Emerging Land Markets and Land Conflicts in the Peri-Urban Green Zones of Maputo: The Discord Between Law and Practice¹

By

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Summary: This paper examines the structure and operation of the land market in the Maputo peri-urban area and the performance of the land tenure system in terms of tenure security, land access and resource use. The authors find that land rights are limited and uncertain, land transaction costs high, state involvement proliferate, and land disputes widespread. The current land registration (tenure) system does not serve the needs of smallholders, but rather favors the initiated and influential. This situation, combined with limited land management capacity, is constraining commercial activity. The authors conclude that property reforms, which should be geared toward serving private interests, are necessary.

Introduction

Eighteen years after independence and nearly as many years of civil war, Mozambique appears to be reaching the threshold of peace. Issues of post-war cural restructuring, land rights, resettlement, and agrarian reform have taken on a sense of urgency. The war has taken a devastating toll on people's lives and the institutions providing land services. This study was funded to help assess the limitations of existing land policy and to reduce the gap between data availability and policy needs. It examines the structure and operation of the land market in the peri-urban green zones, and the performance of the land tenure system in terms of tenure security, land access, and resource use. Intense competition is raging between agricultural and residential land uses. Land purchases and rentals are emerging despite legal restrictions aimed at controlling transfers. As a consequence of nationalization, land rights are limited and uncertain, costs of negotiating and monitoring land contracts are excessive, and insecure land rights combined with limited surveying and titling capacity is constraining commercial activity.

Land Policy

According to the 1979 land law and subsequent regulations, all land is owned by the state but held by state agencies, families, cooperatives, and private holders. In accordance with Marxist ideology, farms employing no wage labor are family farms and those that do, private farms, a distinction that is blurred in the peri-urban setting (Table 1). Land cannot be sold, ceded, rented, pledged, or in any way privately transferred, although land improvements may be mortgaged. Any individual or group may apply for title but private holders are required to do so. A concession may be held by any individual or group with legal identity and may be

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perpetual or temporary (50 years but automatically renewable). Concession rights are transferable only by inheritance or by death of the holder. Heirs cannot transfer land but can transfer improvements with authorization of the leasing authority. The holder must utilize the land rationally and abide by an authorized development plan, or face revocation of the lease.

Families' land rights are guaranteed by their occupation but are restricted by law. A family's holding cannot legally exceed (per family member) one-quarter hectare of irrigated land and one-half hectare of rainfed land. If shifting cultivation is practiced, additional land not exceeding ten hectares may be held. Land left idle for over two years without justification may be expropriated with all improvements, reverting to the state without compensation. If a family must vacate for public projects, explicit explanation is required, compensation for improvements must be paid, and new land of similar value must be provided. However, unlike residential or commercial land uses where improvements normally have considerable value, it is difficult to apply compensation principles to "barren" agricultural holdings.

The constitution and law confer to the state strong interventionist powers in land administration, which it has devolved to various agencies comprising the government apparatus in urban areas. At the time of independence, the Ministry of Water and Construction, National Planning Commission, and the National Institute of Physical Planning were assigned responsibilities for land use and planning in urban areas and the Executive Council (EC) the responsibility of land allocation. A number of other institutions were assigned land, including inter-alia the Ministries of Agriculture, Education, and Interior, and APIE. The Department of Construction and Urbanization (DCU) was created within the EC in the early s and later responsible for issuing titles throughout Maputo city and the peri-urban areas. In addition, the grupo dinamizadores and bairro organizations were granted authority over land allocation at the local level.

Green Zones Policy and Settlement

Immediately after independence, demand for arable land in the green zones came mainly from urbanites and ex-farm laborers. Several factors helped to increase land pressures in the 1980's and contributed to new groups from outside Maputo seeking land, including the closure of the South African mines to Mozambican laborers, the drought and severe drop in farm exports, and civil war. The ensuing rapid in-migration of people between 1982-1987 caused a rapid outward expansion of settlement. By 1987, most of the best farm land in districts IV to VIII had been claimed. The period 1987 to present has involved mainly settlement of dryer lands surrounding the green zones.

