

eca school of planning and housing

Research Paper No. 75

**Emerging urban residential land markets in
post-Socialist Mozambique:**

**The impact on the poor and alternatives to
improve land access and urban development**

An action-research project in
peri-urban areas of Maputo

Paul Jenkins

February 2001

Edinburgh College of Art / Heriot-Watt University
Centre for Environment & Human Settlements

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HIGHLIGHTS SUMMARY

URBAN LAND MANAGEMENT IN AFRICA IN A SITUATION OF EXTREME URBAN POVERTY

In Sub-Saharan Africa high rates of urbanisation are generally not being accompanied by economic growth and wealth distribution, with the result being growing urban poverty and deteriorating urban conditions. As urban areas grow and state systems of land allocation are reduced, land markets are becoming more important, although much land development remains outside the "formal" systems. This is particularly the case in states in transition from forms of socialism to market economies. This action-research project investigates the nature of the emerging urban residential land markets in post-Socialist Mozambique, with a focus on the impact on the poor and alternatives to improve land access and urban development.

Recent research in Maputo, the capital of Mozambique, has identified emerging formal and informal land markets, despite the fact land remains nationalised. While urban development and housing have continued to have a low priority in state development policies, the election of autonomous local governments in 1998 has led to a new focus on urban land issues. In addition a new Land Law came into force in 1997, which recognises forms of customary land occupation, although intended primarily for rural areas. Currently there is a debate in Mozambique on how this aspect of the law can be applied in urban areas to widespread "informal" settlement. The study investigates institutional attitudes to urban land management across the main actors. It also investigates the attitudes of the urban poor in peri-urban areas to land and how the emerging differential land markets is likely to affect livelihood strategies.

Some of the most important findings are:

The on-going debate on "formalisation" of occupation rights in urban areas is likely to take some time to be resolved, and the different proposed mechanisms for this will require resources which are realistically not likely to be available to permit resolution at scale in the medium term;

In the interim it is widely expected that the urban poor in relatively good locations will be displaced by market forces, with payments linked to much lower "informal" market prices rather than the high formal market prices;

The state is also expected to increasingly facilitate the private sector without adequately assessing the impact on the urban poor majority, leading to continued peripheralisation of poverty and undermining physical assets which are an essential element of household strategies;

While modified forms of customary land access have widely provided access by the urban poor in the past, these are under threat in the current economic and governance situation, which could lead to their breakdown and exacerbation of levels of urban poverty;

In addition, the fragmentation in urban society due to decades of repression, rapid urbanisation, war and poverty mean that local governance structures involving civil society are weak and there is limited activity in this area by other actors, such as NGOs, in support of civil society.

Policy-relevant lessons arising are:

There is a need to develop partnerships between the state and civil society organisations as a means to operate pragmatic land management with low resources for the urban majority, building on customary attitudes and approaches;

The state also needs to develop mechanisms to facilitate private sector activity in urban development to promote equity as well as efficiency in land use, reducing speculation and corruption, as well as create public benefit through redistribution of the wealth created by urban land values;

This will require new land management mechanisms as yet not considered in Mozambique such as decentralised and/or community land management; land valuation and taxation (including betterment taxes); and land pooling/readjustment;

Given the severe institutional weakness the application of such mechanisms needs to be based on pilot projects and training, as well as further research.

Keywords:

URBAN DEVELOPMENT; LAND RIGHTS; POVERTY; INFORMAL SECTOR; MOZAMBIQUE

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Introduction

This research paper investigates improved access by the poor to urban residential land in post-Socialist Mozambique as a fundamental basis for sustainable urban development. It is intended to support the effective and equitable regulation of emerging informal and illegal land markets in a directly practical way for the country, and also contribute to widening policy issues in urban development of relevance to countries in transition, especially least developed countries.

Potential users of the findings are local and central government agencies in Mozambique, as well as private sector firms and organisations in civil society with involvement in urban development. In addition the research has been undertaken in collaboration with the main university in Mozambique, and the theoretical and methodological aspects of the investigation have been seen to be of considerable interest in this context.

All of the above entities have been involved in the research development and implementation. This was possible through the extensive contacts and working experience of the principal researchers, but also through the formation of a local steering group, and specific seminar/workshop/feedback sessions. It is hoped that the both findings and process of implementation of the investigation will be used as an integral part of policy and practice in development within the urban sector in Mozambique. However, the principal end beneficiaries are low-income communities through the possibility of development of improved urban land management mechanisms.

The research paper is divided into four parts:

- Part I. **Background and Objectives**, which includes the research objectives (Chapter 1), a description of the Mozambican context (Chapter 2) as well as data on Maputo city (Chapter 3);
- Part II. **Research methodology**, which includes an overview of the theoretical and methodological basis (Chapter 4), and reports on how the field research was implemented (Chapter 5);
- Part III. **Findings**, which reports the results of the institutional and informal market/urban poverty investigations (Chapters 6 & 7 respectively), as well as presenting the general analysis and recommendations (Chapter 8); and
- Part IV. **Dissemination**, which reports on the dissemination process to date (Chapter 9).

Those predominantly interested in the findings (e.g. implementing agencies in Mozambique) can refer directly to the Part III. Those not familiar with Mozambique and Maputo, are directed initially to Part I. Those interested in the theoretical and methodological background should also read Part II. Part IV is of general interest.

In addition to this **Research Paper** published by the School of Planning & Housing, a summarised **Research Report** has been prepared for DFID, the funding agency, as well as the following **Highlights Summary**. These last two documents will be made available on the internet.

It is intended that the research findings contribute to international debate concerning the integration of informal and illegal land markets, as this to date has not been much developed in least developed transitional (post-Socialist) situations. This form of dissemination will be achieved through presentation of findings in relevant conferences and publications and via internet-based research/policy dissemination.

Dr. Paul Jenkins, Edinburgh, February 2001

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Part I Background & Objectives

1 Objectives

1.1 Research aims

The aims of this research are to:

- a) investigate current trends in urban residential land access and land markets, in a case study in Maputo the capital of Mozambique, in more depth than has been possible previously;
- b) examine the changing legal situation vis-à-vis the new Land Law and current proposals for formalisation of urban residential land rights;
- c) assess the likely impact of formalisation of these rights and privatisation of land;
- d) propose alternatives to improve residential land access for the urban majority, which can have practical application in Maputo, and wider relevance for the rest of the country.

1.2 Research hypothesis

The research hypothesis is that various appropriate responses to urban land management exist which balance efficiency and equity, but which are not based on full public or full private land tenure, both of which are extremely difficult to achieve in situations where the state and the market are weak. On the contrary strong traditions within civil society can be the basis for more appropriate alternatives.

1.3 Analytical objectives

Specific **analytical objectives** of the research include:

- a) Testing the thesis of differentiated land markets (as identified in previous research) in a more detailed, and qualitative, manner;
- b) Verifying the validity of this thesis;
- c) Deepening the analytical basis of the thesis; and
- d) Studying the relationships and the tendencies between the differentiated land markets.

1.4 Acknowledgements

The principal researcher acknowledges the support from the following institutions and people, without which the research would not have been possible:

- The British **Department for International Development (DFID)**, **Economic and Social Research Committee Overseas (ESCOR)** which provided funds for this study as part of its objective to support policies, programmes and projects to promote international development. Views and opinions expressed, however, are those of the author alone.
- The **Eduardo Mondlane University**, Maputo: in particular the Vice-Rector Venancio Massingue, who provided the initial institutional link; and Professor Julio Carrilho of the **Faculty of Architecture and Physical Planning**, who acted as principal local researcher; but also Arq. Vicente Joaquim, of the same Faculty, who acted as junior local researcher; and Dr. David Hedges (Dept. of History) and Dr. Ana Laforte (Dept. of Anthropology) who assisted with selection of other junior researchers from their departments: Napoleão Gaspar and Criterio Langa respectively.
- The **School of Planning & Housing in Edinburgh**, which provided all the necessary research infrastructure, including administrative and financial management support, as well as publishing this report as an Internal Paper.

2 Mozambican context

2.1 General development context

2.1.1 Three phases of development

Post-Independence development (i.e. 1975- present) in Mozambique can be roughly into three phases¹:

- a) The **proto-socialist period** (1975 – 1987 approximately), when the new independent government led by the Front for the Liberation of Mozambique, FRELIMO, developed, and attempted to apply, Marxist-Leninist development policies²;
- b) The **transitional period** (1985-1992 approximately), when there was an attempt by the government to adjust its basic development orientation, and simultaneously negotiate with regional and international actors on political and economic policies, as well as peace;
- c) The **more recent period** (1990 – the present), when the constitution was changed to a have a plural democratic basis, the economy was sequentially opened up to global market forces and peace was finalised, with subsequent multi-party elections, and later a degree of local government decentralisation.

It would be true to say that, despite the development of a number of fundamentally different development policy orientations in each of the above phases, in each various sectoral policies remained implicit rather than explicit – more especially those sectors seen as “social” as opposed to economic. The housing sector is one such sector, and indeed the urban sector in general has only very recently been seen as a key element of economic development. There are still no officially identified national housing or urban policies in Mozambique, although a National Housing Policy was formulated in 1990, and a National Housing and Urban Development Programme drafted in 1993/4 – both with United Nations support³. As such activities in residential land development and management have tended to be subordinate to the mainstream economic and social development policies in each period, and illustrate basic implicit policy positions. The following briefly outlines these⁴.

In the **proto-socialist period** there was an assumption that the state should dominate all development activities, with severe constraints on market activity, and little support for household/individual activities such as were traditionally practised by the majority. Development policies were Marxist-Leninist in orientation and involved the acceleration of agricultural production through state farming, and the socialisation of rural areas (with limited co-operative farming) to permit rapid industrialisation. The clearest representation of this development policy was the 1980 Ten Year Development Plan. As an integral part of this policy the state moved to control all major economic sectors, with key nationalisations and large-scale investment in major state-led economic development projects.

The nationalisations included all land and rented or abandoned housing, and were accompanied by massive state intervention in the construction sector and re-orientation of

¹ For a fuller development of the categorisation in phases of development see Jenkins (1998). Abrahamsson & Nilsson (1995) provides a good recent overview of development in Mozambique after Independence.

² The use of the term “proto-socialist” follows White 1983, who advocated the use of this term for societies where only certain initial steps towards socialism had been taken.

³ The former was approved by the National Assembly in December 1990, but as it was not promulgated through the Official Bulletin it has been argued that it was never official, although new legislation was promulgated based on the policy, such as state rental housing divestiture. The National Housing and Urban Development Programme was also not adopted by the government. A new National Housing Policy is apparently to be formulated, although this has been in discussion for several years now.

⁴ For more information the reader is directed to Jenkins, 1990, 1993 and 1998.

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construction to support key economic development priorities⁵. The state's main objective in residential provision was to provide housing for key personnel – mainly at agro-industrial sites, some of which were completely new towns. A secondary objective was to provide housing for key personnel in urban areas to support the greatly increased state administration. Lastly there was acceptance of a limited state responsibility to assist "self-help" housing construction, including land distribution, but extremely limited resources made available for this. Housing was essentially seen as a consumption and not a production issue in this period, and there was an explicit rural bias in development⁶. The result was a limited number of state-led interventions in the residential housing and land sector of wider impact⁷.

From the early 1980's, however, declining economic performance (partly due to de facto sanctions from neighbouring and economically dominating South Africa), together with escalating security problems (supported from South Africa) and natural disasters (droughts and flooding) led to negotiations with the US and other Western governments on access to international assistance, and linked negotiations with the South African regime in the period 1983-85. This led to the influx of aid, but also the requirement of significantly reduced state control and macro-economic re-structuring, which began effectively in 1987. During this **transition period** the FRELIMO government attempted to develop more people-oriented development policies, but did so in the face of declining economic basis and – at times – resistance from the bureaucratic elite.

This period saw both a wider acceptance of the need to deal with housing and urban development issues, but considerably fewer resources (financial and human) to implement this. Thus, while new policies and programmes, as well as pilot projects, were developed, these had minimal impact. Of more importance was the move to a market economy in the sector, and associated divestiture of state housing stock to Mozambican tenants. Land, however remained nationalised – mainly due to the strong peasant lobby concerning rural agricultural land. In practice the laissez faire attitudes of the previous period to "self-help" housing and informal land occupation were consolidated, especially as in-migration intensified in all urban areas due to the civil war. Structural readjustment led to significant cuts in state capacity and the limited international support in the sector was no counter-balance, in fact in many ways this exacerbated the situation as it absorbed the limited human resources available⁸.

⁵ While all land was nationalised from the promulgation of the new Constitution in 1975, the Land Law was published in 1979 and the Regulations only in 1987. Rented housing was nationalised in 1975, but only regulated from 1980 and the state rental agency only formally constituted in 1990. There was a significant exodus of the colonial settler population in the period 1974-76 and this led to nationalisation of abandoned housing as well as state intervention in many economic enterprises such as construction firms, which were, however, not nationalised. The state intervention in the construction completely restructured this geographically, distributing the concentration of capacity from the major cities, especially the capital.

⁶ For instance in the "Operação Produção" in 1984 which attempted to remove the "unproductive" from urban areas to rural areas by force. This caused great suffering and was enormously expensive, as well as extremely costly in political terms. However at the same time the government effectively promoted in-migration to urban areas through instituting a food rationing system, without adequately dealing with the collapse of rural commerce.

⁷ The main examples were the central government led Maxaquene/Polana Caniço upgrading project in Maputo (1977-79) and the subsequent local government led "Basic Urbanisation" programme, also in Maputo, which laid out and distributed over 10,000 residential plots with very basic services in the period 1980-85 – see Jenkins 1998.

⁸ The main examples here would be the UN-financed projects mentioned above (1987-94), and also the World bank financed "Urban Rehabilitation Project" (1988-95), which relocated 300 low-income inner city residents to core houses on well located sites (from downtown apartment blocks which were then rented at a higher rate to middle class tenants), as well as providing services to some 2000 peripheral residential sites in Maputo, with a slightly reduced programme in Beira the second largest city – see Jenkins 1998 for detail.

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The institution of multi-party democracy (1990), subsequent peace negotiations and national elections (1992 and 1994), together with an explicit espousal of a market-oriented development path, based on extensive structural adjustment, led to an economic turn around in the **more recent period**. However, although the macroeconomic statistics have been favourable, and inward private sector investment has begun to play an important role, the socio-economic impact has been very variable as many formal sector workers lost their employment and there was no comparable provision of new job opportunities. In the urban areas (and most evidently in Maputo), the result has been a fast growing informalisation of the economy for most, with a minority benefiting from economic growth, with associated growing differentials in income and consumption. Poverty levels remain high in both urban and rural areas, and the state capacity to provide social and economic safety nets and development assistance for the majority is limited.

This is also evident in the urban residential sector, where there have been limited attempts to restart land distribution for lower-income groups (see Section 3.3 for detail). The introduction of a new Land Law in 1997 and the process of decentralisation of local government, also started 1997, have in fact made this process more complex, as while long term land occupants have new legal rights there is no consensus within the state as to how these would be applied in the urban residential context. The newly created autonomous municipalities have had to increasingly develop entrepreneurial activities to underpin their financial existence, which has led them to focus on serving the better-off, a process compounded by privatisation of basic urban service provision. At the same time the longer-term effects of structural adjustment on state capacity have evidenced themselves in the constant turnover of personnel, leading to serious policy and legal vacuums, which provide local governments little guidance and few relevant mechanisms.

2.1.2 General levels of poverty

Mozambique has for some time been classified as one of the world's poorest countries (using the World Bank Development Report criteria of GNP/capita⁹). Studies of poverty in Mozambique have been undertaken since the period of structural adjustment in the late 1980's, and the levels of absolute poverty have been estimated as high as 90%¹⁰. By 2000 the urban population was expected to rise to over 6 million, or nearly 40% of the total population¹¹ with at least 60% of the urban population being estimated as being absolutely poor¹².

While very limited detailed socio-economic information on urban areas has been publicly available in recent years, there seems to be some evidence that macro-economic stability has not improved the conditions for the urban majority (Simon 1995, de Vletter 1995)¹³. As noted in Jenkins (2000a), this has probably affected the capital Maputo more, as this was the main

⁹ In the current (2000/2001) World Development Report, Mozambique is ranked 193 out of 206 countries in GNP/capita (191 when GNP is measured at purchasing power parity).

¹⁰ Mozambique Country Strategy Paper, DFID 1998: over 14 million of Mozambicans live on less than 0.5\$/day, the World bank's measure of absolute poverty. The World Bank, however, estimates that nearly 70% of the total population is below the national poverty line. The Government in its 1999 Economic and Social Plan also indicated this level.

¹¹ Source: Mozambique at a glance (http://www.worldbank.org/data/countrydata/aag/moz_aag.pdf). The 40% of the population classified as urban in 2000 is expected to rise to 57% in 2025 – a rise of some 12 million urban dwellers as opposed to 3 million rural dwellers. Over a total population of some 19 million this means an 85% increase (2.5%/year), UNCHS (1996).

¹² Source: Principais Linhas de Política Económica e Social para 1999 (<http://www.mozambique.mz/governo/pes99.htm>).

¹³ The National Human Development Report 1998 published by UNDP indicates "There are signs of modest gains in poverty reduction resulting from recent economic growth. But these signs rest on the improbable hypothesis that the standard of living has grown at the same rate as real per capita GDP, and assumes that inequalities have not worsened" (page 81).

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centre for industry, much of which has been restructured with significant formal sector job losses and minimal job creation. In addition there is considerably less opportunity for urban agriculture, as a component of household survival mechanisms, due to the size of the city and the limited suitable land for agriculture within easy reach (unlike most secondary and all tertiary urban areas). More details on poverty estimates in Maputo are given in the next section.

2.1.3 Current general development policy focus

The current development policy focus of the government continues to stress macro-economic stability measures as the basis for attracting foreign investment and incubating economic growth, while at the same time attempting to raise the quantity and quality of service levels to underpin social development (priority services: health, education, water, sanitation and roads). There is a frank acceptance that opportunities and income generated by the recent economic growth are fuelling asymmetries and inequalities. However the main thrust of the development strategy is to promote income-generating opportunities as a basis for poverty reduction.

Specific economic development strategies include the Integrated Programme for Public Investment in Agriculture and Natural resources (which includes a sub-programme of ensuring land access for the "family sector"); various activities to support industry, commerce and tourism, as well as mineral and energy development, transport and communications (including the promotion of Development Corridors leading to Maputo, Beira and Nacala). Actions to incentivise private sector investment include continued privatisations, and improving importation and customs. The government also stresses the need for administrative reforms within the state structure to promote the development of a modern and flexible civil service, including an emphasis on institution building at local government level. Social development focuses on development of human resources through education and health activities and the strengthening of social protection networks to assist the poorest and most vulnerable groups.

2.2 Urban land issues

2.2.1 Policy and legal context

Explicit urban policy has never been developed in Mozambique, whether before or after Independence. However there has been an anti-urban bias in development policies at least since Independence (Jenkins 2000b). Evidence of this is found in "Operação Produção", created specifically to remove the "parasitic" urban un-employed in the mid 1980's, but also in the strong development policy focus on agriculture and rural development as well as the nature of government institutions – e.g. the Priority District Programme of the late 1980's, early 1990's and the current PROAGRI programme.

This is very clearly evidenced in relation to urban land issues. While all land was nationalised there has been little state interest in urban land regulation. The Land Law Regulations, when finally published in 1987, were developed by the Ministry of Agriculture and excluded any specific reference to urban land issues, focussing primarily on rural and agricultural land use. The debates on land in Mozambique at the time of the preparation of the new Constitution revolved around rural land also, and as noted previously, were heavily influenced by the peasant lobby. This was mobilised by land losses exacerbated by trans-national companies which had entered into leasehold arrangements with the Mozambican state as development partners, but also by general encroachment on "family" sector land by private sector agents (Boucher et al 1995, Myers 1994).

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More recently debates on the new Land Law promulgated in 1997 continued this pattern, with little, if any, public debate on urban land issues. While urban land problems have been recognised for some time by the limited number of state institutions involved in urban land management - such as the National Physical Planning Institute (INPF, now the National Directorate of Territorial Planning, DNPOT, in the Ministry of Environmental Co-ordination) and the Construction & Urbanisation Directorates in the city councils – attempts to prepare urban land management guidelines and regulations were unsuccessful¹⁴. This seriously undermined attempts by local governments to effectively manage urban land, which was legally their responsibility as of 1980 (when they were beginning to be set up).

The 1997 Land Law, as the 1979 Law, did not distinguish between urban and rural land in any significant way. However after promulgation of the new land law there was a growing acceptance that there was a need for distinctive regulations for urban and rural land uses. In March 1998 the Technical Secretariat of the Inter-Ministerial Commission for the Revision of Land Legislation presented a report to the Commission on the now legalised acquisition of land rights under the new Land Law through occupation in good faith over a 10 year period. It pointed out that housing land occupation in urban areas was often not in accordance with urban plans (as required by the Land Law), which were also usually out-dated, and the vast majority did not have a construction licence. As such it questioned when these occupants could exercise their right to land occupation rights. The Inter-Ministerial Commission discussed various aspects of this situation in May and June 1998, including the fact that many local level administrative structures had allocated urban land, and the new local authorities shortly to be elected needed to have powers for decision. It was agreed that a specific Urban Land Use Regulation was required and a Working Group was formed. This Working Group met 14 times between March and June 1999.

Key aspects of discussion were:

- The fragmented nature of existing legislation applicable in urban areas from the colonial period and limited legislation after Independence, most of it administratively creating cities and towns and defining their areas. More recent legislation indicates the competence of the new local authorities concerning urban planning and development, as well as property and land use taxation;
- On the issue of land rights through occupation in good faith two different positions were discussed in the Working Group:
 - That which is based on the constitutional precept that the state recognises land rights acquired through inheritance and occupation. This position recognises that "informal occupation" rights are increasingly being recognised internationally and drew on the study of the Pilot Cadastre Project in Maputo concerning different forms of land acquisition¹⁵; and
 - That which considered it still necessary to subject the recognition of this right to the nature of construction and urban plans in cities and towns.

The Working Group produced a draft of Urban Land Use Regulations for public discussion in late July 1999 (see Appendices for a summary of this) and written comments received on this proposal were published in October 1999. The most important comments concerned:

- Taxation – there is general agreement on the need for land use taxation, but proposals for scaled taxation according to urban category and zone (and this to be defined in bye-laws), including the possibility of having upper income areas with different costs and urbanisation process;

¹⁴ The need for urban planning and land management at local government level was recognised as early as 1982 in the 1st National Meeting on Urban Planning. The subsequently created INPF drafted "Cadernos de Uso do Solo Urbano" (Urban Land Use Guidelines) in 1986, although these were not published until 1991. They were never legally adopted, and in fact no legal basis for urban planning was created.

¹⁵ This project, which was part of a World Bank funded Local Government Reform Programme, produced an initial draft for the Urban Land Regulations in March 1999 (DCU 1999).

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- The need to deal with de facto land markets (in small municipalities as well as large ones) and recognise de facto land values in urban development proposals;
- The need to regulate sub-division (especially vis-à-vis private developers), yet the need to have full land development before transmission of use rights to undercut speculation;
- The need to balance existing land occupation rights with the capacity to control/promote urban expansion and the need for greater clarity on compensation and expropriation;
- The need for separate legislation/regulation concerning urban planning (and some proposals for this); and
- The need for clarity which central government institution oversees urban development & planning.

A new version of the Regulations was then prepared by the Inter-Ministerial Working Group and sent to the Council of Ministers for approval. However debate in the Council of Ministers led to this being sent back to the Ministry of Public Works & Housing for further revision. This version (no date) differs from the October 99 version mainly with respect to (see Appendices for detail):

- Freeing up land transfer;
- Defining urban planning; and
- Defining land occupation rights.

Concerning this latter, there is still lack of clarity as to how the existing occupants can prove their occupation and how the planners can "fit" these occupations in, as well as what form of "similar" urban land would be offered. The latest version quite specifically qualifies "customary" land rights as being subsequent to urban planning (and prior survey) – no mechanism for recognition of rights or transfer of these without this is included. This a) puts great pressure on the local authority (or private sector which is licensed to undertake urbanisation – although it would appear to always be the local authority's responsibility to undertake the survey) to undertake planning of all areas – which, given current institutional and technical capacities (including central state entities), will take a long time; and b) does not recognise the strength and scope of the informal land market. Thus the proposal is ambitious but will not adequately deal with existing "unordered" areas in the foreseeable future.

Concerning the current situation, as far as can be determined so far this new version still has to be presented to the City Assemblies for their appreciation before it could go back to the Council of Ministers (according to the Minister for State Administration). This will mean a considerable delay in approval, even if there was agreement on the contents, which are likely still to be debated.

2.2.2 Urban planning and land management in practice

The lack of political interest in urban development and land use throughout most of the post-Independence period has meant that weak urban planning and land management practices inherited from the colonial period have been continued and adapted, with no clear policy orientation. This situation has been compounded by severe human resource scarcities in general, and more so in areas with little state priority such as urban development. On the contrary the responsibilities for the state have been enormous as all land has to be allocated by local authorities, as well as registered and managed.

The result has been extremely weak institutions attempting to control widespread and dynamic situations that have undergone enormous changes, with virtually no developed mechanisms or powers. This has led to a general acceptance of the "informal", including land management at a local level by local organisation "structures", which evolved from the lowest level of political administration in the proto-socialist period, and which are themselves "informal" as they are not legally constituted (see Jenkins 2001). Formal land management

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has been very limited, and this has been more marked with the reduction in state capacity from the transition period to the present.

As a consequence land access is predominantly informal (see next section for a detailed illustration vis-à-vis Maputo), and formal land access became increasingly labyrinthine and open to abuse. The only entities capable of achieving formal land allocations from the transition period have generally been powerful institutions or people – whether politically or economically powerful. The non-application of taxation to residential land use in the original land law led to land banking by these groups, especially as the real value of land began to be expressed in monetary terms in the more recent period. This has led to open markets in land, as will be described below for Maputo.

