

One step at a time: Using survey data to inform an incremental tenure approach to land security in Maputo's peri-urban areas

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Theme 1: Innovative approaches to land governance & management: Evidence on implementation & impact

Abstract

In this paper we argue for an incremental approach to securing tenure using the concept of a tenure security continuum. We apply the continuum tool to the context of Maputo, using the results of a 2010 survey in two peri-urban settlements – Hulene B and Luis Cabral – which investigated how the poor access, hold and trade land. Our survey results show organised local arrangements for land registration, regulation and management in these peri-urban areas where households do not have land title. Much of the land is accessed and secured verbally or through agreements with social networks. Local political structures that have endured from the civil war era are often critical to lending credibility to these land practices. The result is that at local level land management is fairly functional, despite a near absence of title. Nevertheless, the majority of households report that their sense of rights to place are strong. These findings tell an important story of the significance of local land practices in creating opportunities for urban dwellers to secure land access, in the absence of an accessible and affordable formal system. Using these findings, the paper proposes an innovative way of working with existing local practices to build land security from the ground up. We argue for an incremental approach. Working on the premise that local arrangements need some level of official recognition if they are to be more secure, we identify targeted points of intervention along a continuum of tenure security which would result in progressively more recognition. This approach is distinct from the more conventional policy of introducing land scale titling schemes into urban slums.

Introduction

Urban Land law and regulation

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At Mozambique's independence the state nationalised land, giving power for assigning land concessions in urban areas to town councils. Shortly after independence, a seventeen year civil war ensued that had the effect of pushing rural populations to Maputo, creating huge unplanned settlements on the city's periphery. One of the key urban questions for the government after the end of the war and the signing of the peace agreement in 1992 was how to address the growing land pressure in cities. With returning exiles, internally displaced populations, "native" urban populations and investors all staking a claim on urban land, there was a need to provide a legal framework that prevented land conflicts between a diverse array of stakeholders (Chilundo et al, 2005). The 1996 constitution continued to vest all land with the state, forbidding the sale or disposal of land by individuals or corporations. It nevertheless provided individuals and investors the rights to benefit from land. Article 110 states that "the right to use and benefit from land shall be granted to individual or corporate persons, taking into account social or economic purpose". The land law that followed the peace agreement in 1997 – The Mozambican Land Act – sought to ensure a delicate balance between promoting national and foreign investment, while at the same time protecting the rights of those that had accessed land through customary law, or occupied it in good faith for more than ten years (UN-Habitat, 2008; Kanji et al; 2005, Raimundo; 2008). This meant that many IDPs, and households living in unplanned settlements without formal title, had some form of land security for as long as they used the land productively (UN-Habitat, 2008). The law also creates incentives for private investment by granting land use concessions for renewable periods of fifty years. In urban areas, municipalities issue a DUAT (The Land Usage Title Document) which provides for the long-term use and occupation of land. Few urban households however, possess a DUAT. With a long bureaucratic application process, the high costs involved, and the requirement that urban land be in the municipal cadastre and part of the urban plan before a DUAT is issued, few households have formal title to land (Malauene et al, 2005). According to a municipal official we interviewed at the department of planning, approximately 800,000 households out of a population of 1.1 million people in the city do not possess a DUAT.

For households without a DUAT, the declaração offers an official means for recognising a land occupant, and is a prerequisite to obtaining a DUAT (Interview, 12 August, 2010). The declaração is issued by the Secretario de Bairro. The Secretario de Bairro is a local leader who, since 2003 when Law 8/2003 – Law of Local Organs (Lei dos Órgãos Locais do Estado - LOLE), established the secretario as an official appointed by the municipality.

Mozambique's post independence history had an inadvertent consequence on contemporary land practices. The Marxist Leninist state survived on building a political structure that was

embedded in local level institutions – right down to dez casas (10 households) level. The purpose of these was to control populations, gather intelligence and prevent the infiltration of Renamo guerrillas. In essence, unplanned settlements were non-existent in the socialist state as every action was recorded and authorised. Although the system was not designed to provide tenure security or rights, we argue that this strong history of local organisation provides the basis for incrementally building land security and rights⁵.

For many households in peri-urban areas, the declaração is the only document that links their name to a particular space in the city. Although it is not a title deed, it is recognised by banks, the municipality and employers to obtain a loan (for example), or verify to potential employers that an individual is *bona fide*. In order to issue a declaração, the Secretario de Bairro works together with a local leadership structure. This is where Maputo's strong history of local organisation becomes significant. Typically a bairro is divided into areas comprising 50 households which are registered and managed by the chefe de quarteirao. The chefe de quarteirao is responsible for managing the households in his/her area, ensuring that they are accurately registered, resolving conflicts, and providing the Secretario de Bairro information on land occupancy. Below the secretario de quarteirao is the chefe de block who is responsible for 25 households. These are further subdivided into areas of ten households known as dez casas, managed by the chefe de dez casas. At each of these levels local data on household occupancy, plot and house numbers are collected and verified. These are reported to the chefe de quarteirao who captures them manually in a register. All the data collected by the chefes de quarteirao is consolidated in another register held by the Secretario de Bairro.

