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Women's land rights under the Mozambican Land Law

An ethnographic study of the matrilineal district of Majune, Niassa province, northern Mozambique

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Abstract

The Mozambican Land Law (*Lei de Terra*) that was passed in 1997 seeks to formalize customary rights at a community level and provide equal access to land for men and women, while securing external investors access to land for their investments. This ethnographic study explores women's land rights in Majune district, Niassa province, under the Mozambican Land Law. It focuses on the implications of the matrilineal structure prevalent in Majune on women's rights to land in relation to the implementation of the Land Law. It further identifies obstacles for women related to their land claims. The questions that the study answers concern the interaction of the formalization of customary land rights with the matrilineal kinship inheritance system in Majune, the implications of the implementation of the Land Law for women's land rights, and finally what obstacles women encounter in relation to their land claims. The main findings illustrate that women's land rights in Majune are embedded in social and cultural relations that both influence their access to land and their lack of decision-making power regarding their land. The matrilineal system protects women's access to land, however the decision-making authority generally remains with their male relatives or husbands. The main obstacles women encounter in relation to their land claims are maintained through socially constructed gender roles that restrain their abilities to enforce their land rights.

Key words: *Mozambican Land Law, Majune district, women's land rights, matriliny, land tenure, formalization of customary rights*

Acknowledgements

Abbreviations and key concepts

FOFEN	Forum de Organisaçoes Femininas do Niassa
OMM	Organização da Mulher Moçambicana
DUAT	Direito de Uso e Aproveitamento de Terra (e. *the right to use and benefit from land*)
CGNR	Committee for the Management of Natural Resources
NGO	Non-governmental organization
FAO	Food and agricultural organization of the United Nations
Lei de Terra	The Land Law
Machamba	A piece of arable land belonging to families and individuals
Régulo	A local male traditional chief over a community
Matola	A male traditional chief over a district
Matriliny	A kinship structure in a society where inheritance goes through the mother's lineage
Matrilocality	When a married couple fixes their residence with the wife's family

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1. Introduction

Mozambique is one of many states in Sub-Saharan Africa that has recently been undergoing land tenure reforms. In 1997, new land laws were passed, *Lei de Terra*, that have been considered the most progressive and innovative of its kind in Africa. The Land Law seeks to formalize customary rights at a community level and provide equal access for men and women, while allowing external investors to get secure access to land for their investments (Krantz 2015; Kaarhus and Dondeyne 2015, 194, 200; FOLA 2011; FAO 2015). The formalization of customary rights is an alternative approach to secure land tenure and is becoming more common where land rights are based on existing customary rights instead of initiating a new tenure system (Krantz 2015; Chauveau et al. 2006). Scholars, especially gender specialists, disagree on whether the formalization of customary rules ensures the need of all members of specific communities. Arguments vary from whether reformed and strengthened collective customary rights protect women's land interests to those that claim individual titling and land registration better protect women's land rights (Whitehead and Tsikata 2003, 68).

In Mozambique, around 90 percent of women are involved in agriculture where household farming, particularly subsistence agriculture, traditionally is a job for women (FAO 2015). Nonetheless, access to land in customary systems in Africa, including Mozambique, is based on gender structures where women's claims are usually socially embedded in their relations to their male relatives. That is particularly the case for predominantly patrilineal descent systems, where at marriage, the woman moves to the husband's family and gains access to land through him (Kaarhus and Dondeyne 2015, 197; Krantz 2015, 5). However, in northern Mozambique, many societies are based on matrilineal descent structures which means that descent is traced through the mother's lineage and at marriage the man generally moves to his wife's family, hence gains access to land through his wife's lineage (Krantz 2015, 5). However, how this affects women's land rights in practice, in the light of agrarian reform, is a rather unexplored topic.

This ethnographic study explores women's land rights in the matrilineal province of Niassa in Mozambique, more specifically in Majune district. My research is a part of a continuous study about issues and experiences related to the implementation of the

Land Laws, undertaken by Dr. Lasse Krantz guest researcher and project leader of the Land Rights Research Initiative at Gothenburg's University, in partnership with We Effect, a Swedish NGO that works, among others, with rural community development in northern Mozambique.

1.1. Aim and research questions

The aim of the study is to explore women's land rights under the Mozambican Land Law in the matrilineal province of Niassa in northern Mozambique, more specifically, in the district of Majune. The research focuses on the implications of the matrilineal structure prevalent in Majune on women's rights to land in relation to the implementation of the Land Law. It further identifies obstacles for women related to their land claims. In order to achieve this, the following three questions guide the research:

- *How does the formalization of customary land rights interact with the matrilineal kinship inheritance system, with respect to women's land rights?*
- *In what way has the implementation of the Land Law affected women's land rights in Majune district?*
- *What obstacles do women in Majune district encounter in relation to their land claims?*

The three questions are interrelated and seek to illustrate the interplay between the traditional matrilineal system and the national Land Law, and its implications for women's land rights. Each question explores a dimension of land access that facilitates the understanding of the complex dynamics that shape women's land claims that involves decision-making power in land matters and potential obstacles at hand.

1.2. Limitations

The study is geographically delimited to the province of Niassa and more particularly to Majune district. The province of Niassa was used for the case study, however, since it is a large province, the study area was narrowed down to mainly one district, namely Majune. The focus is on land access for cultivation, where one can open up a machamba to grow the main food crops.

There are many factors that determine land tenure rights in Africa. Therefore, the process of tenure reforms can play out differently depending on the group that is

affected by the process. In this research, gender is emphasized as a factor that determines and influences land rights. Therefore, a gender perspective is used to acknowledge different structural implications for women and men. Although women cannot be seen as a homogenous group, an intersectional approach that recognizes ethnicity, age, and class differences etcetera among women, will not be used in this study. That would be a topic for a whole new research.

Other theoretical delimitations concern religion that can both influence land tenure rights in general as well as women's rights to land specifically. The majority of the participants in the research practice Islam, however some are Christians. There are differences between the Muslim and the Christian groups in Majune, such as level of education that can have implications for their land rights (Tuominen, Picardo and Maguanda 2011). Further, in Majune, matrilineal and matrilocal structures prevail, what affects women's rights to land. This study focuses on how the matrilineal characteristics appear in Niassa, specifically in Majune.

Further methodological delimitations and ethical dilemmas will be discussed in more detail under the methodology chapter.

1.3. Relevance to global studies

According to the World Bank, large-scale land acquisitions have multiplied extensively only in the past ten years and there is no end in sight (Alden Wily 2011, 738). This increased global demand for land is evident in Sub-Saharan Africa where most land is unregistered and thus vulnerable for external pressure with severe impacts on poor rural groups depending on land resources from un-commercialized communal lands for livelihood (Alden Wily 2011, 734; Krantz 2015; Chauveau et al. 2006). Global policy makers on land tenure reforms emphasize the need of securing land rights in terms of wellbeing and economic growth. It further gives local households greater political and economic power that in turn creates a basis for local development.

The question of women's land rights is crucial since evidence illustrate that securing women's access to land has direct impacts on the improvement of the household welfare (World Banks 2003b, xviii, xx; FAO 2015). There is further an increasing academic discourse on the implications of different land policies on women (Whitehead and Tsikata 2003, 68). This research about women's land rights under the

Mozambican Land Law is therefore highly appropriate for the field of Global Studies where it seeks to shed a light on women's experiences and realities in relation to the implementation of the Land Law, and therefore makes an attempt to connect policy and practice.

2. Background

Mozambique is a large and sparsely populated country located in southeastern Africa with a total land area that covers around 786.000 square kilometers. It is rich in fertile land and is considered to have great potential for agricultural development. However, half of the population still lives under the poverty line. The agricultural sector employs around 80 percent of the total labor force and around 90 percent of women are involved in agriculture (FAO 2015; CIA 2016). Mozambique is generally divided into two systems of lineage, the patrilineal south and the matrilineal north. These structures have impacts on women's access to land (Gawaya 2008, 149). In this chapter, the study site, Majune district in Niassa province will be presented. Further, a short historical background to Mozambique, with a focus on gender relations throughout changes in the political regime, will be discussed in order to understand the cultural context of the research and the environment that shaped the Land Law. Finally, the Land Law and its objects will be introduced.

2.1. Study area: Majune district in Niassa province

Niassa province is located in the northwest of Mozambique, bordering Tanzania to the north and Malawi and Lake Malawi to the west (CIA 2016). It is an isolated and sparsely populated province, it is the poorest and the most rural one in the country, the education level is below national averages, and has even been referred to as the "forgotten" province of Mozambique. It has high agricultural potential with its abundant forest resources and rivers and relatively much rainfall (Akesson, Calengo and Tanner 2008; Lidström 2014, 12; Braga 2001, 199; Tuominen, Picardo and Maguanda 2011, 1). The district chosen for the focus of this study is Majune district that is centrally located in the interior of Niassa and only became better connected to the outside world with the improvement of the national road in 2006. The people of Majune have traditionally relied on agriculture, subsistence fishing and hunting. The dominant ethnic group are the Yaos who were the first ones to settle in the area, but

now live along with groups of Macua people who originally fled from other districts (Tuominen, Picardo and Maguanda 2011a, 3; Tuominen, Picardo and Maguanda 2011b, 2). Most of the Yaos practice Islam and follow a matrilineal kinship inheritance system. The Macuas have the same matrilineal tradition but do not necessarily share the religion where many have converted to Christianity (Tuominen, Picardo and Maguanda 2014, 5). That Islam is practiced along with the tradition of the matrilineal system in fact represents a paradox with respect to Islam and gender relations. Nonetheless, in Majune and other parts of northern Mozambique Islam and matriliny seem to co-exist that indicates resilience of the matrilineal system (Bonate 2006, 139-140).

Gender roles in Majune are quite conventional in the sense that women do all the domestic work such as cooking, cleaning and child-care, and moreover take part in any farming activity, specifically food crop cultivation. Men's role is to bring in the income and they are further responsible for clearing the land, harvesting and chasing away animals. Men have therefore much more spare time on their hands than women (Tuominen, Picardo and Maguanda 2014, 17-18; Tuominen, Picardo and Maguanda 2012, 34).

2.1.1. The tale of Queen Bibi Achivanjila

The history of Majune district is marked by the myth of its spiritual leader, *Rainha* Bibi Achivanjila (e. queen in English). According to the myth, she was a brave woman who was captured as a slave that, with her courage and determination, managed to save numerous slaves and became a Queen. The name Achivanjila derives from the term Kulivanjila, which in Yao means "made it on her own", a name she was given due to her bravery. The tradition of the Queen continues in the community of Malila where the Queen guides the community spiritually (Tuominen, Picardo and Maguanda 2011b, 7-8).

2.2. Changing gender relations: A brief historical account of Mozambique

Mozambique's recent history is quite dramatic and involves almost three decades of war. After the war of independence that took place from 1964 until 1974, Mozambique gained independence in 1975 from Portugal, with Frelimo, the Front for Liberation, in charge. Only two years later, the civil war between Frelimo and Renamo, the Resistance Front, broke out and lasted until the early 1990s. During this

time, several changes in the political regime occurred that impacted gender relations in the country. There was a shift from Portuguese colonialism to political independence and Frelimo socialism, to neo-liberal economic policies and structural adjustment programmes under World Bank leadership, still with Frelimo government in charge (Arnfred 2011, 121).

In the colonial times, before the war of independence, gender roles were rather divided and there was a clear division of labor between men and women (Arnfred 2011, 27). The colonial ideology was that women ought to be housewives and do domestic work and the bulk of agricultural work should be left for the men, in order for the women to focus on the housework. However, the reality was that women were major producers since they worked in family agriculture to feed the family while men were away working in contract labor. The colonial regime thus depended on women's double workload. Further, the colonial discourse of development and civilization where male headed households were considered the ideal model, regarded matrilineal societies in the north as troublesome, unacceptable and backwards since it did not fit their picture of civilization that was guided by Christianity (Arnfred 2011, 122-123).