In terms of urban planning, the wide range of structure plans and land layout plans prepared by the National Physical Planning Institute from the beginning of the 1980's were prepared with no clear legal basis. This led to there being ignored where the proposals did not fit with the interests of the local elites, or adapted to underpin these interests. An example of this situation is the fact that the local authority in Maputo only recognises the pre-Independence Master Plan of 1972 (hopelessly out of date) as a legal document, despite the preparation of a Structure Plan for the city by the INPF in 1985. A new Structure Plan for the metropolitan area of Greater Maputo, prepared with World Bank assistance in 1998/99 is still not approved. Again the lack of adequate planning legislation is blamed, however urban planners indicate that they regularly refer to these documents when assessing land allocation requests. They effectively can decide which they will use as criteria for approvals, leading to further abuse of the planning system.

Apart from the lack of urban planning legislation, there is limited technical capacity for planning, especially at local government level, which is the level where this responsibility lies. Even Maputo as the capital, with a stronger fiscal and political base than any other urban area, has only 3 planners, all recently graduated from the university and with no specific training or experience in urban land management.

The national institution with current responsibility for land use planning is the National Directorate of Territorial Planning (DNOPT) in the Ministry of Environmental Co-ordination (MICOA). This was recently created (2000) from the previous National Physical Planning Institute (INPF), which had remained in an institutional vacuum for some years¹⁶. During this period – and indeed the previous years, there had been little possibility to influence national development policy vis-à-vis urban areas. As a result the urban plans produced by INPF and/or city councils had little effect. This was compounded by the lack of appropriate legislation.

DNPOT recognises this and has defined the preparation of land use planning legislation as a priority, as well as continued development work with municipality planning departments, however its institutional capacity is also limited. It is unlikely that any planning legislation could be promulgated before late 2002 at the earliest. In the meantime the municipalities face mounting challenges with no adequate legal instruments. The city council in Maputo hopes to re-visit all the urban land layout plans implemented since Independence and approve these formally as an interim measure, as well as develop new urban expansion and rehabilitation plans, however recognises its institutional weakness to achieve this.

¹⁶ The INPF was set up from the National Housing Directorate within the (then) Ministry of Public Works and Housing in 1983, when this ministry became the Ministry of Construction & Water Affairs. The INPF was located institutionally within the National Planning Commission, where it never managed to effectively integrate with dominant economic planning. In 1996 the INPF was formally closed by Presidential decree, but the (then) Minister of Planning maintained it until the change of Minister in 2000, when the decree was eventually implemented with DNPOT now being set up within the Environment Ministry.

2.3 Urban land management in situation of extreme urban poverty and underdevelopment

Mozambique faces extreme urban challenges even compared to many other developing countries. It is a Least Developed Country with a heritage of severe under-development, especially concerning the formal urban sector. The post-Independence development trajectories have exacerbated this situation with a de facto laissez faire attitude to urban growth, the majority of which has been "informal". Urban growth has been rapid in various phases of the past 30 years, more especially so in the period around Independence, and the latter part of the 1980's during the civil war. There is some indications that growth rates are dropping, but will remain high given the high birth rate and young age structure of the population in the urban areas.

The urban reality Mozambique faces is one of severe underdevelopment in physical infrastructure and land management, continuing strong urban expansion, and growing poverty despite economic growth in "enclaves". The result is a series of inefficiencies that hinder economic development as well as seriously affect social development. However, as yet, there is still no strong government policy, or associated institutional development, concerning urban areas. Effective and equitable land management would do much to alleviate some of these stresses, yet with very limited state and private sector resources typical "formal" land management controls such as urban land use planning and development control have little hope of succeeding. This research investigates alternatives vis-à-vis land management which draw on the opportunities as well as recognising the constraints that this situation presents.

3 Maputo data

3.1 Two cities – formal and informal?¹⁷

Most descriptions of urban areas in Mozambique, and Maputo in particular, have emphasised the marked dualism between the "formal", European style, "cement city" urban centres and the "informal" developments which surround these – also called "spontaneous settlements", "shanty towns" and "caniço" (or reed city), due to the nature of much (previous) construction. The colonial heritage certainly was different from the surrounding British colonies, and the "laissez faire" attitude to urban development outside of the central cores was a distinctive feature of Portuguese colonial rule.

The author agrees with the essential dualism which was created in the colonial period¹⁸, but would argue that since Independence this marked dualism has been eroded through a process of hybridisation, including deterioration of the "formal" urban fabric and some improvements within the "informal". It is also argued that the simplistic use of the terms "formal" and "informal" in the current situation are misnomers, as much of the occupation and activity within the older urban cores is now unregulated and unplanned (two of the key elements of definition of "formality"), whereas in fact to label the activities of the majority illegal is to undermine the legitimacy of the law. In addition in many situations the state itself acts, and has acted for some, "illegally". Thus it is argued that the essentially binary and negative attributes of the "formal-informal" concepts are inadequate and need to be superseded¹⁹.

¹⁷ The following two sections aim to give a brief overview of the context of Maputo city. For more information refer to the Maputo City Profile (Jenkins 2000d).

¹⁸ See Jenkins (1999a) for a historical overview of Maputo's development.

¹⁹ See Jenkins (2000c) for a fuller treatment

3.2 Housing land demand – potential and effective

3.2.1 Demographic structure

According to the 1997 census and projections based on this developed for the Maputo Metropolitan Structure Plan, Maputo city is expected to have over 1 million inhabitants in 2000. For many urban analysts in Mozambique (including initially the author of this report) this would appear to be a serious undercount in relation to all previous estimates in the interim period from 1980 when the population was estimated at 550,000 inhabitants. These estimates were however based on increased urban in-migration during the civil war as well as the historic in-migration around the time of Independence. It would appear that these estimates were both “overcounts” due to these bases, and qualitative evidence suggests that a process of out-migration – often of part of a family and often non-permanent – is taking place as it becomes more difficult to survive in the urban areas. As noted above, this would appear to be especially so in Maputo, which offers limited scope for subsistence agriculture, is highly monetarised, and has higher costs of living generally.

While this study confines itself to Maputo, for demographic projections it is necessary to take into consideration the greater metropolitan area as the urban conglomeration is divided administratively into two adjoining cities – Maputo and Matola. Matola is a relatively recent urban area but has grown rapidly in the 40 years or so of its existence, mainly in the 1960’s when it was the site for industrial expansion. Matola in 2000 is estimated to have 473,000 inhabitants, making the overall metropolitan area currently some 1.6 million. The Metropolitan Maputo Structure Plan projections are that this will rise to 2.4 million in the next 10 years, a 50% increase²⁰. The approximately 1 million residents of Maputo alone are expected to rise to some 1.6 million by 2010 – more than an additional 100,000 households. By any standards this is an enormous challenge - all the more so given the socio-economic structure and high levels of poverty.

3.2.2 Socio-economic structure and poverty²¹

Household surveys in 1991/92 and 1996/97 in Maputo city²² illustrate the impact of the high levels of structural, conjunctural and contextual poverty on the residents. The following table indicates average monthly household income and expenditures and their breakdowns, with a focus on what are termed direct housing elements. Comparing the two surveys, overall average household income doubled from about \$60 to \$120, while expenditure more than doubled from about \$80 to \$200²³. Also of note is the fact that the formal sector income proportion fell and family agricultural production reduced in importance significantly, the slack being taken up by enterprise - mostly informal, especially for lower income groups. Rental income (mostly imputed rent) rose sharply in proportional and in \$ equivalent terms. Average household expenditure patterns remain dominated by food related consumption, with small reductions in transport and clothing consumption. Expenditure on housing related

²⁰ This projection assumed decreasing in-migration. It is based mainly on the high birth rate (especially amongst the poor), lowering death rate (it is difficult to estimate the impact of AIDS as yet in Maputo), and overwhelming proportion of young people – some 50% under 19 years.

²¹ This section draws substantially on Jenkins 2000a).

²² DNE (1992), *Relatório sobre os resultados do 2 módulo do inquerito as famílias na cidade de Maputo*, Direcção Nacional de Estatística, Maputo; INE (1998), *Inquerito nacional aos agregados familiares sobre condições de vida - 1996-97: Relatório Final*, Instituto Nacional de Estatística, Maputo.

²³ The large difference between declared income and expenditure is common in situations where significant proportions of the labour force are active in informal and traditional economic activities; in this case the former as urban agriculture is relatively limited in Maputo, as noted previously. The rise in income to a great extent reflects the macro-economic stabilisation policy which affected the exchange rate, the value of the Metical to the US dollar being 25% in 1996/97 of what it was in 1991/92. Dollar values cited are at historic exchange rate values.

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consumption also rose rapidly in proportional as well as in \$ equivalent terms, representing a proportional fall in value compared to imputed rental income²⁴.

survey date	1991/92	1996/97
Av monthly household income	180217	1491790
US\$ equivalent	60.07	124.32
% salary	52%	48%
% own enterprise	25%	35%
% family production	6.30%	0.30%
% transfers	13%	7.50%
% rental income	1.80%	9.50%
of which imputed rent	1.30%	8.70%
value imputed rent (\$ equivalent)	0.79	10.85
Av monthly household expenditure	240274	2438991
US\$ equivalent	80.09	203.25
% food related	75%	73%
% clothing	3.60%	2.70%
% transport	5.60%	2.10%
% health	0.60%	0.60%
% education/recreation	1%	1.10%
% housing related	11.47%	17.70%
of which rent/maintenance	1.70%	6.40%
value rent/maintenance (\$ equivalent)	1.33	13.02
ratio rent/maintenance to imputed rent	168%	120%

Table 1. Comparison of household surveys in Maputo City 1991/92 and 1996/97

Source: Jenkins 2000a

Concerning poverty in Maputo city, Schubert²⁵ indicates that in 1995 some 70% of the population of Greater Maputo (then estimated at 1.3 million), was assessed as being generally poor, 50% being in absolute poverty and 70% being destitute.²⁶ In other words some 85,000 households, or 650,000 people, were absolutely poor and therefore unable to save or invest as satisfying immediate needs dominated their economic activity. The causes of this poverty in Maputo are mainly *structural*²⁷, with a high proportion of dependants to potentially economically active - only 30% of population having employment and only 33% being within employable age range. The fact that the actual unemployment rate is 6% with an estimated under-employment rate of 5% for working men and 15% for working women, demonstrates the lower importance of *conjunctural* poverty. The *contextual* causes affect all income ranges and include low wages across the board, with real incomes decreasing for the majority. Schubert estimated the relative proportions of the wider urban population affected by poverty as illustrated in the following table:

²⁴ These values are aggregated at city level and hence do not give any idea of the distribution of buying power. The breakdown of direct housing expenditure by quintile for Maputo city is only publicly available so far for 1991/92 data.

²⁵ Schubert, B (1995), "Poverty and poverty alleviation in the urban areas of Mozambique", in *Habitat International*/Vol 19/4 pp 499-514.

²⁶ This was based on a government defined poverty line of household expenditure per capita per month of less than \$15, using cash income and costs of food and limited other basic needs (Dec 1991). Destitution was defined as households with expenditures less than 67% of the poverty line.

²⁷ Schubert uses the following definitions for causes of poverty: **structural causes** which affect gainfully employed labour both in terms of the dependency ratios (number of potential bread winners to number of mouths to feed) and skills level; **conjunctural causes** which affect the actual realisation of employment potential; and **contextual causes** which are not household specific but general, such as inflation higher than increases in wage levels and purchasing power.

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		CAUSES OF POVERTY	
		conjunctural	structural
		un- or under-employment	labour power limited
DEGREE OF	destitute	10%	20%
POVERTY	absolutely poor but not destitute	8-10%	10-12%

Table 2. Proportion of Maputo population by causes and degree of poverty
Source: Re-drawn by author from Schubert B (1995)

While the above illustrates the quantitative impact of poverty, the qualitative impact is more difficult to assess. Schubert pointed to the high proportion of female street traders (which represented 50% of all economically active women). However, he also indicated a gender differential in informal sector income of 5:1 in favour of male operators. More recent research undertaken by de Vletter²⁸, however, points to the changing gender structure of informal sector employment. Informal vending had expanded rapidly in recent years in parallel to, and in competition with, the expansion of formal commerce, but, whereas initially most informal vending was by women, increasingly men are dominating non-food vending. De Vletter also found significant differences between informal and formal sector actors, the vast majority of the former being young (< 35 years) and reasonably well educated (70% having attained basic primary schooling to 4th class), whereas in contrast some two thirds of formal sector workers were over 35 years and with very basic schooling. This reflects the structural constraints on expansion of formal employment.

Structural adjustment has led to a massive restructuring of the employment sector in Mozambique, entailing widespread losses in the formal sector. There are no accurate overall figures for this, but investigation undertaken in preparation of the new Metropolitan Area Structure Plan for Maputo indicates that the losses in recent years total up to 20,000 jobs (of a formal sector workforce of some 160,000), including some 5000 in the single largest employer (the Port and Rail Authority) and another 5000 or so in the important cashew nut industry. New private investment has been coming in to the country; however, this tends to be used to restructure the existing business sector - especially in transport, medium-scale industry and the service sector, or in partnerships in the recently privatised businesses, many of which also are shedding their excess workforce. Overall the structure plan estimated that some 60% of the greater Maputo workforce was engaged in the informal sector. The majority of activities are commercial and service-provision, with a relative lack of small-scale producers. Some 80% of activities and 66% of informal employment are thus seen as economically marginal²⁹.

While macro-economic effects have to some extent been successful, the pay-off in terms of economic growth has not as yet created many new jobs. An example of this is a new aluminium smelter (MOZAL) being built with international investment just outside the city limits of Matola, Maputo's satellite city. In employment terms, while the project was expected to create approximately 7000 jobs during the construction phase, employment during the operation phase will only be approximately 700 jobs, of which one third will not be Mozambican (the foreign group taking two thirds of the overall salary pool). The investment to permanent job ratio is therefore something like \$ 2.5 million/position.

²⁸ de Vletter (1996).

²⁹ Informal sector covers a wide range of activities - from virtual bonded labour receiving less than 5\$ a month to micro-enterprises involved in complex inter-regional commodity trading networks with incomes in hundreds of \$/month. Average income seems to be around \$30 - not much different from the official minimum urban wage.

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Urban poverty reduction policies in Mozambique have concentrated mainly on the most vulnerable groups within society. Schubert outlines the various government programmes to assist these groups, and the relative success of the poverty alleviation activities, focussing on the Gabinete de Apoio a População Vulneravel (GAPVU – Office for Support to Population at Risk) social safety net approach in targeting the destitute. Concerning conjunctural poverty, he notes that programmes to create employment and generate income had possibly created some 3-5000 jobs in the 1991-95 period, although this had been off-set by net reductions in formal employment. He also notes the government's minimum wage scheme, but accepts that this has not kept pace with costs and hence overall buying power has diminished.

De Vletter³⁰ on the other hand considers the safety net approach as being palliative rather than developmental, and potentially creating dependency. His focus is the conjuncturally un- and under-employed - i.e. those who can benefit from increasing the quantity and/or quality of their labour power. He reviews a number of schemes to promote small enterprises (mostly commencing from the beginning of the structural adjustment programme in the late 1980's and mostly donor funded). His estimate is that maybe only 1000 small entrepreneurs have benefited to date from these (predominantly credit-based) schemes, which have operated at highly subsidised interest rates and have also suffered poor loan repayment rates. In addition, the cumbersome channels that the government has insisted on these operating through have made them inflexible and slow to respond. De Vletter points out that the alternative of employment creation through labour-intensive public works has as yet been little developed in Mozambique, despite the relative success of the "Basic Urban Services" project initiated by the World Food Programme in conjunction with the Mozambican Association for Urban Development³¹. The limitations on replicability of these schemes is to some extent due to their high organisational needs - at least initially.

The lack of any co-ordinated employment policy exacerbates the emerging urban employment crisis, characterised by high levels of redundancy in larger companies and increasing proportions of the population marginalised in low income informal sector vending. While structural poverty is serviced by safety net measures, conjunctural poverty is deepening in the urban areas as the newly redundant workers have neither the replicable skills nor the capital to start up, or engage in, productive activities, hence gravitating to low entry informal vending. This represents a serious loss of investment in human resources and will have knock-on social and economic effects in the years to come. The need for re-training as well as other forms of enterprise promotion is high - the new employers prefer the higher educated, who are in short supply - and yet any activities to date with donor or government involvement are ad hoc, such as the programme targeted at 4000 demobilised soldiers (of a total of some 100,000). There is thus an extremely urgent need to both diversify the employment base and improve the quantity and quality of the labour force, as current trends will soon create new structural constraints to growth.

3.2.3 Urban housing structure

The 1997 census (INE 1988) indicated some 164,700 house units in Maputo city, housing some 178,000 households with an average of 5.4 persons per household. 31% of the house units were estimated as being in non-permanent material³²; 73% owned their own house

³⁰ de Vletter (1995).

³¹ In this programme some 250 volunteers have participated in building a number of community amenities in two neighbourhoods of Maputo, most opting for food payment instead of cash income. It still has a very limited impact (Rosario, M. 1996).

³² This is almost certainly an under-estimate as the best house structure was used for the census and in many households various house structures exist, including permanent and non-permanent materials. The census also did not assess the quality of permanent houses, many of which may be partly built or in deterioration.

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unit (20% rented³³); 49% had individual piped water supply (and another 27% access to public piped supply); only 30%, however, had water borne sanitation and 39% had electricity³⁴. The overall picture of quality is worse if the cement city is excluded from the general statistics – although conditions there have deteriorated since Independence in many areas.

In summary the housing stock is characterised by a nucleus of relatively well-developed housing in the centre and much more variable quality in the larger surrounding peri-urban areas, most of which have few public services. While there is evidence of improvements at an individual level – especially in permanent wall construction material (mostly cement blocks) – there is continued poor access to infrastructure of all types and high levels of overcrowding³⁵.

3.3 Housing land supply

Residential land use takes up more than 40% of the overall city land area of 14,900 hectares³⁶, with another 12% potential indicated for expansion. The largest other land use is urban agriculture (12%). Residential land use is by far the most important in proportional terms and will continue to be so in future as economic land uses tend to densify and social amenities do not tend to multiply in line with residential land use. Urban agricultural use is already diminishing (down from 37% to 16% of the overall metropolitan area since the 1985 Structure Plan) as marginal land is increasingly used for residential use and (as current trends demonstrate) areas of “special use” such as military occupation, give way also to residential occupation (often through illegal sales).

Despite this overall picture the actual supply of residential land (as noted in the previous section in general) has predominantly not been planned or managed in any “formal” sense. As will be demonstrated in the following section, significant and increasing proportions of those accessing land do so outside the formal state land allocation system. As illustrated in Jenkins 1999b, the tendency is for un-planned, or “informal” residential areas to increase much faster than planned “formal” areas, doubling in the period between 1985 and 1998 Structure Plans. In these areas net housing densities have also begun to soar as the areas densify in terms of numbers of families and average family size. Whereas in 1985 the highest net housing density was 330 inhabitants/hectare, in 1997 this was 690 inhabitants/hectare.

The following table indicates the numbers of planned residential plots provided in the city. Of the total approximately 26000 plots demarcated, the highest proportion was in the proto-socialist period (1975-85), with a marked drop-off in the transition period (1985-90), beginning to pick up in the more recent period. The most productive period was in the early 1980’s when nearly 1500 plots were demarcated per year (through the “Basic Urbanisation Programme”³⁷). Although provision of 18,000 plots since Independence might seem a significant achievement, this needs to be seen in proportion to the growth of the city. Between 1980 and 1997 the city grew from some 550,000 to nearly 960,000 inhabitants (4.4%/year), although the number of households grew from some 117,000 to 178,000 (3.1%/year), as the average number of inhabitants per household increased from 4.7 to 5.4. The provision of 18,000 plots in this period thus represents only 30% of the potential growth

³³ This rises to over 40% in the central urban core where, despite 10 years of a divestiture programme a significant number of houses remain state rented – 19,000 (50% of the state stock).

³⁴ For a detailed analysis of housing structure in Metropolitan Maputo see Jenkins 1999b.

³⁵ Based on 2 occupants per habitable room, 55% of Maputo households exceed this, mostly those in 1 and 2 room dwellings (43% of all house units in the city).

³⁶ In 1998/99 actually occupied residential land was 38% with another 8% planned but not occupied, a considerable proportion of which has been occupied in recent years.

³⁷ For more information see Jenkins 1998.

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in demand of 61,000 new households (and 20% of the demand if household size had remained the same)³⁸.

	1964-75	1975-80	1980-85	1985-90	1990-98	Total
Plots demarcated	8050	4975	7310	1300	4450	26085
<i>average number/year</i>	732	995	1462	260	556	
<i>% of total per period</i>	31%	19%	28%	5%	17%	
Plots planned but not demarcated	760				4949	5709
Total	8810	4975	7310	1300	9399	31794

Table 3. Formal residential land supply in Maputo (author)

Despite the renewed supply in recent years, the state's capacity to directly supply land for lower income groups and indirectly allow access to land for private sector housing supply to higher income groups is still very limited. For instance the land cadastre has not been updated since at least 1985. What has happened in effect is land development without any adequate urban planning or land management. Between 1990 and 1999 some 48 urban plot layouts were developed by state and other institutions in the metropolitan area - with no overall co-ordination or land register. Many of these plot layouts were used for illegal land sales. In all an estimated 9500 plots were planned, varying from less than 50 plots to nearly 2000 in each layout, however, only some 4450 were actually laid out by early 1999³⁹.

While the majority of the areas actually laid out were destined for lower-income groups, these were, however, nearly always related to specific resettlement of population and not general land supply. It is significant that the majority of the plans not implemented (at that time) were destined for higher income groups (many planned by non-state entities, such as private sector developers with strong political links). Increasingly land is being allocated to private sector developers to cater for the highest income groups⁴⁰. However there is a significant gap in supply for middle income groups who thus tend to "invade" lower income group layouts.

Concerning land use the biggest single problem is the lack of state capacity for urban land management - whether for state led or private sector led supply. This derives in part from the lack of adequate legislation, weak institutional and technical capacity, limited political will to deal with urban land issues (until recently at least), and lack of adequate land management instruments and mechanisms. As a result informal (and illegal) practices have predominated, including land pricing functions. Not only does this mean that uncoordinated and often unsuitable land use develops, the private sector is frustrated in its activities, and lower-income groups find land more difficult to access, but also that the state does not benefit formally from the urban land process. On the contrary, it would appear that individuals within the state (officials and politicians) benefited from this from the mid 1990s, and in fact were a major element in promoting land speculation.

3.4 Previous research

³⁸ This would be even less if the shortfall of plots was taken into account in 1980, when some 40% of the residential land occupation was unplanned (representing a higher proportion of actual house units due to higher prevailing housing densities in unplanned areas).

³⁹ As described in Section 6.1.2, the city council demarcated several thousand plots in the immediate aftermath of the floods in early 2000, and these are mostly now allocated and occupied. This however continues the crisis management aspect of urban land development.

⁴⁰ In 1999 an estimated 31 different land allocations have been made to private individuals, firms and parastatals for market-related residential development in Maputo - all but five being along the prime coastline north of Maputo and in Catembe, south of the estuary. An estimated total of 200 hectares in Maputo have been allocated or requested for this sector (the vast majority being apparently already allocated). Substantial portions have not as yet been developed however.

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There has been research into residential land access in Maputo since the mid 1980's (for example Jenkins 1984), however this concentrated on the formal state sector supply until the late 1990's, when there were two investigations which included informal land access mechanisms: a survey within the Cadastre Pilot Project and a survey undertaken by the Metropolitan Maputo Structure Plan team, both projects funded by the World Bank as part of the Local Government Reform Programme.

The **Cadastre Project survey** undertook a comparative study of documentation (files/maps) and actual occupation in five areas of Maputo with different characteristics, also surveying residents' attitudes re: rights and duties of occupation⁴¹. In summary the study found existing maps and land registers hopelessly out of date, with recorded data very different in the various registers⁴². The majority of occupants had no documentary evidence of their land rights, yet they had a relatively strong sense of general security, although preoccupied with the action of the state - there were many cases of double concession of plots by the state, as well as lack of consistency in bureaucracy and no transparency. There was also a problem of colonial land titles that were sometimes arbitrarily recognised despite the legislation. Occupants had very limited understanding of the legal basis for land rights, but a general sense of rights to compensation. The study also identified that informal purchase of land had increased in recent years⁴³. The result was very bureaucratic, based on previous colonial system of land ownership, with superficial recognition of post-Independence nationalisation. However the study noted "very few disputes over parcel boundaries" – less than 10% of families interviewed, but considered that this was likely to increase.

The project concluded that, "the present situation has implications for the economic and social development of the City of Maputo. The absence of a transparent land administration system has a number of consequences for the development of a land market. Transactions of land use rights are connected to high risks. Absence of mortgaging systems makes investments more expensive than they otherwise would be. The City has very limited possibilities to collect land use fees to use for investments in upgrading projects, in projects for urban development or in environmental improvements. The system is open for misuse and fraud. The possibilities of obtaining restitution from the judicial systems, when established rights are abused, are minimal." The project proposed a new land administration system which would: "provide secure and reliable information on which an efficient 'land market' can develop" and "encourage investments and other market activities and should lower costs and risks of transactions on the 'land market'." "The ultimate consequence should be more investments, faster economic growth, better environment and improved social conditions for the urban population". It proposed that such a new land management system be based on actual practice, in the light of lacunae in legislation and lack of recourse to law by the majority, as well as limited resources (financial and human/technical) in administration. However, the project also queried the political will to regulate "an area in which enormous personal advantage can be obtained"(DCU 1999)⁴⁴.

The **Structure Plan survey** was implemented in August/September 1998 and included random surveying 960 households in three "strata" of a sample across the metropolitan area. These strata were constructed taking into consideration representative types and period of

⁴¹ 1400 households were targeted through questionnaires between Jan – Aug 1998 in bairros Sommerschild, 3 de Fevereiro, Polana Canico A, Mavalane A and Mafalala.

⁴² Land register ("foral"), property register, and state housing register (where appropriate).

⁴³ The study found it difficult to investigate the extent of this for various reasons including the presence of local "structures" when interviewing, as well as the nature of the formulation of the relevant questions. Another possible factor was that the city council was the implementing agency for the project (and hence the survey).

