so that they can be used as a reference and others can benefit from them.

#### Methodology:

The research follows a pragmatic value-driven philosophy, focusing on practical solutions and outcomes to improve future practice, taking gender inequality in land access as a starting point. The approach to theory development is abductive, moving from theory to data (deduction) and from data to theory (induction). Multi-methods, qualitative and quantitative, are used to ensure a richer approach.

#### Results:

Mozambique's legal framework has been reformed to accommodate several improvements related to gender equality. The family and the succession laws, are a clear break from the past merely patriarchal vision cemented in inequality. The recently approved land policy and the land law provide gender equality and protection of women's land rights. The Constitution and the land law recognize legal pluralism, having statutory and customary norms co-existing in land management and land administration, provided that the Constitution is not violated. Mozambique launched a massive systematic land registration, having designed and implemented its Fit-For-Purpose Land Administration approach, formatted to the country's context, intertwining three pillars: people, processes, and technology. There are still challenges to overcome, mainly due to complexity, contradictions, and overlaps within legal pluralism, as sometimes traditional and cultural norms prevent women from accessing, controlling, or owning land and participating in decision-making.

#### Keywords:

Gender Equality, Land Access, Land Tenure Security, Land Administration, FFPLA, Mozambique

## 1 INTRODUCTION

Land is a pillar in the household livelihood of hundreds of millions of people, particularly those living in rural areas (FAO, 2022; Gatundu et al., 2019; IFAD, 2008). Secure and equitable access, use, ownership and/or control over land and its productive resources is consequently essential for the socio-economic development of women and men (Agarwal, 2018; Durokifa, 2019) as it stimulates the eradication of poverty (Ali et al., 2014; Mengesha et al., 2021; Odeny, 2013; World Bank Group, 2015), increases food security, fosters gender equality and inclusiveness, and contributes to the reduction of land degradation (FAO et al., 2019; UN-GGIM, 2020). Land is also a means of production (Kivaria, 2020), a crucial social asset for cultural identity and spirituality (Errico, 2021; SIDA, 2011; Widman, 2014), and an essential source of political power and participation in decision-making (Errico, 2021; Oziegbe-Anozie, 2020; SIDA, 2011).

In recent decades pressure on land has increased considerably (Paradza et al., 2020) as a result of population growth (FAO, 2012; FAO et al., 2019); war and conflicts; climate change (Mabikke, 2016); poor land management policies and unplanned and uncontrolled urbanization (Facio, 2017); the growing need for food, water, and fuel (Balas et al., 2021; Mabikke, 2016; Taylor & Bending, 2009); and increased commercial interests in land (Andersson Djurfeldt, 2020) including large-scale acquisitions and "land grabs", especially for the development of tourism and for exploration of natural resources (Chu, 2011; Facio, 2017; Hausermann et al., 2018; Macuane et al., 2018; Mosca & Selemene, 2012; Ndi, 2019a; Paradza et al., 2020).

Women's land-ownership rights are strongly gendered across many regions of the globe, especially in Africa, where several obstacles prevent women from effectively enjoying land rights in the same way as men (Bizoza, 2019; Kramer et al., 2021; Ndi, 2019b; Paradza et al., 2020). Some obstacles are related to specific contexts, such as geographic region, predominant religion and cultural practices, and environmental constraints. Others are more general, including discrimination within the legal framework (OECD, 2021; World Bank, 2022), inadequacy or weak enforcement of the law, and unequal access to land administration institutions and processes (Forum Mulher, 2018) as well as unequal access to information and technology which would help them improve their productivity and for adopting environmentally sustainable practices (Agarwal, 2018; Higgins et al., 2018). Traditional norms and local power relations are considered a severe obstacle (Forum Mulher, 2018; OECD, 2014, 2019; Paradza et al., 2020) in many developing countries, especially in sub-Saharan Africa (SSA) countries, because customary practices become the formal or prevalent system (Ravnborg et al., 2016), culminating in deep-rooted acceptance of discriminatory social practices against women. In most traditional systems, masculine and patriarchal power influence and promote gender inequality; they define women's rights through their relationship with the men in the family. These systems usually make women servants of their male relatives, allowing them only to have the right to use the land but not to own it nor to decide upon it (Bizoza, 2019; Hartlief et al., 2018; Kalabamu, 2006).

Globally, less than 15% of all landholders are women (FAO, 2018; OECD, 2019; Treinen & Elstraeten, 2018), and one out of two sub-Saharan women feel insecure about their land or property rights (Prindex, 2020). Estimates indicate that gender discrimination costs \$6 trillion to the global economy (OECD, 2019) and an average of \$95 billion to \$105 billion annually to the African economy (UNDP,

2016). Gender inequality in land access and land tenure security constitutes, therefore, a severe threat to sustainable development (Ali et al., 2014; Daley & Englert, 2010; Odeny, 2013; Singirankabo & Ertsen, 2020). Women face reduced economic opportunities, increased workloads, and escalated gender-based violence (FAO, 2021, p. 19). The situation has worsened with the COVID-19 pandemic, resulting in the dispossession of women because men have pressured to repossess customary land for their benefit (USAID, 2020; Duncan et al., 2022). More actual estimates indicate that, at the current pace of progress, it would take up to 286 years to remove discriminatory laws and close prevailing gaps in legal protections for women and girls (UNWomen, 2022).

