



**Annual World Bank Conference on Land and Poverty 2013**

**THE EXPERIENCE OF MOZAMBIQUE'S COMMUNITY LAND INITIATIVE (ITC) IN  
SECURING LAND RIGHTS AND IMPROVING COMMUNITY LAND USE:  
PRACTICE, POLICY AND GOVERNANCE IMPLICATIONS**

**JULIAN QUAN  
JOSÉ MONTEIRO  
and PAULO MOLE**

**Natural Resources Institute, University of Greenwich [j.f.quan@gre.ac.uk](mailto:j.f.quan@gre.ac.uk)  
Mozambique Community Lands Initiative (iTC) [jmonteiro@itc.co.mz](mailto:jmonteiro@itc.co.mz)  
KPMG Auditors and Consultants, Mozambique [pmole@kpmg.com](mailto:pmole@kpmg.com)**

**Paper prepared for presentation at the  
“ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY”  
The World Bank - Washington DC, April 8-11, 2013**

*Copyright 2013 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.*

## **The experience of Mozambique's Community land initiative (iTC) in securing land rights and improving community land use: practice, policy and governance implications**

Paper presented at the Annual World Bank Conference on Land and Poverty:  
*Moving towards transparent land governance: evidence-based next steps*  
Washington DC, April 8 to 11, 2013.

**Julian Quan (NRI, University of Greenwich/iTC), José Monteiro (iTC), and Paulo Mole (KPMG /iTC)**

Thematic area: securing land rights and improving land use at the grass roots

### Abstract

*iTC is an innovative programme to secure rural communities' land rights and enable more productive, sustainable and inclusive land use. Mozambique's 1997 Land Law enables registration of community tenure rights through simple land delimitation processes, as well as private leasehold titling for investors large and small. In a context of rapid growth and weak land governance and administration, private land allocation has dominated, sometimes leading to conflict. Nevertheless iTC has achieved significant results in assisting communities to secure land rights and establish land and natural resource based businesses and partnerships, overcoming misunderstanding amongst state and market actors, and resolving conflicts. Lessons include the needs for more systematic investment in community social preparation, land delimitations in contiguous village clusters, and development of community based land management institutions and legal instruments and practical guidelines to regulate community partnerships with investors and value chain actors. Integrated, incremental approaches to securing rights of communities, producer associations and where necessary individuals, are also required. Institutional issues to be addressed include more decentralised land administration capacity and land governance arrangements engaging customary leaders, farmer organisations, state and private actors, the legal personality of community based organisations, improved territorial planning, and establishment of iTC as an independent national institution working with government to facilitate inclusive land use development.*

**Key Words:** Rural Communities, Institutions, Land use partnerships, Tenure security, Lessons learned

### **Acknowledgements**

This paper and the project results and lessons it describes have only been possible as a result of tireless efforts of the entire iTC project team. In addition to delivering a complex project in demanding and often adverse conditions, staff from all of iTC's provincial and regional offices have also provided detailed information and examples utilised in compiling the paper. The iTC team in Gaza, Nampula, Niassa, Zambezia and Manica provinces collaborated directly by providing case studies of lessons learned.

## 1. Introduction and Background

The Mozambique Community Land Initiative (iTC) is a partnership programme developed by donors with government, civil society and private sector in Mozambique to assist rural communities to secure community land rights in the context of implementation of Mozambique's 1997 Land Law<sup>1</sup>, long regarded as one of the most progressive in Africa (Toulmin & Quan 2000, Tanner & Baleira 2006, Norfolk & Tanner 2007). iTC operates as a project, planning, finance, supervision and monitoring agency which manages and delivers funding to community based projects for land tenure security linked to programmes and projects for local economic and land use development. Following passage of the law, a civil-society led campaign undertook community land delimitation in an effort to secure community rights and establish a basis for harmonious rural development. iTC was established in 2006 in the provinces of Manica, Gaza and Cabo Delgado as a pilot programme funded by a group of European donors led by DFID and also including Netherlands Co-operation, Swedish SIDA, Irish Aid, Swiss Cooperation and DANIDA, to help overcome limited capacity in government and civil society for land law implementation and empower rural communities.