⁴⁴ The project made specific proposals for continued international support to the sector with a continuation of the pilot project. This is currently under consideration by NORAD, Norwegian Aid, although with an amended proposal. The Cadastre Project also had a considerably important input into the process for defining urban land regulations, drafting a first (unofficial) version of these.

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urban development⁴⁵. Geographic spread of sample areas was also a factor with sample areas being selected in 18 bairros across the metropolitan urban area.

This survey concentrated on identifying the nature and extent of informal land access in Maputo and provided the following conclusions⁴⁶:

- a) There is limited market activity in the sense of direct payment for residential land and the expectation of sale and purchase of land as a means to relocate within the metropolitan area, most land occupants intending to improve their house construction on land now occupied.
- b) Informal mechanisms of access to land for housing are by far the most important.
- c) These are complex, including allocation by local levels of the city administration, inheritance and ceding within families, swapping, direct occupation and private purchase.
- d) In many of the mechanisms monetary payments are also made, although this appears to be more for the right to allocation rather than the concept of land purchase per se.
- e) Informal access, and payments associated with this, are well established and not new phenomena.
- f) Monetary payment is also commonly associated with formal access to land, despite this being nominally free.
- g) There is no clear pattern to land payments, other than that the majority of these are below \$500, given very low affordability levels.
- h) Despite low levels of formal access to land, relatively high proportions of the occupants indicate they have some documentary proof of rights.

In more detail, as shown in Table 2, formal access to land, which legally can only carry a nominal bureaucratic charge, represented between 14-33% of all mechanisms across the three time periods (average 25%). The most important other mechanism for access was via local-level administrative institutions⁴⁷ that represented between 20-39% of access routes across the time periods. These were considered informal mechanisms of access as no register is kept of such allocations and this is not a formal right (the city council is the only formally authorized entity to allocate land). Other informal forms of access - such as inheritance or ceding within the family, swapping or direct occupation - were used by between 18-25% of respondents across the time periods. Monetary payment to a private individual for land represented only between 5% and 12% of all surveyed cases, although a further 3-5% indicated they had bought the house, with thus possible rights to the land⁴⁸.

<i>Land access mechanism</i>	<i>Before 1975</i>	<i>1975-1987</i>	<i>After 1987</i>
Formal allocation (city council)	32%	33%	14%
Informal allocation:	60%	62%	74%
<i>other local-level administration</i>	20%	27%	39%
<i>ceded, swapped, direct occupation</i>	18%	22%	25%
<i>other</i>	18%	8%	7%
<i>Purchase with house</i>	4%	5%	3%
Purchase	9%	5%	12%

Table 4. Survey results for land access, Maputo/Matola 1999 (author)

⁴⁵ The types of urban development were: formal, fully developed; formal, not fully developed; and informal. The periods were: before Independence; 1975-87; and after 1987.

⁴⁶ See Jenkins 1999b for detail.

⁴⁷ i.e. "Chefe de Quarteirão", Bairro Secretary and traditional authority.

⁴⁸ Despite this latter finding, between one third and one half of those interviewed responded positively to a separate question on whether they paid for access to land, suggesting that a significant number have paid for access to land within either the formal or informal mechanisms. Crossing the responses to this question with those concerning forms of access shows that around one third of those who accessed land through the formal mechanisms (i.e. the city council) indicated they also paid for access - as did slightly less than half of those who accessed land from local level authorities.

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Comparing the three main forms of access outlined above (allocated formally, informally or purchased) by period of settlement, formal access has dropped significantly in the post 1987 period; direct purchase decreased after Independence (although did not disappear) and increased again in the latter period; but informal access has stayed predominant (some 60-74% of all land access). However, as noted, this also involves some form of monetary payment. Overall therefore, while payment for access to land has increased, direct purchase has mainly been at the expense of formal allocation, with mechanisms based on allocation by local-level administration and social mechanisms remaining predominant. In most of these cases, however, the study concluded that it would seem that the payment has been for the right to be allocated the land, rather than a payment for the land itself. This form of land access would thus appear to have roots in traditional means to access land in rural areas. The overall finding therefore was that a market in land - in the sense of transfer of land rights through sale and purchase - was thus very embryonic.

This research builds on these two recent investigations, with an emphasis on informal land market activities and perceptions of the main actors concerning the emerging land markets and land rights, focussing on land access for the urban poor.

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Part II

Research methodology

4 Overview of theoretical and methodological basis

This section provides an overview of the theoretical and methodological basis for the investigation, in general in this chapter and as applied, in the next chapter.

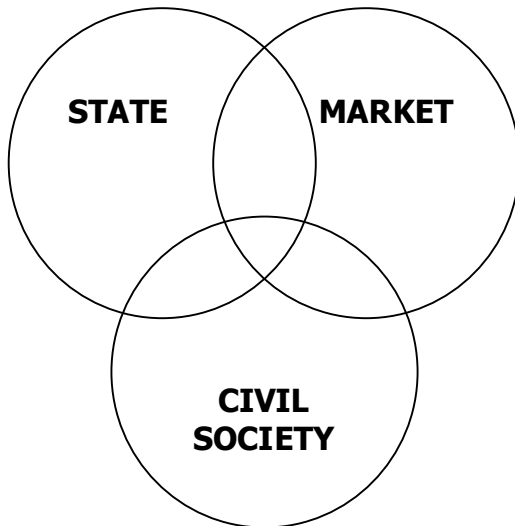
4.1 Development Strategies

Most initial theories of development were primarily oriented to economic growth and transformation and most development strategies based on these paid little attention to political analysis and cultural factors, including the power relations and other preconditions for economic change. While political analyses grew in importance in the developing world from the 1970's, it is only in relatively recent years that the mainstream of development research has seriously started to analyse the development processes jointly as both economic and politico-cultural processes. There is also a move away from grand "meta-theories" in development to middle-level or "substantive" theories, which often deal specifically with themes and phenomena between structures and individual actors (Martinussen 1997). Much of this has been driven by the perception that the previous grand theoretical constructs (Marxist and liberal) have not been able to provide adequate explanations of the nature of development and underdevelopment which have been observed (e.g. Hettne 1990, Schuurman 1993).

This has led to a significant change in the general debate on development theory and strategies, which from the 1940's has been focussed on the respective roles of the state and market in the development process (as well as on the nation-state as the unit of development). If the emphasis was on state management of development in the 1950's through to the 1970's, thereafter it was dominated by neo-liberal emphases on free market competition and minimising the state. Neo-liberal economic orthodoxy argued that these mechanisms promote economic efficiency, higher productivity and growth, which would then "trickle down" from the lead beneficiaries to less directly involved members of society. However in periods of rapid economic growth which have been experienced in parts of the developing world the "trickle down" approach has not resulted in greater equity, but the contrary. Hence it is argued that the state has to continue to play a role of a) protection of less advantaged members of society and b) creating mechanisms of control and redistribution to this end (Jones & Ward 1994).

Apart from this sense that the neo-liberal economic models of development have not been able to explain the experience on the ground, these approaches are queried from the viewpoint of their definition of appropriate arena of knowledge. They tend to assume certain features about the state and market that in fact are not necessarily evidenced in reality. Hence in the 1990's, more nuanced approaches to development emerged which study more complex relations between state and market, including social and cultural factors, such as investigating the social embeddedness of markets, as well as the political parameters to economic forms of growth. In addition the concepts of what constitutes "development" have been queried, with a stress on cultural definitions.

This evolving situation has led to an understanding of the tri-partite nature of development, in terms of the major forces acting to stimulate or constrain this internally: the state, the market and civil society, also known as the "Third Sector", as illustrated in the following diagram.



While some initial theoreticians considered social networks as primarily detrimental to economic progress, others have stressed that societal contexts can be positive or negative, and the study of these is an integral part of economic analysis. This position is loosely called "new institutional economics" and fits within the political economy approach to development, but acknowledges cultural aspects. Above all, economic analysis within this approach accepts that markets are not the only form of economic exchange in many societies and this is rooted in both "mental models" and other organisational "institutions". An institutional approach from a different basic viewpoint can be identified in social studies, including recent theoretical developments in spatial planning, which emphasise that individuals act to a great extent on the basis of norms and values which are established in relation to others in the society and cultures with which they identify.

Central to this form of "institutionalism" are social networks and their influence on the economy. Individuals, instead of acting "rationally", in fact act as stimulated by their socio-cultural relations, which their actions in turn affect. Key in these relations are the nodes, or organisational forms, around which networks form. "Cultural communities" thus are created through shared values and interaction and develop common "discourses", or systems of meaning. These are in flux and can be heavily influenced by power relations. In this "post-modern" conception, values are thus determined in relation to social networks and power structures, and these to a great extent also determine organisational forms and institutions through which societies function, and which eventually underpin forms of political expression and economic interaction. Therefore in any situation various value systems with associated organisational forms may be active, in parallel forms of interchange, including the state and market, and indeed within the state and market systems.

Research into land markets has tended to be dominated by economic or political economy approaches, but as the next section demonstrates, this is changing. This research sites itself within an institutional approach, and has attempted to develop appropriate methodologies from this tradition.

4.2 Land Market Research

Thus there have been two broad methodological approaches to "land market" research based on the two main theoretical bases⁴⁹. **Neo-classical modelling** is often sophisticated, but "data-hungry" and econometric, focussing on supply and demand, and assuming certain preconditions (mainly that that minimally regulated land markets are the most efficient

⁴⁹ A good overview of methodologies for land market assessment is Jones & Ward 1994.

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mechanism for land). The declared objective is to promote improved urban economic productivity through regulation of rights to property and their transfer (i.e. the basis for the market); institutional mechanisms to support this as well as provide information to facilitate market operation; and create a fiscal base for the state's facilitation of market activity.

Political-economic analysis on the other hand is more actor-oriented and context-specific but argued to be more likely to lead to effective policy intervention. This focuses less on the mechanisms for land exchange but more on land production – i.e. its development. While open to incorporation of what it deems as "technical" activities derived from the above approach, it assesses other aspects such as the broader political and economic context.

In the last two decades the former has become the dominant model in the literature concerning the developing world, as it has backing of important agencies such as the World Bank. In this it replaced more state interventionist approaches which focussed on "access to land for the poor" (Doebele 1994). However increasingly this has been challenged or queried, although simplistic assumptions about the role of as unitary state and political will and the juxtaposition of this vis-à-vis the "poor", as well as the "formal" and "informal" are also rejected (Doebele 1994). While there is no clear evidence of convergence in theoretical bases, in practice land market research tends to both attempt to assess economic benefit as well as social impact and balance the roles of the state and private sector (e.g. Payne 1999). One aspect of this convergence is the wider recognition of the institutional dimension of land issues and their inclusion in research. Another is an increasing interest in informal land markets and how these relate to formal systems. Recent international research in urban land markets in the developing world has thus begun to investigate using informal land markets as a basis for widening access and basing urban development (see for example Durand-Lasserve, 1997; Fernandes & Varley, 1998; Fourie, 1997; Sinha 1997).

Land market research in practice follows the above two major approaches. **Neo-liberal land market research** aims to both understand how the land market actually operates and provide information as the basis for improvements of this in terms of efficiency and effectivity (Dowall 1994). Research issues are, for example, what "shape" land prices take across the urban area; how these are – or might be – affected by access to infrastructure as well as regulatory controls; and the actual and potential basis for taxation etc. Techniques have been developed to allow application of more conventional land market assessment techniques to the situation in the developing world – the most influential possibly being the Land Market Assessment promoted by the Urban Management programme of the World Bank, UNDP and UNCHS – see following text box (Dowall 1991).

The Land Market Assessment

This research instrument is a structured survey and analytical protocol for the collection, organisation and analysis of information about land markets that can be adapted to local conditions. It incorporates surveys of land use and urban development tendencies over time, including land prices and has a focus on residential development, albeit not exclusive. It assumes that the land market is the competitively open mechanism for land distribution, where users set prices which determine outcomes, and where the provision of more and better information can improve the effectivity of this mechanism, reducing risk to developers, and allow more rapid adjustments and hence promoting wider urban efficiency. It also assumes that, generally, any form of public interference with the price-regulation mechanism tends to create distortion and hence decrease overall effectivity and efficiency, although it may also create the specific public good for which it is intended.

The main objective of the technique is to provide accurate and up-datable databases on the land market in terms of prices and supply of urban land. It diagnoses current supply and demand and can act as the basis of extrapolation from this, as well as identifying constraints. It can thus serve as the basis for improved private sector operation in land supply, but also the activity of the state in both supply and support/regulation and hence possible public-private sector partnerships. It is, however, lengthy, consumes considerable resources and requires certain preconditions.

The **political economy approach** stresses the social and political context and interaction with economic forces in the supply of land and its distribution. It argues that land prices are

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as much socially constructed as economically a result of supply and demand and hence there may be considerable variations between land markets and within land markets. It thus widens the scope of study to include the social and political system and sub-systems that affect land activities. This form of research incorporates investigation of administrative issues such as policy context, legal, institutional and procedural framework for land management and political analysis at macro- and micro-levels, as well as the physical and market factors⁵⁰. The approach is thus not only concerned about efficiency in the land market, but more so, equity.

Research within this approach tends to focus on segments of the land market, partly due to the nature of its assumptions (that segments can be essentially different), but also due to resource constraints as this approach has not received the level of funding support that the market approach has⁵¹. The need to specify actor and context specific situations has also inevitably made broader comparisons more difficult. However typically this approach is based on an analysis of the broader political, economic and social context as well as that of the specific situation studies (city or area), and includes an historical aspect to this analysis (both historical development and in terms of relevant previous studies). This basis allows definition of the specific aspect(s) of land market relevant to be researched as well as the sample locations. The definition of the research context and research questions leads to the specific methods of research in each case, but these can include political direction and policy formulation and implementation; administrative structures and procedures; tenure/land rights issues; planning, regulation and taxation issues; development processes; assessment of open and hidden costs; and issues related to participation in the land market and broader social inclusion.

Apart from these two approaches, a **third approach** has been conceptualised which focuses on the socio-cultural meaning of land. This approach recognises that little is known about what land means to people and how they perceive their rights. This avoids the tendency of the neo-liberal approach to focus on the utility-maximising capacity of land for the individual, or the top-down tendency of the political economy approach on the structural importance of land in the accumulation process, but on how the meaning of land is socially constructed and reconstructed. It also critiques reductionist views of "basic needs" concerning land, which are more often than not described in material terms.

The approach draws on the discourses on land proffered by various actors and analyses the interaction between these – i.e. the construction and negotiated reconstruction of meanings. The research techniques use archival resources, participant observation, semi-formal and informal interviews and oral history. Information on these discourses is gathered through these mechanisms have to be understood within the historical, political, social, economic and cultural context of institutions, both at a macro and micro level – that is, the mental models and organisational forms wherein they are expressed (Assies 1994). In this research the assumed concepts of formality, legality and legitimacy are queried as it is argued these are also socially constructed.

An example of this in relation to land is the juxtaposition of discourses based on the definition of land rights (e.g. ownership) and those based on moral obligations vis-à-vis basic needs (e.g. housing rights)⁵². In this situation potentially diverse conceptions of meaning of land are merged in a common discourse for strategic reasons, although this does not signify that the

⁵⁰ It is important to stress that the neo-liberal approach does not deny that the political and institutional issues have importance, but it tends to assume these are usually constraints that need adjustment – "Policy intervention that adversely affects supply is variously attributed to the inherent inefficiency of administrative systems compared with market forces, to incoherent policy formulation and uncoordinated implementation, and to vested interests of powerful property owners" (Rakodi 1994 p 70).

⁵¹ The lower level of support also leads to constructing surveys around specific issues being investigated. This is often also influenced by availability of data source.

⁵² As for example in urban social movements in Brazil.

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different meanings disappear but are voluntarily subordinated (as opposed to involuntary subjection). Thus while use values may be stressed to secure the rights to land, in fact there continues to be an awareness of the exchange value, although it is accepted that this is (at least initially) subordinated. Other such differential meanings can exist within communities and within households.

4.3 Recent approaches to land rights

The need to investigate meanings of land is perhaps clearest when studying land rights. The study of land rights in Sub-Saharan Africa has, however, been mainly on rural land rights. Nevertheless useful information can be drawn from these vis-à-vis urban land. A short review of recent approaches to land rights is included in the Appendices.

There is an increasing consensus that private ownership of land cannot be imposed from the "top-down" – the appropriateness of privatisation, as the response to widespread questioning of state management of land, is hotly disputed by most observers in rural Africa (Delville 1999 page 9). In addition assumptions concerning ownership title and productivity have been re-assessed, demonstrating that customary systems do not in themselves hinder intensification of use. The objective is thus not to substitute modern systems for "traditional, ineffective" systems, but to avoid unregulated co-existence. Even if ownership is an eventual goal it needs to evolve from existing rights. The stress is thus now on appropriate social forms of land administration which are practical, legitimate and equitable (social goals) - rather than economic arguments for efficiency (economic goals).

Alternative approaches to land management in this literature include creating new legal categories for titling based on social tenure categories; recognising various forms of derived and secondary rights, acknowledging restrictions based on these rights to alienation; and collective titling. This does imply existence of a complex tenure system and administrative capacity for administration. Another approach focuses on the definition of the appropriate socio-political regulation for allocation and dispute resolution that clarifies the "rules of the game" for all involved. This is based on the concept of common heritage of land that is also inter-generational. In this, general rules are established at state level for flexible adaptation to local conditions with established parameters and within a hierarchy of arbitration bodies. Composite approaches suggested by Delville would include the following principles:

- Subsidiarity of genuine decentralised power of decision at local level within the state's overall prerogative;
- Local land titling with higher level state titling only as required;
- Collective forms of registration, however permitting individual registration if agreed consensually.

As noted at the Feb 2000 Workshop on land rights and sustainable development for Sub-Saharan Africa (sponsored by DFID), the World Bank's land policy has changed – it no longer emphasises land titling as essential for agricultural development. Communal tenure, tenancy and sharecropping are now seen as acceptable. Decentralised approaches to land reform, based on assistance to land redistribution through market mechanisms and negotiation with landowners. It is also recognised that there are no grounds for believing that titling significantly increases investment in land or improves access to credit. Land titling does not in itself automatically activate land markets, as these only operate where banking systems and formal credit markets are well-developed and generally only then with larger landowners. More important is security of tenure, which it is recognised can be provided through customary and informal systems. Equally it is recognised that land markets do not always ensure that land is allocated to the most efficient users – land can be banked for future use and exploitation by those with resources, and hence remain under-utilised.

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Although wide ranging in initial objectives and with different levels of implementation, a large number of reforms in land have been instituted in Sub-Saharan countries in the last decade⁵³. Fundamentally most reflect shifts in the nature of property relations between the state and citizens, with new recognition of locally perceived rights and some decentralisation of powers to local levels. These changes reflect socio-political changes in basic governance as well as natural resource issues. However though the changes have been at times radical in terms of legislation, political will to carry these through has faltered due to the widespread potential redistributive nature of the changes and entrenched attitudes within the political and economic systems (Walden 2000).

This research specifically investigates the complex and hybrid situation vis-à-vis residential land rights in Mozambique, including in political economy and post-modern perspectives. In this the objectives is to "unpack" recent legal changes in formal land rights in a political and institutional context, as well as deepen understanding of forms of land rights which exist other than the formal. It then draws on the experience and proposals of alternative approaches that accept the legitimacy of "socially-determined" land rights as opposed to simplistic and modernistic approaches, which have been critiqued primarily in relation to rural land.

4.4 Urban Poverty Strategies

A key element of this study is the focus on urban poverty – so prevalent in the Mozambican context. This section reviews new approaches to understanding and alleviating poverty as an element structuring the research methodology.

Understanding of urban poverty has increased significantly in recent years, with a number of studies assisting in a more comprehensive definition. From initial definitions of an economic "poverty line" based on income and consumption, below which people were in poverty, the means of definition have become more complex. Poverty lines assume at least some access to wages and the use of cash income as a measure of purchasing power for nutritional and other basic necessities. Thus, where incomes are only partially monetarised, families vary considerably in size and composition, and part of consumption is produced by the household itself, consumption generally exceeds calculated income and hence a series of deflators are required. Other variables such as cultural and biological definitions of needs have led to increasing methodological sophistication for quantifying poverty lines. However, there inevitably "... exists an unavoidable and inherent element of arbitrariness in the specification of the poverty norm" (Tendulkar cited in Rakodi 1995).

In addition to arbitrariness, poverty line definition is open to political manipulation as evidenced in competing claims of levels of poverty in particular places. The definition of simple poverty lines also does not assess the intensity of poverty, leading thus to more recent definitions of different degrees of poverty such as the "absolute poor", "relative poor", "ultra-poor", destitute etc. Different forms of poverty have also been distinguished - "structural poverty", "conjunctural poverty" and "contextual poverty"⁵⁴. The fact that poverty can occur at certain times for some households as opposed to being more permanent for others also has been expressed as "transient" and "permanent" poverty. Another way different conditions have been expressed has been the "newly poor", "borderline poor" and "chronic poor". Again the structure of income and consumption, and hence possible poverty, between rural and urban areas, has also been noted, as well as between urban cores and periphery and between different urban areas (Satterthwaite 1998).

⁵³ Other than Mozambique, Uganda, Tanzania, Zanzibar, Zambia, Eritrea, Namibia and South Africa have new land laws and Rwanda, Malawi, Lesotho, Zimbabwe and Swaziland all have new national land policies.

⁵⁴ See footnote 26 for definitions.

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Clearly defined poverty lines are useful as a macro-analysis tool for comparative purposes, however their usefulness for analysis of the conditions of particular communities and households is limited due to the difficulties in estimating income with significant participation of "informal" and/or "traditional" economic activities. This has led to conceptualising poverty as a set of relationships and a process, rather than a fixed "state", acknowledging the complexity and dynamic nature of poverty, and (importantly) the fact that the poor are not passive. Poverty is thus increasingly seen not as something static that can be quantitatively measured, but more as something dynamic that needs qualitative measurement also.

New approaches to poverty analysis have permitted more nuanced attitudes to how to ameliorate poverty to be developed, based on individual, household and community as well as public action, thus strengthening initiative. These vary in name (such as "household" or "livelihood strategies"), but less so in fundamental approach as they are all based primarily on identifying household assets, opportunities and resources; and strengthening organisational capacity for resource/asset management within the range of mechanisms the household can adopt. Asset management permits enhancing wealth and status; fulfilling social obligations; making provision for the future; and coping with external and household-rated contingencies (disasters; exploitation; social conventions such as rites of passage; sickness and child bearing). These approaches are based on the fundamental position that economic, social, physical and psychological security is as important as wealth as the opposite of poverty.

A key measurable in this is vulnerability. This approach has been stimulated by the need to address a widening proportion of urban residents who may experience poverty and socio-economic vulnerability as their personal conditions change relative to external factors. External factors can be economic, social, political and ecological and be expressed in sudden changes, longer-term trends or seasonal cycles. Vulnerability increases significantly when the net asset position of an individual or household becomes so depleted that even an economic upturn cannot reverse the position easily. Internal dynamics also affect vulnerability – both life cycle, structure of households, gender and age differentials and social norms. As noted above, people can move in and out of poverty and assets-based approaches can be used to track, predict and ameliorate this as well as support household "livelihood" strategies more effectively, rather than ignore or blocking these⁵⁵.

The main assets focussed on in household-based approaches include:

- **economic assets** – income, material goods and savings (usually limited in scope for the poor); debt and credit;
- **human assets** - quantity (e.g. number who can work in a household), quality (e.g. health, education and skills levels), and availability (number of hours, distance to work factors);
- **physical assets** - social and economic infrastructure (e.g. access to education and health facilities; water, electricity, sanitation and transport); housing (nature, size and location of housing as well as security and suitability are important factors); and access to the environment (for productive or recreational requirements);
- **socio-cultural assets** – including household relations (e.g. life cycle issues and gender/age differentials); reciprocal and redistributive networks/structures (e.g. kinship, good neighbourliness and community/religious organisations), as well as the mutual trust, socio-cultural rights and norms on which these are based. This category also includes access to information;

⁵⁵ In deteriorating circumstances, three main types of household strategies have been used: increasing resources, decreasing consumption, and changing household composition. Recent research into poverty has led to a number of policy approaches and there is a need to select the most appropriate in any given situation. These include: safety nets for the most vulnerable; offer of opportunities for increasing income generating capacity; provision of basic services and utilities; legal and policy recognition of the informal sector.

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- **legal/political assets** – the effective right to justice and a life free of crime and violence as well as to influence the structures of power that affect life in various ways either through representation or participation.

Strengthening assets can include promotion of income-generating activities and savings and loans (financial assets); training to increase skills and lobbying for improved work conditions (human assets); support for improved physical assets (and access to these), including security of tenure for land occupation and development of possible home-based enterprise; local community development and development of wider social movements (social assets) and widening democratic and participatory forms of governance (political assets). It is noteworthy that these activities range from personal and household level development, through to wider issues of policy and state action.

The direct application of household asset analysis in this research is detailed in the next chapter.

4.5 Rapid Appraisal Techniques

This investigation uses “rapid urban appraisal techniques”. This section briefly introduces these techniques.

Participatory Appraisal is a series of techniques and methods used in development work in order to stimulate and channel wider participation of users/beneficiaries - often communities. While it started with predominantly externally generated participation, participatory appraisal has expanded and been transformed in increasing ways through emphasis on community (or user/beneficiary) empowerment in initiation, implementing and monitoring of development processes. Essentially Participatory Appraisal serves two main functions:

- bringing to the surface knowledge, resources and skills within a community; and
- providing shared decision-making, negotiation and conflict-resolution processes.

Participatory Appraisal started in rural development work - **Participatory Rural Appraisal (PRA)**. Participatory Rural Appraisal was championed by several influential development research institutions, including the Institute for Development Studies (IDS) at the University of Sussex in the UK, and has become recognised by major international development agencies as of great value. Participatory Rural Appraisal has been applied to four major sectors: agriculture; natural resources management; health and food security; and poverty and social programmes. The application to urban areas was advocated by the Institute for Environment and Development (IIED) in London in the mid 1990s, terming this Participatory Urban Appraisal.