The need to change the situation has turned women's land rights prominent on the international agenda (Doss & Meinzen-Dick, 2020; Unger et al. 2023) and boosted the development of international standards, instruments and agreements on abolishing gender inequalities in land governance and land administration. These include the 2030 Agenda for Sustainable Development (UN General Assembly, 2015) and the Voluntary Guidelines for the Responsible Governance of Land, Fisheries and Forestry Resources (VGGTs) in the context of National Food Security (FAO, 2012). The African Union has also taken a pledge and urged its member states to recognize and respect women's land rights through several instruments such as the African Charter on Human and Peoples' Rights (ACHPR) (Belay & Abza, 2020) and its Protocol on the Rights of Women (Maputo Protocol) (African Union, 2020; Efobi et al., 2019), the Solemn Declaration on Gender Equality in Africa (Belay & Abza, 2020), the Framework and Guidelines on Land Policy in Africa (Gatundu et al., 2019; Kenney & Campos, 2016), and the Agenda 2063 (African Union, 2015). These instruments enforce and support countries in their reforms towards a people-centered land governance, in which equitable land rights are at the center of all efforts as a human rights obligation (ILC, 2018; Nilsson, 2016; Odeny, 2013; UN Women, 2014). Recognizing that women are still highly vulnerable (GoM, 2022), Mozambique has ratified these instruments, illustrating the country's commitment to gender equality. The remainder of the article presents some of the efforts Mozambique has engaged in to promote and protect women's land rights.

## **2 THE LEGAL FRAMEWORK REFORM IN MOZAMBIQUE**

Since Mozambique became independent from Portugal in 1975, the Government of Mozambique has developed legal and policy frameworks to align its legislation with human rights, promote gender equality, and foster women's land rights. In 1990, Mozambique's Constitution (CRM) was promulgated with an extensive and modern declaration of human rights. The CRM guarantees that women and men are equal before the law in all areas of political, economic, social, and cultural life and that all citizens enjoy the same rights and are subject to the same duties, regardless of color, race, sex, ethnicity origin, place of birth, religion, level of education, social position, marital status of parents, profession, or political choice (CRM, Article 35). Including these provisions in the country's highest governing law illustrates Mozambique's commitment to gender equality. The CRM was later updated in 2004 to recognize legal pluralism, allowing the existence of various normative and conflict resolution systems, including those of local communities.

The 1995 National Land Policy (NLP) and the 1997 Land Law (LL) included gender equality principles. The NLP and the LL acknowledge customary governance institutions for managing land

and natural resources, including resolving land conflicts and negotiating with potential investors through community consultations and customary norms and practices. With these two instruments, Mozambique would appear to recognize the many benefits of socially legitimate customary governance institutions for managing land and natural resources and to have learned from the failed attempts by other countries in the region that have sought to replace customary law. However, the recognition of customary tenure leaves the country with the challenge of best aligning modern human rights norms integrated into statutory law, with lingering norms of discrimination that persist in many lineage-based customary tenure systems. Across sub-Saharan Africa, efforts and resources are uncoordinated and undirected to help reshape customary norms and social behaviors that perpetuate social and economic disparities between women and men. Furthermore, neither governments nor the donors who support them have effectively addressed the problem of how customary systems can be reformed to promote gender equality without undermining the basis of their continuity, which is rooted in lineage-based rules for land governance, marriage and inheritance, whether through the male or female line (Knox & Balas, 2023).

Mozambique's 2019 Family Law promulgated several provisions that critically matter for understanding the property rights of couples that are either married or in consensual unions, referred to as *de facto* unions. Traditional and religious marriages are now recognized equally as civil unions, provided they are duly registered. In contrast, *de facto* unions of three years or more that are registered are accorded many of the same privileges as married couples, even if not registered. Community of property acquired after the marriage is the default regime if the couple has not chosen a specific regime, being the disposition applied for those qualifying for *de facto* unions. Like the Family Law, Mozambique's 2019 Succession Law is essential for fully appreciating the property rights of spouses/*de facto* union partners and children of property holders. The law governs both intestate and testamentary property succession, including land. With this law, women became first in the succession line, together with the children of the deceased, as opposed to the previous law, where women were fourth in the succession line.