The green zones were officially created to help absorb unemployed urban residents, increase food security, and preserve the ecology of the low-lying areas. The Green Zones Directorate was created in 1980 with responsibilities for coordinating farm production, monitoring land use and farm infrastructure, absorbing marginalized populations and guaranteeing farm imputs to producers. Extension offices were created in each district to carry out these goals and assist in land allocations (along with bairro authorities and the DCU). Most marketed surplus before independence was produced by Fortuguese settlers on small estates (quintas) in demarcated areas around Maputo. In an attempt to curb declining food security after independence, in 1983-84 the government undertook a policy of "parcelization," aimed at transferring underutilized quintas to private farmers with demonstrated means and capacity to best use the land. The spontaneous occupations of quintas occupations which

occurred after independence were declared illegal, and many occupants were displaced by functionaries, merchants, and urban elites, thereby creating the first common type of disputes --dispossesions. Another common source of land conflicts --disputes with ex-landords and boundary disputes with neighbors --stems from the haphazard occupation of demarcated areas that resulted from spontaneous settlement after independence.

Specific areas of Maputo were officially declared green zones in 1980: permanent green zones, which include the best farmland (demarcated areas corresponding to the former quintas plus some non-demarcated land); provisional green zones, which include land more suitable for urban occupation (families are allowed to farm plots but must vacate without compensation when development begins); and urban-expansion zones, which include peripheral areas in rainfed zones. Only land within demarcated areas may be registered with the DCU unless self-financed surveys are carried out. Three types of titles may be issued: precarious (one-year concessions); provisional (five-year concession); and definitive (permanent concession). Precarious concessions are earmarked for areas of planned urban expansion or for landholders lacking potential to develop the land. Provisional concessions are intended to result in definitive title once capacity to develop the land is demonstrated.

Producer associations have operated in the peri-urban zone since independence when they began performing the tasks formerly carried out by labor gangs on the estates (cleaning irrigation ditches). Their emphasis began to shift around 1985 toward providing members with farm inputs. Since about 1989, under the central union leadership, they have focused on land conflicts, particularly the problem of outsiders with certificates claiming smallholders' land. They are striving to become a legal entity which would enable them to acquire group registrations, although the DCU has no procedure for granting group titles for agricultural land.

Survey Methodology

A land market survey involving 121 households (51 registered and 70 unregistered) was administered in 1991 in the green zones. Titled households were randomly selected from registration lists compiled from the Maputo and Matola registries. Unregistered households were randomly selected from lists provided by Casa Agrarias and producer associations. Households were split between district IV (68), with its less suitable land for housing, and district VI (53), which contains better land for residential use but lacks strong organization of government support services. Detailed data from household and plot surveys are analyzed for six household strata to assess the impact of location (District IV vs. District VI), gender (male vs. female headed households), and tenure status (households with at least one registered plot vs. those without) on land access, tenure security, and income.

Household Indicators

Table 1 provides data on mean household characteristics. Of the 121 households in the survey, 28% have at least one family member living outside of Mozambique, although very few households reported receiving remittances. In contrast with the general population, which is in a high state of flux from refugee resettlement, household heads on average have resided in Maputo for 30 years and in their current bairro for 21 years. On average, households hold 1.3 irrigated and 0.9 rainfed plots. Irrigated machambas average 0.41 ha in size while rainfed plots average 0.52 ha. However, these data mask important variations. Registered households on average hold 1.7 plots vs. 2.6 for unregistered households, due to fewer holdings of rainfed

land, but have larger total irrigated holdings (1.01 vs .21 ha) and muchambas (0.75 vs. 0.16 ha per plot) than the unregistered group. Although female-headed households have fewer dependents (19% fewer), their irrigated land holdings are 64% smaller (2.1 vs .58 ha) than their male counterpart holdings.

Seven percent of households have a member who belongs to a cooperative and 65% who belong to a producer association. Non-registered households have higher rates of membership in producer associations (90% vs. 29%) than registered households, while rates of membership by female-headed households exceed those of male-headed households (77% vs. 63%). Those families belonging to a cooperative joined to gain access to farm inputs, for produce to sell, to obtain land, or to receive marketing assistance, in declining order of importance. Those families belonging to a producer association joined mainly to increase security of land rights and to acquire farm inputs; security of land rights was more important for non-registered households than registered households.