Participatory Urban Appraisal drew initially on previous participatory techniques developed in community development in urban areas as well as RRA techniques as developed in rural areas. In time, Participatory Urban Appraisal developed from information collection techniques to also include participatory project design and monitoring of implementation. In this research we are predominantly concerned with participatory information collection.

Participatory information collection techniques can be characterised in five main ways:

- **Semi-structured interviews** are seen as a rich qualitative information collection method, permitting insight not possible from quantitative surveys as well as simpler analysis techniques. Semi-structure interviews are often focused on **key informants**.
- The above techniques can be used with individuals or groups. If the latter, which is more common, **focus groups** can be defined as the subject for enquiry - e.g. mothers with young children, workers outside the settlement; unemployed youth etc.
- **Case studies** are often used as illustrative of wider situations.
- **Transect walks** of various kinds are techniques of action-research involving a wider group and permitting participation in easily accessible ways. This can be linked to

- **participatory mapping** - which can be focused on physical aspects as well as relationships and institutions.
- Instead of full surveys, **proxies** - selected key indicators - can be identified which "approximate" to the information collection objective but entail significantly lower resources to survey.
- Given the small and potentially non-representative samples in these techniques, **Triangulation** permits data checking with independent sources and/or alternative methods.

4.6 Action Research

This research is designated "action research". The term "action research" in social sciences dates from the 1970's when it was used in anthropological and sociological studies. Researchers in this context aspired to act responsibly to the members of a community being studied, in tandem with the acquisition of knowledge and the subsequent presentation of findings to both the academic and the relevant "indigenous" community. Action-research has been defined as the "aim to contribute both to the practical concerns of people in an immediate problematic situation and to the goals of social science by joint collaboration within a mutually acceptable ethical framework" (Rappoport, 1970). The term has also been used to describe research with direct involvement and participation in the subject being studied, in order to both investigate meaning of a process and its outcome for participants.

In action research the investigators do not pose as neutral researchers, although they acknowledge the need to be aware that the nature of involvement necessarily influenced the data. Potential problems arising from this technique include the lack of representativity in "sampling". In addition action research can generate an immense amount of detailed data, which the researchers needed to analyse and which therefore is subject to their selection. However action researchers make no apology for their analysis, rather they promote the use of this technique of "qualitative" research as being highly appropriate in given circumstances and with certain objectives. This is particularly so in political economy analyses where there is limited representation by the researched group in dominant power structures, and where research has an element of advocacy in assisting such communities find "voice". The insights of post-modernism have led to new approaches in action research, exploring these issues of political action. Action research in this form can provide "...an infrastructure for sustained self-reflection by the people being studied which will ultimately produce a process of self-assessment. It aims at empowering people by providing a context that better enables them to represent themselves, their culture and their concerns" (Johannsen, 1992).

Key elements of action research entail:

- Acting responsibly vis-à-vis the subjects of study when constructing knowledge based on (or including) their understanding;
- Making benefit for the subjects studied an objective of the research;
- Incorporating the subjects to be studied as much as possible in the design and feed-back for the study; and
- Being explicit about the objectives of study.

4.7 Substantive basis for the research

4.7.1 Summary of theoretical, methodological and contextual bases for the research

The main theoretical and methodological lines that have been used to construct this research, include (as illustrated in the attached diagram):

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1. Theoretical basis in "Third Sector" development strategies, and more specifically drawing on institutional analysis, with an emphasis on recent alternative approaches to the issues of "formal" and "informal" development; and
2. Methodological bases in political economy tradition of land market research, with also a focus also on the "meaning" of land to lower income groups; drawing also on recent research into urban poverty analysis using household asset management as a structure to measure poverty; using Rapid Urban Appraisal techniques; and siting the research in the tradition of "action research".

In addition the research is implemented in an analytical context of general development orientations and urban land issues in Mozambique; and the specific context of urban residential development and poverty in Maputo as described in Chapters 2 & 3. In this it builds on other recent research which has identified emerging urban residential land markets, yet not investigated these in detail.

4.7.2 Specific research questions

On the basis of the above substantive basis for research, and in the light of the overall research aims and analytical objectives described in Chapter 1, the study addresses the following specific research questions:

- 1. Effect of emerging land markets on the urban poor**
How do the urban poor get access to land for housing, and more specifically what is the extent of commodification and market behaviour? How are emerging land markets likely to affect the urban poor, more specifically, what is the importance of residential land to urban household strategies within the poor?
- 2. Attitudes to land access for the poor in the context of wider land access issues**
What are the attitudes of the poor, organisations within civil society, the state and private sector to the emerging land markets and the policies and practices which underpin this? How is this affecting the broader policy and legal environment?
- 3. Alternative land access and development mechanisms**
What are alternatives for more closely associating the formal state land allocation system with actual practices which improves access for the wide group of stakeholders, especially the poor majority?
- 4. Recommendations**
What specific recommendations can be made to the various stakeholders in urban land concerning this, stressing the wider impact of residential land access on urban development in general as well as an integral component of poverty alleviation through a livelihoods approach.

5 Application of the methodology

5.1 Resources

The resources available to implement the project had a significant impact on the research method utilised as well as the design of the sample and fieldwork. These resources include both:

- Research skills and available personnel
- Financial resources

Concerning the former, there is a limited national research skills base in Mozambique, which tends to be even more reduced by the pressures of livelihood survival in Maputo, often entailing multiple employment. The principal research skills base in the country is situated within the main Eduardo Mondlane University, however the school dealing with physical planning issues (Faculty of Architecture & Physical Planning) has a relatively limited engagement in urban planning research, especially socially policy research. Thus, while

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basing the investigation in the research unit at this Faculty (through the Centre for Studies in the Development of Habitat, CEDH) could provide a fairly independent research base, the level of skilled social research capacity within the Centre was limited. Hence it was decided to involve other, more socially oriented, university departments. Because of the nature of the proposed fieldwork, to ensure appropriate social research skills, the two departments chosen were Anthropology and History. Despite the involvement of these three departments, there was limited availability of skilled research staff to this project due to other commitments. It was thus decided that the principal researcher would lead a team of junior researchers/students, which implied a direct involvement of the principal researcher in the majority of the research activities.

Financial resources made available from the Economic and Social Research Committee (ESCOR) of the Department for International Development (DFID) of the United Kingdom were in the nature of a small grant. The grant application had envisaged that this would allow 60 days of the principal researcher's time, some 50 being sent in Mozambique, and up to 40 days research for 5 local researchers. The availability of research personnel and their skills level, as outlined above, led to this being re-structured in practice to allow for 60 days of the principal researcher's time in Mozambique, 10 days of senior Mozambican researcher's time (Director CEDH) for overall guidance of the project, and some 20-25 half days each for a junior researcher (CEDH) and field workers. In addition the financial resources covered logistical costs (travel and accommodation, car hire and miscellaneous) as well as reporting costs (local workshops, translation and eventual publication/dissemination costs).

The availability of skilled researchers and the financial resources were important factors in the choice of research methods adopted. The dimension of the financial support and availability of researchers excluded *a priori* any quantitatively significant statistically survey work such as entailed in a full land market assessment. Apart from this it was agreed with the Director of CEDH that in the current period the most important aspect would be to engage with the various institutions involved in land use regulation development based on the 1997 Land Law, still in debate.

5.2 Research methods adopted

The research methods adopted in the light of the specific research objectives and resources available were:

- a) Adoption of a political-economy approach with an emphasis on institutional research, i.e. both institutional capacity/organisation and attitudes; and
- b) Further investigation of the actual operation of mechanisms within the informal land market, as well as the attitudes of the urban poor to land access and security of land tenure as an asset in household strategies.

To implement the first, **institutional**, method a series of semi-structured interviews with key actors in various types of institutions involved in urban land issues were set up and implemented. The target, given the time and research resources available, was 4 interviews in each of the following categories:

- Central government
- Local government
- Private Sector
- Non-Governmental Organisations
- Land Specialists

The total target was thus some 20 interviews and the key actors were identified jointly by the CEHS and CEDH researchers (see list below).

The semi-structured interviews were designed to permit both collection of information on the interviewee/institutional involvement in urban land issues, and to investigate attitudes to urban land management reform. The interview instrument was based on six main areas

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relating to urban land use tendencies (existing and probable future); land use efficiency and equity of access; the resource base for urban development; and perceptions of relevant roles between institutional actors (see semi-structured questionnaire in Appendices). The responses were noted, but considered confidential and only the synthesis of these is part of the report⁵⁶.

The application of this method had as its main objective both information collection and also stimulus of debate concerning alternatives, which were suggested by the interviewers - if not raised by the interviewee. The alternatives were based on an appreciation of the limitations within the current system, which relies exclusively on the state for formal land access, with limited state capacity leading to the predominant informal and growing private sector land markets as identified in previous research. The interviews were explicitly linked to the seminar to discuss the initial results and recommendations, and all interviewees were invited to this seminar. The interviewees were also informed of the other research method underway and of how this would be of relevance to the current debate on urban land use regulation.

Concerning investigation of **informal land access mechanisms** and **attitudes of the urban poor** to land access and tenure, to implement this a second method was designed, based on field investigation in a number of peri-urban areas of Maputo city. As resources did not permit a statistically representative sample, this method was designed to expand and refine the initial research into emerging land markets previously undertaken by the principal researcher (1998/99)⁵⁷. This prior research had a statistically significant sample and identified not only the distinctive operation of "informal" and "illegal" land markets, but also a number of mechanisms operating within the informal land market. However it did not investigate the manner of operation of these mechanisms due to the more quantitative nature of the survey instrument. The second method in this investigation was thus designed to build on this research foundation and expand the understanding of informal land market mechanisms and how these are changing in spatial and temporal sense. An additional focus in this second method was to identify to what extent land access and security are perceived issues of importance for the urban poor, and what their understanding of the current situation vis-à-vis land rights is, as well as what their aspirations concerning land access, security and possible commodification of land would be.

The instrument designed for this method was a structured qualitative questionnaire, which comprised some 20 potential questions, depending on the nature of the land access. One group of questions was designed to allow a qualitative assessment of the nature of poverty and household strategy, including general physical aspects (e.g. infrastructure, social amenities and environmental issues in the area) and specific physical aspects (e.g. plot development and house type), as well as other household resources (human, economic, socio-cultural and political-legal). Another group of questions investigated the actual land access mechanism used; a third group investigated the nature of plot development over time; and a fourth, the attitudes to land security and future aspirations vis-à-vis land and housing, specifically engagement in market mechanisms. See Appendices for questionnaire.

Given time and research resources available it was necessary to define focus areas for this research, as it was impossible to cover the whole city in any fully representative way. As such it was agreed to base the research in three areas where the three main mechanisms of land access are most obviously in contact, as illustrated in the following diagram (the actual areas selected are described below:

⁵⁶ This was important to ensure interviewees were free to state their opinions and positions.

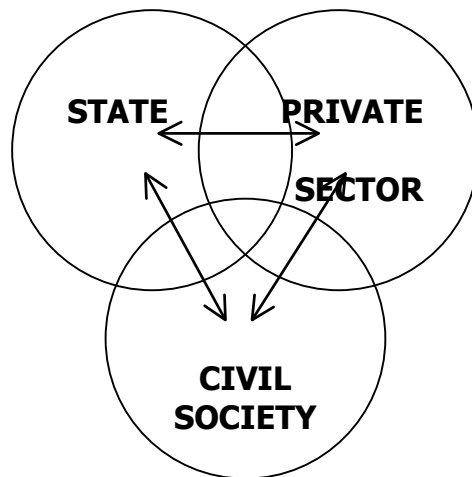
⁵⁷ See Jenkins 1999b.

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The target, given the time and research resources available, was 15 field surveys in each of the focus zones, with the total target being thus 45 surveys. The criteria for selection of households to be surveyed was identified jointly by the CEHS and CEDH principal researchers and included:

- The actual locations in the focus zone, with at least 3 surveys in each sub-zone
- The nature of plot development as an initial indicator of poverty, selecting only potentially poor urban households
- The period of residence, with one survey with a long time resident, one survey with a recent resident and one other survey.

5.3 Sample selection

5.3.1 Institutional investigation

The various institutions and key actors interviewed included⁵⁸:

<i>type</i>	<i>entity</i>	<i>institution</i>	<i>position</i>
1 Central gov.	MAE	Ministry for State Administration	Minister *
2 Central gov.	MAE	National Directorate for Promotion of Local Authorities	National Director
3 Central gov.	MOPH	Ministry of Public Works & Housing	Minister *
4 Central gov.	MOPH	National Directorate for Housing and Urbanism	National Director
5 Central gov.	M AGR	Ministry of Agriculture	Vice-Minister *
6 Central gov.	M AGR	Ministry of Agriculture	Legal Adviser
7 Central gov.	MICOA	National Directorate for Territorial Planning	National Director
8 Local gov.	CECM	City Council	Councillor
9 Local gov.	CECM	City Assembly	Commission Leader
10 Local gov.	CECM	Dir. Of Construction & Urbanisation	Director
11 Local gov.	CECM	Dir. Of Construction & Urbanisation	Head of Urban Planning Dept.
12 Local gov.	CECM	Dir. Of Construction & Urbanisation	Head of Construction Dept.
13 Private sector		Housing Promotion Fund	Executive Director
14 Private sector		Spence/Pendray Ltd	Director
15 Private sector		DOMUS	General Director
16 Private sector		Mozambican International Bank	Administrator *
17 NGO		Mozambican Association for Urban Development	Founder & Director
18 NGO		Foundation for Community Development	Executive Director
19 NGO		CARE	Project Director
20 NGO		Medicins sans Frontiers	Project Director
21 Specialist		World Bank	Urban Environment Consultant
22 Specialist		City Council	Legal Adviser
23 Specialist		Land Campaign	Director *
24 Specialist		KPMG	Legal Adviser
25 Specialist		Various	Land Consultant

⁵⁸ Note: Interviews marked * were general and not structured but more informal discussions.

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5.3.2 Informal market/urban poverty investigation

The focus areas were defined as (see Appendices for details):

POLANA CANIÇO A

in this area there is:

- a relatively long (25+ years) history of informal land access and management;
- local government pressure to change the nature of land use and rehabilitate major infrastructure;
- high private sector interest in investment due to the advantageous position vis-à-vis the "cement city" and general high amenity of the area;
- On-going community development activity.

Part of the rationale for inclusion in the investigation is due to these overlapping interests, but also as a possible test case for land regularisation based on the new Land Law. A key issue investigated here was to what extent do the current residents perceive the pressures on their land and how is this affecting the formal and/or informal land markets in these areas.

LAULANE/MAHOTAS

In this area there is:

- a medium term (10+ years) history of initially formal land access, which with weak management has probably led to housing land entered the emerging land markets;
- apparently limited local government capacity and/or interest for formal land management;
- rapidly increasing individual investment in housing possibly representing the growth of a new group of occupants.

A key issue to investigate was to what extent is the lack of formal land management promoting the informal and/or formal land markets in such an area? How can proposed urban land use regulations assist the current situation?

MAGOANINE/ZIMPETO

In this area there is:

- a recent (<5 years) history of competing formal and informal land supply, with an apparently high level of penetration of the informal market in the formal processes;
- there would appear to be also an incipient formal market in houses in the area which may lead to formalisation.

A key issue to investigate was to what extent is the formal land supply process promoting and being subverted by the informal and/or formal land markets? Again, how can proposed urban land use regulations assist the current situation?

5.4 Implementation factors

5.4.1 Institutional investigation

As can be seen from the previous table, the target for 20 semi-structured interviews with 4 per sector was achieved, with an additional 5 non-structured discussions allowing general exchange of ideas with influential members of the various sectors, including the two government ministers most involved in urban land administration. However the period necessary for the interviews had to be somewhat prolonged beyond the two week period initially envisaged, with the last semi-structured interview only taking place at the end of the fourth week of interviews. This was mainly due to the limited availability of some of the key actors⁵⁹. The principal researcher undertook the interviews, with assistance from the junior researcher (CEDH). The Director of CEDH participated in five interviews, including the 3 non-structured interviews at ministerial level, which he facilitated.

⁵⁹ It is only due to the status of the Director of CEDH and personal contact of the principal researcher with some of these key actors that it was possible to get interviews at all.

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The semi-structured interviews were written up by the principal researcher and confirmed by the junior researcher from CEDH. The information in the interview notes was used to provide an intro- and inter-institutional analysis of activities and attitudes to urban land management on the six key issues in the structure of the interview, as well as an analysis of any discussion that ensued in the interview. The results are in the next chapter.

5.4.2 Informal market/urban poverty investigation

The target of 45 interviews (15 in each focus area) was achieved within the planned three-week survey period, an average of three per working day. The survey team comprised the principal researcher and the two university students (one in anthropology and one in history). The junior researcher from CEDH only participated in two days survey work due to other work commitments. The surveys were conducted in the afternoons, as the student surveyors were not available during the mornings (classes and other university work including examinations). This was fortunately not interrupted by inclement weather or other problems such as sickness etc. Although a number of people were not in their houses during the day, sufficient members of households were present to make selection of potential surveys vis-à-vis the criteria straightforward.

The method of access was in each case to present the survey team at the local urban District Administration in order that they would be aware of the work underway. In only the first focus area (Polana Caniço) was the survey team subsequently presented to the local administrative structure at bairro level (Secretary of Bairro). In no case was the survey team accompanied by any local administrative employee or representative, a fact that allowed open responses concerning their possible role in informal land markets/allocation. In very few cases was the survey team asked to identify themselves formally, and in these cases this request was satisfied. The number of refusals for surveys was overall quite small and more related to the fact that the head of household was not present rather than any reticence of being surveyed. However this would appear not to have been the case in one area in one area in Laulane where a series of some 10 potential households refused to be surveyed for a number of reasons, most likely however related to the nature of their access to the land – bought "illegally" from the soldiers who had been based there (confirmed by a resident in a neighbouring area who was interviewed).

Originally it was assumed that up to one third of surveys might not provide adequate information. In practice the overall response rate in the surveys to the questionnaire was very high, permitting all surveys to be written up and the information in nearly all cases is significant. Thus a wide range of informal land access mechanisms has been investigated.

The actual physical sub-zones surveyed are indicated in the Appendices. They represent a "slice" of Maputo city peri-urban areas from the relatively old informally settled areas near the central "cement city" to the new expansion zones at the city limits. The three (anonymous) case studies in each focus sub-zone are reported in the Appendices. Interviews were normally in Portuguese with the principal interviewer undertaking questioning and the two research assistants taking notes of responses. In cases where translation into a local language was needed one student translated and one took notes. The case study reports were checked with the student assistants after being written up.

This information was then minimally codified in a spreadsheet to allow a cross-factor analysis according to categories (see Appendices), which permitted a general assessment of poverty in relation to land and housing, organised by focus zone (see in chapter 7).

Part III

Research Findings

6 Institutional investigation – results

6.1 Description of activities and main perceived problems in urban development by sector

6.1.1 Central government

The **Ministry of Agriculture** has led the development of the revised Land Law and Land Use Regulations. Although not considering it within its normal scope of operation it has assisted with development of the draft Urban Land Use Regulations – organising the **Inter-Ministerial Commission on Land Law Revision** and its Working Groups. These included a wide range of central and local government entities as well as NGOs, the University and some land and legal specialists. However currently the draft regulations are with the Ministry of Public Works & Housing for further revision.

The **National Directorate for Housing and Urbanism** (DNHU) was created in 1995 as the National Institute for Housing and Urbanism within the **Ministry for Public Works and Housing** (MOPH). DNHU has been involved in supporting municipalities in urban development through technical assistance in urban planning and infrastructure design as well as preparation of house-type designs. DNHU has recently become involved in discussions on the draft Urban Land Use regulations. It is also preparing a new project for a National Housing Policy, to have a social housing programme component. In this it works closely with the parastatal Housing Promotion Fund FFH. It intends to work closely with the new National Directorate for Territorial Planning and Ordering DNPOT concerning urban planning and land management issues to avoid overlap. The main preoccupations of MOPH in the new urban land use regulations have been to allow the property market to develop more freely to stimulate private investment, and to avoid high compensation claims in upgrading and rehabilitating existing occupied urban areas. In this it has wanted to "turn the legitimate into the legal" – i.e. the informal into the formal. It is aware that its approach may lead to greater social stratification but considers that the state is limited in what it can do in this respect, as it is weak and market forces much stronger.

The **National Directorate for Territorial Planning and Ordering** (DNPOT) within the **Ministry of Co-ordination of Environmental Affairs** (MICOA) was created in 2000 through the absorption by MICOA of the National Physical Planning Institute⁶⁰ (although legislated earlier). It has the overall responsibility for guiding and regulating physical planning at national level, with a stronger environmental component than before. DNPOT has been involved (as INPF) in the drafting of the urban land use regulations and proposes to draft much needed physical planning legislation starting in 2001, for promulgation by 2002 – international finance is being made available to assist this.

DNPOT is starting to co-ordinate its activities with DNHU as in the past there has been a lack of co-ordination. Collaboration within central government on urban land issues should also involve the National Directorate for Geography and Cadastre DNGECA although this co-ordination is not as yet established. During the past year DNPOT has been engaged in emergency planning related to flood relief, although not in Maputo (it has been active in neighbouring Matola and various other smaller cities and towns). DNPOT is also involved in some multi-sectoral urban development pilot projects where it works directly with newly created municipalities.

⁶⁰ This in turn was created in 1983 from the then National Housing Directorate, which had been created in 1977 from the Office for Urbanisation and Housing for Maputo Region – a central government funded metropolitan agency created in the later years of colonial rule.

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The **National Directorate for Local Administration** (DNAL) – soon to be transformed into the National Directorate for Support to Local Authorities – within the **Ministry of State Administration** MAE has had a limited direct involvement in urban development although it was the institutional base for the World Bank funded urban development components of the Local Authority Reform Programme. It is likely to have a role in strengthening the new municipalities but what exactly is still to be developed. The Ministry for State Administration is responsible for ensuring that the legal basis for municipal activity is in place and monitor the actions of local authorities. It is also aware of the need for municipalities to more clearly define their links with their residents – whether through community organisations or local administrative units. It has begun to develop national guidelines for these (e.g. Decree 15/2000 on community organisations). The Ministry is concerned with the land markets which it stresses need to be regulated by the state as land cannot be sold as such, although it is aware that a liberal property market needs to have clear and accessible titling and transfer options. The Ministry stresses the need for the city assemblies and municipalities to study and comment on the current draft of the Urban Land Use Regulations before these can go forward for approval.

6.1.2 Local government

Local government activity in urban development in Maputo has been almost totally absorbed by emergency activities after the floods early this year. The city municipality has been developing emergency resettlement areas in urban expansion zones and relocating flood victims to these. There has been significant international assistance in this. In practice the urban planning department of the city has encountered many problems with prior informal occupation. This in fact stopped urban land developments by the city in the latter 1990s as local level administration colluded with the local population in allocating and selling land ahead of land developments⁶¹. It was only possible to implement the most recent expansion zone with police protection as this entailed extensive demolition of on-going unauthorised occupation.

Other than this emergency activity the municipality has plans for other urban expansion areas such as in Catembe, south of the estuary, where international private sector investors are discussing developments which would include construction of a bridge. Terms of Reference are in place and there has been a competition to identify possible partners in this development. This will allow the opening up of much needed land in Maputo city for urban development, as the areas to the north of the estuary are all occupied or allocated up to the city limits with Marracuene. The city has recently negotiated with Marracuene to allow relocation and urban development north of this limit and has earmarked part of next year's budget for these developments.

Another planned area of urban development is the upgrading of some inner city ("Cement City") areas – these are under study with technical assistance from DNPOT. It is not clear where the finance for implementation of these plans would come from – funds are only available to prepare the plans. This also includes an upgrading of the downtown area where a lot of infrastructure is underused, although needing rehabilitation.

While most of the land along the coast from the city centre has been allocated and is in development, land development north of this area (up to Marracuene) is also now being studied for development, including tourism. Some large international investors are interested in financing such developments as part of macro-regional development plans. This will eventually lead to a general de-concentration of development within Maputo to outlying

⁶¹ This was exacerbated by political sensitivities at the time of local government elections, but also the publication of the new Land Law, as there is no regulation as yet for urban land use. In practice it has also proved impossible to verify occupation in good faith or period of occupation (the basis for new land rights).

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areas. These macro-regional plans include major new infrastructure investment such as new airport, port, bridges, roads as well as waterfronts, commercial and tourist installations.

The Metropolitan Area Structure Plan developed under the Local Government reform Programme with World Bank funded international assistance (1998/99) has still not been approved. Although there were conflicting reports on this, it would appear that "some adjustments" are thought to be needed to the proposed plan, but also part of the problem is the lack of any metropolitan institution to approve and implement it. Based on the structure plan the city-planning department intends to develop partial master plans to guide land zoning and allocation – including differentiated housing areas by class of occupation. However it has very limited technical capacity to undertake this and this capacity is constantly diverted to crisis management activities. Currently – as both the 1985 and 1999 Structure Plans are not considered to have been approved – the planning department is using the 1970's (colonial) Master Plan to guide land use. The planning department is also preparing to "formalise" all the "informal" partial urban land layout plans which were developed since Independence as it considers these have no legal status. This in itself is an onerous task for which the planning department has little technical capacity. Increasingly the city is considering contracting out technical work, such as the master plans for the Catembe development.

A lot of local government and city assembly activity is absorbed by rapidly increasing land disputes. This is partly due to past informal activities – including informal activities within the local government and at local administrative levels, leading to multiple allocations of land - but also to the lack of adequate legislation (e.g. Urban Land Use Regulations and codification of the new local authority laws which hold up new forms of taxation). Central government is responsible mainly for the preparation of this legal basis, with local authority involvement. Local authorities in turn need to clarify the structure and responsibilities of local administration.

In general local government understands it has limited capacity and economic base for full land planning and development – although it aspires to this as it considers this its role. It calls on central government to support it more legally, technically and financially. There is a recognition, however, that to some extent, the problems are also of an internal political nature.