Despite these achievements, inequalities in access to land and natural resources and in land tenure security have persisted in Mozambique. While the existing legal and regulatory framework is considered to be in line with international good practices, it has failed to protect women's land rights mainly due to weak political will and institutional capacity, lack of resources and competencies to implement land laws at the local level, and increased elite capture and corruption which leaves unpunished those who break the law and infringe on women's land rights. The reasons may partly lie in the fact that commitments to gender-equal land rights in both the NPL and LL are confined mainly to principles rather than embedded in the mandates of law where proactive measures to overcome social inequalities are notably absent. Other contributing factors stem from low legal literacy and from the persistence of specific social and cultural practices that discriminate against vulnerable people, especially women. Throughout this research, it became apparent that most women fail to bring their land rights claims to justice either because they are not aware they possess these rights or they do not have the financial means to prosecute the claim as courts and other formal land institutions are usually physically located far away in urban centers, which requires fees for transportation and the loss of a day's work at their farms (not to mention the obstacle of affording legal fees). Additionally, given the country's high illiteracy rate, these institutions become

linguistically inaccessible for many people, especially rural women. Furthermore, most women feel discouraged from claiming their rights because they may be seen as not respecting social norms and traditions or even their male relatives.

In 2020, the Government embarked on a land legal reform to harmonize the NLP and the LL to the country's current context, considering the limited achievements of the past 25 years. Mozambique has more than 32 million people, an increase of 70% over the last two decades, with more than 65% living in rural areas (INE, 2023). Several large-scale land acquisitions for the exploration of natural resources have taken community land without adequately compensating local communities and without promoting rural development. Rural areas still suffer severe deficiencies in access to essential services and a lack of infrastructure support for production, aggravated by a lack of employment. These aspects cause uncontrolled rural exodus that, associated with poor land management policies, result in deficient urbanization, sometimes in areas that are environmentally inadequate for human settlements. Extreme climate shocks in the last decade have left the population desperate to restore their land and resettle in more protected areas. The war conflicts, especially in the northern province of Cabo Delgado, have forced the people to flee and resettle in safer but overcrowded areas. This reform is being held to overcome these challenges, with specific premises to ensure: (i) maintenance of State ownership of land and other natural resources; (ii) guaranteed access to and use of land by all Mozambicans without any distinction; (iii) protection of rights acquired by local communities; and (iv) promotion and guaranteed women's rights to land.

The new NLP was approved in November 2022 and includes gender equality in its objectives, values, principles, and priorities. The draft land law (DLL) is currently under public consultation, and a new LL is expected to be finalized by the end of 2023. The DLL carries over the NLP principle to protect women's land rights. However, the DLL has the character of functionalist and reductionist regulation, with minor improvements to the status quo. The DLL falls notably short in governance by not ensuring women are equitably represented in policymaking and land administration structures. It is a cautious approach, which prefers to allow organic evolution to occur, leaving room to create conditions for a more profound future change in social relations - including gender relations and relations between the State and communities. This option responds largely to the fact that there are no conditions for a radical change, whether structural or humanistic, as there is no political, social, economic, or legal space to change power relations and tenure systems. It allows community ownership of land, ensuring women's access and ownership of land, regardless of the family to which they belong. However, having a policy and law that profess commitment to gender equality and inclusion of women at the level of principles but fails to integrate these principles into the directives prescribed by the law holds little promise for enabling Mozambique to chart an inclusive development path for land governance and reach the land-related goals and commitments of the agendas and conventions that Mozambique has ratified with regards to gender equality and economic empowerment of women.

The authors believe there is room for improvement, considering that aside from a seminal provision in the nation's Constitution guaranteeing equal rights for women and men, the Family Law and the Succession Law provide essential protection for women's land rights. Taken together, Mozambique's laws governing family and property rights mostly align with international and regional good practice

standards on gender, especially on such matters as inheritance by spouses and children, protection against forced evictions from and unilateral transfers of household land, and administration of marital property. This is mainly through provisions recognizing, in addition to civil unions, traditional and religious marriages as well as *de facto* unions of three years or more – and asserting community of property acquired upon marriage as the default marital property regime. That said, the LL could further strengthen women's rights by assessing a person's marital status when performing land registrations and land transfers, thereby closing off opportunities for partners to individually claim land acquired after the marriage or *de facto* union. Additionally, the LL could include explicit provisions to ensure women can participate equally in community consultations for matters affecting their lives, including decision-making on land registrations, land use plans, land expropriations, resettlements, or equal access to compensations.