Registered households make more intensive use of land than non-registered households, whether measured by total revenue (1.012 vs. 640 mt/m²), and net revenue (747 vs. 520 mt/m². Productivity of female-headed households is the lowest of any strata, and exhibit very low gross revenue (437 vs. 836 mt/m²), chemical input use (32 vs 76 mt/m²), and net revenue (358 vs. 644 mt/m²) compared with male-headed households. The average total income of female-headed households in 1991 was 739,000 mt (\$336) vs. 4,445,000 mt (\$2,020) for male-headed households. Even after adjusting for differences in household size, the per-capita total income of female-headed households (123,000 mt, \$56) was still only 21% of that reported for the male-headed category (596,000 mt, \$271). Female-headed households --usually divorced, widowed or with husbands abroad-- are severely disadvantaged, whether measured by land access, employment opportunities, or income levels. Registered households have substantially higher total income than non-registered households (7,473,000 mt vs. 1,610,000 mt), demonstrating the economic power of private farms in the economy.

Table 1

Mean Household Characteristics, Peri-Urban Green Zones, Maputo

	Dist IV	Dist VI	Male HH	Female HH	Regist house- hold	Non- regist. house- hold	Overal Sample
Number of households (hh)	67	54	109	13	51	70	121
Family size and migration							
Total hh workers	8.9	10.7	9.9	8.0	10.8	8.9	9.7
% hh w/ 1+ members abroad	20.9	37.0	26.6	46.2	29.4	27.1	28.1
Household head:							
Age (years)	48.3	51.4	49.9	46.2	48.2	50.7	49.6
Resided in Maputo (years)	29.3	31.2	29.4	36.2	29.9	30.4	30.1
Resided in current bairro (years)	21.1	20.4	20.8	19.8	20.9	20.7	20.8
No of machambas: irrigated	1.4	1.3	1.3	1.4	1.3	1.4	1.3
rainfed	0.7	1.1	0.9	1.0	0.4	1.2	0.9
Mean plot size: irrigated	.28	.57	.44	.13	.75	.16	.41
rainfed*	.44	.59	.56	.10	.89	.38	.52
Farm size (ha): irrigated	.50	.60	.58	.21	1.01	.21	.55
rainfed*	.15	.36	.26	.07	.23	.25	.24
Membership in cooperative (% yes)	1.5	13.0	6.4	7.7	3.9	8.6	6.6
Membership in association (% yes)	55.2	75.9	63.3	76.9	29.4	90.0	64.5
Crop income and expenditure per m ^{2b}							
Total revenue	804	788	836	437	1,012	640	797
Wage costs	128	69	108	46	164	57	102
Chemical imputs	68	76	76	32	89	60	72
Other costs ^e	7	8	8	2	12	4	7
Net income	601	635	644	358	747	520	616
Farm and non-farm income (000 mt):							
Crops	3,287	5,065	4,445	739	7,473	1,610	4,081
Livestock	1,735	4,018	3,013	401	5,526	735	2,754
Formal sector	784	295	5,768	46	962	208	526
Self-employment	552	564	597	176	464	625	557
S AND AND THE STATE OF THE STAT	216	278	257	116	521	42	244
Total income/capit (000 mt)	531	572	596	123	977	238	549

a) Excludes the majority of rainfed plots which could not be visited due to security risk.

b) Excludes family labor costs

c) Seeds, taxes, farm implements, and machinery rental services

Land Access and Tenure Security

Land in the green zones has mainly been acquired through spontaneous occupation or administrative allocations (table 2). Of the 162 irrigated plots in the sample, 29% were acquired from bairro authorities, 15% through spontaneous occupation, 1% from the DUC or EC, 11% from producer associations, 3% from traditional village chiefs, 2% from the Green Zones office, and 1% from the Ministry of Agriculture. A lower percentage were acquired through non-administrative mechanisms--6% through inheritance, 9% purchases, 12% borrowing, and 1% renting-in. No households claimed to have rented-out land.