6.1.3 Private sector

Since the housing market was liberalised in 1990 a number of real estate companies have been formed. These initially were involved mostly in the rental market – for which there was high demand from the international community and a new supply of properties divested from the state. The agencies rent properties directly, act as rental agents, and increasingly are becoming involved in new housing developments as the high cost of rentals is driving this in the face of continued high demand (especially from international investors). These housing agencies have encountered many problems in getting access to urban land for housing development as the most suitable and available land has generally been allocated by non-transparent mechanisms and is held by a small number of people who are speculating with it. The problems of land supply have led to joint ventures between housing developers and landholders, although these are also seen as quite risky.

Re-development of existing urban properties is both difficult to access and costly. New developments are not only difficult to access but also all the infrastructure development and compensation costs fall to the project, making these very costly. Thus, although a middle class is starting to develop which the agencies would like to serve, in general the lack of housing finance and high costs of development restrict their activity and they continue to work predominantly for a small national and international elite.

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The agencies see a need for regulation in the sector – both of the agencies themselves, to create "level playing fields", but also of private investment in general. They will happily contribute through taxation, although need to see benefit from taxation and less bureaucratic and more transparent government procedures for land access. There are different attitudes to possible joint ventures with the state – some would welcome these, others would not, mainly due to past experience of state bureaucracy. Some have made specific proposals to local government in this area but have not had responses.

There is one parastatal housing agency (FFH) which channels a state subsidy from the national housing fund created by sale of state rental stock. This to date has concentrated mainly on "low-cost" house construction targeted at lower-income state employees, however the costs of land development and construction (even with cheap land and highly subsidised interest rates) has led to the houses being accessible only to the middle class. FFH was also involved in emergency flood assistance – but not in Maputo city – and it granted a substantial amount of money and technical assistance. FFH also supports the National Directorate for Housing and Urbanism in housing policy and programme development. This is leading to some new approaches such as credit for material depots to support self-help construction. FFH is interested in becoming more involved in urban development and understands that this would allow a lower-income group to benefit from the state subsidy and thus have more effect than its current, admittedly very limited, impact.

The financial investment and legal advisory part of the private sector are well aware of the problems the current situation in urban land access creates for investors, and this significantly increases risk of investment for many. Overall, however, it indicates that this is less of a concern to the large scale and non-housing investment sector, as although the problems exist they are eventually resolved. There is still a problem with the titling process and transfers, however the lack of freehold status for land is not seen as a problem in itself.

The private sector expressed considerable interest in a land market assessment which would help to regulate the sector and be advantageous to all – the investors who could better assess costs; the state which could better set taxation levels; and current land occupiers or concessionaires, who could better set land prices or be compensated more adequately.

6.1.4 Non-governmental organisations

NGOs are working generally in emergency activities in Maputo peri-urban areas – for several this is their first activity in peri-urban areas in Mozambique and in Maputo as they have previously mostly worked in rural development. There has been a relatively high level of funding for emergency related activities in Maputo. Normally NGOs focus on community development projects especially related to income-generation and service provision (water, sanitation, roads, schools, community facilities etc) and are oriented to the urban poor and most vulnerable within this group. Their projects have limited funding however and are seen as pilots.

The NGOs interviewed are working in the focus zones of the study. Those NGOs solely involved in emergency flood assistance are aware of the complexity of some of the urban problems involved but have no overview, being local and/or sectoral in focus. Some of the NGOs active in urban development - either for a longer period, or in other countries - are more aware of the problems associated with emerging urban land markets and the informal sector. Most NGOs see government favouring the private sector over communities – including tendencies in urban land access.

In general NGOs want to work with the government but see very limited interest from the government in partnerships. As a result some of their activities remain very small scale. There

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is a problem of government corruption, which they want to avoid. Central and local government – and departments within both – do not collaborate well, let alone with NGOs. Some NGOs are working to help develop this link. There is also a problem in that the state has not created an adequate legal basis on which NGOs can develop, which complicates any attempt for local NGOs to work with government as opposed to foreign donors or local communities. There are also some problems of collaboration between international and national NGOs – their objectives do not match at times and the international NGOs tend to assume no capacity exists locally and not build on locally defined needs and capacities.

NGOs focus a lot of their attention on helping consolidate civil society, which is extremely fragmented in Mozambique, especially in urban areas. However, building community capacity takes time and catalysts – organisational and financial – and has to be based on concrete community interests. These can be identified at local level, but have not emerged as yet in any significant way around urban land issues. NGOs can have an important role in land rights but would need to find core funding for pilot projects. Pilot projects need to involve the government or they never develop past the pilot stage. The problem of local administrative activity needs resolution as this is becoming corrupted. Without such links between local authority and community there is a lot of corruption and urban development is essentially unsustainable.

6.1.5 Other institutional actors

The World Bank has been involved in two major urban development projects – the Urban Rehabilitation Project (1988-1995, with activities in Maputo and Beira) and the Local Authority Reform Programme (1994-1999, with activities in Maputo, Beira, Nampula, Quelimane and Pemba). The former involved rehabilitating city centre apartment blocks, with relocation of the residents to new core housing units in peri-urban areas; upgrading infrastructure in existing sites & services areas; and was planned to provide self-help housing credit (although this aspect was not implemented). In Maputo the latter project involved rapid digital mapping, preparing a Metropolitan Structure Plan for Maputo and Matola, and a cadastre pilot project. The Bank is currently preparing a new urban investment loan with various municipalities, based on creating funds for these to utilise in small-scale urban services development projects (to be called the Programme for Municipal Development). It has specifically excluded urban land issues from this programme as it considers these too complex for the nature of the project. It is aware that Norwegian international assistance may fund the proposed continuation and expansion of the pilot cadastre project in Maputo (this is still under consideration).

6.2 Synthesis of institutional attitudes displayed to key urban development issues

6.2.1 Land occupation trends

There was broad agreement with the analysis of the three main types of mechanisms through which urban land for housing is accessed: formal state allocation, private sector market activity, and informal sector market activity. However observations from some actors qualified this as follows:

- The previous characterisation of private sector land market activity as "illegal" is not generally correct as most of the (implicit) land sales in this are actually formalised through the transfer of the land concession and "improvements" – which may be as minimal as a wall, a store on site or a construction project. However formal concessions may have been made illegally.

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- Despite the above qualification the private sector land market is seen generally to be different from the informal sector land market as it can generally be formalised through the above procedures, whereas currently land occupied informally (even if within the new Land Law as in good faith over more than 10 years) cannot generally be formalised – the municipality does not accept regularisation of such occupations where there are no urban plans. The other main distinction is the land prices – generally recognised to be very different between the two markets.

State allocation

This was seen by all interviewed as having the least impact in terms of land access for housing – whether measured by existing occupations or new occupations. Generally maybe only 10-20% of land occupations are based on formal allocations. Many respondents indicated that state capacity is overwhelmingly absorbed in the emergency relocations, which are at the urban periphery in expansion zones. The state is hoping to change this situation vis-à-vis the informal land market through better relations between the municipalities and local bairro-level administrative structures, which – while currently informal – are important actors in land allocation and management. A lot of state activity is also involved in allocations of the remaining available sites within the central city – for which there is strong competition. As noted above a considerable amount of state effort now goes into resolving land conflicts created by previous uncontrolled state activity and this is a significant preoccupation for the city assembly and municipal council.

Private sector activity

All respondents indicated that this sector is growing in importance, and is generally supported by the state (central and local government) – although this support is quite often on an individual as opposed to an institutional basis⁶². However all agree that the private sector currently only operates to the benefit of a small elite of national and international investors. The private sector is increasingly entering into contact – and conflict in many respondents' opinion – with the informal land market, especially near well-located more central areas, most of which are now all allocated (although not developed), but now also in urban expansion areas and also more recently in areas outside the city. There is also a certain amount of activity of the private sector in densification of use, but much land allocated to private sector is developed at low densities or is kept vacant for speculative purposes. The local authority has difficulty in acting to reclaim this land. Thus most agree that the private sector market does not currently operate efficiently (see below).

Informal market

All respondents agreed that this sector currently dominates, and is responsible for rapidly increasing densification of residential land use. Many respondents also considered it very active in urban expansion⁶³. Most respondents indicated that land is becoming increasingly commodified in this market and that local administrative agents are increasingly taking part in this process and assisting speculation. This is perhaps most evident in the recent relocation areas where many relocated households are understood to have either sold or rented their new property to return to inner informal occupation areas, or divided their family between the new and old areas. As such the activity of the state has been a major stimulus to the informal market in outer peri-urban areas, where this is rapidly taking over from traditional mechanisms for land access⁶⁴.

Several respondents with experience of working in peri-urban areas commented on the weak structures in civil society – with traditionally few vertical structures other than these

⁶² I.e. individual members of state entities, or even individual state institutions, supporting – and becoming titular joint developers in – private sector developments.

⁶³ The study survey findings support this position.

⁶⁴ One respondent with extensive experience in rural land access also pointed out that family networks are one of the mechanisms for customary land access in the rural areas, which is in many ways is also the case in urban areas.

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administrative structures, yet the increasing erosion of horizontal structures such as kinship networks due to increasing commodification and poverty. This has led also to an increase in urban out-migration as poorer families may find it easier to survive in rural areas. Some respondents indicated that the relocation (voluntary or involuntary) of many of the urban poor to peripheral areas can seriously affect survival strategies and is transferring and exacerbating poverty.

6.2.2 Perceptions of efficiency and equity

Perceptions of efficiency

The overall perception from all respondents was of high levels of inefficiency in urban residential land use. The main perception of efficiency in land use was related to access to infrastructure and social amenities, which are in relatively, short supply and very concentrated. This has led to rapid and uncontrolled densification of land use, which while "efficient" in terms of densities is "inefficient" in social terms – especially affecting health. Several respondents saw the solution in providing more infrastructure in outlying areas⁶⁵, while other saw it in upgrading and restructuring existing areas with higher rise housing solutions as overall low densities and urban sprawl exacerbated inefficiencies. Most who suggested this however were aware of the problems of costs of higher-rise development and the low affordability level for the majority of the urban poor.

The other main perception of efficiency was that the current private sector market is very inefficient with a lot of speculation and land withheld from the market, based on unrealistic demands which the market buyers are not prepared to meet. It is very much dominated by a relatively small number of sellers, which push up prices, although not necessarily achieving sales. This factor and the high costs for infrastructure and rising compensation, which are met on a project-by-project basis, are other aspects of inefficiency. A less often expressed concern about efficiency was the use of high value urban land for low density and "unsuitable" development – which for some was low-income housing (as opposed to higher-income housing) but for others was high-income housing (as opposed to other economic development).

The dominant response concerning improved efficiency was the need for a stronger, more transparent and less bureaucratic state role in land management including effective urban planning (also at a metropolitan level). Several however indicated that the state should not be involved in property transfers, which need simpler mechanisms, although could be taxed. Taxation and other charges are another important state instrument to regulate inefficiencies (see below). However there was a general perception that the local authority did not have adequate capacity to undertake this and that there were still serious legal lacunae (urban land use regulations, physical planning legislation etc.). Those within the local authority indicated that their capacity was totally absorbed in crisis management and felt that central government should do more in terms of regulation and providing financial and technical assistance for their operation.

However many respondents considered that it was often not in the interests of individuals within the state structures – and of the elite – to resolve the situation as they benefit personally from this. Other respondents were more concerned with the lack of contact – and indeed distrust – between the local authority and residents, and stressed the need for an efficient local level administration system, which would be accountable to residents.

Perceptions of equity

The dominant perception was that the private sector and informal sector both tend to promote inequity, and that it is the state's role to promote equity, but that the state's capacity to act is very limited, and political will to do so is weak, with weak governance

⁶⁵ One respondent raised the possibility of satellite urban areas.

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structures. As such the state is often also promoting inequity. Instruments indicated for the state to promote equity include planning for different levels of urban development, (transparent) regulation of land use, (differential) taxation and subsidisation or urban development. Many respondents also felt that the central government should fund more basic urban land development, through local government. It was recognised however that for Maputo this generally meant ever more peripheral land developments (unless metropolitan solutions were explored).

The main forms of subsidy currently are through discounted land prices in state-provided urban developments (which benefit the rich much more than the poor) and the housing subsidy operated through FFH. This latter, however, is very limited in scope and does not reach the urban poor at all (see above). Although a middle class is beginning to emerge several respondents indicated that it would take considerable time before this would lead to pressure for more state redistribution, and in the interim the private sector will cater only for the rich and attempts by the state to regulate or institute social programmes will be limited and open to corruption.

There was a significant number of respondents who considered it necessary to recognise customary (occupation) land rights as they stand – including in informal areas – as an essential basis for greater equity. Some indicated they would support this position with qualified land rights (i.e. no transmission). However the other strong point of view put forward by respondents was that these rights could only be recognised after adequate planning and infrastructure development, indicating that the state had the dominant role in this, at least for lower-income groups⁶⁶. These two positions have to some extent been expressed in versions of the Urban Land Use Regulations, the first position being implicit in the initial proposal and the second position in the latest proposal.

Two pertinent observations on the regulations from legal specialists were a) that these need to be based on socio-economic and cultural realities vis-à-vis customs and also institutional realities, otherwise they will not be implementable; and b) the regulations need to be of national scope and provide basic equity across (very different) urban areas and customs, and hence need to be open to adjustment at local level – e.g. through local authority by-laws.

In very few cases was the issue raised of whether individual land titling would lead to greater equity to be realised through the market, especially in the light of the significant differential in land pricing between the informal and private sector land markets. When this was discussed, however, several respondents doubted whether the government was interested in promoting this – or whether it could in the present circumstances. The need for a role of organisations within civil society (and possibly NGOs) in this regard was considered important but would take time to develop.

6.2.3 Resource base for urban land development & management

The overwhelming response was that the main resource base for urban development had to come from taxation – mainly land taxes, but also fines for improper land use etc. Most respondents considered that the current taxes are totally out of date and undervalued and supported a wider range of land use taxes – initial, annual, progressive for non-use or changes of use, differentiated by zone etc. However several also pointed out that it was necessary to provide a service first and then tax as the taxation "culture" was very weak in Mozambique and political will to implement taxation low. However it was generally believed

⁶⁶ The reasons given were the resultant costs of subsequent compensation and upgrading and the impossibility of establishing "good faith" and the 10-year occupation period. However others criticised this position as being more related to the concept of higher value land to be made available to higher income groups.

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that there is a significant pool of potential uncollected tax – especially from high-income areas as well as other municipal services.

Other pertinent observations on taxation included the fact that initial capital for investment would be needed and that taxation would even then not cover cost recovery for the investment and hence urban development was firstly predicated on raising capital – whether directly from private sector investors, through bonds, or from central government and/or international agency funding; that it would be necessary to find administrative mechanisms to "ring-fence" land tax income to ensure its reinvestment in urban development; and that there would be limits that taxation could be applied widely with such high rates of urban poverty.

Concerning the legal basis, there were two positions – one that the recent local authority laws permitted a wide range of taxation but there was political reluctance to apply this - and the other that central government still had to pass the municipal law codification which would permit new forms of taxation to be developed at municipal level. The main drawback to more efficient land taxation was generally seen by respondents, however, to be political will.

Concerning taxation of land value increases, no respondent had considered this, although all were aware of the potential. Most, however, were of the opinion that this would be even harder to implement than the basic land taxation, which is still to be updated, but there was interest to pursue this possibility. Other respondents pointed out that such a betterment tax could legally be applied under the new municipal laws, and had been used in the colonial period (although not updated), but would require land valuation. Applying forms of "planning gain" was raised by one respondent as being perhaps easier to implement, although ad hoc in nature and tied to new economic investments.

6.2.4 Probable tendencies

The overwhelming response was that there would most likely be a continuation of current trends, at least in the short term. This would involve the private sector entering in more conflict with the informal sector, with the state continuing to act in support of this through ad hoc urban development in urban expansion areas used for resettlement of population previously in informal areas. This was based on the recognition that local government was interested in increasingly benefiting from higher land values and would tend to do this through selective allocations to private sector partners. Some were of the opinion that increasingly these would be part of macro-regional development projects over which local government has virtually no influence.

Although some in government were of the opinion that the local authority would be able to reduce the effect of the informal market through better land management, the majority were of the opinion that informal market tendencies to densify and commodify land (including peripheral land) would also continue, with the most vulnerable inevitably being the most affected through social stratification in spatial terms. Without a stronger civil society there was little to counteract these trends. State-supported social housing programmes were seen as being limited in scope, even if they were reoriented to land subsidy as opposed to housing – as this would increasingly be affected in Maputo by land supply problems. The only answer to this was metropolitan planning and urban development strategies.

6.2.5 Roles of main actors

Central government

The main role for central government is in promoting clear and pragmatic legislation, with relevant regulation, for urban land use and planning, as well as local government, local administration and taxation. There are serious problems due to the legal lacunae including

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land market activities and planning – also macro-level planning such as metropolitan and regional planning.

Central government also needs to co-ordinate better between various sectors and clarify support roles to local government. This has to be economic and technical support as well regulatory. However the state wants to minimise regulation to permit wider market activity overall, although accepts that it has also a role in developing social programmes and creating funding mechanisms for these. It is not clear how these positions are balanced.

While central government has an important role at the macro-planning level this should not exclude local government from adequate involvement as the decisions taken at macro-planning level have an immense impact on local level.

Local government

Local government is the key actor in urban development where its role should be to regulate private sector activity and investment, as well as promote investment to alleviate social problems. However there needs to be political will to ensure that local government acts transparently and responsibly. Key local government activities vis-à-vis urban land are urban planning, land allocation and management, and taxation. Local government capacity in all these areas is very weak and local government needs specific economic and technical assistance to change this. Partnerships with the private sector are possible but will tend to favour the better off. There is also a need for local government to be more responsive to the wider urban population and create/participate in mechanisms to this end. Partnerships with NGOs may help in this area, but also local government must clarify the role of local administration vis-à-vis local government and communities/residents in land management.

Private sector

Private sector is a major source of urban development investment – whether directly for the benefit of higher-income groups, or indirectly through taxation and state social programmes. It will take a long time before the private sector will be able to operate for lower-income groups. The private sector could develop joint ventures with local government where there is demonstrable advantage.

Non-Governmental Organisations

NGOs should develop a role in strengthening civil society and supporting basic urban services provision for the poor, as well as humanitarian relief. Their involvement in the urban sector to date is limited and none is as yet involved in urban land issues, although many are involved in rural land issues. NGOs can have a useful role in development of pilot projects to test mechanisms and stimulate local organisation as well as build capacity - in communities and local government/administration.

Community-Based Organisations

These are virtually non-existent but necessary to ensure land rights for the majority. The state has a role to assist stimulate creation of these organisations, as well as create the interface at local level with government administration, including local level land management. In addition there is a need for civic education on land rights, markets as well as land management.

7 Informal market/urban poverty investigation – results

The following are the results of the investigation into the informal land market mechanisms and the relationship between this and urban poverty.

7.1 Polana Caniço

7.1.1 Land access mechanisms

All land access was through informal mechanisms, with 3 plots being from colonial landowners before Independence, 6 allocated through local administrative structures and 6 purchased.

Land allocated by colonial landowners usually involved a small one-off payment but few rights and no documentation. Occupants often were first generation in-migrants to the city and this happened as long ago as more than 50 years in one case. This form of occupation was limited at the time and there was some attempt to relocate occupants before Independence when development plans for the land were started.

Allocations by local structures date back as long as 23 years and are as recent as 5 years ago, although the majority were 16/17 years ago when the area was being upgraded and developed as an overspill area for the Maxaquene project. No payments are reported, although this is doubtful in the most recent case, where a public open space was sub-divided. Generally a family member or someone who knew them presented plotters to the local "structure". Few documents were involved, although sometimes a declaration was passed (one instance of payment for this). There is only 1 instance of relocation to the area due to the war.

Plot purchase was usually part of purchase of a house, usually in "caniço", which was used to live in initially by the buyer, although in all cases this was improved with block or brick construction. Purchases date back as early as 18 years, although half were in the last 2-3 years. Values vary considerably but were generally multiples of monthly income. The purchase was often from someone known to the buyer and usually witnessed by the local structure (free of charge as far as is possible to determine), to provide security. Sellers most often were returning to provinces of origin or going to South Africa to work. Some buyers were relocating from the "Cement City" and some from lower down on the coastal plain from where they had been compensated to move by new developments. The most recent purchase is of a sub-divided plot. The recent purchases are generally not witnessed by the local structures. There is no instance of land rental.

7.1.2 Plot development

Most plots allocated by colonial landowners and local structures had no prior development, and some were in land reserves. Plots purchased generally had a temporary house structure, which was the subject of the sale (except 1 recent case of a sub-division and sale of land). Most plotters have planted hedges and trees. The older residents indicated they originally had a much larger area where they cultivated food but this was reduced – mainly by allocations by the local structures with no compensation or payment. Plots are generally quite small, averaging 213 m² and ranging from 144 m² to 418 m². Some older residents have ceded parts of their plots or have extended family members living on part of the plot. Household changes are mostly natural changes of birth and deaths, although extended families are common – usually brother/sister and/or their family.

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The general capacity to develop the plot for housing varied, with 3 being very low, 5 low, 4 reasonable and 3 high. Most residents indicated strong interest to invest for the future (especially for their children) but many indicated financial difficulties as the main blockage to this. See below on house type.

7.1.3 Attitudes to land

The general sense of tenure security is very high, with all but 4 indicating a strong sense of security (1 unknown). The basis for security was usually the local administrative structure (5 cases), but also long residence (3 cases) and "all being the same" (2 cases). Those allocated by the local structure indicated they had some form of document (usually a "declaration"). Some purchasers had a sales contract (at times witnessed by the local structure). Many had no documents. The reasons for insecurity were related to threatened erosion (although some families near erosion valleys also felt secure), where the plotters were hoping for relocation. This was mostly on the escarpment. In 1 case the plotholder is aware he is occupying part of the road reserve but is awaiting compensation. He was already compensated to move where he is.

Concerning possible disposal of land, in all cases the plot was seen as an investment for the family's use and in only 2 cases as a possible investment with an exchange value (i.e. to be sold or rented).

The prevalent attitude to the land is its relatively good location vis-à-vis amenities and work opportunities (9 cases) and length of residence (2 cases). In 3 of the 4 insecure cases no advantage could be seen for remaining in the area (although declaring they had no capacity to move).

7.1.4 Nature of urban poverty

Poverty levels were high, with 2 cases being classified as destitute, 5 as being in absolute poverty, 6 as poor and 2 as better off. Significantly the destitute were long term residents (although not all long-term residents were destitute) and the better off were recent residents (who bought plots, although not all that bought plots were better off). The dependency rate was high in nearly all households – greater than 3 in 11 cases, and greater than 6 in 4 cases. This was due to large family sizes as well as extended families (10 cases, with one other being a group of men). There were only 4 nuclear families.

Human assets

There was not a very high degree of under-employment in terms of economically active adults. There was a very low level of engagement in agriculture (only a few households had access to a "machamba" – with these being outside the city and not nearby on the coastal plain). There was a relatively high engagement of school age children in education although in some households this was limited by the cost.

Economic assets

The nature of the low skills capacity has led to low-income employment, mostly - but not exclusively - in the informal sector. There was a very low level of savings with only 2 bank account holders (one of who indicates he no longer saves). Several indicated they gave up their bank accounts, as they cannot save. About 1 in 5 households have members involved in mutual savings groups, although the majority indicated that income usually just covers food. Household goods were generally in line with overall economic levels, being very low to low in most cases and reasonable in only a few better-off cases. In the destitute cases household goods were almost non-existent (e.g. no chairs).

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Physical assets

The overall physical situation in the bairro is reasonable compared to many other bairros in the immediate peri-urban area of the city. The areas surveyed generally have primary schools and health posts nearby and access to secondary schools and hospitals not too far away. Recreation areas however are very limited. Water is generally purchased from those with a water connection, few interviewed having this on the plot. Few interviewed also had electricity connections and the majority use charcoal and paraffin for cooking (even those with electricity). The area is seen as relatively safe and people generally have good relations with neighbours, but there are environmental problems of erosion and rubbish collection (this is often now thrown in erosion valleys). Public transport is limited to the main road (Av. V. Lenin) and is quite far from many interviewed as the erosion valleys cut the Av. J Nyerere. A relatively high proportion of those who have work in the city walk to work. This is the basis for the advantage many see of living in the area – location.

Plotters have developed their plots in line with their economic levels and this varies from minimal construction in "caniço" to extensive construction in bricks or blocks (generally in phases). Some buildings are in construction, usually partly used, and many have been unfinished for some time (especially the windows, which are often blocked off). Most plotters plant a hedge and trees on the plot (these are generally too small for any other food production). House structures were generally very small vis-à-vis household sizes and the standard of maintenance often very low. Ancillary structures (kitchen, bathroom, latrine) are generally very basic (one destitute family of long residence had no latrine at all).

Socio-cultural assets

Assistance tends to be sought from family in the bairro (where existing) or the city, although neighbours can help for smaller requests. However, the destitute find it difficult to get assistance, as they cannot reciprocate. Links with family members in the provinces are generally weak and this is not a regular part of the household strategy. Although the majority of households have some membership of a wide range of churches, these generally do not provide material assistance. There was no incidence of other membership of associations.

Legal-political assets

The level of legal/political awareness is very low, with few being aware of legal land rights (1 exception) and, although all voters indicated activity in national elections, a relatively high proportion did not do so in the local government elections. The perception of a link with the municipality is very low, but with local "structures" is still important – see above vis-à-vis land. Those near the erosion valleys consider it is the municipality's responsibility to resolve the situation and improve road access (water and rubbish also were mentioned by a few residents). Some are waiting to be relocated like their neighbours (although have not been informed that this will happen).

7.1.5 General assessment of poverty in relation to land and housing

Human and economic assets

In the current general economic situation where employment is difficult to achieve (formal and informal), the high dependency rates are likely to continue and there will be limited possibilities for expanding the provision of labour as a household resource, or improving its quality of application and income. In time the level of schooling may permit this – if the economy grows and absorbs more school leavers.

Socio-cultural and legal-political assets

Generally these are weak to very weak and in the case of socio-cultural assets in danger of becoming weaker for the most vulnerable. There is a very low level of community organisation despite a high degree of good "neighbourliness". The perceptions of governance

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is very weak vis-à-vis the state and local authority. There is, however, a very important role for the local structures, which is currently being eroded.