Research Method

The study uses both qualitative and quantitative data sources. Our quantitative data comprises of survey material randomly collected from 568 households located in Hulene B and Luis Cabral. We used the national census of 2007, as the basis of determining our sample size. According to the census, Luis Cabral has a total population of 33,800 people and 6,953 households. We surveyed 257 households in Luis Cabral. Hulene B has a total population of 45,390 and 8416 households, out of which we selected 311 households for our survey. Our sample size in both sites is 27 per cent, which is representative of the population. Despite attempts to ensure representation, our data has a slight over representation of women, compared to national figures. This may be because much of the fieldwork occurred during the day when men were not at home. Although we tried to overcome this bias by conducting surveys in the weekends, when men are likely to be at home, we nevertheless had a slight

⁵ We are grateful to Julian Baskin for pointing this out in an earlier draft of this paper.

female bias in our sample. Survey data is complemented with key informant interviews held with municipal officials, *secretarios de bairros*, officials at the National Directorate of Geography and Cadastre (DINAGECA), and ward secretaries. Like all other methods, survey data has its limitations. Although it provides a snapshot of existing land practices, we recognise that it is limited in its ability to tell us the whole story. A survey on its own does not provide sufficient basis for intervention, it can however, together with other qualitative and historical analytical methods give us important data that allows us to make decisions, particularly on phenomena that are not well known or captured.

The sites were selected for their similarities and differences. Our rationale for the selection of the sites was to understand if there are any differences in local land and management practices between both *bairros*, and whether perceptions of security differed. Although they are both located in the suburbs of Maputo city, Luis Cabral was established as a settlement for workers from the Maputo harbour, and has a longer history of urban settlement than Hulene B. Hulene B is a more recently established bairro, housing IDPs from the civil war and floods. In the areas we worked in, many households lived on a rubbish dumpsite, in potentially hazardous conditions. Where majority of the plots in Luis Cabral have been surveyed, have wider roads and are generally better planned, Hulene B is largely unplanned. According to the Secretario de Bairro in Hulene B, only one third of the area has been surveyed. According to the land act, sites that are not included in the urban plan cannot be issued with formal title. The councillor responsible for urban planning in Maputo stated that while the city was trying to address spontaneous settlements and rapid urbanisation through provision of infrastructure, “the law contains gaps concerning the rights to the use of land in urban areas. And the gap is that the DUAT (roughly translated, The Land Usage Title Document), can only be granted if there is a development plan for the area”. In both settlements, the vast majority of households do not have formal title. Most land is acquired through mechanisms that are outside the formal land registration system.

[\[L1\]Why an incremental approach to tenure security?](#)

This paper argues for an incremental approach to securing tenure in informal settlements, building on existing local-level organisations. Our particular approach has its origins in informal settlement upgrading in South Africa, developed by Urban LandMark (ULM) (Smit and Abrahams, 2010), which in turn originated in an ULM investigation into how the poor access, hold and trade land in three metropolitan areas in South Africa (Marx and Royston, 2007). The findings of the latter study highlighted the existence of an informal land market that was functional at providing land access but limited in other ways. As a result, ULM

began exploring how these markets could work better for poor people and one of the main conclusions concerned tenure security (Royston, 2009). This work originated in the South African context of informal settlement upgrading and the programme is currently exploring the regional applicability of the approach by providing tenure advisory services in selected sites with a Cities Alliance Catalytic Fund grant.

a. Opening up more routes into the formal system

The logic behind the tenure security emphasis was that there are very few routes into the formal system for poor people in particular who are constrained by affordability to access housing via the private market and its supply channels. By formal system we meant township establishment, legal tenure and in the South African context, government housing subsidies. Although a significant programme of housing subsidisation exists in South Africa, it is unable to reach every household that qualifies. Subsidised housing delivery has slowed down in recent years and allocation occurs through a waiting list (or housing demand database) system as well as the *de facto* prioritisation of informal settlements. However, waiting lists are long and allegations of corruption are rife. On this basis the approach motivated for increasing the routes into the formal system, or opening up more channels of land/housing supply, over and above private market and state allocation. The emphasis was on routes or channels that could be accessible to the poor.

The primary motivation was to provide alternatives to people spending decades waiting for a final form of tenure attached to a property to arrive (be it individual ownership, group ownership or rental) (Royston, 2010; Eglin, 2011). The idea was to open up more land access alternatives between illegal land-invasion and subsidised housing delivery, which we referred to as “the full monty”, because of the comprehensive nature of the intervention it generally heralded; full township establishment including individually surveyed plots, a high level of services and individual, registered title.

b. Giving greater recognition to existing informal mechanisms

One of our policy proposals was to give greater official recognition to informal settlements. And, in exploring the additional channels that were available to support, the findings of the South African study were instructive. We emphasised working with what currently exists, but improving it by finding ways of making it more functional. In the South African study there was ample evidence of local practices that were determined socially, rather than financially, as one might have expected from more conventional property markets. For example, social networks emerged as important factors in different steps of the transaction

process; family, friends and neighbourhood networks featured strongly in the manner in which people found others to transact with, the ways in which they checked trustworthiness and in dispute resolution. So we developed the idea to start with existing practice and build on it. In translating a viable-sounding concept into something more practical the question arose about how to give greater recognition to what already exists? At this point the approach was informed by the principle of recognition – based on ideas developed by LEAP – a voluntary association that promotes tenure security for the poor in South Africa (Cousins et al, 2005) – and then later by critiques of de Soto’s *Mystery of Capital*. LEAP’s work was helpful in introducing the concept of “official” recognition – the idea that recognition could come in different ways but that official recognition would improve security because it could overcome some of the potential exclusionary impacts of a closed, local system and because without it, public resources were unlikely to flow such as investments in public infrastructure and engineering services.