The importance of the various land acquisition processes has changed over time. Spontaneous occupation, which represented 35% of land acquisitions during 1950-74 had become one of the least important modes by 1986-92 (8%). Allocations by bairro authorities were important during the post-independence era (1975-80) when they assisted urban residents in settling vacated lands and in the early civil war period when they helped find land for refugees. Land allocation by the DCU increased from 0% in 1950-74 to 21% in 1981-85 but has since waned. Allocations by producer associations have increased over time, from 0% before independence to the predominant source since 1986 (24%). Borrowing have remained relatively constant (between 10-15%) over time. Land purchases, once common before independence, virtually ceased between 1975-85 due to legal restrictions. Purchases since 1986 have rebounded (18%), despite periodic decrees informing the public that private transfers are illegal. Rentals have represented 3% of the acquisitions since 1986. Sellers and buyers contravene legal restrictions by claiming only improvements are transferred. Nominal and real land prices have risen rapidly over time, increasing landholders' wealth, but also creating formidable barriers to entry into farming. In 1991, respondents quoted prices of 5.0 to 32.0 million mt per hectare in actual transactions -- exceedingly high considering that the total annual income of non-registered households is 1.6 million mt, and 0.7 million mt for female headed households.

Of the 38% of households who would like to acquire more land, a high percentage would turn to the grupo dinamizador (35%) for an allocation, followed in importance by Casa Agrarias (15%), DCU (7%), and producer associations (7%). Surprisingly 17% would attempt to purchase land, and 11% would seek to rent-in land, reinforcing the view that the commercial transfers are increasing in importance in the peri-urban area. Male-headed households would tend to rely more heavily on commercial transactions, while female-headed households would tend to rely more heavily on producer associations, grupo dinamizadors, and Casa Agrarias. Forty-two households still retained land holdings in outlying areas or places of origin. The majority of these respondents know whether and by whom these lands are being farmed. However, only 22% indicated

Table 2

Migration and Plot Level Mode of Land Acquisition

	Dist IV	Dist VI	Male HH	Female HH	Regist house- hold	Non- regist. house- hold	Overal Sample
Total number of plots	92	70	104	58	57	105	162
Sex of plot managers (% female)	40.3	49.1	38.4	100.0	24.5	59.2	44.4
HH wanting more land (%)	40.3	35.2	39.4	30.8	47.1	31.4	38.0
Most likely to secure							
Grupo Dinamizador	25.9	47.4	34.9	25.0	29.2	40.9	34.8
Purchase	25.9	5.3	18.6		16.7	18.2	17.4
Casa Agraria	14.8	15.8	16.3	25.0	20.8	9.1	15.2
Rent	11.1	10.5	11.6	•	8.3	13.6	10.9
Producer association	11.1		2.3	50.0	4.2	9.1	6.5
DCU	7.4	5.3	7.0		12.5		6.5
District administrator	3.7	5.3	4.7	-	8.3	-	4.3
Wait for new distribution		5.3	2.3			4.5	2.2
Borrow from own family	-	5.3	2.3			4.5	2.2
Plant fruit trees	96.7	97.2	96.5	100.0	98.5	95.8	96.9
Bequeath to family	82.2	84.5	83.3	83.3	83.1	83.1	83.2
Build a storehouse	82.2	76.1	79.9	76.5	92.3	70.8	79.5
Build house	68.9	69.0	70.1	58.8	83.1	59.4	68.9
Rent out plot	52.2	36.6	47.2	29.4	55.4	38.5	45.3
Sell plot	58.9	23.9	45.1	29.4	55.4	35.4	43.5
Permission from authorities needed to exercise rights (% yes)							
Plant fruit trees	1.1	1.4	1.4		1.5	1.0	1.2
Bequeath to family	9.9	8.5	10.3		10.6	8.3	9.3
Build a storehouse	12.1	9.9	11.7	5.9	13.6	9.4	11.1
Build a house	14.3	15.5	14.5	17.6	13.6	15.6	14.8
Rent out plot	15.4	18.3	17.9	5.9	28.8	8.3	16.7
Sell plot	19.8	16.9	19.3	11.8	18.2	18.8	18.5

a) Alternate responses were "no" or "I don't know

that the entire household would one day return to these lands, suggesting strong intentions to remain in the Maputo area.

Most plot managers feel they have the right to plant vegetables and fruit trees, invest in infrastructure, and bequeath land to heirs. Nearly 45% feel they have the right to rent or sell land, despite legal restrictions. The fact that one observes at all such perceptions of possessing transfer rights suggests the waning effectiveness of legal conditions, confusion over rights held, and the ability of certain individuals to contravene the law. Growing vegetables or fruit trees can generally be done without involving the authorities. However, permission tends to be needed on matters pertaining to permanent structures and transfers. Registered households normally seek approval from the DU or EC, while non-registered households normally seek permission from producer associations.