In the war of independence between Frelimo and the Portuguese colonial powers, women took an active part. Frelimo socialism emphasized women's emancipation, as the words of Samora, Mozambique's first president, indicate: "The liberation of women is necessity for the revolution, a guarantee of its continuity and a condition for its success" ([Samora Machel 1973] in Arnfred 2011, 121). During the war, men and women came together on equal terms as Mozambicans to fight the Portuguese, and during that process gender relations changed (ibid, 27). In 1973, OMM was established as a non-military women's organization to facilitate the mobilization of peasant populations in support of the guerilla war, and was supported by Frelimo (ibid, 125-126). However, after the war when Frelimo was struggling to build a nation state, gender roles went back to as they were before the war. The emancipation and mobilization of women during the war was only to unite the Mozambican nation to fight the Portuguese. After the war, Frelimo's political support disappeared and women's issues were lost, whereas men were able to take advantage of the new situation. In the rural areas of the north where many women fought in the war, men did take back what they had lost of their patriarchal power, and even more (ibid, 27-

29). Women's double workload continued, where they still took care of the household along with working in agriculture for the family (ibid, 130).

During the 1980s when Mozambique was under neo-liberal policies of the World Bank and other donor agencies, changes regarding gender issues emerged. Many civil society organizations were established, including various NGOs with gender issues in focus. Forum Mulher was created as an umbrella organization and became quite an important lobby group for women and gender issues, and put pressure on the government (Arnfred 2011, 31). In the early 1990s, land conflicts were severe and tenure insecurity prevailed, both as a result of the displacement of people during the war as well as with increasing land grabbing and global demand for land (Gawaya 2008, 151). When a national programme for agrarian development, PROAGRI, was established, several donors that were involved insisted that gender factors would be considered in the planning process (ibid, 132). In the next chapter, the Land Law of 1997 will be discussed further.

2.3. The Mozambican Land Law (*Lei de terra*)

In 1997 a new Land Law were passed that state that all land is owned by the state and cannot be sold, used as a collateral or be mortgaged (Frey 2004; Gawaya 2008, 151). Legal usufruct rights to the land, so called DUAT can be acquired in three ways:

1) Through customary occupation by individuals and communities as long as the customary rules and practices do not contradict the constitution

2) Through good faith occupation by Mozambican individuals who have been using the land in good faith for at least ten years

3) Through a request of the state of a new land use right

In the first two cases, a DUAT is acquired automatically and without requirements to register or record it. In order to recognize and identify rights acquired through customary occupation, the process of delimiting local communities started (Kaarhus and Dondeyne 2015, 199-200). The delimitation of communities is largely driven by NGOs funded by bilateral assistance where the government has provided limited resources to identify and record the local's people's rights (Akesson, Calengo and Tanner 2008, 8).

In short, the Land Law seek to formalize customary rights to land at a community level and provide equal rights for men and women, while allowing external investors

to get secure access to land for their investments (Krantz 2015; Kaarhus and Dondeyne 2015, 194). The formalization of customary rights involves the delimitation of outer boundaries of a particular area that is mapped and registered officially, and the community in question is granted a Certificate of Delimitations. All members within the community are considered "co-owners", which means that everyone has equal rights to it and are allowed to be a part of the delimitation process. Further, one of the advantages of the delimitation process is that is gives rural population the means to have better control over their resources as well as stronger bargaining power against external investors. Individuals or groups also have the possibility to get an area of land demarcated in order to have a documented title to it, an option that for example farmers associations are interested in (Krantz 2015, 9; Gawaya 2008, 151).

3. Previous research

Land tenure reform in Africa has been a subject of research for several years. Since women constitute the main workforce in agriculture in Africa, including Mozambique, scholars and policy makers have emphasized the importance of securing women's land rights (Kaarhus 2010; Peters 2010; Whitehead and Tsikata 2003). In this chapter, different approaches of securing women's land rights will be presented with a focus on collective rights under customary systems, along with the main challenges and the implications of matrilineal systems on land tenure reform. Further, the Mozambican Land Law and experiences from the matrilineal north will be discussed.

3.1. Approaches of securing women's land rights

There are different views regarding what is the best approach to secure women's land rights. There are those who favor individual titling to land and others who claim that community rights, where customary laws often prevail, are better suited to ensure women's claims to land since the customary laws are more flexible (Whitehead and Tsikata 2003). Individual titling where registration and ownership over land is emphasized has been criticized since former studies indicate that it generally has enforced men's rights and marginalized women, where in those cases, men tend to manipulate their control over land based in 'custom', thus increasing women's

insecurities (Daley and Englert 2010, 94; Whitehead and Tsikata 2003, 70-79). Since the Mozambican Land Law seeks to formalize collective customary rights, the focus here will be on former studies of women's land rights under customary systems.

Toulmin and Quan favor the customary system since they claim it to allow for more flexible forms of access. Nevertheless they point out that there are different experiences of registering customary rights and not in all cases have they secured protection for different stakeholders, many of whom are women who have historically been left out of land tenure reforms (Toulmin and Quan 2000). Feminist African lawyers state that currently the customary system discriminates against women both in laws and in practice. However, there is still not enough knowledge about customary land tenure institutions within the modern nation state and therefore it is complicated to value it (Whitehead and Tsikata 2003, 84-88). As Rachael Knight points out, one has to live within such customary rules and practices to fully understand the functioning of the system (Knight 2010, 28).

Daley and Englert suggest that customary institutions should be reappraised in light of evidence on the ground. They point to findings from Northern Uganda where it proved useful to work through clans at the local level in order to secure women's rights to land. Therefore, in order to make progress strengthening existing social structures should be supported by the government (Daley and Englert 2010, 98). Daley and Englert further emphasize the strengthening of customary institutions that women are involved with, along with creating other venues where women's claims and voices can be heard in order to enhance their confidence in claiming their rights. They stress the role external actors can play in this process (ibid, 104).

Former studies have further shown that women's land access under customary systems is diverse and that in practice, women do not perceive their rights to land as insecure as long as their household and community relations remain stable (Whitehead and Tsikata 2003, 83-84). Nevertheless, the disadvantages seem to appear when women experience a divorce or become widows where they seem to lack power in social negotiations (Daley and Englert 2010, 6). However, when customary practices work in favor of women, it should be taken advantage of (ibid, 99). If strengthening customary laws are to provide women secured access to land it is important to document diverse customary practices to identify spaces within them that

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promote women's involvement in decision-making processes regarding access and management of land (Knapman and Sutz 2015). Daley and Englert further point out that for customary laws to work on a statutory level, they have to be written down, making them a matter of facts, rather than a matter of debate. An issue here is that 'custom' in Africa is subject to change (Daley and Englert 2010, 99-100), as will further be discussed and explained in the theoretical framework chapter.

3.2. Main challenges

The challenges of securing women's land rights remain complicated due to diverse socio-cultural systems and their implications on power imbalances within societies and on women's rights in general (IIED 2015). Although new land tenure policies now often include women's rights, the challenge of implementing those policies remains. Evidence from Tanzania shows that illiteracy and low education level among women often restrains them from enforcing their rights and dealing with the bureaucracy (Daley and Englert 2010, 103). Another factor that affects gender inequalities regarding land tenure reform is the lack of women's involvement in decision-making processes regarding land (IIED 2015). Further, when only one name is allowed on a titling certificate it is among the household members to decide if it is the husband or the wife who gets the title (Daley and Englert 2010, 103). Therefore, gender analysis of social relations and measures needs to start at the family level before it spreads out to higher levels of decision-making since traditional practices regarding access to land often disadvantage women (Knapman and Sutz 2015).

Daley and Englert point out that studies of women's land rights in Africa are too focused on the negative impact of patriarchal systems and structures where women are victims, and argue for a positive pragmatic approach where women are agents of change and do often succeed in securing their land rights. They point to empirical evidence that shows how the customary system, even under patriarchal social institutions, has historically protected women's rights as land users by working through clans in the absence of governmental land administration institutions. They moreover emphasize that strategies to support and promote women's land rights must be suited to the situation on the ground (Daley and Englert 2010, 97-99). Along the same lines, Jessica Chu points out that women have historically accessed land in any way available at that time. She further points out that women are not only victims in land tenure issues, rather do they have agency that has to be acknowledged, where

they have negotiated their land rights on a case-by-case basis (Chu 2011, 37-38). However, rural women need to be supported for their voices to be heard (Whitehead and Tsikata 2003, 83-84; Gawaya 2008, 148; Knapman and Sutz 2015).

3.3. Women's land rights under matrilineal kinship systems

The question of women's rights to land and its resources under matrilineal tenure systems has so far not been a topic of much debate, as Randi Kaarhus points out (Kaarhus 2010). Pauline Peters studied women's land tenure under matrilineal and matrilocal systems in Malawi where she claims that such systems provides women space to acquire and secure their land rights. However, she claims that Malawi's Land Policy threatens those rights without intending to do so (Peters 2010, 180). Other studies from matrilineal groups in Malawi further claim that women's land rights and their possibilities to claim their rights tend to be marginalized through the implementation of formalization and titling programmes (Kaarhus 2010, 189).

Women's positions tend to get weaker in the cash economy that is usually dominated by men, and their negotiating power decreases in situations where formal ownership titles are institutionalized through registration and certification (Kaarhus 2010, 189). Kaarhus stresses further that it is important to secure women's existing land rights in matrilineal societies in land tenure reform. She criticizes the Malawian Land Policy and states that where it aims to ensure tenure security and equitable access to land, it does not allow for securing women's matrilineal land claims (ibid, 189). Peters points out that the Land Policy now calls for equal land inheritance rights for sons and daughters, an issue what Peters fears will in the future undermine women's existing land rights in matrilineal systems. Peters findings from Malawi indicate that women enjoy greater land rights than men in the sense that daughters inherit land from their mothers and husbands get land through their wives. However, she points out that the new Land Policy was designed with patrilineal societies in mind, where women's land rights under customary rules are considered to be secondary and fragile (Peters 2010).

Peters further points out that the aim of providing gender equity in land acquisition in both patrilineal and matrilineal systems is admirable. She states that such changes could lead to a departure from existing norms and practices and further reshape kinship and residence patterns and thus the social relations involved (Peters 2010, 191).

3.4. The Mozambican Land Law

Experiences of how the Mozambican Land Law works in practice is still based on limited empirical studies of the local implementation processes (Kaarhus and Dondeyne 2015, 194-195). All land is a property of the state according to the Mozambican Constitution, and on that basis, the Land Law recognize local people's user rights to land through collective tenure where communities can have their land rights formally recognized through a delimitation process that offers stronger protection on a community level (Knight, Salomao, Tankar 2014, 37-38). All members within a delimited community have equal rights to the delimited land, however, the Land Law do not give any instruction on how land should be allocated within the area (Krantz 2015). As Krantz points out, since the formalization process legitimizes the traditional roles of the leaders, the régulos, it gives them more power over the community, that he could easily manipulate and for example allocate more land to his relatives and other local elites (Krantz 2015, 9-13).

Kaarhus and Dondeyne's study focuses on how customary rights in a rural community in central Mozambique are represented, regulated and legitimized through the process of delimitation. They further demonstrate how local women's role gets marginalized in the process, where women's legally established equal rights were not represented in the community's self definition of a land-holding entity. Thus, their conclusion is that the land delimitation process in central Mozambique asserts male power while marginalizing women in the process. Their analysis demonstrates how the legally established women's land rights got lost in a setting where traditional and male power positions were at stake (Kaarhus and Dondeyne 2015, 195-196). It is important to note that in the area of their study in central Mozambique, patrilineal norms and practices are dominant, what has implications for rights to access and manage land (ibid, 197). Other research has further shown that as land becomes increasingly scarce and grows in value, the groups most vulnerable to land grabbing by family members and community elites, are women and the poor. However, this discrimination does not necessarily reflect customary norms but rather the reinterpretation and misuse in bad faith of such norms (Knight, Salomao, Tankar 2014, 14).