c. Unhelpful binaries and the dual economy hypothesis

At the time, critiques of the “dual economy” thesis, popularised by South Africa’s former president Thabo Mbeki, were also instructive because of the conceptual alignment between the notion of a single economy with relative inclusion and exclusion, and a single property system with differential access and degrees of structural exclusion (Royston, 2007). Terminological debates regarding definitions of “formal” and “informal” were symptomatic of a dysfunction in the conceptual binaries. The concept of a single but exclusionary economy stood in distinction to the idea of two separate economies (one formal and the other informal), which was capturing the public imagination at the time, and two separate property systems (one legal and the other extra-legal), which had some currency in South Africa with high level political representation by the then Minister of Housing at the Commission for the Legal Empowerment of the Poor.

The notion of a continuum offered a graphic representation of this alternative conceptualisation of the property market. Rather than advancing the idea of a discrete bifurcated system (formal/informal, legal / extra-legal) it depicted a more accurate description of access where formal practices melded with informal ones. But in another, perhaps more significant, way the notion of a continuum began to offer an alternative point of departure for intervention. Binary thinking tends to lend itself to ideas of the “eradication” of the informal economy and its incorporation into the formal legal system. This either/or mentality fits fairly neatly with the “full monty” housing subsidy. But in creating the standard of full legal and tenured rights, it unwittingly fails to recognise the rights of those “in between”. Land access

and rights do not occur instantaneously, our empirical evidence shows that it takes time to access, secure and consolidate rights. When these in between phases are unrecognised in legal mechanisms, a large proportion of city dwellers remain excluded from the system.

d. Stepping stones – learning from rural land reform

Advocacy work being undertaken in Ekhutuleni in KwaZulu Natal, under the auspices of the LEAP project, was particularly instructive in providing an alternative intervention logic (Hornby, 2004). Community needs for services were giving rise to the intrusion, or introduction, of the requirements of more urban development concerns into an essentially rural, and land reform, context. The challenge was that a functional security existed for people but the introduction of urban services required a kind of formality that people didn't need. In particular overlapping and flexible territorial boundaries did not lend themselves easily to the demands of urban planning, plot demarcation especially. People were not expressing a need for title, and their tenure was functional, but increased development brought with it the titling debate. The idea of stepping stones was being advocated (Hornby, 2004) as an alternative to thrusting people into a system that wouldn't work for them.

e. Resource arguments for an incremental approach

This short narrative provides the conceptual starting points for the ULM's tenure security continuum; increasing access by multiplying official channels of supply, giving greater recognition to local land management practices, interrogating unhelpful conceptual dichotomies and searching for alternative intervention logics. Once we had developed the approach to incrementally securing tenure, we found two additional sources of support for it. The first was Cities Alliance's report entitled *The Case for Incremental Housing* and the second was the incremental informal settlement upgrading support programme being developed by South Africa's National Upgrading Support Programme (NUSP). For ULM's tenure security advocacy they were both important in identifying the broader scope of an incremental development agenda, of which incremental tenure security is just one component. This helped to develop the more operational aspects of the approach, most specifically the need to work in partnership with other stakeholders leading a holistic and programmatic upgrade into which ULM support could potentially link.

NUSP made a particularly cogent argument for an incremental approach to upgrading based on "the numbers". In the South African context, with a well established capital subsidy programme in place, together with the political mileage that comes with it, financial arguments are the ones likely to carry the most weight. NUSPs' argument was founded on

how very long it would take to eradicate the backlog if informal settlement upgrading was implemented according to the full, comprehensive housing development approach in practice at the time. It was a return to an old debate in South African housing policy discourse concerning “width” and “breadth”.

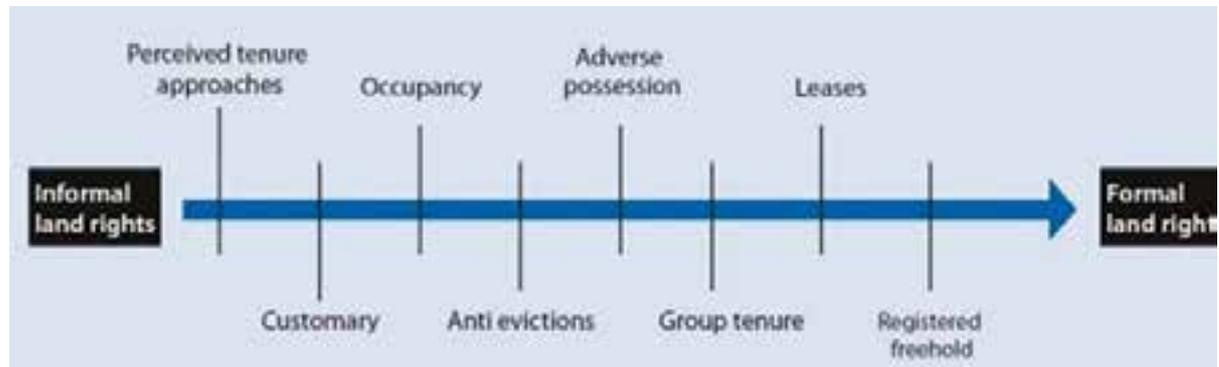
Wakely and Riley (2011) make a robust argument for incremental housing for Cities Alliance spanning financial, urban management, urban development, government, social and economic development concerns, as well as the numbers case. The report presents the procedures used by millions of low income people to develop their homes and neighbourhoods and argues for why an incremental approach should be used. The arguments incorporate greater reach (the width argument alluded to previously), encouraging household investment, partnerships and effective decision making, strategic area based programmes rather than ad hoc interventions, and increased transparency and accountability through community involvement.