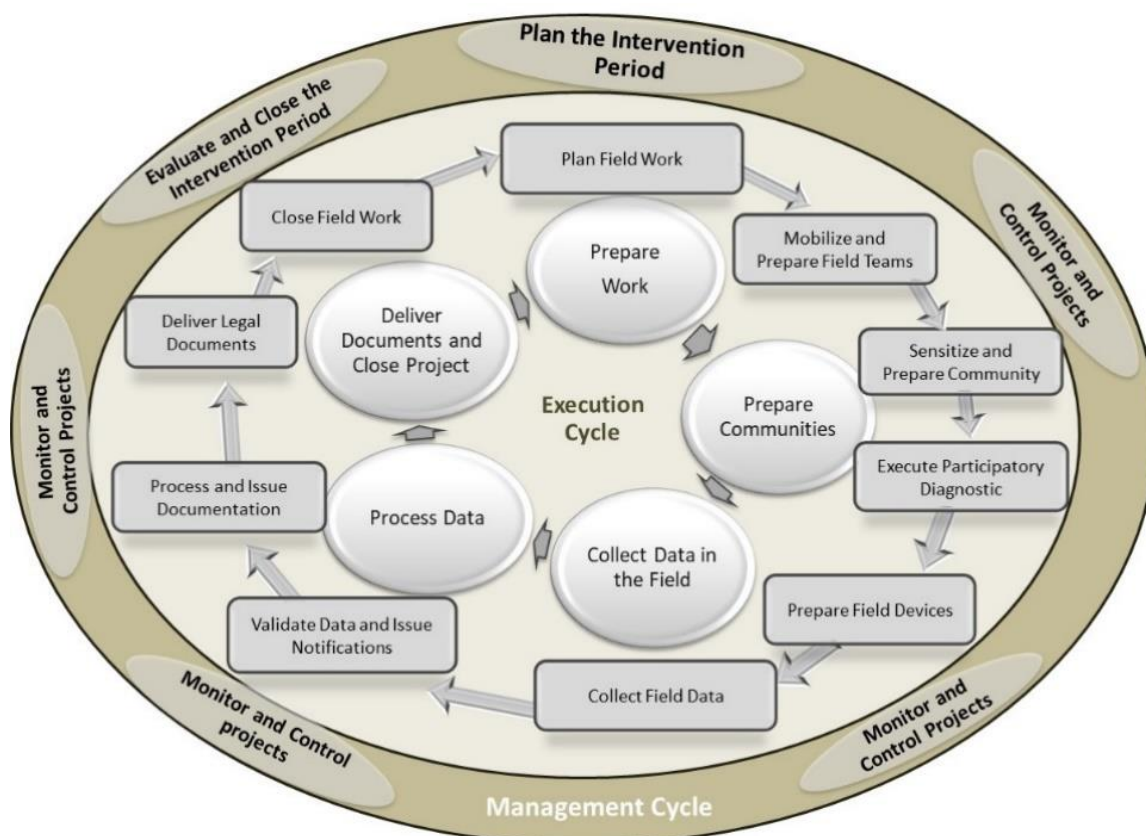
Legal reforms in isolation cannot render an inclusive, egalitarian society, especially when segments of society do not hold these values or may even benefit from the status quo. Overcoming obstacles to effectively implementing inclusive provisions of Mozambique's legal framework governing land will likely require a comprehensive suite of measures. The following two chapters are dedicated to some of these measures.

### **3 IMPLEMENTING SYSTEMATIC LAND REGISTRATION PROGRAMS**

When land becomes scarce and a source of acute competition, land rights evolve towards individualization and formalization (Platteau, 1996). Although countries realize that the formalization of women's land rights can be a mechanism to raise agricultural productivity and broader welfare gains (Agarwal, 2018) and to reduce women's reliance on male partners and relatives (UN DESA, 2019), the progress in formalizing women's land rights has been uneven and slow, especially across African countries (Bizoza, 2019; FAO, 2018; Santpoort et al., 2021). Until 2015, Mozambique's attempts to systematize land registration resulted in a small percentage of land rights being formally registered, mainly because the conventional methods utilized were too expensive and time-consuming, facing several data quality problems (Balas et al., 2021). Less than 28% of these land rights belonged to women (DNTEF, 2014). Community delimitations were also not occurring at an adequate pace and they were usually being performed separately from individual registrations and by different service providers, which increased the costs due to duplicated activities, resulting in discrepancies and community dissatisfaction (Balas et al., 2016). Mozambique has launched a massive land registration program to register five million individual parcels and delimit four thousand communities (Balas et al., 2016). For that, the Fit-For-Purpose Land Administration (FFPLA) approach is adopted, which includes in its principles gender equality and protection of land rights for all (Enemark et al., 2015), and it is ideal for inclusive and participatory initiatives (Balas et al., 2021). This program focuses both on communities and individuals, women and men, that have acquired land use and ownership rights (DUAT) according to customary norms and practices or that, in good faith, have been using the land for at least ten years.

The following good practices are the results of the action research and case studies to pilot the initiatives to improve land tenure security for all, especially those belonging to the most vulnerable groups, such as women.