The Land Law does state that individuals and groups, men and women who are members of a local community, can apply for individual land titles within the

delimited community land, a process referred to as demarcation. However, this angle has not been used to strengthen women's rights to land in rural communities (Kaarhus and Dondeyne 2015, 212). Kaarhus and Dondeyne argue that the Mozambican Land Law primarily aims to secure collective community rights, rather than women's rights or individual land rights, to protect the local's rights against external agents. At the same time, they secure land tenure for external agents seeking to invest in rural communities (ibid, 211). Amrita Kapur points out that the laws in Mozambique have not translated into equality between men and women in practice since power imbalances within the household remain, that restrict the implementation of the laws (Kapur 2010, 13). As Karin Lidström discusses, it is a challenge to force new information and knowledge about the importance of women's rights and participation to societies where prevailing norms do not allow for such discussion (Lidström 2014, 22). Further, women's ability to claim their land rights is restricted because of higher illiteracy among women and many of them do not speak Portuguese, which is the language used in official contexts (FAO 2015). Hence, there is still a need to develop a structure to secure women's land rights within already delimited community land (Kaarhus and Dondeyne 2015, 214).

3.5. Experiences from the matrilineal north of Mozambique

In areas that follow a matrilineal kinship inheritance system, such as Niassa, land is inherited from mothers to daughters through the maternal lineage (Arnfred 2011). Matrilineal practices are deeply founded in the culture and have endured in northern Mozambique despite strong historical ties to the Swahili world and Islamic practices (Bonate 2006, 157). Carla Braga studied matrilineal groups in Niassa in relation to the Land Law and argues that the Land Laws are based in patrilineal and social systems where land rights are a male prerogative. She states that even though the Law promotes equal access to land for both women and men they cannot guarantee it in practice since they fail to reflect the reality of matrilineal societies where one can find various rules about residence after marriage where women are often heads of the family and key figures on land matters. Braga takes an example where she refers to Article 12 in the Law that states that "use and benefit rights to the land may be acquired by occupation according to customary norms and practices so long as these do not contradict the Constitution". Here she points out that preventions are made to avoid that women are being excluded from inheritance as often happens in patrilineal

societies. However, Braga asks why then are the rights that women have enjoyed up until now in matrilineal societies not secured too? (Braga 2001, 199, 220-222). As was discussed above in relation to the Malawi Land Policy, the Land Laws of Mozambique also provide equal access to the right to use land and benefit from it, and to inherit. Article 16:1 states that 'the right of land use and benefit may be transferred by inheritance, without distinction by gender' (Kapur 2010, 11).

4. Theoretical framework

The role of the theoretical framework in the research is to make sense of the data gathered from the fieldwork. The theoretical framework consists of key concepts that are relevant for the research topic, thus facilitate the understanding of the thesis.

4.1. Land tenure rights

Land tenure refers to the way land is held or owned by individuals or groups. Individuals and groups can hold different tenure rights to the same piece of land, claims that can either be formal, informal or customary, and can include access rights, use rights, property rights, leasehold or freehold (Knight 2010, 19; Razavi 2007, 1486). In Mozambique, the state holds an ownership to the land, including its resources, wildlife and forests. The land rights of the people of the country are considered rights of usufruct. They are thereby granted access to the resources to exploit them (Akesson et al 2009, 19). To have land tenure security means that one's land tenure rights are recognized and enforceable, they are backed by law, custom or tradition, and are therefore legally and socially protected when challenged (Meinzen-Dick and Mwangi 2008, 36-37; Knight 2010, 19).

In Mozambique, the local people's land rights are acquired through a membership in a community. In the Mozambican Land Law, community is defined as: *a group or families and individuals living within a geographical area at the territorial level of a locality or subdivision thereof, and which seeks to safeguard its common interests through the protection of areas for habitation or agriculture, including both fallow and cultivated areas, forests, areas of cultural importance, pasture land, water sources, and areas for expansion* [Article 1] (Alden Wily 2001, 90). However, membership in a community does not necessarily guarantee rights to use the land,

rather the permission to claim them. Factors such as ethnicity, class, gender, and age influence the terms of tenure (Lund and Boone 2013, 6).

4.1.1. Bundle of rights

In Africa, the rural communities generally consider themselves to be the traditional owners of the land they inhabit and all the naturally collective resources that fall within their domain (Alden Wily 2011, 734). Ben Cousins emphasizes that recognizing power relations in communities is crucial in order to understand how tenure regimes work in practice (Cousins 2007, 282). Land tenure in Africa has often been described as a 'web of interests' that refers to the diverse claims of various parties to the rights to use or manage land and its resources. Those rights are fundamentally about social relations and are either based in customary institutions, local norms or in state law, and have therefore been called 'a bundle of rights' (Meinzen-Dick and Mwangi 2008, 36-37). Cousins argues that land and resource rights are embedded in social and cultural relations, such as within households and kinship networks, and often overlap. Further, they imply both strong individual and family rights, thus they are both communal and individual in character (Cousins 2007, 293).

Daniel W. Bromley emphasizes Lund's (2000) discussion about the multiplicity of interests in the same parcel of land in many places in Africa. That is, the same parcel of land can be of interest to various members of a family or even a whole village, where there are socially recognized claims on different attributes or products coming from the land (Bromley 2008, 24). At the same time, as the same piece of land can belong to individuals or groups in the present, it can even belong to the ancestors in the past, and to someone in times yet to come (Meinzen-Dick and Mwangi 2008, 37). It is fair to say that land claims are complex. As Bromley asks, whose claims should be prioritized and secured? (Bromley 2008, 24).

4.1.2. Theorizing access to land

Cousins points out that there is a difference between having the rights to access land and to be control of those rights. Access to land is through defined rights while control of land is through authoritative systems and administration that enforces and guarantees the rights to access land (Cousins 2007, 293). According to Meinzen-Dick and Mwangi, to have the 'right' to land refers to the rights to access a resource,

withdraw or exploit it for economic benefit, to take decisions and manage the land, and exclude others from using it (Meinzen-Dick and Mwangi 2008, 36-37). Ribot and Peluso define access as "the ability to derive benefits from things", in this context the ability to derive benefits from land (Ribot and Peluso 2003, 153). By focusing on the term *ability* instead of *rights* opens a space to consider all social relations and how they either constrain or enable people to benefit from the land. The question becomes who is able to benefit from what, how, when and why. That is a matter of power structures, how power and authority is exercised through various mechanisms and processes, that in turn affects people's ability to benefit from the land (ibid, 153-154). Thus, to analyze access, is the mapping and identifying these mechanisms by which access is gained, maintained and controlled (ibid, 160). As Kaarhus and Dondeyne point out, land rights in the Mozambican legal context are thus defined in accordance with Ribot and Peluso's concept of access, hence the recognition by the Mozambican Land Law of customary rights are referred to as 'the right to use, and benefit of, the land', and the state is the proper owner (Kaarhus and Dondeyne 2015, 196).

4.1.3. Customary land tenure

Customary law has been defined as "a body of norms generated and enforced by a traditional, sub-state polity and governing the actions of its members, that may or may not be recognized by national law. Customary rules are best not regarded as informal, because they enjoy social sanction by a polity. They come with administrative institutions and powerful advocates and have deep cultural resonance" ([Bruce 2007] in Knight 2010, 20). As Krantz discusses, one of the main characteristic of customary systems is that they are socially embedded in the context they operate in, which in relation to land means that land access rights are determined by one's membership and status in a social group that controls a particular land area (Krantz 2015, 2). Generally, local customary rules and practices in rural areas, where there is a lack of state infrastructure and administration, are used to solve conflicts and address the community members' legal needs, among other things (Knight 2010, 21). Alden Wily claims that customary systems per se provide a powerful source of security where the local communities are the source of decision-making and norms and regulations, and not the state. As Bromley discusses, that titling requires the poor to switch from embeddedness in a known and secure system to another one that is not obviously superior (Alden Wily 2008, 46).

Customary systems are highly influenced by colonial policy where community land rights were emphasized and the role of the chiefs was enforced as the leaders over those collective rights. To strengthen their control over the land, the colonial powers used the chiefs as puppets and forced them to accept colonial policies against the best interests of their communities (Knight 2010, 20-22). According to Cousins (2007) such interference and filtration of customary rules by the colonial powers transformed custom and its rules and practices. It overemphasized group claims of land rights and redefined women's land rights as fragile and secondary to those of men (Knight 2010, 22). In the case of the Land Laws of Mozambique, customary laws are being formalized on a community level that further legitimizes the power of the chiefs, the régulos, over the communities (Krantz 2015; Lidström 2014). As Rachael Knight points out, customary law today is a mixture of customary African laws and Western colonial laws, influenced by globalization and multiple other factors (Knight 2010, 23). Customary systems may reflect power relations within a family or community where customary land rights are often socially embedded which means that one's claims to land are negotiable and influenced by diverse social and cultural factors (Knight 2010, 26).

4.1.4. Formalization of customary land tenure

To formalize customary rights means that they are being granted a legal recognition in statutory law. As Cousins points out, power relations are an important aspect in the understanding of how tenure regimes work in practice. The customary authority system is indeed controversial and widely debated (Cousins 2007, 282). The formalization of communal customary laws means that according to the laws, anyone who has been working on land for ten years in good faith has an automatic de jure 'rights to use and benefit' from that land. It further makes customary rights equal to formally granted statutory rights and protects the rights of vulnerable groups (Knight 2010, x). However, formalization of land rights is done via the registration of land interest as it appears in any customary context. Hence, existing land rights, held either individually, jointly or collectively, are recognized through titling and registration (Daley and Englert 2010, 94). According to Meinzen-Dick and Mwangi the formalization of land rights leads to a cutting of the web of interest where it creates more exclusive forms of rights over land and its resources (Meinzen-Dick and Mwangi 2008, 36).

Liz Alden Wily favors the legal integration of customary systems into the statutory one instead of a legal dualism or pluralism and points out that to recognize customary interests in land, the existence of the customary system which sustains those rights also needs to be recognized (Alden Wily 2008, 46). She points out that within the African customary system all members of the communities are generally accepted, not just the better off. Therefore, issuing individual titles could undermine the land rights of the poorer ones and the more vulnerable, such as women (Alden Wily 2008, 47). It has further been pointed out that the formalization of customary law has to provide joint "ownership" between a husband and a wife. Otherwise it will undermine both "ownership" and use rights of those who are most involved in agricultural production (Meinzen-Dick and Mwangi 2008, 37-41).

However, by giving legal recognition to customary rights could undermine women's rights to land where women's land rights are generally considered secondary to those of men under customary law (Knight 2010, 22). Regarding the Mozambican Land Law, where customary rights are being formalized on a community level gives the rural communities the opportunity to adjust customary norms and practices as they please, now under formal law (Alden Wily 2001, 94). However, customary rules and practices are subject to change, that means that they are not preserved as they appear now, and should therefore rather be developed further, instead of initiating a completely new tenure system. As Daley and Englert point out, customary rules should be updated and reshaped as a means of working with what is already there instead of replacing them with completely new rules (Daley and Englert 2010, 100). Therefore, in shaping land tenure reform policies, it is important to consider what customary norms and practices prevail in the given context and what factors determine people's access to land. In Niassa, a matrilineal kinship inheritance system is followed that has implications for land rights. Hereafter, the concept of matriliny and matrilocality will be discussed and problematized in relation to women's land rights under the Mozambican Land Law.

4.2. A gender perspective on land tenure

This research focuses on women's experiences and capabilities in enforcing their rights in relation to the Mozambican Land Law. A gender perspective is therefore critical where it acknowledges the structural gender relations that have implications for women's opportunities and actions. Gender relations are socially constructed and

maintained and affect women's and men's abilities to cope with institutional and societal changes (Tvedten 2011, 3). As Ingrid Yngstrom argues, gender relations are central to the organization and transformation of land tenure systems (Yngstrom 2002). A gender perspective is therefore a critical analytical tool in order to explain structural inequalities between men and women on all levels within social systems (Tvedten 2011).