2. A continuum of tenure security

The idea of a tenure security continuum is neither new nor unique. UN-Habitat advocates a continuum of land rights in order to include the variety of tenure forms which an emphasis on title tends to overlook (UN-Habitat, 2008) This continuum (reproduced below) accommodates what is called “perceived tenure approaches”, occupancy and customary rights as well as more recognised forms of tenure such as lease, registered ownership and group ownership. In this case the progression inherent in the concept of a continuum is from more informal rights to more formal ones.

In the LEAP experience, the progression initially captured movement between customary rights and private tenure because the project was focused on rural land reform in traditional authority areas and the problems associated with tenure upgrading. The concept was of movements between more customary tenure and more privately held tenure (Cousins and Hornby, 2006) recognising hybridised tenure arrangements in practice, rather than a linear mobility toward an ideal of privately held land. Over time as the project incorporated urban land practitioners, it debated the ends of the continuum, with the purpose of describing the tenure landscape accurately, with how to represent the multiplicity of tenure arrangements occurring on the ground in both urban and rural contexts. Terminological debate centred on how to identify or name the ends of the continuum: informal / formal, custom/private, official/unofficial, registered/unregistered, secure/insecure. The concept was very much about movement to or from either end, as a way of overcoming the tendency to bifurcate, or to think in binaries, as well as representing different land holding and social arrangements, rather than

legal forms of tenure. With ULM's advocacy work the progression is toward more secure, legally recognised forms of tenure.



Source: UN-Habitat, 2008.

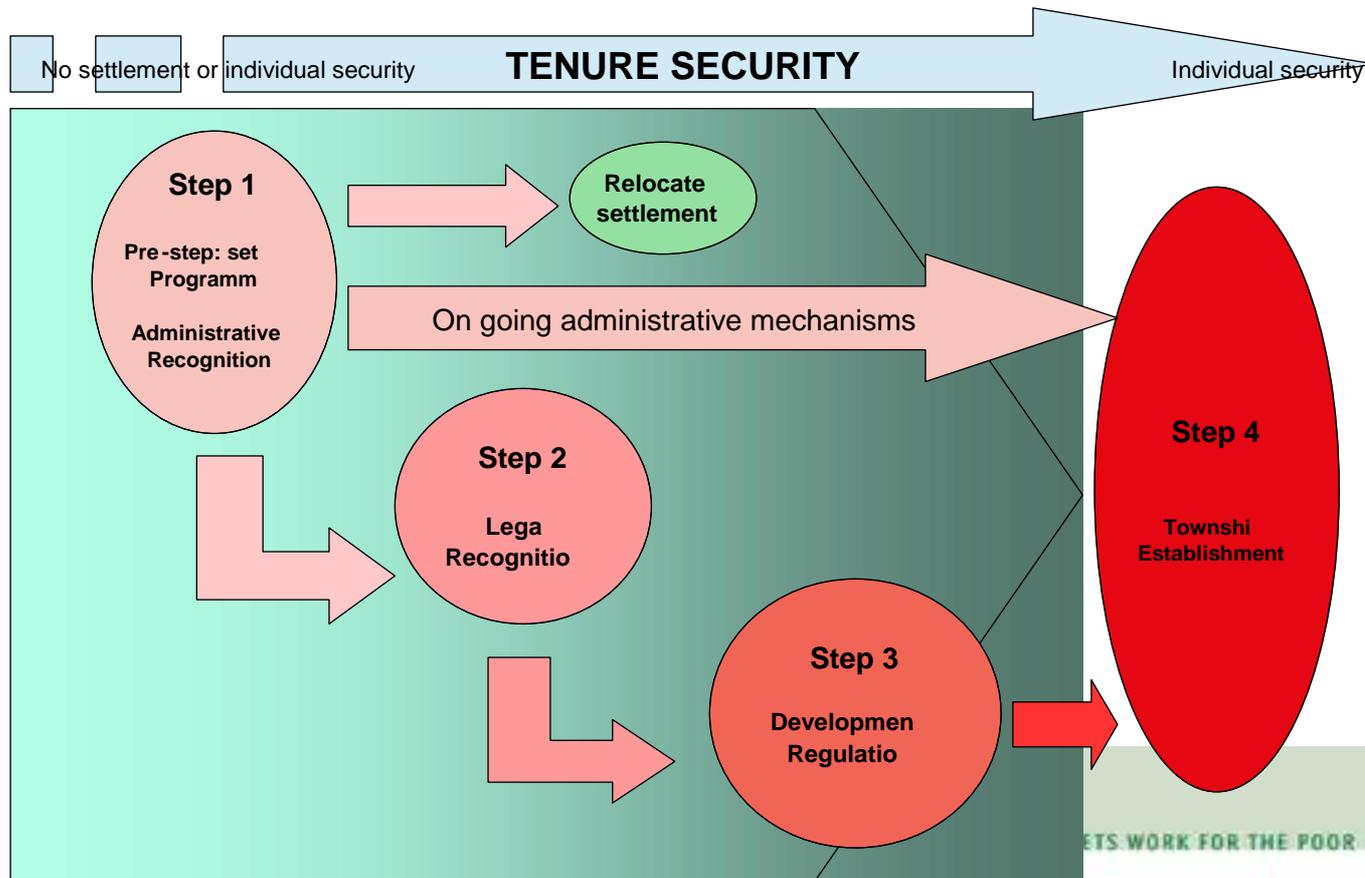
ULM's approach adopted the continuum but with a different purpose in mind: less a descriptive device and more an aid to guide intervention; focused on informal settlement upgrading rather than both urban and rural tenure arrangements. The ULM continuum represents a property journey through various incremental steps towards a legal form of tenure, in order to identify innovative mechanisms that could be used, with some kind of official recognition, to improve security on the way to a legal form of tenure. The legal forms of tenure are inclusive of many of the increments on the land rights continuum, but they can all be represented as an end point. For example leasehold, group ownership, individual title could all constitute a form of legal tenure.