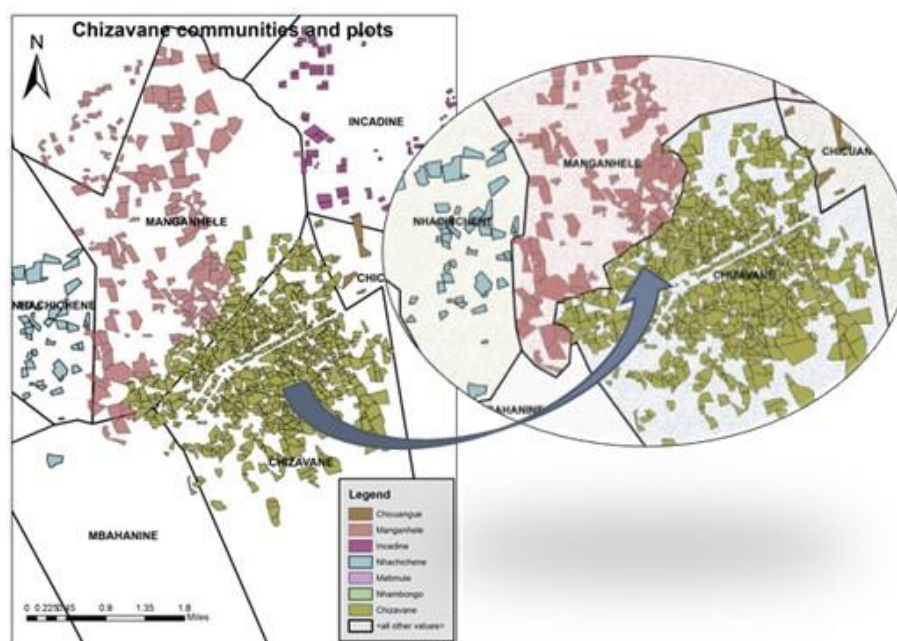
**Designing appropriate gender-sensitive land registration processes** – The government initiative to systematically register both community and individual land requires relevant standardized processes and procedures that are gender-sensitive (Belay & Abza, 2020, p. 37; Khuzwayo et al., 2019) and that promote uniformity to increase the quality of work, reduce costs and time, and ensure quality data. The process design accommodates social and environmental safeguards to protect vulnerable people's land rights, including women's rights. This is done by defining complementary safeguards instruments to ensure women's access to land and to increase awareness of the relevance of gender mainstreaming in the registration program. A Gender Based Violence (GBV) risk assessment is conducted and the necessary measures to mitigate the potential risks are defined. All processes and procedures are defined with the participation of stakeholders from the Government, civil society, non-government organizations, service providers, and experts from different subject areas. Processes are designed uniformly to create a norm providing a clear definition of Goals and Objectives, Activities and Tasks, Techniques, Roles and Responsibilities, Inputs and Outputs, Risks and Mitigation Measures, and Metrics, which also facilitate monitoring and control, including of gender-segregated indicators (Balas et al., 2016, 2021). These processes respect the key principles of the spatial, legal, and institutional frameworks as proposed by Enemark et al. (2015).



**Figure 1:** Designed processes for the systematic land registration in Mozambique. Source: Balas et al. (2021)

**Combining community delimitations and individual registrations** - The registration of community land rights highlights the link between the potential for establishing partnerships between investors and communities and local economic development opportunities (GoM, 2018). It also creates a mechanism to create awareness and incentives for communities to protect their fragile

ecosystems and resources. Complementing individual and collective rights seems to protect women's land rights (Errico, 2021; Zaehringer et al., 2019), as it reduces the risk of land grabs and establishes common land for the community to use, including women. The comprehensive set of land registration processes and procedures for Mozambique's systematic land registration harmonizes and integrates individual land registration (RDUAT<sup>1</sup>) and community delimitation (DELCOM<sup>2</sup>) processes. This permits optimization efforts of these two separate initiatives to eliminate redundant work and reduce time and costs, which results in increased targets for the systematic land registration program. Another improvement is to work with clusters of communities and utilize the combination of both individual registrations and community delimitations for a more accurate delimitation of communities. This is possible because individual parcels are allocated different colors depending on the community they belong to, which helps to delineate the limits of the communities belonging to the cluster, all at once, producing, therefore, more savings of time and costs (Figure 2 ).