It has been noted that gender divisions and inequalities in the household lead to inequality on other levels in the public sphere, such as in relation to agrarian reform (Razavi 2007, 1486). In order to achieve equality and as a basis for development it is fundamental to include women in decision-making processes and ensure their access to power in all spheres of society (UN Women 1995:13). Agrarian reform in the beginning of the 20th century up until 1970s was highly gender blind where it was generally assumed that by granting an asset to the household, meaning, to the head of the household that was usually male, would benefit its members equitably. This means that women were assumed to benefit through their husbands (Razavi 2007, 1479). This perspective has however changed where development projects and policy makers have started to observe women's priorities and concerns as a separate issue rather than counting on that they will benefit from men's involvement in such programs as dependents (FIG).

Recent land tenure reform where the new trend is to formalize customary rights, meaning that land management institutions are getting closer to the ground, closer to the people actually using the land, is controversial from a gender perspective. It has been pointed out that the shift facilitates actors involved in policy making on securing land tenure to engage with women. However, it can further lead to the land management institutions to get too closely intertwined with existing social power structures, that in turn can disadvantage marginalized groups, such as women (Razavi 2007, 1490). In order to address power inequalities and institutional biases it is necessary to go beyond the legal framework and regimes and broaden the analytical framework, as Razavi suggests. Although women's land rights are now widely incorporated in the statutory legal framework they still lack the resources to enforce their rights (Razavi 2007, 1489).

4.2.1. The debate of securing women's land rights

Although scholars seem to disagree whether the customary system strengthens women's land rights, it is a common agreement that as land becomes more scarce existing customary practices that safeguard women's land rights are undermined (Knight 2010, 32). That is, as land becomes more commoditized, the land claims of less powerful groups, including women, become more vulnerable. Consequently, women are losing their negotiating power both within their own family and among their husbands' kin (Knight 2010, 32-33). Further, women lack independent land rights under customary land tenure but get access to land through social relations, usually through their husbands or through male relatives from their own lineage (Krantz 2015, 5).

Meinzen-Dick and Mwangi point out the importance of individual rights within the household. Research has shown that securing women's property rights enhances agricultural productivity, household welfare, and women's own empowerment status. However, in many societies, women's access to resources is through their social relations to men, their husbands, sons, fathers, brothers etcetera, or as members of a community. Women's rights to land are embedded in this web of relationships. Although women's individual land rights under customary law are often problematic, the web of relations implies shared obligations regarding land. However, when titles are issued it leads to these shared interests and rights in the same piece of land to be brought together and claimed by one person. Women have tended to fall behind in this process due to their lack of income, political power and the obligations within the household. The titles usually go to the men in the household that gives them the power or the legal right to sell or take decisions regarding the land, without the woman's consent (Meinzen-Dick and Mwangi 2008, 37-41; Razavi 2007, 1486).

4.2.2. Matriliny and matrilocality

In Mozambique, *matriliny* is a socio-cultural characteristic that, with respect to this research, means that women's access to land is mainly through their families where mothers allocate land to their daughters at marriage and men usually get access to land through their wives (Arnfred 2011, 221, 241; Gawaya 2008, 149). Matriliny is a complex phenomenon and is not easily defined by a single measure but it principally refers to the practice of tracing descent through the mother's line of the family. *Patriliny* on the other hand means that descent is traced from the father to his son. In

matrilineal societies, inheritance of goods, such as land, goes from mothers to their daughters when they marry. Further, in matrilineal societies transmission of powers goes through maternal uncles to their nephews (Arnfred 2011). Audrey Richards observed that women do not enjoy greater social and political space under matrilineal structures since the authority is still vested in the men in the matrikin (Kaarhus 2010, 9). In Mozambique, positions of power have historically belonged to men where the traditional chiefs over the communities, the régulos, are always male, both in the matrilineal north and the patrilineal south. In matrilineal societies, women and their children are considered the 'property' of their families, rather than the 'property' of their husbands (Tvedten 2011, 5). However, women have also been considered to enjoy greater social authority in matrilineal societies where they are defined from their roles as sisters rather than wives, and as a sister, a woman is surrounded by her own kin (Arnfred 2011, 30). It all comes down to the same that the ones in power are the men, the husbands in patrilineal societies and the mother's father or brothers within the matrikin in matrilineal societies. Although there are sometimes quite influential women at the level of clans or extended family units, they don't have any formal positions of power, as the male régulo (Tvedten 2011, 5).

Although political leadership in a particular society is patrilineal, the inheritance of property and goods might not be, and vice versa. In fact, inheritance is not exclusively either matrilineal or patrilineal but a bit of both (Waterhouse and Vijfhuizen 2001, 11). It further varies where a married couple fixes their residence. In matrilineal societies it is usual for a married couple to settle on the wife's kin, a residence pattern referred to as being *matrilocal.* However, residence patterns vary and it has been found out that matrilineal descent is in many cases combined with *patrilocal* residence, meaning that a married couple resides with the male's kin (Waterhouse and Vijfhuizen 2001, 11; Kaarhus 2010, 176).

In matrilineal and matrilocal structures, the husbands of the daughters in the matrilineage are subject to the authority of the wife's brothers regarding authority of decision-making (Kaarhus 2010, 177). The children further always belong to their matrilineage. The relationship between a man and his nephews is therefore considered more important that between a man and his own children (Arnfred 2011, 95). In matrilineal structures where a patrilocal residence is followed, the reason has been claimed to be that the husband can be close to his sisters and therefore the nephews

for whom he is responsible. The disadvantage of a patrilocal residence in a matrilineal society is that wife and children do not enjoy the security of their matrikin since they live on the husband's family's territory (ibid, 163). Audrey Richards discussed this as the matrilineal dilemma deriving from "the difficulty of combining recognition of descent through the woman with the rule of exogamous marriage" ([Richards 1950: 246] in Waterhouse and Vijfhuizen 2001, 163).

4.2.3. Problematizing matriliny

Matriliny has historically been described as primitive by anthropologists and situated on an evolutionary scale. Recognizing women's authority has also been difficult since, according to Lévi-Strauss, it upsets the order of things, note, seen from a Western perspective (Arnfred 2011, 225). However, as Carla Braga states, matrilineal societies should not be seen from an evolutionist perspective that assumes that they have to give way to patriliny as a pre-condition for development, meaning that matrilineal societies are generally situated at a backward stage. She claims the matrilineal system appears to be quite resilient and points out that the persistence of matrilineality and matrilocality through the centuries is an indication of the capacity to adapt and the flexibility of the matrilineal kinship ideology (Braga 2001, 199, 220-222).

To understand the concept of matriliny a gendered discussion of power is crucial. Western anthropologists have generally perceived African reality from a European colonial perspective and therefore assumed power to be male. However, as pointed out by Oyéronke Oyewúmí, in many ethnic African languages local terms of leadership are genderless unlike the English term 'ruler' that equates to 'king'. Historically, the rulers were therefore assumed to be male, blinding anthropologists of the possibility that the rulers were sometimes women (Arnfred 2001, 154). Arnfred points out that it all comes down to matriliny being problematic, confusing, illogical and full of puzzles. As long as it is taken for granted that men exchange women, that men have authority over women and children, that men and relations between men is the point of departure in kinship systems, matriliny becomes complicated (Arnfred 2011, 228-229). As Oyewúmí further points out, the most important position of a woman is her position as a mother, which is in itself a position of authority (Amadiume 1997, 5; Arnfred 2011, 114).

5. Methodology

Considering the aim of the research, which is to explore women's rights to land in Niassa under the Mozambican Land Law, and the research questions, the methods chosen are qualitative. The approach of the study is interpretive since I believe that reality is socially constructed and the purpose of the research is to reflect an understanding and shed a light on the social world of the women of Niassa (Brymann 2012, 380; Willis 2007). Moreover, the study is shaped by aspects of feminist critical approach to fieldwork where the women are given a voice and the emphasis is on their lived experiences and how the everyday contributes to the maintenance of power relations between men and women that therefore influences women's opportunities (O'Reilly 2009, 65-68). To achieve this goal an anthropological ethnographic fieldwork was carried out in the province of Niassa for eight weeks, where I conducted 30 interviews along with a participant observation.

In the following the ethnographic method will be presented along with a discussion of the selection of research area and the main methods of data collection that are interviews and participant observation. I will further elaborate on why I put an emphasis on conducting interviews during my fieldwork and why I found that to be the most suitable method to collect information in this particular setting. Further, the process of analysis will be accounted for, followed by a discussion of the role of the researcher and ethical considerations, delimitations, and the validity and reliability of the research.

5.1. Ethnographic research

Ethnography is a fluffy concept and is difficult to define. It refers both to a research method and the written outcome of a research. Broadly speaking, the method entails that the researcher immerses oneself in the social life and context of those being researched for an extended period of time and observes their behavior and asks questions (Brymann 2012, 432). It is a method of gaining an understanding of the social world and recognizing all its complexities. Further, it is reflexive of the role of the researcher and the 'messiness of the research process' (O'Reilly 2012, 11). An ethnographic research is carried out in an everyday setting, consists of an ongoing interaction with people in their local context and seeks to explain the meaning of individual actions by using several methods such as participant observation, in-depth

interviews and conversations (O'Reilly 2012, 3; Van Maanen 2011, 2). The result, namely, an ethnography, is therefore a written representation of selected aspects of a culture (Van Maanen 2011, 1-4). Karen O'Reilly refers to David Fetterman's words who calls ethnography "an ambitious journey through the complex world of social interaction that involves telling credible, rigorous and authentic stories" (O'Reilly 2012, 2).

My research about the women in Niassa is not a full-scale ethnography but rather a micro-ethnography, a term Brymann uses (Brymann 2012, 433). Eight weeks is a limited time to reach a full understanding of a foreign culture (O'Reilly 2012, 128), however I did live in the field for eight weeks and therefore was able to build relationships with my informants which is one of the key elements that distinguishes ethnography from many other approaches to data collection (O'Reilly 2012, 93). Since I further used the various methods of an ethnographic research one can say that my study has an ethnographic touch to it. Moreover, before I conducted the research I did an internship in Maputo in Mozambique with a NGO called Centro Terra Viva, that works, among other issues, with the implementation of the Land Law in some provinces. That experience helped me to get to know Mozambican culture prior to my fieldwork period, which was without a doubt of an advantage. During the fieldwork in Niassa I studied people's actions in their everyday context. As is usual in ethnographic research my study had an open ended inductive approach that means that the data collection is quite unstructured and the research design was open for changes (Hammersley and Atkinson 2007, 4). Ethnographic research has been described as a spiral rather than a straight line due to the messy research process. It means that the research design is continuous and while doing the research one goes in many circles (O'Reilly 2012, 40), as was the case in my research. I embraced the whole experience including its flaws, be it misjudgements, cancelled meetings, misunderstandings often due to language barriers, and some casual hanging out with friends I made while in the field. As Van Maanen points out, one cannot plan everything that will happen and choice is often by impulse, not by rational choice as one would have wanted (Van Maanen 2011, 2). My main research method was semi and unstructured interviews but complemented with a participant observation, that is known to be the main method of ethnographic research (O'Reilly 2012, 86), and other sources of data.

5.1.1. Selection of research area and participants

When I first arrived I got in contact with We Effect and ORAM, a local NGO that is involved in the implementation process of the Land Law in Niassa. Since Niassa is a big province and due to time and financial restrictions, I narrowed the fieldwork down to mainly one site, namely Majune district, a decision made along with Dr. Lasse Krantz, We Effect and ORAM. Majune is one of the main districts of their ongoing research and is located centrally in Niassa not so far from the city, Lichinga. Thus, the location was chosen mostly out of convenience and practicality. Most of the time I lived in the village of Malanga Sede, which is an administrative center in the district, and travelled from there to nearby communities to conduct my research. I further made 3 interviews with the farmers associations in Malanga Sede. Since the laws provide collective community land rights I chose four recently delimited communities to focus on, where I conducted the interviews to explore women's rights in relations to the land. Those four communities were; Chipuipui, Nzilo, Malila and Nairubi. The community of Chipuipui is Macua, Nairubi is half Macua, half Yao, and Nzilo and Malila are Yao. The community of Malila, has a *rainha*, a 'queen', instead of a *régulo*, that I thought was interesting to explore further. All of the communities had it in common that they were delimited in 2014 or 2015 and it was ORAM that did the delimitation. Since I needed transportation to the communities chosen, the most convenient option was to have a driver that could also serve as my translator. ORAM managed to locate a local young man, Eugenio, who both had a motorbike and spoke good Portuguese, thus, fitted perfectly in the picture. He is of Yao origin and comes from Malila, a fact that I considered while interviewing in that community.