As the preceding discussion shows, the continuum is merely a heuristic – what is on the two ends varies as can be seen from the LEAP debate and the UN Habitat concept. What matters is that it conveys an incremental approach and that defining the increments or stepping stones is what makes the tool practically applicable. In other words, in a given context the first step is to consider whether an alternative to a large scale titling programme is warranted and in our view it generally is. Then secondly, the application of the continuum tool means defining what alternative mechanisms are possible and available. These are the increments or stepping stones and their identification is where the scope for innovation lies. This is where the practical applicability of the survey work in Mozambique comes in and we turn to it next.

In the ULM case, work in the City of Johannesburg was very instructive in working out what a legal mechanism may look like. Officials in the city applied a planning mechanism to regularise several settlements and to include Johannesburg residents into the city progressively more (Abrahams, 2008). In this case the concept of “legal declaration” gave

meaning to the “legal mechanism” increment or stepping stone on the continuum. Importantly in a housing subsidy driven development context, this was a planning mechanism which could accommodate municipal investment, especially investment from the public utilities which could, or would, not invest in an area without legal status. With this practical applicability in mind, the ULM continuum aims to assist in defining already existing mechanisms that may need to be applied in altered or innovative ways.

The order that the increments appear on the continuum depends on an assessment of what makes tenure more secure, so the tool is helpful in exploring the goal of progressively more secure tenure. The ULM tenure continuum offers categories of mechanisms as a way for defining what the increments may be, or what the stepping stones are, to progressively more security. With the experience of the City of Johannesburg in mind the concept of legal recognition was developed. It uses a legal procedure, provided for in a recognised law which confers legal status on an area. This usually results in the area being legally declared – a settlement area, an informal development area or an area with a special zoning). In order to accommodate the range of existing practices prevalent in informal settlements, prior to any kind of legal declaration or zoning status, the idea of administratively recognising such practices was developed. Administrative recognition makes use of policy or administrative instruments that give residents more tenure security, such as occupation letters, permits and certificates, block layouts, street addressing programmes, the provision of basic services or agreement to a register of occupants. Increased security derives from the greater commitment by authorities evident in council resolutions or administrative systems (Smit and Abrahams, 2010).



Research findings

Using data obtained from our survey this section outlines how people hold, secure and transact land, in Hulene B and Luis Cabral. By analysing local land management practices and people’s own sense of rights and security, we begin to identify focal points in the local land system where state support and intervention, could propel urban dwellers towards greater land security.

Land agreements

One of the important aspects of holding and securing land is understanding how agreements between parties are made, and how binding these are considered by the parties. We asked the question “how did you get an agreement that this is your place?” In all, only 6.3% responded that they had no agreement, indicating that having an agreement, whether it is verbal or documented is an important aspect of accessing land. Social networks and relationships play a major role in securing access to a place. And local neighbourhood leadership figures like the

Secretario de Bairro, become as, if not more, significant in legitimizing the agreements. The importance of the declaração, as the primary form of documented evidence, is borne out by the finding that 29% of households responded that they had received a declaração from the Secretario de Bairro. Social relations are also important in this aspect of land access as 19% of the households surveyed said that they had made verbal agreements that this was their place which are typically witnessed by family members, neighbours and local leaders. Regarding the role of the state in the securing of land, the figures show that only 2.6% of the surveyed households had a DUAT from the municipality, while 0.7% were waiting for it.

Table 1: How did you get an agreement that this is your place?