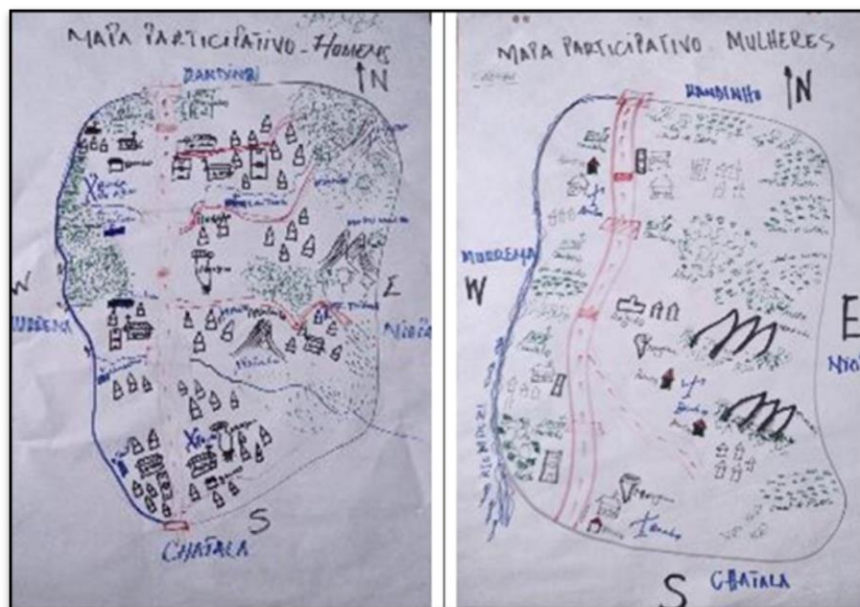
**Figure 2:** Example of the adjustments made to the community boundaries based on the individual parcels' registrations. Source: Balas et al. (2021)

**Community land use plans** - Mozambique is a big country with different realities experienced by women, primarily due to different cultural norms and practices throughout the country. The failure to understand women's particular problems regarding land access and tenure security can lead to engendering policies and inflexible approaches that benefit only a segment of the community and might marginalize some women even more (Chigbu et al., 2019; OECD, 2019). Community land use plans are a valuable tool to ensure that community land is cataloged and that appropriate agendas for natural resources management are defined, supporting sustainable land administration (Dalupan et al., 2015). During the consultation activities, the dialogue includes the different segments of the

<sup>1</sup> **RDUAT** – Regularização do Direito de Uso e Aproveitamento da Terra (in English: Land Tenure Regularization). Good faith occupations and customary tenure are recognized by law. RDUAT is a formalization of this recognition.

<sup>2</sup> **DELCOM** – Delimitação Comunitária (in English: Community Delimitation). Community rights are recognized in the law. The process of delimitating communities envisages recognizing, recording and reviewing these rights, followed by a general community land use plan and development agenda.

community. Women are invited to participate and provide their concerns and input on community land use plans. This has proven to be very productive in defining areas for specific purposes, such as pastures, specific crops, and land restoration areas. The different views of women and men enrich the definition of community land use plans (PCUT) and community development agendas. Figure 3 illustrates the different views women and men have on the land use plans of Catemba community.



**Figure 3:** Participatory community land use maps, made by men and women in Catemba community. Source: FNDS (2022)

**Gender-sensitive land information systems** - Land rights registers and cadastres are essential for long-term sustainable planning and development (Balas et al., 2022). Countries should establish sound and well-maintained land cadastres (Williamson et al., 2010), ensuring up-to-date official information reflecting various rights and property transfers, including inheritance (Abubakari et al., 2019), and providing sex-disaggregated and intersectionality data to identify gender data gaps and gain a better understanding of how social norms evolve, to develop more effective policies and programs (OECD, 2021). Based on innovative technologies, these systems can promote clear land tenure and effective land administration, reduce corruption, and support economic growth (Hughes, 2020). They can also support the fight against gender inequality by providing sex-disaggregated indicators and data that support evidence-based decision-making (FAO et al., 2019; Unger et al., 2023). Mozambique implemented a gender-sensitive land information system, denominated SiGIT that (i) provides the means to register, transfer, and manage land acquired through customary norms, good-faith occupations, and through authorization, with defined workflows and processes that respect the legislation; (ii) generates information on a wide range of topics, including legal rights for women and men; (iii) supports dispute resolution mechanisms including submission of claims; (iv) provides satellite imagery to monitor and assess land use and to help in the identification of potential land rights violations; and (v) informs interventions that promote gender-equitable land governance (Balas et al., 2018).

**Community land cadastres** - The lack of a reliable land registry has become a significant problem and a source of insecurity about property and land rights, especially for the most vulnerable

populations (Balas et al., 2021; Enemark, 2016; Enemark et al., 2016; Gatundu et al., 2019; Szoke-Burke et al., 2021). Community delimitations and individual land registrations that resulted from the systematic land registration program have been integrated into the national land cadastre. However, for the national cadastre to be kept up-to-date and accurate, both bottom-up and top-down initiatives to create and maintain local and national land registries must be implemented, and communities must be involved in maintaining their land cadastres (Balas et al., 2021). A community land cadastre facilitates consultation and dialogue among stakeholders, allowing women to defend their rights and to participate in decision-making processes related to their land. The pilots in this research have created a booklet with all community details, including its limits, land use plans, and all registered individual parcels belonging to that community area. The community leaders have been instructed to keep a log of all land transactions so that these could be reflected in the national registry. This practice has not been replicated during the systematic land registration program's rollout, causing the inaccuracy of the national land cadastre. The case study of Chizavane community registration illustrated that more than 20% of the parcels have suffered some change within the timeframe of a year.