Physical assets

Overall the physical investment represents a very high proportion of total household investment and a very important household asset. However there was very low understanding of land rights and an almost total reliance on informal administrative structures for tenure security.

Location is another very important asset as the bairro is well located and has a relatively high level of social amenities, yet fewer environmental problems than some other inner peri-urban areas. The road drainage and erosion problem is an obvious exception and this still threatens many families.

In general any relocation out of the area is a potential threat to occupants' household strategies, which are mostly very fragile and not able to absorb much sudden change. This threat is balanced in some cases by the threat of losing all they have in erosion. These households generally are awaiting relocation, although a limited few would consider the option of voluntary relocation.

7.2 Laulane/Mahotas

7.2.1 Land access mechanisms

Although the majority of plots in the sample were in or near "basic urbanisation" (sites & services) areas laid out by the city council, land access was through informal mechanisms in 8 cases, with 1 being from traditional authorities before Independence, with 2 being allocated at local level (possibly paid for) and another 5 purchased. In one case the house is informally rented. In the other 7 cases the plot was formally conceded by the city council to the occupant, although ceded temporarily to another family member in 1 case.

Land allocated by traditional authorities ("regulos") usually involved no payment but also no documentation. Long term residents were allocated more than 1 plot when the areas were demarcated by the city council for housing, but have often sold or ceded the "extra" plots and remained with one plot, often with extended families on this⁶⁷. Allocations at a local level date back to when the area was demarcated, when at least 1 plot was allocated informally by a city council employee in the area. Another was allocated by the urban District Administrator (with possible payment) more recently (1995), being previously in an open space reserve.

Plot purchase was usually integral to purchase of a house, usually in "caniço", which was used to live in initially, although in all cases this was improved with block or brick construction. Purchases date back as early as 8 years, although half were in the last 3 years. Values vary considerably with some cases being "price for a friend" – others were generally multiples of monthly income. The purchase was often from someone known to the buyer and not usually witnessed by the local structure. Sellers were often households, who had received more than 1 plot, although in one case the seller moved to an more peripheral expansion zone. In one case the seller was the family of the previous "regulo" whose land had title and was respected by the demarcation – the family later began to sub-divide informally (with city council topographers help on weekends). In another case a purchased plot was partly sold off to another family member to help finance the purchase. Buyers sometimes were relocating

⁶⁷ The reason they were allocated extra plots originally was to compensate for loss of land but also to allow housing of extra family members.

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from the "cement city" or (more usually) moving other family members' house – i.e. setting up their own nuclear family.

There was one example of informal house renting, with no rights. The housing conditions are very basic yet the family found it difficult to find rental accommodation (illustrating the limited supply of rental housing generally).

Of the 15 plots surveyed, 12 had been laid out by the city council⁶⁸. Of the formally demarcated 12, 1 was unofficially allocated (see above), in 3 cases the plot was an extra plot, which was sold, and in 1 other case a house was built in an extra plot and rented. All of the remaining 7 cases remained occupied by the plotholder although in 1 case this was ceded to a family member with no rent to look after temporarily.

7.2.2 Plot development

Most plots allocated by traditional authorities, local structures and the city council had no previous development, although in 2 cases a house already existed from before Independence (in 1 of these it is in a road reserve). Plots purchased generally had a temporary house structure, which was the subject of the sale (except 1 recent case). Most plotholders have planted hedges and trees or started to wall the plot. Some older residents indicated they originally had a larger area where they cultivated food but this was reduced – mainly by the city council when demarcating when they received other plots as compensation. Plots are generally quite large, averaging 431 m² and ranging from 250 m² to 600 m² (city council plots were 250 m² and 450 m², depending on the area). Some residents have ceded part of their plots or have extended family members living on part of the plot. Household changes are mostly natural changes of birth and deaths, although extended families are fairly common – usually brother/sister or children and their family.

The general capacity to develop the plot for housing varied, but was generally higher than in Polana Caniço, with 1 being very low, 5 low, 8 reasonable and 1 high. Most residents indicated strong interest to invest for the future (especially for their children) but many indicated financial difficulties as the main blockage to this – the capacity to invest was low in 5 and reasonable in 5 out of 12 cases. The exceptions were when the house/plot was rented or ceded or the family was destitute.

7.2.3 Attitudes to land

The general sense of tenure security is very high, with all but 1 renting household indicating a strong sense of security. The basis for security was a formal city council document in 7 out of 14 cases, the local administrative structure (2 cases), but also "all being the same" (2 cases). Those allocated by the local structure usually indicated no document, as did purchasers, although in 1 case the purchasers expected the seller to assist with plot regularisation when they wanted to do this.

Concerning possible disposal of land, in all cases this was seen as an investment for the family's use and in no case as a possible investment with an exchange value (sold or rented) – even for higher income groups.

The prevalent attitude to the land is its relatively good location vis-à-vis amenities and work opportunities (9 cases) and length of residence (3 cases). In another case it was the investment value. (1 insecure renter and 1 no response).

⁶⁸ The other 3 by soldiers(?), district administrator and traditional chief's family.

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7.2.4 Nature of urban poverty

Poverty levels were not as high as in Polana Caniço, with 1 case being classified as destitute, 2 as being in absolute poverty, 11 as poor and 2 as better off. Again the destitute household was a long term resident and the better off were recent residents (who bought the plot or had this ceded). The dependency rate was relatively low for most households – only greater than 3 in 4 cases, and greater than 6 in 1 case. Family sizes were usually small, although some were extended families (6 cases).

Human assets

There was a relatively low degree of under-employment in terms of economically active adults, with some engagement in agriculture (some of the machambas being outside the city). There was a reasonable engagement of school age children in education although in some households this was limited by the cost. Nuclear families predominate (9 of 15 cases).

Economic assets

A significant proportion of employment was low-income formal sector (teachers, policemen, shop assistants etc.), with (at times in addition) considerable informal sector activity. There is 1 notable exception (which may indicate an early "gentrification" of the area)⁶⁹. There was a low level of savings with only 4 bank account holders (one of who indicates he no longer saves although another has 2 bank accounts). About 1 in 3 households have members involved in mutual savings groups, although others indicated that income just covers food. Savings are often invested in house improvements. Household goods were generally in line with overall economic levels, being low in most cases and reasonable in only a few better-off cases. As before, the poorest families had virtually no household goods.

Physical assets

The overall physical situation in these bairros varies as they cover a large area but is reasonable compared to many other bairros in the immediate peri-urban area of the city, although there are fewer social amenities in the northern part. The areas surveyed generally have access to primary schools and health posts nearby although secondary schools and hospitals are much further away. However, some of these amenities are private and therefore costly and hence not used by the poorer households. Recreation areas are very limited. There is no general water network and water is generally purchased from those with a borehole, although some public hand pumps on boreholes are provided (water from these is also paid for). Although the area is electrified, few interviewed had electricity connections and the majority use charcoal, paraffin and/or firewood for cooking (even those with electricity – one of whom used gas). The area is seen as relatively safe and people generally have good relations with neighbours. There are some problems of erosion and rubbish is usually burnt or buried on the plot. Public transport is generally limited to the main road (Av. J Nyerere) and is quite far from many interviewed, although "chapa 100" also enter Mahotas centre. Few walk to work unless this is local – the majority of formal sector workers use "chapa 100" to get to jobs in the central city.

Plottolders have generally developed their plots in line with their economic levels and this varies from minimal construction in "caniço" to extensive construction in blocks or bricks, which represent the majority of houses - all but 1 destitute household had at least 1 structure in blocks or bricks. Many buildings are in construction, usually partly used, and quite a few have been unfinished for a long time (especially windows which are often blocked off), and the standard of maintenance is often very low. Most plottolders plant a hedge and trees on the plot and some are large enough for other food production. House structures were reasonable vis-à-vis household sizes except in a limited number of cases. Ancillary structures (kitchen, bathroom, latrine) are generally quite basic (only 1 improved latrine).

⁶⁹ As explained in the methodology better-off households were generally not selected for survey, although there were obviously many more in this focus zone.

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Socio-cultural assets

Assistance tends to be sought from family elsewhere in the city, although neighbours can help for smaller immediate requests. Some links with family members in the provinces are relatively strong although this is not a regular part of the household strategy. However, some families are spread across households in rural areas, and some have family members in South Africa and Swaziland. Although the majority of households have some membership of a wide range of churches, these generally do not provide material assistance (with a few exceptions). There was no incidence of other membership of associations.

Legal-political assets

The level of legal/political awareness is very low, although there was a slightly higher understanding of legal land rights. Although all voters indicated activity in national elections, a relatively high proportion did not do so in the local government elections. The perception of a link with the municipality is very low, but with local structures is still relatively important. Improved water supply and road accesses were the most sought after public improvements (also more public health and education services and house plots).

7.2.5 General assessment of poverty in relation to land and housing

Human and economic assets

The families in this area have generally set up nuclear or consolidated extended family units with lower dependency rates and higher overall human and economic assets than in Polana Caniço. Given the relatively high rate of (informal) plot transfer, and the recent purchases, this probably represents establishment of a higher income group than originally allocated plots, although in 50% of the cases of formal allocation original concessionaires remain – a few being the poorer cases, who may still sell and move. Thus while residents are generally poor, this is not as fragile in relation to human and economic assets as Polana Caniço, although skills bases are weak and employment in general uncertain.

Social-cultural and legal-political assets

Overall socio-cultural assets are stronger than in Polana Caniço (very low in 1, low in 1, reasonable in 7 and high in 6 cases). Thus, despite having more nuclear families, these households have stronger links with other family members – more in the city than outside – as well as neighbours. There is, however, a low level of community organisation despite the high degree of good "neighbourliness". Legal-political assets remain generally low and the perceptions of governance is also weak vis-à-vis the state and local authority. Local structures do not have such an important role vis-à-vis land security, although have intervened and seem to be required to do so increasingly⁷⁰.

Physical assets

Overall the physical housing investment continues to represent a very high proportion of total household investment and an important household asset. Tenure security is to some extent provided formally, but it would appear that the informal structures have more importance in resolving any conflicts.

Location is another very important asset as the bairro is quite well located and has a relatively high level of social amenities, and (as yet) relatively few environmental problems. Water, roads and transport are the main preoccupations.

While relocation out of the area is not such a threat to the household strategies of these families, in many cases they have specifically moved in to consolidate their physical base and demonstrate a high desire to invest, although limited capacity in a number of cases. In a few

⁷⁰ Significantly, in a meeting with the urban District Administrator, he indicated that increasingly he was asked to deal with land disputes – mainly over land sales and between family members.

cases the household strategy may entail cashing in their physical asset, as seems to have been taking place gradually, but this is generally an informal procedure.

7.3 Magoanine/Zimpeto

7.3.1 Land access mechanisms

The vast majority of land access was through informal mechanisms, 12 out of 15 cases, the 3 plots formally accessed being through relocations – and in no case had a formal document been provided. The informal mechanisms varied, with 1 being from traditional authorities before Independence, with 2 being allocated at local level (no payment), 3 purchased and another 5 ceded (2 of which at least had been purchased). In no case is the house or plot rented.

Land allocated by the traditional "regulo" involved no payment but also no documentation. This occupation was 30 years old. The occupant of this very large plot (which is in a city council industrial reserve) would like to regularise his situation – he had heard about this on the radio (Campanha Terra probably).

Allocations at a local structure level date from about 20 years ago when plots in one area were demarcated informally by the Grupo Dinamizador. The city council has in the past refused to regularise these as they are in the flight path of the airport, although 1 family indicated they had managed to regularise their situation recently

Plot purchase was usually for undeveloped land and has all taken place in the last 1-2 years. Values were "price for a friend" in 2 cases and the other was a multiple of monthly income. The sellers were usually people who traditionally used the land for "machambas" and who realised the value of this. In 1 case of purchase this was from someone who went to South Africa. The purchase was often from someone known to the buyer and not usually witnessed by the local structure. Buyers were usually relocating from other family members' houses – i.e. setting up their own nuclear family.

There was no example of informal house renting, but extensive ceding to family and non-family members. In 2 cases this was to look after the plot and construction and was without payment but also with no rights or document and hence quite insecure. In the other 3 cases the plot was ceded by people who traditionally used the land for "machambas" – as far as is possible to determine no payment was made in these cases and hence the distinction from the sales above.

Of the 3 cases of relocation, 2 are from the floods in early 2000 in the emergency "Bairro Novo" in Magoanine. Houses are still being built for these occupants free of charge by charitable organisations, including NGOs and other national and international institutions. The occupants had not been informed if they would receive a formal allocation and also had no document as yet. In the other case the relocation was because of the construction of the Witbank toll road and again a new block house was provided. However after 2 years of occupation no formal document has been provided. This has not stopped a number of occupants selling or renting their houses however⁷¹.

7.3.2 Plot development

⁷¹ The interviewee indicated that a number of his neighbours had sold their houses, opting to move back closer to the city centre. A new local "immobiliario" (real estate agency) has even set up office in the bairro to serve this clientele and indicated that in the past 2 years they had sold 8 houses and were renting 4 more on behalf of the owners and beneficiaries of the relocation.

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Plots allocated by traditional authorities, local structures, ceded or bought generally had no previous development, many being previously used as "machambas". Most plottolders have planted hedges and trees or walled the plot – some of these are very recent. Many still use the land as a machamba. Plots are generally large, averaging 788 m² and ranging from 450 m² to 2400 m². Household changes are mostly natural changes of birth and deaths, although extended families are common (50% of cases) – usually brother/sister or children and their family.

The general capacity to develop the plot for housing did not vary much, and was generally lower than both the previous focus zones, with 2 being very low and 13 low. Most residents, however, indicated interest to invest for the future (especially for their children) but indicated financial difficulties as the main blockage to this.

7.3.3 Attitudes to land

The general sense of tenure security is low, with 5 indicating insecurity – including 2 who were temporarily ceded the plot to look after, and 1 household who had "provisionally" been allocated the plot (1987 !) as war refugees, but also 2 who either had lost "machamba" land through city council demarcation or previously been relocated. Of the other cases that indicated some sense of security 5 wished to regularise their situation – including cases of family ceding and sale. The basis for security in 3 cases was the relocation, although no documentation had been provided (as yet). In 1 other case the basis for security was the length of residence, although this family had also regularised their situation (despite the plot being in the flight path).

Concerning possible disposal of land in all cases this was seen as an investment for the family's use and in no case as a possible investment with an exchange value (sold or rented).

The prevalent attitude to the land is its amenity (good, safe, airy zone, no flooding – 6 cases), length of residence (3 cases). In another 2 cases it was the investment value and in 2 cases location for households who had income sources nearby (1 no response).

7.3.4 Nature of urban poverty

Poverty levels were higher than in either previous focus zone, with 3 cases being classified as destitute, 6 as being in absolute poverty, 6 as poor and none as better-off⁷². The destitute household included a long term resident and families ceded the plot temporarily as well as one household split with a rural household. The dependency varied considerably – greater than 3 in 7 cases, and greater than or equal to 6 in 4 cases, but less than 3 in the other 8 cases. Family sizes in the latter cases were small, while most of the former were extended families (7 out of 15 cases).

Human assets

There was a relatively high degree of under-employment in terms of economically active adults, with more engagement in agriculture (some of the machambas being outside the city). There was a reasonable engagement of school age children in education although in many households the children were not of school age yet.

⁷² Again it is important to note that the survey targeted the urban poor. However, although there was evidence of consolidation of housing by the better off in the city council area "Zimpeto Velho" – probably involving "gentrification" by higher-income groups, this was not the case in the more recent peripheral areas.

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Economic assets

Other than agriculture, some employment was very low-income formal sector (guards, cleaners etc.), with considerable informal sector activity (market selling mainly). There was a low level of savings with no bank account holders. About 1 in 3 households have members involved in mutual savings groups, although the majority indicated that income just covers food. Household goods were generally in line with overall economic levels, being very low to low in most cases. As before, the poorest families had virtually no household goods.

Physical assets

The overall physical situation in these bairros also varies as they cover a very large area but is poorer compared to other bairros in the inner peri-urban area of the city, with no social amenities in the most northern part. Three of the four areas surveyed have access primary schools nearby although health posts are further away and secondary schools and hospitals much further away. Recreation areas are very limited. There is no general water network and water is generally purchased from those with a well, although some public hand pumps on boreholes are provided in the new expansion areas (water from these is also paid for). Only the new emergency relocation area is being electrified, but no-one interviewed had electricity connections - the majority use charcoal, paraffin and/or firewood for cooking (the poorest use firewood, which they can still gather in the bush). The perceptions of security in the areas varied with some being seen as not very safe as they are quite undeveloped. People generally have good relations with neighbours. There are no problems of drainage⁷³ or erosion and rubbish is usually burnt or buried on the plot. Public transport is generally limited to the main road (Estrada Nacional No 1) and is quite far from some interviewed, although also enters the centre of the emergency relocation area. Few walk to work unless this is local – the majority of formal sector workers use "chapa 100" to get to jobs elsewhere.

Plotters have generally still to develop their plots as many occupations are fairly recent (11 of 15 in last 3 years, with 7 being in this past year), and this varies from minimal construction in "caniço" to extensive construction in blocks, which represent the minority – most constructions are still in caniço, and the standard of maintenance of older constructions is low. Most plotters plant a hedge and trees on the plot and most are large enough for other food production. House structures were very small vis-à-vis household sizes except in a limited number of cases with small nuclear families. Ancillary structures (kitchen, bathroom, latrine) are generally very basic (improved latrines only at relocation houses).

Socio-cultural assets

Assistance tends to be sought from neighbours for immediate requests and then family elsewhere in the city. Some links with family members in the provinces are relatively strong and for some this is an integral part of the household strategy with some families spread across households in rural areas. Overall socio-cultural links were seen as reasonable in 6 cases, high in 1 case and low in the remaining 8 cases. Although the majority have some membership of a wide range of churches, these generally do not provide material assistance (with a few exceptions). There was no incidence of other membership of associations.

Legal-political assets

The level of legal/political awareness is very low. Although all voters indicated activity in national elections, a relatively high proportion did not do so in the local government elections. The perception of a link with the municipality is very low, with 4 indicating they had no opinion on what this could do to improve the bairro. On the other hand in the case of the most recently relocated there was a sense that the municipality could not do any more than it was doing already. In the remaining cases the tendency was divided between better services (e.g. roads, water, security) and more plots. However there was a higher sense of the need

⁷³ Although drainage of some low-lying areas of Magoanine is already a problem and will likely become more so with higher level of human habitation.

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for regularisation of informal land access – at the same time as a higher incidence of this recently. Local "structures" do not seem as important in the most peripheral areas.

7.3.5 General assessment of poverty in relation to land and housing

Human and economic assets

The families in this area seem divided between those setting up new nuclear family units with lower dependency rates, and those whose situation requires them to maintain dependants in extended families. Their overall human and economic assets were lower than the two previous focus zones despite the recent occupation in a significant number of cases, suggesting a tendency for the urban poor to shift to peripheral areas such as included in this zone. In the older areas there seems to be a tendency for sale by lower-income plotters and gentrification, while the new areas are not as differentiated. Many residents have fragile human and economic assets, with weak skills bases and uncertain employment which may lead to a consolidation of this tendency – including the relocated families who may return to inner urban areas cashing in their physical asset in some way.

Social-cultural and legal-political assets

In general socio-cultural assets are weaker than in Laulane/Mahotas and have stronger linkages with rural areas. There are more extended families also but still a certain reliance on neighbours. There is a very low level of community organisation despite the high degree of good "neighbourliness". Legal-political assets remain generally low and the perceptions of governance is very weak vis-à-vis the state and local authority, although there is a keen sense of the need to consolidate land rights as the occupations are recent and seen as insecure vis-à-vis the local authority.

Physical assets

Physical housing investment is not as high as in the two previous focus zones as occupation is often more recent, or poverty levels higher. However it still represents a high proportion of total household investment and an important household asset. The lack of tenure security is a widely perceived problem and affects the desire to invest, although investment capacity is low.

Location is an important asset for the areas, which are quite well-located and have a relatively high level of social amenities, such as Zimpeto Velho and Magoanine Novo. However higher order services are not available (e.g. secondary schools and formal employment). In other areas there is a severe shortage of social amenities as well as income-generating possibilities.

While relocation out of the area is not such a threat to the household strategies of these families, as they are already at the periphery, some indicated that they had been threatened with removal to Marracuene – i.e. out of the city altogether. In many cases the households have specifically moved to consolidate their physical base and demonstrate a desire to invest, although with limited capacity and security. In a number of cases the household strategy may entail cashing in their physical asset, currently only possible informally – especially those who have been relocated, as has happened in the previous resettlement bairro in Magoanine Velho. This may allow the household a means to increase human and economic assets, but queries the logic of the inherent subsidy in the current urban development and house provision as this would be most likely sold to higher income groups.

8 General analysis and recommendations

8.1 Institutional context

8.1.1 Political interests in urban development

Perhaps the most important aspect of the analysis is the clear need for strong political will to guide urban development in the best public interest as opposed to promoting individual or specific institutional gain. In terms of the law, land is held by the state on behalf of the people, and the state has the role of custodianship – it does not "own" the land. However, land has high values in urban areas – mainly due to access to infrastructure (but also factors of concentration of economy) and this cannot be ignored. As wealth is always created through the rising value of urban land, the question is who benefits? In a situation where land is held by the state on behalf of the people it is important that both the urban population and the state at urban level benefit. This however requires a political will and subsequent government policies and strategies concerning urban development. These ideally should be explicit and not implicit as they are currently and, in a situation of growing democracy, there should be a wider political debate on urban development issues which permit broad equity issues to be raised.

8.1.2 Legal basis for urban development

There continue to be severe lacunae in legislation affecting urban development – the Urban Land Use Regulations are still in debate and will continue so in the immediate future as this debate has to take place politically at both central and local government level. In addition there is still no adequate legislation regulating urban planning and this will only be proposed – at earliest – by 2002. While there is a packet of legislation regulating local government, this still needs codification to make it fully operational, and there is still a need for regulation of local administration in urban areas. Finally there is inadequate legislation regulating aspects of the private and non-governmental/social development sectors – which distinguishes more clearly between these, with differential incentives and regulation of possible partnership arrangements. The legal lacunae reflect both the lack of policies for the urban sector, as well as the fact that in the past there has been an implicit anti-urban bias in state development policies. The relatively fast growing strength of the economy in urban areas requires a rapid resolution of these lacunae. However, while they are resolved, there has to be some interim regulation in the intervening period.

The latest version of the urban land use regulations represents a predominant "technical" viewpoint - as opposed to the first Inter-Ministerial Commission version, which represented a predominantly "legal" viewpoint. The legal viewpoint basically stressed that the law exists and must be applied. This meant that a process for recognising customary land rights as defined by the law has to be set up and capacity created within the state structures to do this. This led to the "systematic adjudication" proposal in the Cadastre Project. The technical viewpoint stresses that the land rights in the law need to be qualified by the state planning the area in an appropriate way (with prior survey to identify land rights including customary) and propose mechanisms for this, only after which - if suitable - can customary land rights be recognised. There is no intention to undertake systematic adjudication in this without first systematic urban planning – no mechanism for recognition of rights or transfer of these without prior planning is included.

Two preoccupations are noted concerning this discussion:

1. The first aspect is concerned with **effectivity**. Both sides of the discussion assume a lot of state capacity, either directly to implement the systematic adjudication or planning

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processes, or indirectly to regulate the private sector undertaking this (although it would appear to always be the local authority's responsibility to undertake the land rights survey). Given current institutional and technical capacities (including that of central state entities), either process would take a long time and many more resources than available as both processes underestimate the strength and scope of the informal land market. This will continue to operate while the systematic state processes are set up and get underway. Thus both proposals are much too ambitious and will not adequately deal with existing "unordered" areas in the foreseeable future - and these are proliferating. This research proposes an alternative which can be driven by, and involve, the local community and local administrative "structures", arguing that this is more likely to succeed vis-à-vis the (predominant) "unordered" areas. This would allow local resolution of conflicts - and not the accumulation of these at local authority level (which would thus only deal with the more intransigent cases) - and also permit a much wider administrative capacity to act. This process of land management would be controlled by the beneficiaries to some extent at local level (the influence of local beneficiaries on the local authority in the real governance situation in Mozambique is virtually null at present). It, however, assumes a) a commitment to decentralise and b) investment in training of local administrators and community mobilisation as opposed to urban planners and cadastre technicians - although these are of course also needed in the current proposed solutions. The tendency for the state will be to favour a state-dominated approach which will be "top-heavy" technically and legally, probably corruptible, and slow - as well as favour the private sector over the informal sector.

2. The second aspect is concerned with **equity**. Recognising customary land rights in the light of the new law is a very important first step, but in itself will not bring greater equity in land access. Both the "technical" and "legal" viewpoints seem to miss this point. Whether with systematic adjudication or systematic planning, the final land rights will be open to market forces. Previous research has shown two different markets, which differ both in their possibility of "recognition" of customary land rights as well as pricing. The technical and legal viewpoints propose different methods to deal with the recognition and formalisation of customary land rights, but neither address questions of social equity and the differential land pricing. The tendency in both is thus likely to be a relocation of lower-income residents from higher value urban land without adequate compensation as they will tend to sell at the much lower informal market price, while the state or private sector benefits from the inherent land value difference by sale at the formal market price. The research investigates to what extent this is in fact a real interest of both the state and private sector, which seem to collude as much as possible to allow this. The trend thus would be to create more peripheral poverty, which - given current very high poverty levels where household survival strategies often depend on physical location in inner peri-urban areas - is likely to tip many families from survival into destitution, and in fact create other unordered inner city areas (and/or densification of the remaining areas) as these look for economically viable alternatives. This research shows that this process is already underway in the relocations in recent years.

This report advocates that not only is a mechanism needed which recognises customary land rights as soon as possible and provides simple and widely applicable administrative and legal mechanisms for this in the real institutional context in Mozambique - i.e. being based on local administrative structures with community oversight (possibly as an interim phase while awaiting full "planned" rights which could give individual transferable title) - but one which allows negotiation (probably communal as opposed to individual) on compensation for land at formal land values. This would require some form of "land pooling" and "re-adjustment", where division of the final land values between investors, the state and the beneficiary community is part of the negotiation. This would allow the state and community a higher level of re-investment and lessen the tendency to push poverty increasingly to the periphery.