	Frequency	Percentage
Public agreement	9	1.6
A <i>declaração</i> was drawn up	164	28.9
Verbal agreement	108	19.0
The agreement was witnessed by others	30	5.3
The agreement was witnessed by a politician	2	0.4
A provisional document was issued	15	2.6
A DUAT is pending	4	0.7
Given permission by the owner of the land	14	2.5
The municipality issued a DUAT	15	2.6
No agreement in place	36	6.3
Other	57	10.1
Do not know	113	19.9
Total	567	100.0

In order to test people’s levels of confidence in the land agreements they had made, we asked “what made you confident this agreement would be valid?” The responses to this question allow us to understand institutionalised practices that people find legitimate, and the relationships and practices they trust. As in our other findings, a significant number of respondents, 23.7%, said that social networks – families, friends, neighbours play an important role in legitimising land agreements, making them confident that their agreement would be valid. For 19.4%, it was their agreements with local figures of authority, the chefes de bloco, quarterao, and the secretario de bairro that provided them the confidence that their agreements were valid. 10.4% said that their source of confidence in the validity of their agreements stemmed from some form of endorsement by municipal officials, and the fact that they had signed “official” papers. Like in the previous question, approximately 19% of the respondents answered that they did not know. In the absence of qualitative data, it is difficult to analyse why this is the case. Our hypothesis is that the interviewees may not have been

involved in obtaining the agreement, although responses in other questions show that they were involved in other aspects of securing or investing in the property.

Table 2: Before you moved here, what made you confident that this agreement would be valid?

	Frequency	Percentage
Social networks	134	23.6
Local administrative structures	110	19.4
Official: Municipal/state endorsement	59	10.4
Other (e.g. empty land, chancing etc.)	98	17.3
Not Applicable	56	9.9
Do not know	110	19.4
Total	567	100

Trading and transactions

Assuming that the presence of a monetary or in-kind transaction provides some sense of ownership and a level of security, we asked respondents whether they had bought their place. We found that almost half of the respondents 49% acquire their places through the market. Of these, approximately 30% paid cash with 16% paying less than 2000MZN and 14% paying over 2000MZN. Another 3% said that they exchanged goods and bought construction materials to pay for their place. Of those who had not purchased the stand or property they were living on, 19.8% said that they had inherited their property. The figure of those who had bought their plots was significantly higher in Hulene B, where market mechanisms seem to account for how a significant number of households, 58%, acquired their place. By contrast in Luis Cabral, only 39% of the population bought their houses. Comparing this result with other responses to similar questions, it is apparent that buying a place is the most significant means of finding a place, once people have heard about the area as a prospective neighbourhood in which to settle, as 12.6% indicated that they shared accommodation with family once they had heard about the neighbourhood, and nearly 4% were allocated the place (2.8% were allocated the plot by the municipality and 2.1% from chef dez casas). The buying of plots features strongly in our survey indicating the presence of a market in allocating land particularly in Hulene B. Social and state allocation mechanisms seem less significant mechanisms of allocation in these settlements.

Table 3: Did you buy this place?

Did you buy this place	Luis Cabral		Hulene B	
	Frequency	%	Frequency	%

Yes	100	38.9	181	58.4
No	133	51.8	114	36.8
Do not know	24	9.3	15	4.8
Total	257	100	310	100

According to Mozambican law, the sale and buying of land is illegal, and our survey sought to understand what people perceived they were paying for. While this raises interesting questions regarding the law, and people's adherence to it, our concern in this paper is to try and get to what rights people think they have with respect to land. In other words, if people perceive that they are paying for land and the dwelling, we would assume that their sense of rights would pertain both to the property as well as the land that it sits on.

Table 4: If you paid something, were you paying for ____?

	Luis Cabral and Hulene B	
	Frequency	%
House	33	5.8
Land	187	33
Both house and land	66	11.6
Not applicable	257	45.3
Do not know	22	3.9
Refused to answer	1	0.2
Missing System	1	0.2
Total	567	100.0

Our survey found that 33% of our households said they paid for the land. An additional 11.6% said they paid for both the land and the house. This finding is particularly significant in Mozambique where the sale of land is prohibited. In all our interviews, government officials and local leaders stressed that the sale of land was illegal in Mozambique. Nevertheless, towards the end of the interview many of them acknowledged that the legislation was true in theory and in actual practice, the sale of land occurred often. One of them said to us: "the sale of land is happening and it's a problem. Families and investors sell land in Inhambane and other places... People are confusing land and infrastructure. In some areas people are selling infrastructure but people think they are selling land". Another municipal official said, "I know that there is a black market selling land, but it is not authorized".

Perceived sense of security

Despite the fact that less than 3% of households claimed to have a DUAT and only 30% had a declaração, majority of households report that their sense of rights to place are strong.

People’s perceptions of their security are high. When asked “now that you have lived here for a while, do you feel your right to this place is very strong? strong? about the same? weak? very weak?” a surprising number of households, 68%, responded that they felt their rights were very strong and strong. Majority of households subjectively felt that their rights were strong, because the local land practices had social legitimacy.

Table 5: Now that you have lived here for a while, do you feel your right to this place is ___?

Hulene B and Luis Cabral	Frequency	%
Very firm	122	21.5
Firm	261	46.0
About the same	70	12.3
Weak	46	8.1
Very weak	45	7.9
Not applicable	2	.4
Do not know	20	3.5
Missing System	1	.2
Total	567	100.0

Despite the fact that an insignificant number of households had formal title, and almost a fifth of the population had only verbal agreements in place, they subjectively felt that their rights were nevertheless strong, pointing to the social legitimacy of the local land management arrangements. Fully 19% of those surveyed reported that they felt their rights were strong because “the neighbours can prove that this is my place”, 13% said their rights were strong because they “have a document that proves that this is your place”, 9.2% because they “have a number from the municipality on the house”. Evidence – both verbal (in the form of oral testimony) and documented – demonstrates the significance of social relations and the declaração in increasing levels of land security. It is interesting to note that although close to 30% of respondents were in possession of a declaração, only 13% invoked documentary evidence as a potential form of recourse in the instance of disputes, while 19% argued that they would use social relationships to resolve disputes.