Over 70% of households are worried about losing their land and 57% feel disputes have recently become more serious (Table 3). The major sources of current disputes are outsiders claiming land with concession papers (46%), neighbors (14%), bairro officials (8%), exlandowners (4%), members of government/DCU (3%), producer associations (3%), and private landholders (2%); only 17% of households felt that disputes are not a problem. A total of 34 plots were alienated from the sample in past years. In 65% of these cases, the landholders were evicted by the state, losing land to private farmers, government, and producer associations. Less than 12% of landholders in these cases received compensation. Twenty-five households reported having had a land dispute sometime over the period 1973-1991. Over 44% of the conflicts have arisen since 1989. The principal causes included, in declining order of importance, conflicting title claims (multiple titles issued for the same plot or overlapping registrations), private farmers expanding their holdings, projects claiming land, border disputes with neighbors, and ex-landholders claiming land.

Registration

Respondents in the survey indicated they would be "much more" likely to be secure in their land use (74%), willing to invest in land (73%), likely to receive credit (63%), willing to rent out land (32%), and willing to sell land (30%) with registratior, although female-headed households perceive fewer benefits than their male counterparts. Considering these perceived benefits, the question remains why more households do not register land. Registered households tend to place higher weight on land not being demarcated, small farmers not being interested and the process being too long and expensive. Unregistered landholders actually feel more constrained by lack of knowledge, inability to understand procedures, and the belief that producer associations should take care of it. Only 4% of households expressed no interest in

Table 3

Perceptions of Land Disputes

		Dist IV	Dist VI	Male HH	Female HH	Regist house- hold	Non- regist. house- hold	Overal Sample
	r is worried about							1-0-0
losing land								
Very worried		49.3	68.5	59.6	38.5	49.0	64.3	57.9
A little worried		14.9	9.3	11.9	15.4	17.6	8.6	12.4
Not at all worried		34.3	20.4	26.6	46.2	31.4	25.7	28.1
No opinion		1.5	1.9	1.8		2.0	1.4	1.7
Frequency of disp	utes in last 3 years							
(% HH)		50.7	29.6	40.4	46.2	37.3	44.3	41.3
Much more serious than before		16.4	14.8	16.5	7.7	15.7	15.7	15.7
More serious		26.9	40.7	32.1	46.2	39.2	28.6	33.1
Less serious		4.5	11.1	8.3		7.8	7.1	7.4
Land disputes never a problem No opinion		1.5	3.7	2.8		•	4.3	2.5
Principal source of	of land disputes							
Individuals from outside bairro		55.2	35.2	47.7	30.8	51.0	42.9	46.3
Land disputes not a problem		11.9	22.2	16.5	15.4	15.7	17.1	16.5
Neighbors		14.9	13.0	11.9	38.5	9.8	17.1	14.0
Bairro officials		4.5	13.0	7.3	15.4	3.9	11.4	8.3
Ex-landowners			9.3	4.6	-	5.9	2.9	4.1
Members of government/DCU		6.0	-	3.6	-	5.9	1.4	3.4
Producer association		4.5	-	2.8		2.0	2.9	2.5
Private producers		1.5	1.9	1.8			2.9	1.7
No opinion		1.5	5.6	3.7	*	5.9	1.4	3.3
Risk of losing lan	d (% yes)							
If rented out	Lots of risk	32.8	33.3	31.2	46.2	31.4	34.3	33.1
and unregistered	l Some risk	20.9	18.5	20.2	15.4	23.5	17.1	19.8
	No risk	25.4	24.1	25.7	15.4	23.5	25.7	24.8
1	No opinion	20.9	24.1	22.9	23.1	21.6	22.9	22.3
If rented out	Very possible	6.0	5.6	3.7	23.1	7.8	4.3	5.8
and registered	Possible	17.9	7.4	13.8	7.7	13.7	12.9	13.2
	Impossible	70.1	85.2	78.9	61.5	78.4	75.7	76.9
No opinion		6.0	1.9	3.7	7.7	•	7.1	4.1
Registration bene	fits (% plot							
managers respond								
likely"):		85.1	61.1	77.1	53.8	78.4	71.4	74.4
Increase security of using land		83.6	59.3	75.2	53.8	78.4	68.6	72.7
Willingness to invest in land		73.1	50.0	67.0	30.8	70.6	57.1	62.8
Ability to receive		35.8	25.9	33.9	7.7	49.0	18.6	31.4
Willingness to re Willingness to se	ent out land	37.3	20.4	32.1	7.7	45.1	18.6	29.8

registration, suggesting a strong latent demand for surveying and titling services. Registration procedures in practice were far from uniform. Many registered households did not complete all the necessary steps and many unregistered households started the process then stopped for reasons of time, cost, or the mistaken belief that all steps had been completed.