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8.1.3 Economic basis for urban development

As noted above, there is a fast growing urban component to the national economy, which requires certain legal and administrative structures to operate to permit a greater efficiency. The current situation from all points of view is seen as inefficient, and only a limited number are benefiting. The importance of the urban-based economy needs to be analysed and understood better – including its regional and macro-regional linkages. This is an essential aspect of state policy development and will underpin more effective urban development programmes. Currently there is weak capacity at both central and government level to understand and structure these forces in more effective ways. This is an urgent issue as the urban-based economy is developing rapidly.

8.1.4 Institutional capacity for urban development

Institutional capacity for urban development can be analysed in two ways – organisational aspects and socio-cultural aspects, as follows.

Organisational aspects – administrative and technical capacity

In terms of administrative and technical capacity there is weakness in both the state – at central and local level – as well as in the private and NGO sectors. There is also weak organisational capacity at local level – whether of the state administration or civil society. While this capacity needs strengthening – and creating in some cases – this will take time and practical mechanisms to operate within the realistic existing organisational capacity need to be applied. As noted previously there is no point in legislating normatively when the organisational situation will not permit the law to be applied in the foreseeable future – this only undermines the already weak legitimacy of the law. Hence there is a need to investigate appropriate organisational options, based on existing capacities, as well as develop realistic programmes to strengthening these capacities in all sectors. While it can be assumed that the private sector will undertake this itself, the state needs to review its own institutional capacity at central and local level, as well as assist with the strengthening of organisational capacity within civil society – where NGOs can play a vital role.

Socio-cultural aspects – attitudes and customs

As with organisational capacity, political objectives, legal regulations and economic development programmes need to be based firmly on actual social and cultural attitudes. To ignore these means risking legitimacy or wider social equity. This does not mean that socio-cultural norms can not change and that this should in itself not be an explicit objective. However these changes take time and information plays an important role. Traditional attitudes to land, with roots in rural living, and the weak development of civic attitudes, necessary in the higher density urban environment, are aspects which require changes of such attitudes. The actual traditions of land access which have developed in the urban areas on the other hand cannot be ignored, but should be built on – as should the traditions of reciprocity and redistribution in society which the study has indicated still play an important role in urban life. Both the state and NGOs can play an important role in promoting stronger forms of civil society - including vertical as well as horizontal forms – as well as broader civic and political education to provide a firmer base of governance which is essential where the state is relatively weak. While markets have an important role to play in urban development they essentially need to be regulated by the state and society. Emerging land markets in Mozambique are no exception.

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8.2 Urban land access and poverty

The majority of occupations across the 45 surveys were accessed informally – 78%. While the sub-mechanisms varied, the majority were purchased or allocated by local administrative structures. However overall, allocations (i.e. non-purchases) represented 71% of all land access mechanisms (62% of informal mechanisms). Thus, as indicated in previous analyses, the informal land market is still embryonic, albeit growing in incidence.

	Polana Caniço	Laulane/Mahotas	Magoanine/Zimpeto	sub-total
Formal DCU		7		7
Formal? relocation			3	3
Informal DCU		1		1
Informal local admin.	6	1	3	10
Informal Purchase	6	4	3	13
Informal Ceded			5	5
Informal rented		1		1
Informal Pre-Independence	3	1	1	5
sub-total	15	15	15	45

The sample in this survey was too small to register any idea of land values, but the values declared often indicated a high degree of social modification – e.g. "price for a friend" – as can be seen in the variation in land prices in similar years and areas. House sale with land has existed for a long time, although increasing, and land is now also being sold without houses. However, the "market" in land is very embryonic as most occupants demonstrate no interest in the exchange value, stressing the use value and inheritance factor for future disposal, and most purchases are only possible through a network – there is little open buying and selling. This seems to be changing however, spurred on by the commodification of the (highly subsidised) relocation houses.

In general the surveys have concurred with the previous wider sample survey undertaken when preparing the Maputo Metropolitan Structure Plan, but have allowed a greater understanding of the mechanisms involved. In addition they demonstrate a higher tendency to understand the value of land in informal markets, especially in the peripheral expansion areas, with accompanying higher preoccupation with land rights. The outer areas of Magoanine and Zimpeto demonstrate this process, where the city council has managed to demarcate large areas. Overall the study shows the tendency for better-located urban poor to be re-located – either officially or through market mechanisms – in more peripheral or environmentally unsuitable locations (including densification), with an adverse effect on urban livelihoods as location is a key element of physical assets.

The process of basic land demarcation is very important as it permits future improvements of urban development in a much simpler way than when land is occupied in a less organised manner. Thus despite the fact that the city council has difficulty managing who occupies demarcated land (and maintaining land reserves) basic demarcation of land at least provides the basis for a much simpler regularisation of land registry. Therefore it is of great importance that the city council:

- a) Attempt to demarcate land ahead of informal sector allocation in expansion areas even if not fully planned;
- b) Attempt to regularise land occupation in formally demarcated areas, allowing simple forms of transfer; and
- c) Develop stronger links with local administrative structures that *de facto* manage land locally.

At the same time it is important that the state and municipality do not let the "free" operation of the land and housing market disadvantage the urban poor. As can be seen from the study, access to well-located land is an integral part of the resources households use in their survival strategies. Simply re-locating the urban poor to favour higher value land uses will only

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aggravate the levels of poverty. Hence there is a need for mechanisms to protect the land rights of the urban poor, as well as recognise these as established in the new Land Law. The simplistic application of land rights for occupation over 10 years in good faith would be difficult to implement unless it is managed at local administrative level - where there need to be new forms of transparency and direct forms of public participation; and quite possibly lead to exploitation of the poor through sales at informal market values, with the purchasers realising the formal market values.

Hence, while agreeing with the need to provide formal land rights to those who should have these in terms of the new law, it is equally of great importance that the city council consider the implications of redevelopment of inner peri-urban areas such as Polana Caniço to avoid transferring and aggravating already high poverty levels. This is likely to entail exploring ways to allow formal land rights and values to be realised by those who might want to cash in their physical assets to best transfer these to other areas or other household resources. In addition the city council should consider the need to protect some areas for social housing development and not accept that lower-income groups should be relocated always to the urban periphery.

8.3 Recommendations

8.3.1 General recommendations

Central Government

- a) Central government should define its urban development policy and make more explicit its position on the relative roles of the state, local government (including local level administration), private sector, non-governmental sector and civil society. Currently this is implicit and there is a lack of clarity of roles as well as relationships. An important aspect of this is what is the state's position vis-à-vis poverty alleviation and urban land access? Urban policy should also specify different objectives for different types of urban areas – whether in function or size.
- b) There is a need for clearer co-ordination within the urban sector between institutions and this can be promoted by central government through national urban development programmes. While closely related, urban development programmes need to be seen as distinct from social housing programmes within housing policy as urban policy has wider economic and social implications.

Central – local government partnerships

- c) The state at central government level must clarify as a matter of urgency the legal basis for urban planning and development – including the rights of municipalities to develop norms, standards and taxation. However local governments need to be adequately involved in this process, as they have to implement the laws. Laws and regulations must be grounded in customs and practice and take into consideration the realistic institutional capacity to implement them – otherwise they can be normative but widely inapplicable and not have legitimacy.
- d) In addition central government needs to continue to assist local government in urban development – both technically through promoting specialised training and more qualified urban planners and land managers, as well as through special technical teams which can incorporate urban planning into wider regional planning contexts. In Maputo's case this requires resolving the question of a metropolitan level of activity. This is essential to better balanced development between Maputo, Matola and the neighbouring district and smaller urban areas (Boane and Marracuene).

Local government

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- e) Local government needs to clarify its urban development strategies in the context of metropolitan and regional development, as noted above, and co-ordinate its activities with its neighbouring local authorities. There is no advantage in competition when resources are limited, on the other hand there can be advantages in negotiated collaboration.
- f) Local government urban development strategies have to be grounded in social and economic realities and confront the problems of various sectors – not only respond to the most influential politically and economically. If not the problems will be exacerbated. Environmental concerns need to have a much higher prominence in urban development decisions.
- g) A key element of urban development strategies will be the strengthening of the fiscal base for the municipality to operate within and development of multi-year budgets, thus allowing strategic development and not only crisis management.
- h) A key element of urban development that needs clarification is the functions, responsibilities and skills as well as accountability of local level administrative structures – both to the local authorities and to the broader urban population. This is a crucial issue in urban land management.
- i) Local government has to strengthen its technical capacity in urban planning, land management and registry and urban development – both to undertake these tasks and to monitor their contracting out where appropriate. A crucial aspect of this will be land valuation capacity.

Local government partnerships

- j) Local government should develop partnerships with private sector investors, but with the main objective being the broader public benefit – whether direct or indirect. This can be joint ventures, launching of bonds for investment, Build-Operate-Transfer and Land Pooling operations etc. Skills in this area are urgently needed to be developed.
- k) Local government also needs to develop partnerships with civil society organisations and non-governmental organisations to widen its scope of operation with the large proportion of urban poor.

8.3.2 Specific recommendations

Land valuation

- The value of urban land is increasingly recognised by all sectors – state, private sector and informal sector – and there is increasing commercialisation of land, however there is a marked differential between monetary values applied in the various sectors. Exchange value of land is predominant in the private sector, and is growing in the informal sector, especially in more recently occupied areas where there is speculation in both the private sector and informal sector. In many older informally occupied areas the use value of land predominates. The state recognises that land has a value and is looking for mechanisms to a) formalise this and b) benefit from land values
- It is proposed that a process be initiated to begin to collect information on actual land values and that this information should be made public – a Land Market Assessment. This would allow the state to more adequately tax land, assist stabilise the formal private sector activity, and give a basis for a coherent approach to the informal sector. It is recommended that the University undertake to develop Terms of Reference for this, as it would be advantageous for the main actors if the assessment is seen to be undertaken by an objective entity.

Further investigation of security of tenure issues

- The vast majority of occupants in the informal sector consider themselves secure vis-à-vis land rights – sense of insecurity is usually due to physical problems. There is not generally an urgently felt need to formalise informal occupation. This sense of security is based on the fact that the majority of people are in the same situation and also the activity of local administrative structures in the past in informal allocation and recognition of rights. However, at the same time there is a rapidly growth in land conflicts in the informal sector and between

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this and the state and the private sector, which increasingly often are not resolved at the local level and go to the City Municipality and on to the courts.

- There is an on-going debate on how to implement customary – or occupation - land rights in the urban areas and this will take some time to be resolved. In the interim there is a need to engage the wider population in this debate through civic education on land rights and investigate pragmatic mechanisms which could be used to recognise these, whatever the final decision is vis-à-vis the Urban Land Regulations. It is thus proposed that pilot project(s) on (predominantly informal) land occupation be developed in a number of different peri-urban areas to register the current occupants and assess their potential rights as well as assess mechanisms through which these can be recognised/formalised. The University can assist with the definition of these pilot projects.

Developing pilot partnerships

- The university can play an important role in the definition of formats for potential partnerships between central government – local government – the private sector – the non-governmental sector – and civil society. These can be the basis for pilot projects in urban development.
- Such pilot partnerships can have the objective of recognition of customary land rights (as above) and land pooling and redevelopment.

Land administration and management

- The state has very weak capacity vis-à-vis urban land administration although continues to accept its fundamental role in land planning and management. It is necessary to more fully assess the practical implications of various alternative strategies vis-à-vis urban land management and it is likely that different approaches are needed in different situations as the problems are complex.
- It is recommended that the university investigate relevant specialist courses in urban land management, with an emphasis on partnerships, including the possibility of the local delivery of such courses.

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Part IV

Dissemination

9 Research dialogue and dissemination

An integral part of the design of this action research project has been its role in promoting dialogue with, and between, actors in urban land markets. This has been implemented through the chosen methodologies in an on-going way, but has also entailed specific stimulus to dialogue and dissemination, described in this final section of the report.

9.1 Counterpart organisation

The choice of counterpart organisation has been of crucial importance in promoting dialogue and dissemination of the research, apart from ensuring its timely and successful implementation. The Centre for Study of the Development of Habitat (CEDH), as a research institution within the university, has been seen as an independent institution, which has allowed both a frank interchange of views as well as a access to key institutional actors. This has permitted a deeper dialogue than would have been possible had the research been based within an institutional actor more involved in urban land affairs – for instance, a state institution, the private sector and/or an NGO.

9.2 Steering Group

To ensure adequate engagement with the key institutional actors a project Steering Group was set up, with one participant from each of the key sectors: central government, local government, the private sector, involved NGOs and specialists, as well as the key research personnel. This met three times during the research period – once while the research was underway; once when data were being processed and initial results becoming available, with a view to planning the seminar (see below); and once after the seminar to discuss follow-up to the research.

9.3 Presentations

In addition to the Steering Group activity several public presentations were made to different "communities" with a potential interest in the research: the research community, the main institutional actors, and a focus group within the urban poor in one of the areas surveyed.

Research community

The presentation in this case dealt mainly with the research objectives, theoretical bases and methodologies. This was in the form of an open lecture delivered by the principal researcher and held at the Faculty of Architecture and Physical Planning, on Wednesday 28th November, (as part of a regular series of open lectures with participation from other faculties). Some 30 attended with the majority being students and staff linked to the Faculty of Architecture and Physical Planning.

Main Institutional actors

An open seminar was held (also at the Faculty of Architecture & Physical Planning) on Friday 15th December, to present initial results and stimulate an open debate on the research, as well as how this might be taken forward. Some 20 participants from 15 institutions, representing all the five sectors involved, were present.

The seminar structure included a general introduction to the project and the research institutions, as well as the context for the research; a brief introduction to the theoretical and methodological bases for the research and the implementation; presentation of initial results from both methodologies and a short synthesis and some preliminary recommendations. The

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presenters included the principal researcher, the Director of CEDH, and one of the fieldwork research assistants.

A short minute was made of the debate and this was made available to the Steering Group. The main observations on the presentations were:

- that this investigation build on the foundations of previous surveys;
- that the results are of great interest for the on-going debate on the Urban Land Use Regulations and should be made available to those involved in this debate;
- the need to recognise that poverty does not only exist in peri-urban areas.

These were responded as follows:

- this research has deliberately built on the previous research into land allocation and land markets;
- all of the main actors in the debate on the Urban Land Use Regulations have been interviewed and will receive a copy of the research report. In addition it was recommended by the researchers that the broad public should be given the opportunity to engage in this debate and not only state institutions;
- there is a recognition of pockets of poverty in inner urban areas as well as peripheral urban areas, but this is usually in state-rental accommodation and this would require another study as it is not mainly a question of land access, but social housing policy⁷⁴.

Concerning the initial recommendations, the participants welcomes these, with the following observations:

- there is a severe need for training in land management at various levels – not just university. However would CEHS be interested in supporting this?
- There is a need for civic education as part of a urban land management "campaign" as many urban residents do not appreciate that urban living is very different from rural living in various aspects

The response was that CEHS was already discussing possible follow-up support in this area with CEDH and would be interested to assist although the main problem – at least in the medium term – would be how to "institutionalise" such training in Mozambique so that it would not be just ad-hoc.

Focus group within the urban poor

Finally a meeting with a focus group within the urban poor in one of the areas surveyed was set up, with assistance from one of the NGOs active in this area (CARE International). This meeting:

- a) informed the focus group of the nature of the research;
- b) verified that the main findings of the survey of the importance of land and location to the urban poor in this location were valid; and
- c) provided an opportunity to assess the interest at community level for follow-up activity on urban land issues in the bairro.

9.4 Final Report distribution

This **Research Paper** is published as an internal paper within the School of Planning & Housing in Edinburgh (in English) and is available for public acquisition. The paper is to be translated into Portuguese for publication by the Faculty of Architecture & Physical Planning in Maputo. Copies of the Portuguese version will be made available free to all the key actors/institutions interviewed in Mozambique as well as be available for public acquisition. A summary version – the DFID/ESCOR **Research Report** - is also to be published on the internet and the **Highlights Summary** to be registered with relevant internet research database facilities.

⁷⁴ See Jenkins 1999b for an overview of housing markets in Maputo which provides a basis for this.

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Appendices

RURAL LAND RIGHTS - A REVIEW OF RECENT DEVELOPMENTS

In Sub-Saharan Africa several land tenure systems co-exist – normally described as "customary" and state, or "modern", systems. Customary land rights are seen as an integral part of the social structure and generally convey use rights for which there is no modern legal codification. Rather these are governed by socio-political custom/procedure, usually based on prior occupancy and conquest and often closely allied to local religious forms. Use rights vary according to function and often overlap. They can be transmitted within the family and even transferred temporarily. These land rights are also termed "socially-determined" land rights as opposed to "customary" as they are often no longer "traditional" but are flexible have evolved over time in relation to social change (Delville 1999).

Modern tenure legislation was generally introduced by colonial political systems and is based on the model of private ownership and forms of transferable public registration. In different colonial traditions attitudes to "customary law" differed, with in most Franco-phone situations customary land rights being seen as illegal or "extra-legal", and in Anglo-phone situations these were compartmentalised in certain geographic areas, where they were accepted in a subordinate form to the "modern" legal system. However in practice both forms of rights co-exist and the customary rights may in fact be more widespread and also have considerably more legitimacy. "Despite a century of purposeful penetration by non-customary tenure ideology and legal provision, unregistered, customary tenure not only persists but is still by far the majority form of tenure in the region. None of the strategies adopted to ignore or diminish it have been successful" (Walden 2000). This creates a form of legal pluralism with conflicts and uncertainties (not to mention the complexity of the law) often exploited by elites who can manipulate the legal systems in their favour, picking and choosing as needed between these, creating hybrid legal situations.

Delville argues that this complex and hybrid reality has to be the starting point for research, and not normative and simplistic assumptions about modernisation. Arguably the main problem is not the co-existence of different systems, but the lack of coordination and relation between the authorities which oversee these and arbitrate disputes. He indicates that in the last 10 years a number of attempts to review land legislation have been made, based on three approaches:

- Codification of customary rights into the modern legal system (e.g. Niger, Uganda) – however this is made difficult by the great diversity of land rights and their flexibility. This is based on the (positivist) assumption that the law defines what should happen;
- Registration of local usage rights to give modern legal status (e.g. Ivory Coast) - based on simplified mapping and registration techniques. This instrumental approach however simplifies different overlapping (and compatible) use rights and been hard to adapt to common areas;
- State administration with devolved management of common lands (e.g. Mali) based on a charter as opposed to codified rights. Many studies recommend decentralised management of land resources with decision-making powers devolved to local communities and using alternative methods to resolve conflicts. However these have not as yet been fully developed and legislative reforms often do not achieve such ambitious aims due to political interests at state level.

The main issues are:

Interlocking rights – e.g. administration of cultivation rights as opposed to the actual management of these, taking place at different levels of social networks. Also the different use rights (crops, pasture, timber, fruit) and the possible (temporary) transfer (including to "outsiders") – with or without payment of a "fee". To simplify these in "ownership" leads to competition over who has this right – the administrator, manager of the allocated land, or different users. Secondary rights holders – especially women, young people and outsiders tend to get marginalised in this process.

The system of authority – the issue of land rights is directly related to issues of state and other levels/types of authority. The tendency to promote local management also entails two different approaches – the local decentralised management of state control and actual devolved powers. This debate is influenced by issues of representativity and fears of social exclusion as opposed to inclusion in local areas, based on increasing competition for resources, especially more heterogeneous communities. Essentially these are political choices and not only affected by land issues.

Draft Urban Land Regulations in Mozambique

In March 98 the Technical Secretariat of the Inter-Ministerial Commission for the Revision of Land Legislation presented a report to the Commission on the acquisition of land rights in urban areas under the new Land Law (19/97 of 1 Oct of the previous year) through occupation in good faith over a 10 year period. It pointed out that housing land occupation was often not in accordance with urban plans (as required by the law), and these were usually out-dated, and the vast majority did not have a construction licence. As such it questioned when these occupants could exercise their right to land occupation rights. The Inter-Ministerial Commission discussed various aspects of this situation in May and June 1998, including the fact that many local level administrative structures had allocated land, and the local authorities shortly to be elected needed to have space for decision, although "anarchy" of land use should be avoided. It also considered the possibility of land re-development ("reordenamento") and involving the private sector in urban development. It was agreed that a specific Urban Land Use Regulation was required and a Working Group was formed. This Working Group met 14 times between March and June 1999 and produced a draft of the Regulation for public discussion in late July 1999.

Key aspects for discussion that were stressed were:

1. The fragmented nature of existing legislation applicable in urban areas from the colonial period and limited legislation after Independence, most of it administratively creating cities and towns and defining their areas. More recent legislation indicates the competence of the new local authorities concerning urban planning and development, as well as property and land use taxation.
2. The need for standardisation of types of urban plans. The Working Group proposed (based on advice from the Ministry for State Administration):
 - Structure Plans
 - General or Partial Urbanisation Plans
 - Detail Plans
 - Human Settlement Plans (for tertiary settlements – i.e. not cities or towns as defined in the law)

The plans are to have administrative competence, and hence be subject to Administrative Law

3. On the issue of land rights through occupation in good faith two different positions were discussed in the Working Group:
 - That which is based on the constitutional precept that the state recognises land rights acquired through inheritance and occupation. This position recognises that "informal occupation" rights are increasingly being recognised internationally and drew on the study of the Pilot Cadastre Project in Maputo concerning different forms of land acquisition⁷⁵
 - That which considered it still necessary to subject the recognition of this right to the nature of construction and urban plans in cities and towns

Other than through the above, the Working Group proposed that land access would be through public competition, with a basic urbanisation cost which could be increased by bidders.

4. The development of cadastral services outwith the municipalities to provide the basis for land allocation as defined in the law also needs attention.

The document circulated had Appendices with the different land taxes actually applied in different towns/districts.

The initial proposal of the Urban Land Use Regulations included the following articles:

1. Definitions
2. Scope
3. Zones of partial protection
4. Restrictions within zones of partial protection
- 5.6.7.8.9.10.11. Land rights
 - Rights where land has been occupied in good faith for more than 10 years, except in cases where there is a legal land reserve or within zones of partial protection
 - Provisional and definitive land rights otherwise to be through public competition. Provisional rights for 5 years for Mozambicans and 2 years for foreigners, the construction project has to be presented within a 2 year period, with a maximum extension for 90 days thereafter, when the provisional land right would be cancelled, except when construction is underway when 1 year extension is possible, after which there is no compensation. The land concessionaire can be substituted in the process as long as a prior investment in the land is proved (e.g. wall and construction project). The definitive land rights would be allocated after examination of the construction after which a land title can be provided.