Conversely, we asked those respondents that stated that their rights were weak and very weak why they thought this was the case. 14.3% said that they had been waiting too long for development and 26.3% argued that their rights were weak because they had disagreements with neighbours, their landlord or family. Only 7.7% stated that the fear of evictions or the demolition of their shacks weakened their sense of security.

Investment in property

If households' investments in their properties are a sign of their sense of security in a place, then households in both neighbourhoods seem to feel relatively secure as 72% of those surveyed had made housing improvements since they had moved in.

Table 6: Have you made any improvements to your property since you moved in?

	Luis Cabral				Hulene B			
	Male		Female		Male		Female	
	Total	%	Total	%	Total	%	Total	%
Yes	76	73.8	103	66.9	90	75.6	140	73.7
No	24	23.3	48	31.2	24	20.2	48	25.3
Do not know	3	2.9	1	0.6	4	3.4	2	1.1
Not applicable	0	0.0	2	1.3	1	0.8	0	0.0
Total	103	100.0	154	100.0	119	100.0	191	100.0

Dispute resolution

How land disputes are resolved and the legitimacy of dispute resolution mechanisms has a significant bearing on people's perception of land security. Our findings suggest that local leaders are the primary authority figures for mediating conflict. When asked whom they would ask for help, if someone should disagree about whether this place is yours, 27.6% said chef de casas and 30% said secretario de bairro – nearly 60% citing local leaders. Importantly the chef de dez casas features most strongly in the conflict mediation aspect of local land management arrangements. Being the most micro level figure (heading 10 households) in the neighbourhood organisation structure, it seems that most disputes are handled at a very local level, and taken to the bairro level only if they the chefe de dez casas is unable to resolve them. Only a minority of households responded that they would involve the police (3%) or use the courts (2%) – again this result pointing to the importance local management systems as opposed to the state's institutions. About 3% of those surveyed stated that they would go to their neighbours and families, to resolve conflict. They are not as significant as local leaders but are nonetheless important.

Table 7: If someone should disagree that this is your place who will you ask to help you?

	Male	
	Total	%
Neighbours	53	9.4
Friends	4	.7
Family	18	3.2
Chefe de dez casas	156	27.5
The municipality	33	5.8
The police	17	3.0
The courts	12	2.1
Secretario de bairro	170	30
Other	93	16.4
Not applicable	1	.2
Do not know	9	1.6
Missing system	1	.2
Total	567	100.0

Protecting your interests in this place

Finally, moving beyond dispute resolution, our survey asked people to rank their experiences protecting their interests in settlement. Again, this question seeks to explore people's sense of security on the land they occupy and whether they perceive that existing mechanisms of dispute resolution sufficiently address any conflicts. 26% claimed that it was easy, while 12.5% said their experiences protecting their interests were moderate. By far, the largest number of respondents to this question, 43.6%, said that they did not know. Some of these responses may be from people who have not had any reason to assert their interests, or form the choice of respondent.

Table 8: Tell me whether protecting your interest in this place is _____?

Hulene B and Luis Cabral		
	Total	%
Very easy	46	8.1
Easy	147	25.9
Moderate	71	12.5
Difficult	43	7.6
Very difficult	11	1.9
Refused to answer	1	.2
Do not know	247	43.6
Missing	1	.2
Total	567	100.0

Conclusion

By way of conclusion we revert to the continuum concept and apply it to the Maputo context using our survey results. The survey provides us with findings that contribute to an

understanding of what currently exists, the range of local practices that we observed in the way the poor access, hold and trade land. On this basis the continuum offers an alternative intervention logic to the large scale roll out of titling - can greater official recognition be conferred for more tenure security? If so, how?

Practically, a response to this question entails an investigation of possible recognition mechanisms, administrative or legal in nature, or both. Receipt of a DUAT, and the particular zoning that should precede it in terms of PROMAPUTO, can be represented on one end of a continuum of recognition or tenure security.

Another increment along a continuum, one with less, albeit some, official recognition is the current practice managed by local administrators, of keeping a register and issuing a declaration, or affidavit, as official testament to an agreement. Our assessment of the extent of official recognition enjoyed by these practices is limited by our recent exposure to the Maputo context and indeed the limitations of a survey tool such as the one on which we report here. Having said that, as discussed before, we understand⁶ that history lends a very particular set of characteristics to the local structures with authority in land management today. These structures, and their enduring practices can hardly be called informal, yet the issue from a tenure security point of view is that actively managed records of occupants exist that can be built upon. On the other hand, while democracy in Mozambique deepens, structures that blur the distinction between party and state as these do, are likely to come under pressure. The claims that they reinforce will be subject to this pressure too. As a result, legal recognition, backing up these organised and by all accounts socially legitimate, yet unofficial claims, is likely to become more important in the future, especially with increased pressure on land arising from the pace of urban development.