Registration cannot normally be granted unless the land has been demarcated. Yet, fees for surveying land outside the demarcated areas exceed the means of most landholders. DINAGECA, which has surveying capacity, has a mandate to register land only in rural areas outside Maputo province. The Green Zones office, which has jurisdictional authority, lacks surveying capacity. The DCU, with an urban focus and limited budget, tends to allocate its scarce resources for registration of urban properties. The DCU and DINAGECA, whose funding historically has been adequate for a much lower volume of land services, are in effect now levying user fees to make up for budgetary shortfalls. Requirements such as submitting a bank account, salary statement, or development plan, while perhaps applicable to capitalized farms, are ill-suited to land holdings in the family sector. Small holders, in addition to lacking the knowledge, resources or influence to acquire title, also incur the risk of losing land to outsiders who do possess the means.

Land Price

To help assess land value in the peri-urban area, plot managers in the study were asked to estimate the price they would be willing to pay (offer price) and accept (reservation price) for a plot identical to their current holding. The average reservation price was 45,966,810 mt/ha (\$20,894) and the average offer price was 31,218,177 int/ha (\$14,190). When respondents were asked to justify this seemingly "exorbitant" land prices, they emphasized the high future demand for, and value of, land that would exist in the green zone areas and their intention to capitalize on this trend. The mean price difference was 32% of the reservation price —a very high figure compared with real estate costs of around 6-10% in western markets.

Land price determination models were developed that link plot and household characteristics with land price perceptions by plot managers. Plot size, quality, and physical improvements (access road and buildings) were found to be significant and positive determinants of both the reservation and offer prices quoted. However, variables representing asymmetries in information and unequal bargaining position among households that one might expect to distort price signals in a land market characterized by administrative allocations, showed either inconsistent or weak effects. Further regression models were estimated that link variations in price differences (transaction costs) with household level attributes. Farm size tended to have a negative effect on the price difference due to reluctance of small landholders to dispose of land for income security reasons, or their difficulty in bidding for land due to lack of purchasing power. A negative relationship between income and transaction costs and a positive relationship between income and land prices were also found, indicating the potential for small farms to exit agriculture and wealthier farms to expand their holdings. Land registration tended to increase transaction costs probably due to greater risk of detection and loss of land, from engaging in "illegal" transfers. Gender had no direct influence on transactions in tenure status and farm size attributes.

Conclusions

Eighteen years of socialism in Mozambique has left a legacy of uncertain land rights, high transaction costs, and proliferate institutional involvement by central and local authorities in land policy. Although land rentals and purchases are becoming more frequent, the government continues its attempts to control land allocation and use. The economic costs of

land market restrictions are difficult to enumerate but are widely apparent in the widespread occurrences of land disputes, land expropriation by authorities, encroachment by refugees and private farmers, absence of fair compensation, high perceived risks in losing land, and cumbersome registration procedures.

There is no doubt that property reforms are needed and wanted by smallholders and largeholders alike, and that the combination of nationalization and civil strife has seriously undermined security of land rights in the green zones. Yet the alternative tenure arrangement (registration) provided by government is a poor substitute. Land registration, for all but the initiated and influential, comprises an onerous set of requirements and procedures that exceed the abilities of smallholders and are inappropriate to the needs of peri-urban agriculture. Small holders are unsuccessfully turning to producer associations for protection of land rights, a solution not without its own problems. The situation of vesting land policy powers among multiple bodies with inadequate staff and resources has created a situation of too many parties with a voice in land policy, none of which have sufficiently clear responsibilities and resources to perform their tasks efficiently. Individual ownership rights and unrestricted markets may not be the best solution. Yet it is difficult to see how Mozambique's market reforms can take hold with a land policy more geared toward serving private interests.