**Assign responsibility and accountability** – It is vital to identify those whose duty it is to ensure that land rights, and particularly women's land rights, are upheld (Doss & Meinzen-Dick, 2020) from central to regional to local Government, including local communities, and to address their capacity constraints so that gender frameworks that support women's land rights can be developed, implemented and enforced (Khuzwayo et al., 2019). The responsible authorities on land administration shall adopt measures to prevent different actors from discriminating against women in their right to access, use, inherit, control, and own land (Facio, 2017). Mozambique has adopted an approach to work on changing the behavior of local officers for the efficient implementation of land titling and certification programs through training in the legal framework and registration methodology and monitoring and evaluating the registration activities. A code of conduct has been set in which all project members commit to (a) not to engage in any form of GBV in the assumption of their role, and (b) to implement the GBV Prevention and Response Action Plan and the Response and Accountability Framework. A reporting system against abuse of power has been established at the program level.

**Paralegals, gender specialists, and community courts**– Understanding that it would be challenging to ensure legal services at all levels throughout the country, the Government has initiated a project to train paralegals so that they would promote the legislation on equitable use of land and natural resources implemented across the country, especially at local community level. Paralegals (also called community legal assistants) play a key role in providing legal support to ensure the community's access to justice, enhance the management of land and other natural resources, and defend women's and vulnerable groups' rights. Paralegals can be selected from the community, including traditional chiefs and community leaders, as well as from local administrative institutions. These paralegals support the systematic land registration and ensure that the law is respected, and that citizens' rights are protected. These paralegals also support community negotiations with potential investors, ensuring that agreements are appropriately recorded and enforced. According to Mozambique's Judicial Training Center (CFJJ) the country has trained over 700 paralegals in land and

natural resources management, from which 58% were women. This number is still insignificant considering the four thousand communities to be delimited and whose development plans need to be monitored and evaluated. The Government has also created a justice court in every district, tasked to impose arbitration mechanisms that are accessible and transparent for all. The land law also establishes dispute resolution courts to resolve conflicts at the community level. However, these institutions are usually biased against women's rights, limiting the possibility of women receiving favorable outcomes in land dispute cases and government officials. There is a need for gender parity in these institutions and increased awareness of the legal frameworks available to protect women's land rights. With that in mind, there is a need to promote the inclusion of gender specialists and Social Development Officers (SDOs) in the land administration system and community forums.

**Identification (lack of)** – A critical situation is observed in rural areas related to the lack of birth registration and, consequently, lack of identity documents. As established in art. 66 of the Civil Code, legal personhood begins with complete and live birth. Given that a legal person can hold rights and be bound by obligations, a right to a given person cannot be denied because this person is not documented. The law also provides, among other means of proof, testimonial evidence presented by local community members, women and men. For the systematic land registration, the program created a "Witness Proof Document", utilized as an identity document for people who are undocumented.

#### **4 PAYING ATTENTION TO SOCIAL INSTITUTIONS**

Most issues around land within local communities are resolved without resorting to the statutory legal system, which makes it essential to understand the social norms and practices regarding property and land rights for women and men, especially the ones that operate at the level of the community or the household (Doss & Meinzen-Dick, 2020). Systematic land registrations must prepare communities through social preparation and sensitization activities to ensure communities engage in the transformation process required to secure land rights for all.

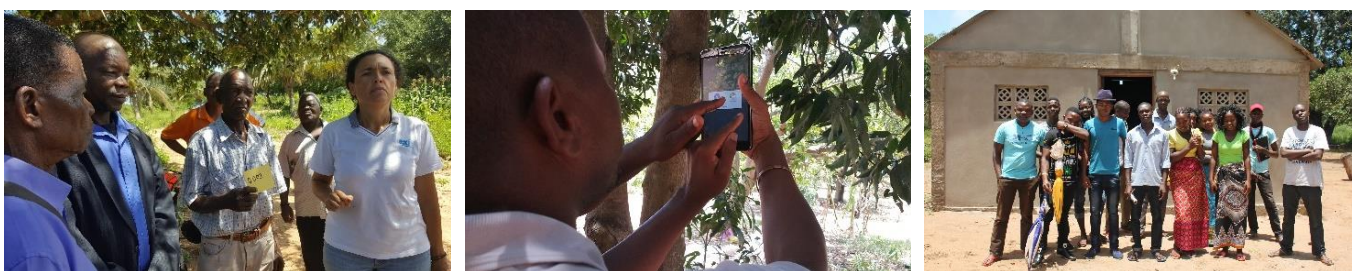
**Social preparation and sensitization** – The case studies illustrate that most people are unaware of their rights, and, in some situations, customary practices infringe on the statutory law, promoting gender inequalities. It is not enough to enshrine women's rights and gender integration in the context of land management and administration in the legal system. Women themselves must be aware of their rights and fight for their implementation. Public sensitization meetings are therefore critical to bringing women's land rights to the attention of local authorities, the entire community, and women in particular. They are also crucial for clarifying misconceptions about the content of statutory law held by traditional authorities (Santpoort et al., 2021). The systematic land registration process in each community (or in a cluster of communities) starts with a public meeting involving the main actors representing the community, including formal leaders such as chiefs, secretaries, and heads of zones, as well as religious and traditional leaders, who exercise their authority and influence. The process also includes the contribution of versatile and influential agents in the community. Subsequent meetings are organized with different focus groups, such as women, youth, older people, and people with disabilities (Figure 4). The primary purpose of the social preparation is to explain