The requirements one had to fulfill to be an interviewee was simply to be a woman and be a member in one of those communities. Furthermore some men were included to get a broader perspective and understanding of the culture. It was not a requirement for the women to have participated in the delimitation process rather I wanted to hear about their culture and their experiences in relation to the land and the Land Law. Further I talked to many farmers associations, that many only consisted of women, that were either formed in relation to the delimitation process, or even before, and many of who participated in the delimitation process. It was a snowball selection what means that the researcher uses already made contacts propose the next one who is relevant for the study, hence, the sample expands like a snowball. However by using

snowball sampling one has to be aware of the heterogeneity of the group and who might be excluded from that group (Brymann 2012, 424; O'Reilly 2012, 44). To avoid that I emphasized with my translator, who also was my key informant, that a variety of people was important to get the broadest perspective of the situation.

5.1.2. Participant observation

The terms ethnography and participant observation have been difficult to distinguish. Both involve that the researcher spends a specific amount of time with the group being researched, asking questions and taking field notes (Brymann 2012, 432). Since participant observation implies just observation, although there is usually more to it, for example conversations, I prefer to use the term ethnographic about my research since that involves many methods, including participant observation and in-depth interviews. As Brymann points out, ethnography is a more inclusive term and refers both to a research method as well as the written outcome of that research (Brymann 2012, 432).

When one enters the field one has to know what to observe since it is not feasible and almost completely impossible to observe "everything" as Dewalt and Dewalt point out. The researcher has to choose a representative set of activities and events in which to participate in and observe (Dewalt and Dewalt 2011, 89). During my fieldwork I was based in Majune district and therefore lived in the field although I did not live in the communities I mainly conducted the interviews. However, I had many informal conversations and got the feeling of how life works in Majune. In addition to my interviews I further attended community meetings and trainings concerning the delimitation process organized by ORAM, and focused on women's participation. However, by concentrating on certain factors the researcher can miss important information that will later prove essential for the study (Bernard 2006). To avoid this I kept my eyes open for additional information and included every possible detail in my field notes. Interacting with locals and participating in their daily life has proved effective for anthropologists when it comes to the understanding of how social interaction and communication takes place in respective societies (Loftsdóttir 2008, 15; Kaarhus and Dondeyne 2015, 198; Lidström 2014, 15-16). However, I did not feel like only performing a participant observation was sufficient to reach an understanding of the culture and the impacts of the implementation of the Land Law on the women in Niassa, mostly due to language barriers, and eight weeks is not

enough time to fully grasp all aspects of a new language. Nonetheless, the experience was helpful in understanding and making sense of the knowledge attained from the interviews, as Bernard recommends (Bernard 2006, 350) as the observation in the field paid attention to what people *did,* how they behaved and interacted to each other, and thus helped put the data in context (Lidström 2014, 16).

5.1.3. Interviews

What characterizes ethnographic interviewing is that it is conducted with persons that the researcher has established a relationship with and is therefore more of a conversation than formal interviewing. The researcher is engaged, spends some time with the interviewee, therefore the whole process is quite time consuming. Often the same people are interviewed many times which gives them time to change their minds or go more into details as they get to know and trust the researcher (O'Reilly 2012, 127-128). My study is based on ethnographic interviewing, along with the participant observation, where I conducted both in depth interviews and had more relaxed informal conversations. The interviewees both served as informants and respondents (Brymann 2012). I wanted to obtain knowledge of the culture and traditions, hence I treated the interviewees as informants where they gave insight into life in Majune and provided information about their traditions and structures regarding their land tenure. However I also was interested in the women's personal experiences and perceptions in order to enrich my data, thus they were also treated as respondents.

The in depth interviews were either with individuals or in pairs, along with group interviews of three to ten persons. The formal interviews were conducted with 45 women in total and nine men. Further, one formal interview was conducted with FOFEN (Appendix 2), an NGO working with women's issues in Niassa, along with many informal conversations with other NGO workers, especially from ORAM. The interviews were semi and un-structured along with a few narratives. This mix of various techniques was used in order to get as much information as possible from different angles and to ensure that the information was consistent to some point. Similar studies of land rights issues have used interviews as a research method to gather information from different actors, which gives different perspectives on the matter in question (Bayisenge, Höjer and Espling 2015, 77; Kaarhus and Dondeyne 2015, 198-199; Lidström 2014, 15-16). The interview process in an ethnographic research is interesting per se. I paid attention to how my interviewees said things, how

they sat and who spoke, along with the misunderstandings, the ambivalences, and the controversies. As O'Reilly points out this is often of most interest to the interpretive researcher (O'Reilly 2012, 119).

The semi-structured interviews followed a general script to cover various topics but as they were influenced by an ethnographic approach they were open ended that gave participants space to express themselves freely (Brymann 2012; Creswell 2014; Bernard 2006, 210; O'Reilly 2012, 118). The interview guide was guided by the questions raised about the topic in previous research and the main theoretical issues along with the main current issues regarding women's land rights in Mozambique whereas the knowledge obtained at my internship at Centro Terra Viva helped me formulate my interview guide around those issues. The interview guide started with basic background questions to get to know the informant and make her feel comfortable. The main questions were then divided into themes where each theme had questions that guided the interview (Appendix 1). I made an effort to memorize the interview guide to make the situations more comfortable, both for myself, and my interviewee. Due to that, I sometimes forgot questions but also asked new ones, depending on my interviewee and what topics she/they emphasized. That is how I let my interviewee lead the conversation up to some point, but made sure that I guided it with the themes I wanted to be covered. To sum up, the concluding questions gave the informants space to add more if they found that was important.

The un-structured and informal interviews took place all the time and were thought of as to get the locals to open up and express themselves on their own terms in a familiar environment (Bernard 2006, 210). Unstructured interviews are often used in ethnographies and are more of a conversation. It encourages the interviewee to talk about matters he himself thinks is important (O'Reilly 2012, 120). If a similar opinion came up in the informal un-structured interviews I discussed it further in the individual and group semi structured interviews in order to reach a better understanding of the topic in question (Bernard 2006, 233). In the groups interviews it was interesting to see the group dynamic, who talks the most, how ideas are shared and formed in interaction (O'Reilly 2012, 133).

The interviews were mainly conducted in the four communities chosen, however three semi-structured group interviews were conducted in Malanga Sede along with

many informal talks and observations. Every now and then I went to Lichinga to transcribe the interviews into my computer, have conversations with my colleagues to deepening my knowledge, and reflect over my findings. In Lichinga I further took one interview with two women who work for FOFEN, a NGO working with empowering women in general, and attended a workshop organized by We Effect and ORAM. Most of the interviews were not recorded since I did not feel the need of recording the interviews where I had my translator, but actively took notes and rewrote them as soon as I got home. However the interviews conducted in Portuguese I used a recorder after asking permission from the interviewee since I felt that I did not have time to take sufficient notes. When in Lichinga, I transcribed the interviews to have them also in a computer document, which made the analysis more efficient.

5.1.4. Process of analysis

The analysis of the data collected was an ongoing process during the whole research. As is usual in ethnographic research, the process of analysis is intertwined with the whole research process, meaning that it is not separated or a different phase of the research, rather, the researcher usually analyses the data along the way, creates thematic groups and makes sense of the field notes (O'Reilly 2012, 180-181; Hammersley and Atkinson 2007, 158-159). I started analyzing my data from the beginning, from the first conducted interview along with general field notes from my stay in Majune. This process included reviewing the field notes, summarizing and looking for patterns (Dewalt and Dewalt 2011, 179). The research design was flexible and characterized by fluidity, and was open for new ideas the whole process (O'Reilly 2012, 29-30). When the fieldwork period came to an end I re-read the field notes and the interview transcriptions several times and further sorted them into thematic categories that I explored in relation to relative theoretical concepts and findings from previous research. As according to O'Reilly (2012, 186), the analysis involves making sense of all the data by sorting and organizing, and eventually turn it into a coherent argument that is to be presented to a diverse range of audience, in this case in the form of a mini ethnography where women's land rights in Majune district under the Mozambican Land Law are explored.

5.2. The role of the researcher and ethical considerations

Some would claim ethnographic fieldwork to be highly unethical since the researcher is digging into the participants' lives, asking questions and analyzing their behavior.

In other words, being rather inappropriate. There are indeed numerous ethical concerns one needs to be aware of while conducting ethnographic fieldwork. However by being aware of these dilemmas, ethnographic research has become more reflexive and thoughtful (O'Reilly 2012, 63). The main ethical issues concern informed consent, the privacy of those being researched, harm, and exploitation, meaning that the researcher uses those being studied and they get nothing in return (Hammersley and Atkinson 2007, 209-218; Brymann 212, Bernard 2006). To avoid these ethical dilemmas I introduced myself and my research to my respondents in the beginning, and they were informed of the study at all times. The participation in the interviews was voluntary and I always asked permission before I used a recorder or took notes, and respected that usually my interviewees were rather skeptical of me recording the interviews, hence I usually did not record them. Furthermore, I realize that I am privileged as a researcher in the sense that I can come and leave the field when I want (Brymann 2012, 454-455). I considered my reflexivity and positionality the whole time, be it during the fieldwork or when analysis the field notes, and I acknowledged that my background and knowledge shapes the study (Rose 1997; Creswell 2014; Brymann 2012, 453-455). Further, and I must agree with Dewalt and Dewalt, that the researcher's sex, if he identifies as a woman or a man, is one of the most significant social facts that will impact the research. It affects for instance access to those being researched and to different settings, as well as the information that is shared with you (Dewalt and Dewalt 2011, 99), as I clearly felt.

5.3. Methodological delimitations

Time and financial restrictions limited this research to eight weeks on the field. My original plan was to do an intensive ethnographic fieldwork where I wanted to spend as much time as possible in the communities with the locals to better understand their culture and habits. However, since a minority of the locals spoke Portuguese and I only stayed for eight weeks, it was rather difficult. However, ethnographic methods were used where I had my eyes open for every detail the whole time I spent in Niassa, and took field notes and wrote down my own thoughts about how people act and behave.

The majority of the interviewees are women as I wanted to hear their concerns and experiences regarding their land rights. It would have been interesting to include

men's views as well to enrich the data and get more perspectives. However, that was not feasible at the time.

5.4. Validity and reliability

Since this ethnographic study of Majune is contextual the ability to generalize is difficult. It is further difficult to replicate, a factor that has been considered a measurement of a study's external reliability (Brymann 2012, 390). However, I would argue that by spending a long time in the research setting and get to know the interviewees as is done in an ethnographic study is a very valid method to explore the actions of humans in all its complexities and what social and cultural factors shape their actions and behavior. Therefore, my findings will contribute to the topic of land tenure reform where it will shed a light on issues of women's land rights in matrilineal kinship inheritance system under customary land law. However by conducting research that involves human beings is challenging where informed consent of the research can lead to the interviewees to start behaving differently and tell the researcher that they think she wants to hear (O'Reilly 2012, 65). I kept that in mind while conducting my fieldwork and looked for controversies and consistencies in the interviews and conversations, as well as in the participant observation. Further, I was reflexive the whole research and acknowledged my role as a researcher, during the fieldwork and in this presented paper, which gives the research further validity.

6. Results and analysis

In this chapter the results will be analyzed and discussed. They are presented in three categories where each one explores one research question in relation to relevant theoretical concepts and previous research to enrich the analysis. Each category is further divided into sub-themes, which facilitates the reading. Finally a general discussion is provided in order to connect the three categories since the research questions are all interrelated.