Although rural land in Mozambique is regarded as state property, the law enables both allocation of private leasehold rights to individuals and corporate bodies for productive purposes, and registration of customary rights established by rural communities through beneficial occupation for 10 years or more. Customary tenure rights can be formalized through a relatively simple process of land delimitation which consists of geo-referencing the boundaries of the areas utilised by community groups. In conceiving the legislation, community land delimitation was considered useful to promote economic development and assist in land use planning to enable private investment in community land. The law enables investors and other private land users, including individuals within rural communities to gain community agreement to utilise community land and apply to government for leasehold through a documented community consultation process - a non-exclusive approach to rural land use and rural land rights sometimes described as an "open borders model" (Norfolk and Tanner 2007, World Bank / FAO 2010). Despite the law's equitable intentions and the opportunities it offers for communities, farmers, and commercial resource users and land developers, media, civil society and scholarly reports of land conflicts associated with large scale land investments in Mozambique have increased in recent years (see for instance: Oakland Institute 2011, Cotula 2011, Nhantumbo and Salomão 2010). Despite a lack of systematic data about land conflicts and little empirically informed analysis, in a climate of rapid economic growth and an overt investment drive by government, commercial and speculative land users have been able to utilise weaknesses in the land law and administration system to acquire private rights without effective community consultations. Recently academic literature has pointed to a lack of real tenure security in Mozambique, limited accountability and legitimacy of traditional and state authorities in land management, and low levels of legal awareness and judicial support at community level (Hoekma 2012). ITC has been developed within this evolving context as a programme to protect community rights and assist government to address these types of issues. iTC's practical experiences and lessons learned can assist in understanding how best to improve community land use and linkages to markets, resolve and prevent land conflicts and develop community- private sector partnerships, as

---

<sup>1</sup> Law Number 19/97

well as the types of institutional and legal changes required to improve land governance and further secure land rights.

Based on promising early results and continued growth of demand for rural land for commercial investment and productive development iTC was expanded with funding from MCC in 2009 to Nampula, Niassa and Zambezia provinces in northern Mozambique. The European “G6” donor programme was then extended until 2014 with additional coverage of Sofala and Tete provinces. iTC’s mission is to secure the land rights of rural communities through processes of land delimitation and demarcation of specific areas utilized by Producer Associations while assisting the beneficiaries to establish productive and sustainable land and natural resource based income generation and development projects, in partnership with public and private investment projects. The aim of the current phase, in addition to scaling up coverage, is to improve and consolidate iTC technical approaches and management systems for handover to an independent and sustainable national agency, presently in the planning stage.

[SEE FIGURE 1. IN ANNEX: Map of iTC provincial coverage]

The current iTC programme is implemented as a donor contract project by a consortium of agencies led by KPMG Mozambique assisted by NRI (University of Greenwich UK), and from 2011 by Mozambican NGO *Centro Terra Viva* (CTV). iTC’s governance structure includes a National Advisory Committee (NAC) comprising representatives of Ministry of Agriculture responsible for rural land administration, Provincial Directors of Agriculture, the donors, civil society (currently represented by UNAC – the national peasants’ union, and *Forum Mulher*) and the private sector, and Provincial Steering Committees responsible for project approval and monitoring, which include representatives of provincial government, civil society and private sector.

## **2. Principle Approaches, Methods, Results and Constraints**

### ***2.1 Activities Financed and services provided by iTC***

iTC designs, and manages delivery of a range of services for rural communities, implemented as packages of project activities delivered by civil society and private sector service providers. Services include: legal awareness raising; participatory diagnostics and project preparation, land delimitation and demarcation processes leading to registration of secure tenure right with provincial cadastral offices; registration and capacity building for producer associations, legal establishment of community based land and natural resource management committees, land use zoning and management planning, business development plans, specialist NR inventories and feasibility studies; facilitation of partnerships, conflict resolution; training for service providers, local government partners and community leaders in iTC procedures for project management and monitoring, survey and mapping skills, paralegal skills and gender sensitive methodologies; and studies of lessons learned for policy and practice, public debates, advocacy events and communications.

