

Cashew Agroforestry and Changing Property Rights in Post-War Mozambique



Mozambique was the world's number one producer of cashew nuts in shell in the 1970s. Cashew trees existed largely on smallholder land, in groves and intermixed with cassava, cowpea, maize, and groundnuts. A civil war beginning in the late 1960s and lasting nearly two decades changed the situation. The war dislocated people and stopped the planting and replacing of the old and unproductive cashew trees.

SOURCE:

Unruh, J. D. 2001. *Land Dispute Resolution in Mozambique: Institutions and Evidence of Agroforestry Technology Adoption*. CAPRI Working Paper No. 12. International Food Policy Research Institute, Washington, D.C.

Restoration of peace in the 1990s brought land tenure issues to the fore. Many demobilized and displaced smallholders returned to find their lands occupied by others, resulting in significant numbers of land disputes. Rural households expanded areas under cultivation as farmers brought areas long under fallow due to the war back into cultivation. There were also large-scale recovery efforts to rehabilitate agricultural sectors, such as cashew and livestock production.

Small-scale agricultural producers were given access to land in areas with the most fertile soils, perennial water supplies, infrastructure, markets, relief services, and physical security. As a result,

food-insecure migrants came into conflict with long-term customary residents. While this unfolded, commercial interests with capital were formally acquiring pieces of property in these agronomically-favored areas.

At least nine million hectares of land were reported to have been awarded through the formal land tenure system as concessions for farming, hunting, tourism, and mining activities. Practically, all these concessions overlap with lands held by smallholders who were not part of formal land allocation decisions. In an environment of competing and overlapping property rights institutions, the situation generated further conflict between migrants, indigenous communities, and concession holders.

Conflicts have led to the non-adoption of cashew agroforestry because technology is related to land ownership. The presence of cashew and other valuable trees is the single most important piece of evidence for defending or asserting rights to land, regardless of the average number of trees per smallholder. This is true even in situations where institutions regarding property rights are most displaced, in less agronomically endowed areas, and in critical resource areas.

Cashew trees as evidence for property rights are accepted even in areas which are less disrupted, those where migrant numbers are huge, and where there are less investments in cashew natural resource management (NRM) technology.

The War: Its Effects on Land Tenure

1. Dislocation and disruption created and maintained an age gap in cashew trees. The following interrelated forces worked, in a mutually reinforcing way, to create and maintain a significant age gap in cashew agroforestry trees:

- Migrants, then residing on other people's lands, were prevented from planting by their hosts because it would be seen as a land claim.
- If migrants removed trees from the land, it was seen as challenging the owner's claim.
- For migrants cultivating land with no clear ownership, the temporary nature of their residence deterred tree planting.
- For communities not dislocated, tree planting was precluded by the need to produce annual crops to address more urgent food security concerns.



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- Older cashew trees near the end of production were not removed, as they still provided small amounts of cashew for food-insecure agriculturalists.
- Smallholders in areas with land conflicts were especially reluctant to remove older trees due to their greater evidence value of long-term occupation compared to seedlings and saplings.
- As more smallholders lost land in the course of their displacement, they had to rent out or borrow land from other smallholders, again discouraging planting.

2. Dislocation and disruption have made other forms of evidence of land tenure less available and legitimate.

Population displacement during the war led to many agricultural areas being repeatedly occupied and abandoned at different times and by different groups. This has obscured, confused, and made less accessible many forms of evidence of human occupation of the lands. It has also lessened social interaction regarding power arrangements of various land-related transactions, such as landownership, loaning, renting, purchase, and others. The problematic post-war existence or availability of such forms of evidence have not only an influence on their legitimacy, but also on the comparative importance and legitimacy of other forms of evidence (agroforestry) that remain in place.

Three categories of evidence were used to claim land ownership, namely social, cultural-ecological, and physical evidences, all of which vary considerably in their utility. It is the combination of social evidence with cultural-ecological evidence that is most valuable in constructing an argument for a land claim. This is because social evidence ties individuals to communities, and cultural-ecological evidence corroborated by social evidence constitutes the connection between the physical signs of land occupation due to human pressure, and the social aspects, which are bound up in cultural-ecological evidence (inheritance of land, networks of lending land, etc.).