6.1. Women's positions in matrilineal Majune

On the main road right before reaching Luambala River, heading towards Malanga Sede, one passes the tomb of Queen Bibi Achivanjila, the spiritual leader of Majune district. The story of the Queen, how she made it on her own and went from being a slave to a queen, makes one wonder over the social status of women in Majune. The

tradition of the Queen continues and the current queen in the community of Malila is respected where she has spiritual powers and the locals ask for her advice when having problems. However, as I learned during my stay in Majune, her respected status and spiritual powers did not seem to translate fully into other sectors of the community. As has been observed among matrilineal groups, women's power is more on a spiritual level and they do not hold any formal positions of power. These positions are generally occupied by men (Peters 2010).

6.1.1. Land access: Inheritance and residence patterns

In a matrilineal society descent is traced through the mother's lineage that with respect to this research means that inheritance of land goes from mothers to daughters and men gain access to land through their wives at marriage (Arnfred 2011, 221, 241; Gawaya 2008, 149). Theoretically, this is the case in Majune, where mothers allocate family land to their daughters at marriage, and the husband normally moves to his wife's family, a practiced referred to as being matrilocal. The man therefore gains access to land through his wife. However, matrilocality is not written in stone and it varies where a married couple resides after marriage (Kaarhus 2010; Peters 2010; Gawya 2008), as is the case in Majune. It has been suggested that by residing with the husband's kin, he can stay closer to his nephews for whom he is responsible (Waterhouse and Vijfhuizen 2001, 163). Moreover, according to Kaarhus, when the married couple lives with the wife's kin her husband is under the authority of her brothers or maternal uncles, a situation he might want to avoid (Kaarhus 2010, 10). My interviewees however never mentioned these reasons but claimed that matrilocality was the tradition although they reckoned it was not always followed. My interviewees from FOFEN however confirmed that the relationship between the uncle and nephew in fact is more important than the relationship between a man and his child, since the transmission of power goes from the maternal uncles to their nephews.

> "*Here, the opinion of the uncle is always respected. It is him who can make decisions within the extended family, so if a couple settles with the wife's matrikin it is the uncle who has the authority…and if there is a problem the woman says that they should go to her brother and he will solve the problem*" (Interview 21).

According to my interviewees matrilocality was the norm although it varied where a married couple resides.

> *"It is always the man who moves to his wife's land. He needs to prove to his in-laws that he is a good man and can take care of his wife and give her children. If he can, then he can later take her to his land or a new land, but he has to get an approval from her family first"* (Interview 8).

It however remains uncertain why precisely they move away from the wife's kin although one can make assumptions. My interviewees claimed that if the woman's family does not have enough land to allocate, then they either go to the husband's kin or find a new land, as stated by many women: "*Where there is available land we will settle in order to survive*" (Interview 4,6,13,14,18,26,27,). The only thing was to get permission from the régulo before opening a machamba what however did not seem to be a problem (Interview 1-3,7,11,18-20,25-27). However, the majority of the women could not give any answers for the reasons why they settled away from the woman's kin but always claimed it to be a mutual decision between the husband and wife. Moreover, my translator confirmed that it was in fact quite common to settle on a new land away from the parents since "*no one likes to live with the elders*".

All of the interviewed women did have access to land where they had a machamba, a family or individually "owned" piece of land that secures subsistence of the family (Lidström 2014, 13), either if they were married, divorced or widowed. No one expressed any concerns with losing their access to land or opening a new machamba elsewhere, they only had to ask permission from the régulo. Besides from occasional crop raiding by monkeys and a heavy workload on their machambas, the women generally felt quite secure with their land. Single women however stated that it would be hard for them to open a new machamba on their own due to the physically difficult work it requires. Opening a machamba means that the field is cleared, trees are cut and it is prepared for cultivation. As my interviewees claimed, this is usually a men's work since it requires physical strength, therefore if a married couple opens a machamba together it is the husband who takes credit for the job. Single women can get help from their brothers if they have one. However, the one who opens the machamba is traditonally considered the "owner" of the machamba, thus a married couples machamba generally belongs to the husband. The women who were married

usually stated that their machamba belonged to their husbands although it did occur that they claimed themselves to be the "owner". Single women always stated that themselves were the "owners", both in cases where they had gotten help from their brothers to open it and if they did it themselves.

6.1.1.1. Divorce

In a case of a divorce, where matrilocality was practiced, women kept the machamba while men moved away since the land belonged to the woman's mother's lineage. When women live with their husband's kin she goes back to her family and is guaranteed land there. In cases where the couple had claimed new land it depended who kept the machamba.

> "*If it is a good man, he will leave the machamba with the woman and the children, but if he is bad, he will tell them to leave and then the woman has to leave, she does not have a choice*" (Interview 4).

My translator further took an example of what happens to the machamba in a case of divorce where the married couple lives with the husband's kin or on a new land. It depends on the reason for the divorce whether the man leaves the machamba with the woman.

> "*If a man and a woman have a machamba together and divorce it depends on the reason if the machamba stays with the man or the woman. For example if my wife would sleep with someone else then I would of course not leave the machamba with her. However, if there is another reason I would either leave the machamba with her or build her a new house and open a new machamba for her on her family's land so she can have a good life with her children*" (Eugenio, Malila).

In concordance with the theoretical assumptions of the disadvantages of a patrilocal residence in a matrilineal structure (Arnfred 2011, 163), it is possible to make an assumption that when women do not live close to their families and do therefore not enjoy the protection of their matrikin, their rights regarding decision-making is diminished and they become more dependent on their husbands and his choices and decisions. It is his to decide whether to stay with the machamba or not in a case of a divorce, and the wife has to take the consequences. My interviewees from FOFEN

claimed that women are more secured when they reside with her kin because if they get a divorce the husband traditionally has to leave. However, if they settle on a new land, as is getting more common, in a case of a divorce it is usually the woman who has to leave because the man wants to keep the produce from the machamba either for own use or for selling, and he generally has the decision-making power. As Kaarhus observes, women's positions tend to get weaker in situations where money is involved, a sphere generally dominated by men (Kaarhus 2010, 189).

6.1.1.2. Problematizing access to land

Women's access to land under customary tenure in matrilineal societies is generally determined by their social status within their matrikin where they gain access to land through their family at marriage. They further gain access to land through other social relations in situations where they have problems with their machambas, implying that women's land rights are embedded in various social relations, as Cousins suggests (Cousins 2007). Residence after marriage is further an important factor what has implications for women's land rights. Although all the interviewed women stated that they did not have any problems with accessing land (Interview 1-30), there were some concerns regarding decision-making regarding land and allocation of the money earned from selling the produce.

> "*Because in the house, it is the husband who takes decisions. He is in control*" (Interview 6,8,30).

Many of the single women who had their own machamba claimed that decision-making regarding their land was under them, since they did not have a husband (Interview 1,13,14,18,). No one discussed their brothers and fathers per se as having authority over their machamba or the decisions regarding it, since they considered their land to be theirs. However in many cases where women lived within their extended families the 'chief' of the family was a maternal uncle, although they did not claim what his exact power was (Interview 6).

Rights to access land per se where the women can use and benefit from it does not seem to be a problem per se. However, as Cousins points out, there is a difference of having the rights to access resources and to be in control of those rights (Cousins 2007, 293). Women's rights to access land in Majune are determined by their social relations and through their matrikin. However, almost all of the women claimed that

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they always had to ask permission from the régulo before using land. Thus, giving him the ultimate power of those access rights.

6.1.2. The Land Law

The Mozambican Land Law seeks to formalize customary rights to land on a community level and provide equal land rights for men and women. The land rights of the Mozambican people are collective usufruct rights where they acquire 'the right to use and benefit from the land' either through customary occupation, as long as the customary rules do not contradict the Constitution, or good faith occupation (Krantz 2015; Frey 2004). This was explained in section 2.3. Further, the Land Law states that land rights may be transferred by inheritance without distinction of gender (Frey 2004:16). Although this is done in order to ensure gender equality it might be better suited to societies where patriliny is prevalent, as former studies have illustrated (Braga 2001; Kaarhus 2010; Peters 2010). In Majune, women's access to land is primarily related with their inheritance rights from their matrikin, however the decision-making authority is still vested in men. Therefore, in accordance with former studies (Braga 2001; Kaarhus 2010; Peters 2010), inheritance without distinction of gender could undermine women's existing land rights in matrilineal societies in the future. However, it is important to note that it is crucial to ensure gender equality within all spheres but at the same time culturally rooted practices have to be taken into consideration when enforcing those legal rights. Let us now move into a discussion of what happens to women's matrilineal customary rights in a process of formalization.

6.1.3. Formalization of customary rights

The limits of the communities have been known by the régulos and other elders for a very long time, only now they are being made official and recognized in statutory law. As Krantz observed, the formalization of customary rights on a community level that the Land Law brings about, gives the traditional régulos over the communities a legitimized status (Krantz 2015). However, the Land Law state that everyone within a community are considered "co-owners" of the land, meaning, that all community members have equal land access and user rights within the delimited community (Frey 2004; Krantz 2015). In recent events of the formalization of customary rights at a community level and considering the historical position of the régulos (Knight 2010, 20-22), could lead them to manipulate their power within their communities and

allocate more land to their relatives for example. As Krantz points out, land allocation is left to the community members to decide themselves, a situation what can facilitate elites to take advantage of (Krantz 2015, 5). As almost all of my interviewees claimed, they had to ask permission from the régulo in their community when opening a new machamba or claiming new land, despite from inheritance practices (Interview 1-3,7,11,18-20,25-27). As it is for now the women never claimed it to be a problem, the permission was always given. However in a situation when land becomes scarce, as has been observed in Malawi, women's land claims tend to get marginalized (Kaarhus 2010, 22), that could easily be the case in times yet to come in Majune. Employees from ORAM and FOFEN further expressed their concerns regarding women's land rights in a situation where land becomes scarce.

In a matrilineal society such as Majune, women get access to land through their own families at marriage and are further secured land there in a case of a divorce. Therefore, one could argue that women's access to land per se is quite protected in such matrilineal structures. However, theoretically the power within the matrikin is vested in her brothers who are usually the ones who take decisions and solve problems. Some of the women in Majune indicated their male relatives' power over the extended family unit (Interview 1,6,8,23). That gets problematic when those customary rights are being formalized since that is done via the registration of land interests as it appears in any customary context that means that existing land rights, either held collectively or jointly are recognized through titling and registration (Daley and Englert 2010, 94). The formalization therefore cuts the web of interest where it creates more exclusive forms of tenure (Meinzen-Dick and Mwangi 2008, 36). Since women's access to land is determined from the web of social relations their access rights could get lost where more exclusive forms of tenure are required, in an environment where decision-making power is vested in men.

6.2. The implementation of the Land Law

The implementation of the Land Law involves delimitation of the communities, and community meetings and trainings in order to raise awareness among the locals about their land rights. Further, everyone, women and men, individuals and groups, can go through a demarcation process to get a DUAT in order to protect ones piece of land within a delimited community (Krantz 2015). ORAM, a NGO that is involved in the implementation process in Majune emphasizes women's participation on the

community meetings and require their participation in the Committees for the Management of Natural Resources (CGNR) that are usually established in relation to the implementation. Another NGO, FOFEN that works with women's issues in Niassa, provides training courses for women about their rights along with evening school programs for adult women.

6.2.1. Women's participation

Findings from my fieldwork indicate that the implementation of the Land Law has affected women's rights to land in the sense that it facilitates their participation in decision-making regarding land matters on a community level. This is a consequence of the work conducted by ORAM that is involved with the implementation process, since women's involvement in the delimitation is emphasized, and their participation in the CGNRs is required. Furthermore, the implementation process has raised awareness among women of their rights to the land and that they are able to enforce those rights, and knowledge about land and its value has increased.

> *"I think the implementation of the Land Laws has brought changes in relation to women's positions. For example with the delimitation process, it has encouraged women to participate more in activities and speak their mind…However there is still a long way towards achieving gender equality. But only ten years ago, men and women did not even sit at the same table, but now women do have a voice, although it is still not very loud"* (ORAM).