### ***2.3 Results and Targets***

iTC’s intended outcomes are to improve tenure security for rural communities, women and vulnerable groups, link rural communities to economic development opportunities and lay the groundwork for improved policy, practice and implementation systems nationwide. Operations are

planned, managed and monitored in order to maximise numbers of communities assisted, numbers of land delimitations and demarcations, areas secured, Producer Associations legalized, Community Land and Natural Resource committees supported, women's participation, communities with economic development projects and emerging investor partnerships, and numbers of service providers, local officials, community leaders and facilitators trained in requisite technical skills, legal knowledge and development methods. Results and targets in key areas across the iTC programme are summarised in Table 1.

[SEE TABLE 1. IN ANNEX]

### **2.3 iTC Operational Methods**

The projects planned, financed and managed by iTC are implemented by service providers, which may be NGOs, private sector companies and in some instances public bodies (such as educational institutions in the agriculture sector) contracted by iTC under agreed terms of reference. These service providers must be able to provide communities with relevant technical skills in land delimitation, legal advice and support, development of community based organisations, natural resource management and business development. At present KPMG acts as a Fund Manager which contracts all the projects for all G6 activities; in the MCA programme the KPMG consortium provides management services to MCA which finances and contracts activities through its nominated fiscal agent. The iTC governance structure comprising a National Steering Committee representing Government, donors, civil society and the national private sector, and Provincial Steering Committees (CPAs) in each province made up of provincial government, civil society and private sectors representatives. The CPAs agree project priorities, following initial provincial strategic assessments undertaken by iTC and approve proposals following technical assessment by iTC staff working alongside government technical staff from relevant provincial departments. Operational methods have gradually evolved from the outset.

Initially the donors stipulated a demand led approach to iTC projects, based on implicit assumptions that rural communities would be able to clearly articulate demands and requests for assistance in securing land rights or resolving land conflicts either directly, or via NGOs and development support organisations with which they had already established links. These assumptions proved misplaced: initial responses to iTC calls for proposals largely reflected potential service providers' predetermined objectives and demonstrated little awareness of land tenure conditions or practical needs for community organisation development on the ground. iTC staff worked to adapt proposals through stronger local needs assessment but progress was slow and activities widely disbursed. Following an independent technical review (Boyd and Calengo 2008), new methodologies were introduced to stimulate emergence of demand and improve definition and targeting of project activities through: (i) Holding "calls for ideas" brainstorming workshops (usually at District level but sometimes also in a provincial or local context) involving community leaders, local authorities, and other stakeholders with iTC and potential service providers, to discuss, review and prioritise local proposals, which were then developed by iTC into project concept notes and subsequently into budgeted proposals by service providers incorporating accurate community level and local information; (ii) Social preparation of beneficiary communities and associated local actors in government and civil society. This is done at the start of project implementation and involves use of

various participatory appraisal and learning techniques, information gathering sharing and debate to formulate agreed land - based community development agenda to determine specific objectives and prepare communities to make use of iTC services, embark on productive land use projects and / or negotiate partnerships with outside investors or development programmes. These methods led to more participatory, better targeted projects, although still reliant on matching available service providers to target communities, requiring multiple iterations of proposals with iTC to ensure well-grounded work plans to deliver results.

From the beginning of the MCA project in 2009, to raise efficiency iTC staff developed detailed concept notes for projects based on overall assessment of priority districts, local proposals and priorities discussed at district based seminars, and their own *in loco* assessment of needs and potential. Projects were then tendered, in batches, against these concept notes as terms of reference. Further improvements introduced in the extension / consolidation phase of iTC from 2011 involved working with contiguous clusters communities sharing common tenure and development issues and sometimes shared natural resources; and more rigorous prioritisation and targeting. iTC now finances projects for communities in which at least one of a series of conditions can be met: real prospects of productive improvements linked to specific markets, value chains and engagement with development support programmes; prospects of improved community access to legally stipulated 20% government revenue shares from forest and wildlife exploitation (or 5% from tourism), areas targeted for commercial investment, or those subject to on-going land and NR conflicts or internal land disputes to be resolved. iTC projects are now developed through a combination of iteration of independent service provider led proposals and bidding against iTC developed concept notes. All are based on prior discussions held at district level to strengthen local ownership and stakeholder consensus and on in depth field assessments, and they typically involve combinations of community land delimitation, demarcation of specific areas for use by producer organisations, and the legalisation and capacity building of CBOS to carry out land and NR management and productive economic activities.