In Mozambique, reductions in the availability of social evidence for populations with significant numbers of migrants appear to have resulted in a shift that favors forms of evidence that are available — physical evidence and some cultural-ecological evidence — with the relative permanence of older agroforestry trees emerging as one of the most important and durable pieces of evidence available.

Forms of Evidence of Tenure

Social evidence is oral or testimonial evidence provided or confirmed by others in the community. It demonstrates occupation and serves to tie individuals and households to local communities. Social evidence corroborates other social as well as physical and cultural-ecological evidence.

Cultural-ecological evidence consist of physical pieces of evidence that exist due to human activity on the landscape, such as agroforestry trees, current and old field boundaries, cemeteries, and others. It demonstrates occupation and corroborates social evidence and some other forms of cultural-ecological evidence.

Physical evidence involves naturally occurring terrain features that are easily observable. It demonstrates familiarity with an area and corroborates no other category of evidence.

3. Different types of tenure and evidence of tenure.

In post-war Mozambique there are three different general approaches to land tenure: customary, statutory legal, and migrant, or ‘displaced.’ The migrant or ‘displaced’ term is characterized by a comparative lack of social connections to the community regarding land, and a higher value placed on naturally occurring physical forms of evidence in claims to land.

Land disputes involving parties from different tenure approaches can involve attempts to bring to bear forms of evidence regarded as legitimate and therefore respected. However, if not respected by the opposing party, such evidence became unworkable, forcing the different parties, particularly the less powerful, to place increased value on evidence that is mutually legitimate evidence.



Different forms of evidence of tenure must be negotiated between migrant and customary owners.

Customary and migrant groups express high preference for only two forms of evidence: soil type and agroforestry trees, with soil type much less important than agroforestry trees. No data exists for the formal groups, but land law at the end of the war acknowledged forms of smallholder evidence that demonstrated occupation and explicitly allowed social evidence.

The strongest evidence that demonstrates “occupation” is agroforestry trees, especially the older trees, which are also accepted in the formal land tenure system. Thus, agroforestry trees serve as evidence under existing customs and rules not only within, but also between groups operating from the three different tenure approaches. As disputes among these three groups become common in certain areas, agroforestry trees as mutually acceptable and respected evidence for defending rights to land receive strong incentives.

The Effect of Technology on Property Rights Institutions

There are two overall effects of cashew agroforestry on property rights in post-war Mozambique. These are:

1. The rules and customs regarding the link between agroforestry trees and land tenure have, in a post-war context, greatly facilitated (at no cost to the state) the coordination of defending and asserting rights to land, and hence land re-access and dispute resolution.
2. The use of agroforestry trees as evidence for property rights affects the adoption and maintenance of cashew agroforestry, as these intersect with the formidable tree age gap. The failure to adopt or re-adopt tree replacement strategies due to the high value placed on older trees as evidence will eventually result in a decrease in this evidence as the older tree dies out, with impacts on the overall technology (loss of agroforestry, as opposed to adoption) and property rights. Along with the decreasing numbers of trees as forms of evidence, so too will the set of customs and norms that pertain to them as evidence disappear.

Very high value will continue to be placed on older trees unless other forms of evidence become available and legitimate and institutions pertaining to these are able to evolve and deliver in terms of tenure security. The derivation of other forms of evidence, possessed by and legitimate to smallholders, and at the same time legitimate in the formal land tenure system and able to complement agroforestry trees, would likely amplify the number and kind of meaningful forms of evidence. It will also highlight some of the comparative importance of agroforestry trees, thus allowing the adoption or re-adoption of practices necessary for agroforestry as a natural resource management technology.

Suggested Reading

Fortmann, L. and J. Bruce. 1988. *Whose Trees? Proprietary Dimensions of Forestry*. Boulder, CO: Westview Press.

Sourcebook on **Resources, Rights, and Cooperation**, produced by the CGIAR Program on Collective Action and Property Rights (CAPRI)