However, raised awareness and knowledge of land rights is bound to women who actually attend the community meetings. My interviewees from FOFEN claimed that the locals usually do not know of the Land Law, only if they are members of a farmer's association or close to the régulo in the community. In fact, the majority of the interviewed women in this research who were not a part of associations or close to the régulo were not aware of the Land Law or the delimitation process (Interview 1-3,13,14,16). It is therefore important to advocate for women's land rights in order to reach the majority of the community, work that NGOs and other civil society actors are well suitable for. As has been observed in previous studies, rural women need to be supported for their voices to be heard (Whitehead and Tsikata 2003, 83-84; Gawaya 2008, 148; Knapman and Sutz 2015).

Furthermore, it is important to problematize women's participation in the decision-making processes and their participation on the meetings and in the CGNRs. On the community meetings that I attended, men were always more comfortable than women with sharing their ideas and they seemed more active. Although women were present at those meetings and claimed that they had participated in the delimitation process, their active participation remains unclear. When asked to elaborate on their role and participation the answer was usually that they sat and listened while the régulo and other male elders spoke. It moreover occurred once that an older woman I interviewed in Malila told me that she did not know of the delimitation process in her community. However, the Matola (traditional chief of the district), who was around during the interview, started explaining to her and she nodded her head and seemed to agree. My translator explained to me:

> "*She was at the meeting and she did participate. She just already forgot because she is old*" (Interview 28).

However, one can argue in what terms she participated on the community meeting, given that she already forgot that she was there.

6.2.2. The farmer's associations

Many farmers associations are operating in Majune, often consisting of women. The establishment of these associations often came across when international donors were operating in the area that offered their help and benefits in the beginning. The associations further now enjoy support from NGOs such as ORAM and FOFEN that emphasize the abilities of the associations to support the member's livelihood. They offer trainings and educations that are in relation to the implementation of the Land Law. According to the women that were part of an association claimed that they enjoyed the company of the others and they felt it benefitted them to stick together as a group in order to secure their livelihood (Interview 4,6,8,11,23,24). All of the interviewed members of the associations consisted of only women except from one in Malanga Sede that was mixed. The women however claimed that they men were welcome and actually almost needed in order to cut down big trees and do other physically difficult work (Interview 8,24,29). The reason the men did not want to participate was that they did not see any profit yet.

"The men do not have patience to wait. If they see no progress or money right away they just leave. But we women stay and do all the hard work, because there is nothing else to do. We know that it takes time…you can't just sit and wait for money…The men will join us when they see the profit" (Interview 4,8,24,29).

The interviewed members of the associations did generally not seem to worry about the group dynamics among women and men if men joined them in the associations. However, the association in Nzilo had had some problems before.

"You know how the men like to give orders and look for money and keep it to themselves…and the women were getting more clever…it was creating a lot of problems so in the end the men quit the association" (Interview 30).

Women are becoming more aware of their rights and the women in the associations enjoy participating in the training and education programmes provided by ORAM, as stated by the members of the associations (Interview 4,6,8,). They claimed that they have learned a lot regarding the land in general and about the Land Law that strengthen their rights to the land. Further, some of the women have started to question the gender roles and the decision-making authority of men as was well illustrated by the women in the association in Chipuipui:

"We have learned that we women cannot be oppressed by men, we also have a voice!" (Interview 23).

All the interviewed members of the associations emphasized their interest in acquiring a DUAT for their machamba in order to further protect their produce, but complained about the long and complicated process it requires. In the next section, the DUATs will be discussed further.

6.2.3. The desirable DUAT

One angle of the Land Law is that both women and men, individuals and groups, are able to acquire a DUAT in ones name, where a piece of land is demarcated in order to protect it and the holder of the DUAT gets a formal title to the demarcated land (Krantz 2015). The implementation of the Land Law enables this process where locals are informed about this option within the Land Laws. As the interviewees from FOFEN pointed out, the Land Law in itself does not exclude anyone, however the

reality tells another story. They were quite concerned about the low number of women that have a registered DUAT in the province of Niassa. The numbers speak for themselves, only one of every six DUATs belongs to women (Geografia e cadastro de Niassa, 21st of April 2016).

As has been pointed out, the option within the Land Laws of individual titling within a delimited community has rarely been used to strengthen women's land rights within the communities (Kaarhus and Dondeyne 2015, 212). This leads to the debate regarding whether women's land rights are better strengthened with individual titling or if community rights, where customary rules often determines ones land rights, are more suited to protect their land claims. The Land Law seeks to formalize customary rights on a community level at the same time they provide the option of acquiring a registered DUAT, either for individuals or groups. The interviewed women that were aware of that option all claimed that they were interested in getting a DUAT in order to protect their land: "*It makes it more clear who has what, if someone invades our land*" (Interview 27, 23, 4). However they further claimed that they did not know how to acquire it and they heard that it is a long process. Land tenure rights in customary systems in Africa are layered, meaning they are both individual and communal in character (Cousins 2007, 293). By providing the option of protecting ones individuals rights within the collective community rights might in fact marginalize those who do not have the means to enforce their rights.

Further, one can ask why individuals or groups within delimited communities need to protect their own little piece of land since everyone within a delimited community are supposed to have equal rights to it. In theory, everyone do have equal rights to the land but in practice the locals that know their legal rights seem interested in protecting their own parcel of land that indicates concerns of not being able to enjoy the collective community rights. As the majority of my interviewees told me, they think their land is more secured if they have a registered title to it. Accordingly, Krantz' point of the absence of instructions in the Land Laws of how land should be allocated within the delimited communities is a reasonable concern (Krantz 2015, 9).

The implementation of the Land Law has potential for strengthening women's land rights in terms of participation in decision-making regarding land matters on a community level. However there are still constrains in the process, mostly due to

power imbalances within the household between men and women that, according to Kapur, restricts the implementation process from translating into gender equality (Kapur 2010, 13). It is therefore critical to analyze gender relations as they appear on the household level in order to ensure equal rights when implementing land tenure policies (Knapman and Sutz 2015).

6.2.4. Bundle of rights

Land tenure rights in Majune are characterized of what has been referred to a web of interests, meaning that different people often hold different claims to the same piece of land. Those land claims are about social relations and are often based in customary institutions or in state law (Meinzen-Dick and Mwangi 2008, 36-37; Cousins 2007, 293). Land is still an abundant resource in Majune and the whole of Niassa where people do not suffer from restrict access for its use. Land tenure claims do seem complicated for the visitor's eye where one can use land that is considered belonging to someone else, or even to someone's ancestors. The locals however do know their land and seem to be able to use land although it belongs to someone else, as long as they get permission from the "owner" or the régulo in the community. The Land Law in Mozambique legitimizes these land claims on the basis of usufruct rights, where ones membership in a community allows for accessing the resources and to exploit them (Krantz 2015). However ones membership does not guarantee rights to the land, rather the permission to claim them, where factors such as gender and kinship structures influences the terms of land tenure (Lund and Boone 2013, 6).

According to Chu, women have historically been able to access land in whatever way available at that time where they have negotiated their land claims on a case-by-case basis (Chu 2011, 37-38). However, it is important to note that women's land rights have usually been negotiated through their relation to the men in the family, such as their husbands, fathers or brothers (Kaarhus 2010; Peters 2010). Majune is however a matrilineal, and generally a matrilocal society, where women have traditionally had more space to acquire and negotiate land rights on their own terms. The women in Majune did not express any concern in accessing and using land per se. They either got access to their family land, their own individual land or joint land with their husbands, or could claim a new land through the régulo, on their own terms. However, land in Niassa is still an abundant resource that might play a role in the locals' generosity of allowing others to use their land. The régulos have a lot of power

in this sense where almost everyone of my interviewees claimed that the land belongs to the régulo of the community, although they were able to use it as they liked. Since they Land Laws legitimize the role of the régulo in the delimitations of the communities, it strengthens his power in allocation of land and land management, that could be problematic when demand for land increases, and could therefore marginalize vulnerable groups. Employees from ORAM and FOFEN were in fact concerned about the consequences for women's rights when land becomes scarce. Kaarhus' findings from Malawi strengthen this view where she finds out that women's matrilineal land rights are getting marginalized in a situation where land is becoming a scarce resource (Kaarhus 2010, 22). Women's land rights in the web of interest are therefore sensitive against external changes that could lead to their access rights to be diminished, in the light of that the power to control those access rights are vested in the authority of the régulo.

6.3. Problems associated with women's land claims

All of the interviewed women in Majune claimed that they did not have a problem with accessing land, and were quite secure about their machambas, besides from concerns about monkeys stealing their crop. Here, access can be understood as the ability to derive benefits from land, in accordance with Ribot and Peluso's definition of access (Ribot and Peluso 2003, 153). However, women's rights to land are more complex in the sense that socially embedded gender roles and relations constrain their decision-making power and abilities to be in control of the income that derives from selling the produce, that is according to Meinzen-Dick and Mwangi (2008, 36-37), one important aspect of having rights to land.

> *"The problem regarding women's land rights is not that they lack access or the right to use land rather it revolves around their lack of power"* (ORAM).

6.3.1. Culturally rooted norms: Gender dynamics

Gender roles in Majune are still very conventional where women's role is to take care of the children and provide food, where men are more outgoing and look for opportunities to earn money. Since men "are more out there" they communicate more with visitors and therefore learn better Portuguese than women who spend the whole day on the machamba or at home with their children and other women. Although gender roles have changed over time, leftovers from colonial times where women

were not supposed to study and only stay at home still remain. Women in the rural communities in Majune are expected to marry and have children, as was illustrated by an older woman who was telling me about her daughter:

"...*She just goes around as she pleases...she only wants to date and not get married*" (Interview 30).

Such socially constructed and maintained gender roles restrict women's abilities to claim power over their own lives and within other spheres of society, as Tvedten (2011, 3) discusses. As my interviewees from FOFEN claimed, men usually do not discuss the outer world or talk business with women, that got quite clear when I found out that the régulo's wife in Nzilo was not aware of the delimitation of the community. As has been noted, gender divisions within the household lead to inequality on other levels in the public sphere (Razavi 2007, 1486), that in this case has clear implications on women's abilities to enforce their legally established land rights. As an employee from ORAM stated, men in Majune do respect women on the basis that they are mothers and bear children but not as equals on the labor market. Women's lack of power regarding their land claims is a result of gendered social relations on the household level. One could therefore argue, in accordance with Cousins (2007, 293) that land rights are embedded in social and cultural relations where they restrain women to fully enforce their rights in terms of decision-making in land matters.

6.3.2. Culturally rooted norms: Division of labor

From my stay in Majune the gendered division of labor got quite clear. Every day there were women of all ages walking along the road with water buckets on their heads and babies on their backs and usually accompanied by more children. Their role is to take care of the household and the children and working on the machambas, while men have other activities such as selling small goods, cutting trees, or simply hanging around with other men. Women have historically suffered from double workload that does not give them much space to participate in other activities in the society. On the trainings I attended held by ORAM, men were always in majority and the women who were present barely raised their voices to share their ideas. First and foremost, the low number of women present might be a result of women's double workload. They simply do not have time to attend the meetings. Secondly, the public

sphere has historically been a man's territory where women are still trying to find their space that restrains their confidence on events like these. As Tvedten discusses, the socially constructed gender roles affect how women and men can cope with institutional changes (Tvedten 2011, 3).

The farmer's associations are empowering for the women who are now stepping out of their excluded roles in the household and exploring other options. According to the women in the association of Malanga Sede, men in the community had made jokes about that now it has become the men's role to cook and take care of the children since women are finding other activities. As has been observed, gender inequality regarding division of labor and decision-making within the household translates into other spheres of society. It is therefore critical to broaden the framework of analysis of securing women's land rights since it is not sufficient to only integrate it into the legal framework, as Razavi suggests (Razavi 2007, 1486, 1489). The women in Majune work hard on their machambas in order to sustain their livelihoods and provide food for the family. Although it is not a problem for them accessing and using land their decision-making power regarding their land is problematic, as has been discussed in section 6.1.1.3.