the program's objectives, the benefits of secured tenure, and the main aspects of the law that relate to land rights and land registration. Sensitization sessions to promote gender equality and advocate land rights for all are held throughout the community, utilizing role-play sessions with different scenarios of land tenure inequalities. Instead of focusing on promoting individual rights, the scenarios illustrate the consequences of not considering these rights in the lives of a family, children, widows and widowers, and older people. The role-play training is highly influential in illustrating and promoting land rights and land tenure security for all. Additionally, it works well if meetings consider timetables that allow women to perform their household duties and if these meetings are held in the vicinity of the household. Having an interpreter in the local language, especially a female one, allows a safe environment for women to voice their concerns and viewpoints.



**Figure 4:** Social preparation meetings with community leadership, women and men

**Participatory and Inclusive Land Registration** - Several studies recommend active community engagement in land registration (Deininger et al., 2012; Enemark et al., 2015; Groenendijk et al., 2016; Norfolk, 2017; RICS, 2011) as an approach to amplify the voices of the most vulnerable (Balas et al., 2021; Belay & Abza, 2020, p. 37; Paradza et al., 2020) provided that the institutions that grant the customary and statutory land rights are involved (Louis et al., 2020). Community members, including women and older and young people, are invited to be part of the registration team to implement community-based crowdsourcing for initial land registration. Training is provided to the team regarding the land law, the registration processes, and the technology for the registration. Given the youth's experience with technology, the teams are designed to be heterogeneous in makeup. Figure 5 illustrates the training of a community team to perform the land registrations, in this case, at the Chizavane community. Active participation enhances overall land administration and affordably produces more accurate and complete data, saving time.



**Figure 5:** Training activities involving the community members to be part of an inclusive and participatory land registration process

**Co-titling, *de facto* unions, and polygamous marriages** - Recognizing traditional and *de facto* unions increases women's security, especially in rural areas where most unions are not formalized, allowing women to co-own family assets, including land. Couples are asked about their marital relationship, the regime of property, and the land acquired after marriage, including the house where they live. Based on the situation, couples are invited to register their shared property jointly, resulting in increased land titles issued in co-titling. Polygamy is not permitted according to the CRM. Still, women living in polygamous marriages can be included in the titling process, either individually or with the husband, since the land system stopped validating one-on-one marriages and allows for joint land registration of a man and several women.

## 5 CONCLUSIONS

Based on findings from Mozambique, land tenure reforms that seek to ensure that women are afforded the same opportunities as men can be exceedingly challenging because land is among the primary means of accumulating wealth and thereby asserting power. Understanding and changing this conundrum requires leadership, thinking, and allocation of resources to engage in initiatives that effectively implement the legal framework, strengthening women's land rights.

Systematic land registration is a mechanism to implement the legal framework and ensure that women and men can have their land rights secured. Its implementation requires gender-sensitive processes and safeguards as well as adequate social preparation of communities. It is important to pay attention to social institutions and acknowledge the existing customary practices to reduce the risk of obstacles and resistance from the people involved. Furthermore, even when women have their parcels registered, individually or jointly, that does not necessarily mean they will have more control over their land. Therefore, raising awareness and ensuring women understand their rights and fight for them is vital. The good practices presented in this article have proved to work well in Mozambique and can be replicated in similar contexts elsewhere.

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## 8 AUTHOR CONTRIBUTIONS:

Marisa Balas: Investigator, methodology designer, fieldworker, writer, reviewer, and editor. João Carrilho: Investigator and reviewer. Christiaan Lemmen: Mentor, reviewer, and editor. Rosana Albuquerque: Mentor and reviewer.

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## 11 KEY TERMS AND DEFINITIONS

**Gender Equality** in land access and land tenure security means that women and men have equal rights to access, use, and control of land and its natural resources, independent of their civil and marital status.

**Land** is the surface of the Earth, the materials beneath, the air above, and all things fixed to the soil, defined by its boundaries, affected to a qualified activity.

**Land Tenure Security** means that holders of land rights will not be arbitrarily deprived of them and that the State provides effective protection against forced eviction.