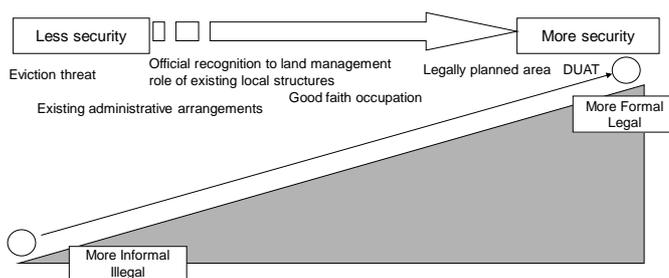
What then, would greater legal recognition be, for currently functional administrative tenure arrangements? ULM's commissioned research report (Raimundo et al, 2012) offers one avenue of exploration in this regard. The Land Act makes provision for community representatives to register land through oral witnessing. Could this clause be capable of legally recognising existing registration practices prevalent at local level, providing the legal backing required to mitigate possible threats to these enduring practices? Such legal recognition could constitute another increment along a continuum of more secure tenure rights.

Finally, we venture two additional potential increments or stepping stones, which still require further exploration.

PROMAPUTO provides for special zones to be demarcated for urbanisation – these are the settlements which the individual titling option – the DUAT – will apply to. Is there scope to use the special zone status to introduce services and improve livelihoods while waiting for the DUAT to arrive? This kind of special zoning mechanism, if applicable, would confer exactly the kind of blanket rights which provide more security without the clarification of multiple claims which often proves fatal to regularisation programmes. A final question is whether or not the legal protection of good faith occupation improves tenure security in practice.

The following figure applies these increments to the continuum that we introduced in section two. An absence of any recognition and the experience of an active threat would constitute insecure tenure in the most profound form so we represent this as the first increment on the insecure end of the continuum as “threat of eviction or forced removal without alternative accommodation provision”.

The continuum in the Maputo context



References

- Abrahams, G., (2008) *Support and Capacity Building to the City of Johannesburg to Improve Access to Urban Land Markets by the Poor*, Urban LandMark conference: “From Land Rights to Property Markets”
http://www.urbanlandmark.org.za/downloads/13b_Abrams_paper.pdf
- Chilundo, A., Cau, B., Mubai, M., Malauen D., and Muchanga V., (2005) *Land registration in Nampula, and Zambezia provinces, Mozambique*. Securing land Right in Africa. Research report 6.
- Cousins T, Hornby D, Kingwill R, Royston L and Trench T. (2005) *Perspectives on Tenure Security in Rural and Urban South Africa: An analysis of the tenure context and problem statement for Leap*, June 2005.
- Cousins, T. And Hornby, D. (2006) *The Realities of Tenure Diversity in South Africa*, Colloque international “Les frontières de la question foncière – At the frontier of land issues”, Montpellier. Eglin, R. (2011) Why MLS? An Innovative Strategy to Accelerate Housing Delivery <http://www.incrementalsettlement.org.za/resource-centre/read-more/12>
- Eglin, R. (2011) Eglin, R. Why MLS? An Innovative Strategy to Accelerate Housing Delivery <http://www.incrementalsettlement.org.za/resource-centre/read-more/12>
- Hornby, H. (2004) *Securing Tenure in Ekuthuleni*, Leap
- Isandla Institute and Stephen Berrisford Consulting with Progressus. (2007). *Do informal land markets work for poor people? An assessment of three metropolitan cities in South Africa. Synthesis Report*, For Urban LandMark.
http://www.urbanlandmark.org.za/downloads/Operation_of_the_market_Synthesis_Report.pdf
- Kanji, N., L. Cotula, T., Hilhorst, C., Toulmin and Witten, W., (2005) *Can land registration serve poor and marginalized groups? Summary report*. Securing land Right in Africa. Research report 1.
- Malauene D, Chilundo A, Cau B & Mubai M. (2005) *Land registration in Maputo and Matola cities, Mozambique* Maputo: International Institute for Environment and Development, Research Report 7
- Marx, C and Royston, L. 2007. Urban Land Markets: How the poor access, hold and trade land. For Urban LandMark.
http://www.urbanlandmark.org.za/downloads/OOM_booklet_v5ss.pdf
- Nhaca, L. And Vieira, M 2011 Massive Regularisation of Land Titles in Informal Settlements of Maputo, presentation at Urban LandMark Lusophone comparative workshop

- Raimundo, J. A., (2008) La place et le rôle des villageois dans le processus de mise en oeuvre de la politique agraire au Mozambique : le cas des communautés Ajaua de la province de Nyassa (1975 à 2005).
- Raimundo, J.A. and Raimundo, I.M. 2011 Operation of the market – land access in urban areas: the case of Maputo prepared for Urban LandMark
- Royston, L. 2007. Snakes and Ladders: A Housing Perspective on de Soto and the First and Second Economy Debate in South Africa in *Are Hernando de Soto's Views Appropriate to South Africa*, P&DM Occasional Paper Series no 1.
- Royston, L 2010 Incrementally Securing Access to Property in Informal Settlements Transformer <http://www.afesis.org.za/the-Transformer/Page-3>
- Smit, D and Abrahams, G. 2010 An approach for incrementally securing tenure in South Africa. For Urban LandMark.
http://www.urbanlandmark.org.za/downloads/inc_securing_tenure.pdfUN-Habitat (2008) *Secure land rights for all*. Nairobi: United Nations Human Settlement Programme, ,
- Wakely, P. and Riley, E. 2010 The case for incremental housing, Civis special issue, World Urban Forum 5