6.3.3. The problematic DUAT

According to the Land Law, everyone, individuals and groups, men and women, are able to get a registered DUAT in their own name (Frey 2004; Krantz 2015). In section 6.2.3. the DUAT was discussed as an option regarding the implications of the implementation of the Land Law. Here it will be problematized further in relations to culturally rooted norms that have implications for women acquiring a DUAT in their own name, either if they are single or married.

Although the Land Law secure access to land on a community level they further provide the option of getting registered rights, a DUAT, where individuals or groups are granted a formal title to their land. However, the process of getting formal titles require literacy and writings skills from the applicants, along with an identification card. In Majune, the education level among women is very low and the minority has an identification card due to many factors, such as illiteracy and distances from institutions that handle such requests (Interview 21). Another factor is the culture where women's independent rights are fragile and subject to those of men. The

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interviewees from FOFEN discussed that it is generally considered problematic in the rural communities when women, especially married women, are interested in obtaining a DUAT over their land in their own name. People start to wonder about the authority of the husband and the decision-making power regarding land matters within the household. As FOFEN further stated, the men in the household are in control over decisions regarding the economy and materials of the household. It therefore restrains women to enforce their claims to protecting their rights with the DUAT, as the interviewees from FOFEN stated:

> "*If a woman has a lot of power in the house and on the field...I don't know if she will marry. All men are afraid to marry a powerful woman who has a lot of things...Like many goods and a DUAT and a house…That is, registered documents in her name. It is really difficult for the husband to feel good. Now in the city, people are better informed and know that this is normal and it is not a problem*" (Interview 21).

My interviewees from FOFEN further raised their concerns regarding men using the DUAT as a power tool over women. They claimed that there is a risk of that men use the option of getting a registered DUAT for the family's land in their own name to assert their power over women (Interview 21).

Nevertheless, with more education and trainings, people in general get more open in terms of changes and equality (Interview 21). Although NGOs emphasize women's participation in the community meetings and support the work of the farmers associations that mostly consist of women, women's voice is still low, as indicated by some of my interviewees: "*It is the man who has a voice and women stay behind*" (Interview 23,ORAM). However, as Lidström observes, it is hard to force information about the importance of women's rights and participation in decision-making upon societies where existing norms and values do not allow for such discussion (Lidström 2014, 22). It occurred several times in my interviews that the interviewees could not answer my questions and explained that it was not theirs to tell. These questions were always regarding norms and traditions that only the régulo was allowed to discuss.

6.4. General discussion

Women's land rights in Majune are essentially characterized by the matrilineal structure prevailing in the province of Niassa where inheritance and residence patterns

influence their access to land. Their customary land rights are thus socially and culturally embedded in those relations. Since the Mozambican Land Law formalize customary rights at a community level, women's access to land in Majune is in theory protected. However, as Cousins points out there is a difference of having rights to access land and to be in control of those access rights (Cousins 2007, 293). In Majune, the régulos over the communities are mainly in control of those access rights, as the majority of the interviewed women stated (Interview 1-3,7,11,18-20,25-27). Further, the decision-making power within families regarding their machambas is mainly associated with the men in the family, husbands or male relatives, although some women stated that they made decisions related to their machamba alone (Interview 13,14,17,28). These women were all single, either divorced or widowed. The power to make decisions is culturally embedded where socially constructed gender roles and the division of labor places women within the wall of the household, where she is supposed to take care of the children and provide food what she does with working hard on the machamba. Men are however out in the public sphere, taking care of business and mingling with other people. This gendered division has implications for the implementation of the Land Laws. Although women's participation in activities related to the delimitation process is emphasized, the culturally rooted gender norms restrain their full participation, both in terms of actually attending the meetings, and regarding their limited confidence in sharing their ideas. The culturally rooted gender roles and norms further impede women's abilities to acquire a registered DUAT in their own name. That is a risk that, according to FOFEN (Interview 21) can facilitate men to manipulate the situation to acquire a DUAT over the family's machamba in their own name in order to assert their power over their wives. This factor could further undermine women's existing land rights in matrilineal societies such as Majune where women have historically enjoyed secured access to land, even in some cases of divorce where the married couple resides with the wife's matrikin. One can argue that if the husband gets a DUAT, a formal registered title, over their piece of land, he is entitled to the land in a case of divorce, regardless from residence patterns.

7. Conclusion and further recommendations

This thesis has explored women's land rights in Majune district of Niassa province in Mozambique, under the Mozambican Land Law. It focused on the implications of the matrilineal structure prevalent in Majune on women's rights to land in relation to the implementation of the Land Law. It further identified obstacles for women related to their land claims. The three research questions that guided the research are interrelated where each one explored theoretical and empirical dimensions of the factors that shape women's land rights in Majune and what implications it has with respect to the implementation of the Land Law. The findings of the research indicate that women's land rights in Majune are embedded in social and cultural relations that both influence their access to land and their lack of decision-making power regarding their land.

The first research question explored the interaction of the formalization of customary rights with the matrilineal structure in Majune. While the matrilineal structure is a source for women's access to land, factors such as residency after marriage affect women's land rights in a case of a divorce. However, women are guaranteed land access within the land of their matrikin either way. That is nevertheless important to problematize, that in a case of a divorce where a married couple has resided on a new land, it is the decision of the husband if their machamba stays with him or his wife, implying the man's decision-making power. As was illustrated in my research, women in Majune do not have any problems accessing land. However, they suffer from a lack of power over decision-making in relation to their land. The decision-making power is generally vested in their husbands if they are married, or in their male relatives as indicated by some of the women, although their exact power was not demonstrated well. In accordance to previous studies (Kaarhus 2010; Peters 2010), the role of the maternal uncles therefore still remains problematic. Considering these matrilineal characteristic of women's positions in Majune, the formalization of customary rights have diverse implications. First, women do not lack the ability to access and use land since those rights are generally secured by their matrikin, even in a case of a divorce. By recognizing these rights in state law is of advantage for the women in Majune. However, there is a difference of having rights to access land or to be in control over those access rights (Cousins 2007), therefore by formalizing customary rights further strengthens the role of those who have control over access

rights and the authority to make decisions, such as the régulos, or male relatives. Further, the formalization brings about land registration that could undermine women's rights in a matrilineal society in the light of culturally embedded gender roles and norms, and that the decision-making power is still generally vested in the men in the family.

The next research question focused on the implications of the implementation of the Land Law. The findings from the research indicate that the Land Law has facilitated women's participation in decision-making processes regarding land matters on a community level. It has further raised awareness among women of their rights to the land. ORAM, a NGO involved in the delimitation process of the communities, provides trainings and educations where they emphasize women's rights and require their active participation. However, this is limited to the women who actually attend the meetings. Other women claimed that they did not know of the Land Law and were not aware of the delimitation process in their communities. That is a result of the power imbalances within the household deriving from culturally constructed gender roles, and the gendered division of labor. The last research question deals with these issues. The implementation of the Land Law further provides the option of acquiring a registered DUAT in owns name or as a part of a group within a delimited community, which remains problematic for individual women since they do not have the means to enforce that option. As former studies show (Whitehead and Tsikata 2003), women's rights tend to get lost in settings where individual titling and registration prevail. However, many farmers associations, often consisting mainly of women, were eager to learn more about their rights and protect them with the DUAT, and were already in the process of getting one.

Finally, the last research question dealt with obstacles that women encounter in relation to their land claims. The study shows that socially and culturally embedded gender roles impede women's abilities to enforce their land rights and the opportunities they are provided with the implementation of the Land Law. Women's role is within the household, taking care of children, and working on the machamba in order to provide food for the family, while men are more outgoing and take care of business. These gender divisions have implications for the implementation of the Land Law in the sense that it restrains women's full participation in activities related to the delimitation process, both in terms of simply having time to attend the

trainings, and further their limited confidence in sharing their ideas. It further hinders their opportunites of receiving a DUAT, a registered title in their own name, due to aforementioned socially constructed gender roles.

This study has contributed to the debate on securing women's land tenure in agrarian reform. It has specifically illustrated women's positions in matrilineal kinship inheritance structures in the midst of land tenure reform, a topic that is still rarely explored (Kaarhus 2010; Peters 2010; Braga 2001). It has further illustrated issues regarding women's rights in the process of formalizing customary rights on a community level, an alternative approach to secure land rights that is gaining more attention (Krantz 2015; Whitehead and Tsikata 2003). Last but not least, the study has emphasized the various cultural factors at hand that have implications for otherwise gender equal policies.

There were many questions that arose while conducting the research. The matrilineal structure prevailing in northern Mozambique, and the Islamic religion have co-existed among some groups in Niassa for many years, a topic that needs further research in its relation to women and inheritance rights. Further, a comparative study of the implications of the Mozambican Land Law on matrilineal societies on one hand, and patrilineal societies on the other, is necessary in order to fully comprehend the effects of the Land Law on the Mozambican people and if they do protect the local people equal rights to the land.

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Appendix 1 – Interview guide

Note that these questions were used as guidelines.

Background questions

- Age
- Education
- Residence
- Marital status
- Livelihood
- Members of the family and who live together

About land tenure

- Do you have access to land?
- Does your family have access to land?
- How big is the land you have access to?
- Who is responsible for the land you have access to?
- Who owns it/who is the landlord/lady?
- For how long have you had access to this land?
- What do you do on the land?
- Who decides what to do on the land you are using?
- Is your land registered?
- How did you get access to the land you are using?
- Do you feel secure with your land? Why? How?

Work on the land

- Who works on your land?
- What is done on the land?
- What are your activities?
- What do you do with the products from the land?
- How do you decide that?
- What do you do with the income earned?

The Land Law

- What can you tell me about the Land Law?
- How do you know about it?
- What can you tell me then about the delimitation process?
    - o Where you present?
    - o Who was present?
    - o Did you participate?
    - o What was your role? What were your activities?
- What do you know about the DUAT?
    - o Do you have it?
    - o Are you interested in getting it? Why?

Problems encountered

- Who do you talk to if something is wrong? Why?
- If something happens with/on your land that you do not approve of, what do you do? What options do you have?
- Have you lost land in any way? What happened?
- Do you feel that your opinion is appreciated?

Marriage and land

- What happens with your land in the case of a divorce?
- Why?
- Who takes decision?

Interview with FOFEN

- FOFEN's work
- The Mozambican Land Law
- Discuss the DUAT
    - Advantages, disadvantages
- Gender relations
- Division of labor
- The inheritance system
- Challenges in securing women's land rights

Appendix 2 – List of interviewees

Interview number	Type of interview	Gender	Community
Interview 1	Individual	Woman	Nzilo
Interview 2	Pair	Women	Nzilo
Interview 3	Pair	Women	Nzilo
Interview 4	Group of 4	Women	Malanga Sede
Interview 5	Group of 8	Women 5; Men 3	Nzilo
Interview 6	Group of 5	Women	Chipuipui
Interview 7	Individual	Man	Nzilo
Interview 8	Group of 6	Women	Chipuipui
Interview 9	Group of 9	Women 8; Man 1	Malila
Interview 10	Pair	Woman and man	Malila
Interview 11	Group of 10	Women 9; Man 1	Nzilo
Interview 12	Pair	Women	Malila
Interview 13	Individual	Woman	Malila
Interview 14	Individual	Woman	Malila
Interview 15	Individual	Woman	Malila
Interview 16	Individual	Woman	Malila
Interview 17	Individual	Woman	Nzilo
Interview 18	Group of 7	Women 5; Men 2	Nairubi
Interview 19	Pair	Women	Nairubi
Interview 20	Individual	Woman	Nzilo
Interview 21	Pair	Women	FOFEN, Lichinga
Interview 22	Pair	Women	Malila
Interview 23	Group of 7	Women	Chipuipui
Interview 24	Group of 5	Women	Malanga Sede
Interview 25	Individual	Woman	Nairubi
Interview 26	Group of 4	Women 3; Man 1	Nairubi
Interview 27	Group of 7	Women 6; Man 1	Nairubi
Interview 28	Individual	Woman	Malila
Interview 29	Group of 5	Women 2; Men 3	Malanga Sede
Interview 30	Group of 3	Women	Nzilo