⁷⁵

This project produced an initial draft for the Urban Land Regulations in March 1999

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12. Transmission of land acquired under customary mechanisms or in good faith can be transmitted through customary practices. Otherwise title can be transmitted as defined in the Civil Code
13. Proof of land rights can be through:
 - A "Certidão"
 - Testimony of occupation rights
 - Land "specialisation"Where there is dispute the earliest acquired rights have precedence
14. Basic urbanisation and urban improvements are the responsibility of local authorities
15. Community organisations should become involved in urban development activities and know the plans referring to their zones
16. Basic urban developments and urban improvements can be undertaken by local authorities, private sector developers, community organisations and legally constituted residents associations.
17. Social intervention – definition (mainly publication and collection of information)
18. The provision of infrastructure will be implemented by local authorities or private sector developers
19. Basic urbanisation includes:
 - Detail plan
 - Demarcation
 - Soil stabilised roads
 - Public water points
 - Sanitation and drainage
 - Public illumination
20. Urban improvements
21. Local authorities establish the form of private sector developer action through administrative contracts, including the area (max 400 plots) mutual responsibilities and the proportional distribution of the resulting income
22. Existing occupants have precedence in land allocation in any urbanisation and do not have to pay the minimum urbanisation fee – up to 5 plots per family (one each for all becoming adults within 3 years and sharing the family economy), or alternatively can be compensated with other plots in another area. Beneficiaries of these plots have 5 years to develop them or lose land rights. They can opt for a compensation payment instead of land
23. The remaining plots will be distributed through public competition, with a basic urbanisation tax, although higher values can be accepted. Plots are allocated after payment
24. Titling can be through the definitive concession of a systematic titling process
25. Systematic titling is undertaken in a specific area and includes the customary rights.
26. Systematic titling should be prioritised where there are land and environmental conflicts, where there are a high number of cases of land transmission and where the state or other investors want to develop economic activities and/or development plans
27. Systematic titling areas are defined by the local authority and should not exceed 400 plots with a maximum of 12 month implementation period, when land occupation is frozen
28. Technical team
29. Process (includes community representation and can be undertaken by third parties with local authority representation)
30. Cadastral registry
- 31.32. Title – form
33. Costs to be supported by local authority and beneficiaries
34. "Ordering plans" – 4 levels
35. Administrative nature
36. Content
37. Competencies – local authorities or central government where these do not have capacity. Structure Plans need Ministerial approval
38. Process and comments (45 days, "interested entities")
39. Public exhibition (min 8 days)
40. Approval by local authority and ratification (where needed) within 30 days at higher level.
41. Publication in the Official Bulletin within 15 days of synthesis and regulation

Written comments received on the above were published in October 1999

The written comments cover a lot of issues, many being questions of wording and compatibility with the Land Law, other (rural) land regulations and the new municipal laws. In general the preoccupations of smaller municipalities have been minor. The most important comments concern:

- Taxation – there is general agreement on the need for land use taxation, but proposals for scaled taxation according to urban category and zone (and this to be defined in bye-laws)
- The need to free up land conceded but not being utilised
- The need for greater detail of the titling process
- The need to be clearer of the responsibilities of the local district administrators for smaller settlements
- The need to deal with de facto land markets (in small municipalities as well as large ones)
- The need to regulate sub-division (especially vis-à-vis private developers)
- The need for separate legislation/regulation concerning urban planning (and some proposals for this)
- The need to better legally define "urban property" by function as well as location

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- The need to balance existing land occupation rights with the capacity to control/promote urban expansion
- The need to take into consideration the health risks in recognising existing occupation rights
- The need to recognise de facto land values in urban development proposals
- The possibility of having upper income areas with different costs and urbanisation process
- The need for additional criteria in allocation through public competition (no previous allocation, penalisation of previously had allocation and lost this through non-utilisation)
- The need to have full land development before transmission of use rights to undercut speculation (or at least up to first floor level)
- The need for greater clarity on compensation and expropriation
- The need for clarity which central government institution oversees urban development & planning

As far as has been determined a new version of the Regulations was then prepared by the Inter-Ministerial Working Group and sent to the Council of Ministers for approval. However debate in the Council of Ministers led to this being sent back to the Ministry of Public Works & Housing for further revision. This version (no date) differs from the October 99 version as follows:

1. Some difference in definitions, generally less definitions
2. Scope reduced to cities and towns and other areas which Council of Min decides (i.e. no tertiary human settlements)
3. Partial protection zones – more of these defined, mainly around major infrastructure (roads, railways, airports etc)
4. Restrictions of use in partial protection zones – licences for commercial activities can be allowed by local administration as long as the relevant authorities have an opportunity to approve
5. Definition of "Ordering Plans" – administrative regulation applies
6. Classification of plans (hierarchical) – structure plans, urbanisation plans, detail plans and special plans, with definitions (Special Plans to upgrade unordered or degraded areas as well as conservation)
7. Special urban planning laws will be developed by the competent entity at state level
8. Competencies in planning – all plans to go to central state entity for ratification after approval at relevant local authority level. Time limit 30 days. This entity can assist technically in plan development
9. Consultation with state entities specified, with time limit 45 days
10. The existing occupants of planned areas to be surveyed before preparing the plans, to establish who they are and their actual land rights, as well as deal with all land claims and conflicts (including non-occupants claims). The community to be involved in the survey. Occupants can put themselves forward to claim occupation rights in line with article 12 of the Land Law as long as the area can be incorporated in the urban plan, or they can be compensated with priority allocation in "similar" zones, with adequate compensation for improvements
11. The local authority to determine the area of survey, technical team, time scale, and community involvement
12. Technical team competencies, including publication of maps and lists of occupations
13. Community representatives to accompany the process
14. The final report to include specified elements
15. Final report to be presented to the local authority with opportunity to hear complaint etc. after which it is a public document
16. Subsequent plans to be publicly exhibited – specification of how
17. Plans to be ratified by Min of State Admin after hearing Min which oversees urban planning
18. Ratified plans to be published in the Official Bulletin and public exhibition
19. Definition of urbanisation – including this as a prerequisite for acquisition of land rights
20. Levels of urbanisation defined (basic, intermediate and complete), with definition
21. Local authorities are responsible for urbanisation through detail and special plans, with technical and legal assistance from central state entities, and intermediate and complete urbanisation can be undertaken by real estate agents by concession. Local authorities have to define access mechanisms to plots provided
22. Land access is to be through
 - Occupation in good faith
 - Lottery
 - Public auction
 - Private negotiation
23. Occupation in good faith is established through the survey and can be in the same area as long as the occupation "fits" in the proposed plan and the occupant assumes the norms the plan applies, otherwise in "other urbanised areas". Urbanisation tax responsibilities in these cases depend on the local authority to decide
24. Lottery is for basic urbanisation and only open to Mozambicans, with an urbanisation tax to be paid in 3 years, with a 10% maximum first payment
25. Public auction for intermediate and complete urbanisations or for commercial and service plots in basic urbanisation, with a tax to be at least as much as the above
26. Private negotiation to be open to housing coops or associations, industrial agents and large commercial agents
27. National or foreign entities can be land title holders as defined in the Land Law
28. Co-titling is as the Civil Code
29. The rights of title holders include usufruct, access, infrastructures, inheritance, improvements can be mortgaged, compensation for public expropriation, use the land rights as the basis for credit to finance approved improvements on the land

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30. Responsibilities of land holders to develop the land within the time scales approved, not change land use etc.
31. Transfer of urban property does not require prior authorisation and follows Civil Code, but is subject to registration and taxation
32. The usufruct right is lost if the time scale for starting construction is not obeyed and is automatic, with a maximum of 2 years with a maximum of 6 month extension
33. The time scale for land use in terms of the approval is to be defined by local authority and can not be more than 5 years except in special cases
34. Local authorities can establish rights of way for services with compensation
35. Local authorities and the state can expropriate land following the law with compensation
36. The title format is to be attached to the Regulation and is to be signed by the President of the municipality of District Administrator and is to include the topographical plan with the time scales approved as well as approved land use
37. Registration of notations
38. Definition of what form of notations: time scale for development, transfers, construction licences, works started, mortgages, taxes etc
39. Specific activities to be registered with the Property register include (most of the above)
40. Development control is to be local authority function, although central state also has role
41. Penalties specified
42. Fines to be determined by Ministerial diploma
43. These are subject to administrative law
44. Competencies for land taxation and other charges (local authority)
45. Payment of taxes and charges, including annual tax
46. All on-going land requests to be subject to the new Regulation and Law

As can be seen there are significant differences with the previous version(s) mainly with respect to:

- Freeing up land transfer
- Defining urban planning
- Defining land occupation rights

Concerning this latter, there is still lack of clarity as to how the existing occupants can prove their occupation and how the planners can "fit" these occupations in, as well as what form of "similar" urban land would be offered. The latest version quite specifically qualifies "customary" land rights as being subsequent to urban planning (and prior survey) – no mechanism for recognition of rights or transfer of these without this is included. This a) puts great pressure on the local authority (or private sector which is licensed to undertake urbanisation – although it would appear to always be the local authority's responsibility to undertake the survey) to undertake planning of all areas – which, given current institutional and technical capacities (including central state entities), will take a long time; and b) does not recognise the strength and scope of the informal land market. Thus the proposal is ambitious but will not adequately deal with existing "unordered" areas in the foreseeable future.

CHARACTERISATION OF ZONES OF FOCUS

POLANA CANIÇO A

This is an area immediately north of the "cement city" (more formal city centre area with most employment opportunities, infrastructure and social amenities) which had been subject to land speculation in the 1950's by colonial landowners who blocked the northward expansion of the formal city. This led to late development of these areas compared to the northwest of the formal urban area (see Jenkins 1999a for detail), and relatively sparse occupation until the time of Independence. After Independence the area was increasingly spontaneously occupied for housing, but of a still relatively low density and temporary nature when in 1977 the new National Housing Directorate began an urban upgrading pilot project in the neighbouring Maxaquene bairro. The residential densities in this much longer spontaneously settled area led to Polana Caniço being used as an overspill area during the upgrading project, with a form of simple "self-help" plot layout being used. The result was a rapid densification, which despite the relative order of occupation was never formalised. The then city council refused to formalise land rights for the occupants both at the time the National Housing Directorate attempted to hand the project over to the council in 1980 (when it pulled out of the upgrading project), and again in 1985 when the then city planner attempted this, based on detailed topographical mapping undertaken by the national topographical school¹.

As a result of this position, yet increasing pressure on available land, there were a number of later spontaneous occupations in the bairro – in reserves created for social amenities and roads, as well as along the escarpment which was also seen as ecologically unsuitable. In the latter situation the occupations were at the time of increasing insecurity in the southern provinces and outskirts of the city during the late 1980's as a result of the civil war, and spot socio-economic surveys undertaken within the UN-sponsored National Housing & Urban Development Programme development project supported the fact that the land was occupied based on allocations at local administrative level, which itself was informal as this level had no explicit right to allocate land. In part of this area the population was removed by the local authority in the mid 1990's, ostensibly due to the potential ecological problems of occupation of the escarpment, as erosion had several times cut the main northward traffic route Av. J Nyerere, but in practice it is more likely that this was to facilitate land allocation to private sector developers as both the city council itself (1993/4) and other developers (1995-2000) have subsequently developed high-income residential areas in their place. The population was relocated in new urban expansion zones in Zimpeto, some 20 km away at the periphery of the urban area.

There have been a series of erosion problems associated with the escarpment and the run-off of stormwater from the informal housing area. The regular layout created by the upgrading project with no paved roads or drainage has led to more rapid run-off down on to the main road Av. J Nyerere. In time this, with occupation of the escarpment, has led to the opening of erosion channels across the road. The road was first cut in this way in the early 1990's with some attempts by the city council to repair this with fill and some drainage channels. From about 1993 this was no longer attempted and the erosion channels deepened each year, the road falling into disuse. In the abnormally heavy rains of early 2000 these erosion channels increased enormously in scope, depth and width and many families lost their houses and possessions in the bairro overnight. They received assistance from various quarters including the international emergency community, with relocation to a new housing area (still in construction – see below) in an urban expansion zone some 25 km away in Magoanine. However, many residents remain near the erosion channels, although there is on-going work to stabilise these. In addition there are several NGO's now working in the area, including CARE International, which has a community development project, although also involved in emergency assistance. There have also been a series of proposals from (mainly foreign) private sector investors to repair the road in exchange for well-located land for development (including land along the road). The city assembly is currently studying a further proposal from Japan of this nature.

LAULANE/MAHOTAS

This area, to the north of Polana Caniço, is an extensive area composed of housing use on the higher land and agricultural use on the coastal plain. As the study focuses on housing land it has concentrated on the former, where a large area has been demarcated in housing plots ("urbanização básica", or "sites and services"), mainly by the city council starting in the early 1980's through to the mid 1990's (this latter with support from the World Bank)¹. Prior to the housing land demarcation the land had been demarcated for agricultural use in the colonial period and sub-divided mostly into 0.5 hectare plots, a limited number of which had been developed as farms.

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When the city council began its programme (planning the land in 1983, topographical layout 1984/85 and allocations from 1985 on) the land was relatively unoccupied with only scattered informal occupation. In the latter part of the 1980's, with the pressures of the war, many areas previously demarcated as reserves for social amenities (open space/schools etc) or for ecological reasons (e.g. the escarpment) were occupied through informal mechanisms. In places this has provoked erosion similar to that in Polana Caniço, although not as yet as severe. In addition other areas, such as where an anti-aerial defence unit was removed from the area, have been occupied for housing, mostly through informal land sales. The northern part of this zone was included in the World Bank financed Urban Rehabilitation Project (1989-1995), for improvement of infrastructure in the existing sites and services area and its expansion. Part of this area was to benefit from a self-help housing credit package, although this was never implemented. Infrastructure provided as part of the project included a new tarred main road (now completely ruined due to lack of maintenance and inadequate stormwater drainage), a local water supply system to public water points based on a borehole network (mostly still functioning), and an electricity network.

MAGOANINE/ZIMPETO

This area is to the northwest of Mahotas and comprises two of the three bairros, which make the city limits with Marracuene District. They include the more recent expansion zones of the city, although until the early 1990's were very sparsely populated with large areas in dryland agriculture (family "machambas"). While part of Magoanine has been occupied since the early 1980's through informal mechanisms, this lies within the airport landing zone and the city council has in the past refused to regularise informal occupation. In Zimpeto, along the main road north out of the city the city council laid out an expansion zone in 1981/2 with very basic services (main roads bulldozed and communal wells), with slow allocation during the middle 1980's. With the war situation in the southern provinces in Mozambique in the late 1980's this area was fully occupied, including many previous land reserves, such as industrial land along the main road.

Although there was very limited technical capacity in the city council planning department in the early 1990's an attempt was made to develop new expansion zones in both areas. These were unsuccessful mainly due to the rapid expansion of informal land occupation as soon as the war finished (1992 Peace Accord) – especially in Magoanine bairro. One stimulus for this was the use of these areas for relocation of population from inner peri-urban areas, which were needed for infrastructure, or other new development or which were unstable, such as the escarpment in Polana Caniço (mid 1990's). These forced relocations, with at times substantial construction of houses in compensation, has led to a "land rush" in the informal sector, which seems to have been stimulated by the original inhabitants of the machambas who saw the state's activity as a threat to "their" land. Land and housing supplied through this formal relocation process is apparently entering the market, with informal (and formal?) sales.

In addition, part of Zimpeto bairro near the city limits and along the main north road has been reserved by the city planners for higher income housing, and a number of very large concessions were made for private property development. One of these (the largest) was allocated to a Malaysian consortium in mid 1990's but as yet has not been developed. More recently a Spanish funded consortium has started developing its workshops for a new housing development. No other private sector developments have started however, despite the fact that the city council finds it difficult to halt informal occupation of these areas (using forced removals where necessary).

More recently, the interior of Magoanine has been used for a new emergency relocation area for the population affected by the floods in early 2000. This area was laid out in the emergency period without full planning and allocated as it was laid out with population being relocated with emergency assistance – initially tents, then houses built in temporary materials (caniço), with permanently houses now in construction. In addition new infrastructure and social amenities have been provided for the total 2000 or so plots (beaten earth access road, water by boreholes, new primary school and health post etc.). This "Bairro Novo" in Magoanine is actually reached through the older bairro "Zimpeto Velho" from the main national road. There is a marked difference in investment between the new area, with high levels of international and national emergency aid, and the urban expansion areas normally laid out, and through which one passes to reach the new area. This has also led to conflict with "traditional" residents over land rights and speculation in the informal market.

The sub-zones

Polana Caniço A

Sub-zone 1

Part of the area re-ordered in the 1977-79 "Maxaquene" upgrading project, including relocation of residents from the neighbouring bairro as overspill area

Sub-zone 2

An original land reserve north of the university occupied informally near the time of the development of the 150 houses for relocation in the World Bank funded Urban Rehabilitation Project and the new high-income residential area created soon after by the city council called "Sommerschield II"

Sub-zone 3

Part of the area re-ordered in the 1977-79 "Maxaquene" upgrading project, including relocation of residents from the neighbouring bairro as overspill, and now severely affected by the very large nearby erosion valleys.

Sub-zone 4

An original land reserve along the escarpment for ecological reasons (and planted with eucalyptus trees in 1990), subsequently occupied informally during the late 1980's ostensibly for war refugees. However despite various removals from the area in the early 1990's it is still partially occupied.

Sub-zone 5

A similar original land reserve along the escarpment for ecological reasons (no planting however) subsequently occupied informally during the late 1980's ostensibly for war refugees.

Laulane/Mahotas

Sub-zone 6

Part of the area formally laid out by the city council in 1983/4 as a "sites & services" area, although part has been occupied informally since (military encampment, which was removed).

Sub-zone 7

Part of the area formally laid out by the city council in 1984/5 as a "sites & services" area, although part is planned open space subsequently occupied informally.

Sub-zones 8

Part of the area formally laid out by the city council in 1984/5 as a "sites & services" area, and benefiting from upgrading of infrastructure in the World Bank financed Urban Rehabilitation Project (1989-95).

Sub-zone 9

Part of the area formally laid out by the city council as a "sites & services" area in 1990, as an integral part of the World Bank financed Urban Rehabilitation Project, where self-help housing credit was planned.

Sub-zone 10

Part of the area formally laid out by the city council as a "sites & services" area in 1990/1, as an integral part of the World Bank financed Urban Rehabilitation Project

Magoanine/Zimpeto

Sub-zone 11

Part of an area occupied informally in the early 1980's despite being advised by the city council that it was in the flight path of the main airport landing strip.

Sub-zone 12

Part of an area occupied formally in the late 1990's, with formal house construction as compensation, as a relocation destination for people in the line of the new Maputo-Witbank toll road. Part is also occupied informally nearby and in the early 1990's when the city council tried to expand the sites and services areas in Mahotas.

Sub-zone 13

Part of the area formally laid out by the city council in 1981/2 as an expansion zone. Partly also subsequently occupied informally during the war.

Sub-zone 14

Part of the area formally laid out by the city council in the late 1990's as an urban expansion zone, mainly for relocations from areas such as Polana Caniço. Part is also informally occupied during the same period.

Sub-zone 15

Part of the area formally laid out by the city council in 2000 as an emergency relocation area for flood victims (urban expansion zone).

Survey instruments

Institutional interview structure

INTRODUÇÃO

- ❖ ÀS PESSOAS
- ❖ A PESQUISA
- ❖ BREVE DESCRIÇÃO DO ENVOLVIMENTO DA ENTIDADE NO DESENVOLVIMENTO URBANO

TENDENCIAS ACTUAIS

- QUAIS SAO AS TENDENCIAS ACTUAIS NA OCUPAÇÃO DO SOLO NA CIDADE ?

EFICIENCIA

- COMO SE PODE UTILIZAR O SOLO DUMA MANEIRA MAIS EFICIENTE?

EQUIDADE

- COMO PODE TER ACESSO AO SOLO URBANO UM GRUPO MAIOR DE PESSOAS

RECURSOS

- COMO SE PODE FINANCIAR O DESENVOLVIMENTO DO SOLO URBANO?
- COMO PODE O DESENVOLVIMENTO DO SOLO URBANO SER BASE DE FINANCIAMENTO DE OUTROS ASPECTOS DE CRESCIMENTO URBANO – TAL COMO FORNECIMENTO DE INFRA-ESTRUTURA?

TENDENCIAS FUTURAS

- QUAIS SERIAM AS TENDENCIAS FUTURAS NA OCUPAÇÃO DO SOLO NA CIDADE ?

RESPONSIBILIDADES

- QUAIS SAO OS PAPEIS DO GOVERNO, SECTOR PRIVADO E OUTROS NO FORNECIMENTO DO SOLO URBANO?

Field survey questionnaire

Mercados emergentes de terra para habitação no Moçambique pós-Socialismo: o impacto na pobreza urbana e alternativas to melhoramento de acesso a terra para o desenvolvimento urbano.

Informação geral

- Composição geral do agregado
- Informação geral do nível de pobreza (ao nível qualitativo)
- Recursos economicos
- Rendimentos (numero, tipo, grau)
- Bens materiais
- Poupança, devidos e creditos
- Recursos humanos
- Numero de pessoas com actividade produtiva
- Natureza da sua actividade economica
- Disponibilidade da actividade economica
- Recursos fisicos
- Acesso a equipamento social (educação, saude, recreio)
- Acesso a infra-estruturas (agua, energia, transporte, saneamento, drenagem etc)
- Natureza geral da zona (segurança, meio ambiente, boa vizinhança etc.)
- Natureza da habitação (numero/tipo e qualidade de edificios)
- Recursos socio-culturais
- Relações dentro da familia/ocupantes do talhão/terreno
- Relações de idade e genero, aspectos do ciclo da vida
- Natureza de redes de relações fora da familia
- Com outros familiares
- Com vizinhos
- Com outros socios de organizações (especificar)

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- Recursos juridicos-politicos
- Percepção dos direitos da cidadania
- Percepção das responsabilidades do estado
- Percepção das responsabilidades do municipio
- Envolvimento politico (membro duma partida, votação etc.)

Informação sobre acesso á terra

- Quanto tempo a familia principal residiu neste talhão/terreno?
- É a familia principal a primeira ocupante do talhão/terreno?
 - Se não, como conseguiu acesso?
 - Herança
 - Cedencia entre familia
 - Outra cedencia
 - Compra
 - Outra (especificar)
 - Tem alguma prova dos direitos de ocupação?
 - Se sim, como conseguiui acesso?
 - Ocupou terra vazio:
 - Se sim, como soube que a terra era vazio?
 - Como estabeleceu o seu direito a ocupar?
 - Foi alocada em qualquer maneira ou comprada?
 - Se for alocada, qual eram overseas students passos a conseguir alocação?
 - Pagou em qualquer maneira (oficialmente ou não, em dinheiro ou especie)
 - Receberam quyalquer documentos?
 - Overseas students documentos são em nome de quem?
 - Tem alguma restricção na alocação?
 - Se comprou a terra, era de quem:
 - Um familiar
 - Uma amigo ou colega
 - Uma pessoa da mesmo locale de origem ou grupo etnica?
 - Uma vizinha
 - Outra (especificar)
 - Tem documentos de compra?
 - Onde se basea a pessoa de que comprou a terra?
 - Se arenda o tahão/terreno ou parte deste:
 - De quem arendam?

Informação sobre o desenvolvimento do talhão/terreno

- que existiu no talhão/terreno quando foi ocupado?
- Como isto mudou?
- Como mudou a composição familiare desde a primeira ocupação?
- Quais são as razões para as mudanças?

Informação sobre atitudes á posse de terreno

- A familia sente-se segura no talhão/terreno?
- Se não, porque?
- Se sim, a documentação suporte este senso de segurança?
- O que a familia julga seja a ameaça principal á sua segurança de posse:
 - Falta de documentos?
 - Outro aspecto? (especificar)
- Quais são as vantagens que a familia ve-se a ficar e/ou desenvolver o talhão/terreno?
- Quais são as dificuldades que a familia ve-se a ficar e/ou desenvolver o talhão/terreno?
- Venderão o talhão/terreno?
- Arrenderão o talhão/terreno, ou parte deste?
- Quem herará ou beneficiar da cedencia do talhão/terreno?
- Qual é o aspecto mais importante do talhão/terreno do ponto da vista de familia?

Sample case study⁷⁶

Location: **POLANA CANIÇO A**

General information

1. What is the composition of the main residential household?

6. Plot holder (86 years), daughter and 5 grand-children (3 from daughter, 2 from son). Son is absent ("comandante" in Beira) with rest of his family. A neighbour's daughter has a house on part of the plot ceded to her for this.

2. General information on degree of poverty (qualitative information)

• Economic assets

The plotholder is retired – he was a fisherman. His boat operated from Costa de Sol but was stolen. He learnt to fish when he came to the city. The daughter works as a domestic worker. The level of household goods was very low. They have no savings or bank account. They have no "machamba".

• Human assets

Of the household only the daughter is of working age.

• Physical assets

There are schools and a health post in the area. They get water from a neighbour. They use charcoal for cooking. There is an unimproved latrine. The area is seen as having some security problems from thieves. There is no perception of specific environmental problems. There are a number of mature trees on the plot planted by the plotholder. There are good relations with neighbours. The household lives in a small four room house, the first constructed on the plot. It is part "caniço" (partly plastered), and part blocks, covered with zinc sheets. There was no kitchen and a very basic bath/latrine enclosure (caniço). The son is building a relatively large house on the plot, but this is unfinished (walls only) and has not been added to in some time.

• Socio-cultural assets

The family is composed of the head of family and his descendants, with a neighbour on part of the plot. The neighbour assists the elderly head of family when the daughter is at work. The daughter is the "breadwinner". There are relatively strong links with other family in the city. There are relatively weak links with the plotholder's family in Inhambane province. The links with the son are also not strong now as he is settled in Beira. There is mutual assistance with neighbours. The plotholder is a member of the Assembly of God church where he goes often and gets food and other assistance.

• Legal-political assets

No-one is politically active but they vote. There is little perception of link with the new municipality. The local "structures" still have some function however.

Information on historical access to land

3. How long has the main residential household resided on the plot?

The plotholder occupied the land in 1948, some time after coming to the city (in his 20's).

4. Is the main residential household the **first** occupier of the plot?

Yes.

5. If not, how did the household get access to the plot:

N/a

6. If the main residential household is the first occupier of the plot:

• Did they **occupy** vacant land?

Yes. The land was part of a large area belonging to a foreigner (Sr Kock), but was undeveloped "bush" with wild animals. The city was more than 1 km away at the time.

• If they were **allocated** it, what steps did they take to get allocated the land?

The plotholder was allocated an area to live and cultivate by the local chief representing the landowner. He paid a symbolic 30 Escudos for the plot. There is no document. A few other concessions were made in the general area. Later a number of people were required to move as the landowner wanted to develop the land. The plotholder was not affected

⁷⁶ This case study is included as an example. Full copies of the 45 case studies, including land use sketches and photographs, as well as the method of data analysis, are available from CEHS.

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- If they **bought** the land, was this from:
- Do they **rent** the plot (or part of it) for their own use?

Plot development

7. What existing on the plot when it was occupied?
8. How has this changed?
9. How has the household composition changed since then?
10. Cite any reasons for the household changes

Attitudes to land

11. Does the household feel secure on the land?
12. If not, why not?
13. If so, does documentation support this?
14. What does the household see as the main threat to their occupation of the plot:
15. What advantages does the family see in retaining and/or developing the plot?
16. What difficulties does the household see in retaining/developing the plot?
.
17. Would the household sell the plot?
18. Would the household rent part of all of the plot?
19. Who would inherit or benefit from ceding (specify relationship if any)?
20. What is the most important aspect of the plot for the household?

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Case study analysis

Information from the case studies was codified in a spreadsheet to allow a cross-factor analysis according to the main categories:

- Nature of urban poverty
- Land access mechanisms
- Plot development
- Attitudes to land

This permitted a general assessment of poverty in relation to land and housing as recorded in the main text. (The results are in the attached tables, organised by focus zone)

Concerning **nature of urban poverty**, a dependency ratio was calculated based on the number of members in the household divided by the number with some form of income. The five forms of assets or resources were then categorised as either: very low (1); low (2); reasonable (3); high (4); or very high (5). A "poverty resource factor" was averaged from these and together with the dependency factor a degree of poverty was characterised as follows:

Degrees of poverty:	<i>Dependence factor</i>	<i>Poverty resource factor</i>
Destitute	>5	less than or equal to 4
Absolutely poor	>4, less than or equal to 5	>4, less than or equal to 5
Poor	>3, less than or equal to 4	>5, less than or equal to 6
Better-off	less than or equal to 3	>6

Concerning **land access**, based on the data in the table, this was characterised as either:

- Informal/colonial (allocated by a colonial landowner with no formal rights)
- Informal/ceding (ceded by a family member or other with no formal transfer of rights);
- Informal/structure (allocated by a local administrative structure with no formal rights);
- Informal/purchase (bought with no formal transfer of rights)
- Informal/traditional (allocated by the traditional chief – generally before Independence)
- Informal/rent (rented with no formal contract or rights)
- Formal (allocation by the city council)

Concerning **plot development**, this was assessed in relation to five factors:

- Previous development prior to occupation
- New investment
- Nature of changes vis-à-vis household structure changes
- Declared desire to invest
- Declared capacity to invest

The characterisation followed that for poverty: very low ; low ; reasonable; high; or very high. As households were chosen with a bias to poor households, this information is not taken as characteristic of the whole zone of study.

Concerning **attitude to land**, this was reported according to the main response to the relevant question, as was the situation concerning perceived security of tenure.

Map