[SEE FIGURE 3. IN ANNEX: Flow chart illustrating iTC's overall approach to project identification, preparation and community engagement]

#### **2.4 Principle constraints**

Prior to iTC's inception the majority of community land rights formalized under the law were at the level of whole chieftaincies or *regulados*, areas frequently over 100,000 hectares, comprising multiple village groups and dispersed settlements. Without effective forms of collective land resource management, the component communities and households benefited from little in the way of productive land use development or effective tenure security following delimitation. As iTC's own provincial assessments show, the balance of land administration effort has focused on registration of private leasehold rights, often overlapping with both. These may overlap with both registered and unregistered community land areas, and national cadastral capacity is extremely limited overall (Norfolk & Tanner 2007). By the mid- 2000s, the land law's simplified community consultation procedures were proving inadequate, ignored or subject to manipulation in practice, and widespread incidences of land conflict have now emerged (Nhantumbo & Salomão 2010, , Oakland Institute 2011, Borrás *et al.* 2012). Investigation has highlighted difficulties in managing effective

consultations and conflicts between investors and communities and the resulting grievances and conflicts (see for example Hanlon & Norfolk 2012), Government's promotion of large scale land investments and misunderstandings of the significance of community land delimitation, which does not establish exclusive community rights led to official concerns that formalized community land rights over large areas would impede investment and economic development in practice

In late 2007 the Council of Ministers suspended both large scale land acquisitions and community land delimitations, concerned about the large size of land areas involved and growing numbers of applications to register land rights on both sides. Ministers requested a land use zoning exercise to identify available land for investment, and made all community land delimitations subject to the same and hierarchy of approvals and requirements for a full land development plan, as applied to the allocation of private concessions: registration of areas greater than 1000 ha required approval of the Minister of Agriculture and areas over 10,000 ha by the CM itself<sup>2</sup>. This effectively prevented registration of community rights as community land areas far exceed 1,000 ha in nearly all cases, and in many cases are over 10,000 ha and communities are unable to put in place detailed development plans for areas under multiple extensive use, in the way that a commercial investor can for a single use large scale plantation. The initial land use zoning produced at 1: 1,000,000 scale was unable to capture the full range of land occupation on the ground; as this was of no use for purposes of land allocation, further assessments at 1:250,000 scale were commissioned, and are now nearing completion. The moratorium continued in force until 2010, when a DNTF circular liberalised land delimitations, making them subject to simple administrative approval by SPGCs (provincial cadastral offices), with reference to DNTF headquarters in cases of doubt<sup>3</sup>. The pace of iTC land delimitations picked up rapidly and commercial land allocations have also gradually resumed. The temporary suspension of delimitations has had a lasting impact, due to continuing procedural uncertainties and official caution in approving delimitations of large areas. Now, iTC always seeks to delimit community utilized land and resources at suitable practical scales for community or joint-stakeholder management. These are usually "village level" delimitations below 10,000 in size (although in many cases somewhat larger), rather than delimitation of entire chieftaincies, or *regulados* areas under which traditional leaders hold customary political and social jurisdiction.

Other constraints encountered by iTC include low overall land administration capacity, and resultant competition for SPGC attention between community registration processes and private DUAT (title) applications, which attract higher levels of fees and are often prioritized politically. iTC has been in various cases steered away from areas where there is potential for conflicts between government prioritised large scale investments and community interests, yet one of iTC's most important roles is to engage with investors to ensure that rural communities affected by them can be seen as valid partners, and that rights and responsibilities under land and natural resources legislation are upheld. In addition the virtual absence of up to date good quality topographic and thematic land use maps constrains the accuracy and efficiency of community land surveys. There is real potential but currently very little capacity to apply digitalised mapping and satellite imagery at relevant scales

---

<sup>2</sup> Decree number 50/2007 16 October 2007: Amendment to article 35 of the Regulations (1998) of the 1997 Land Act.

<sup>3</sup> DNTF Circular Number 1/2010, Direção Nacional de Terras e Florestas (National Directorate of Lands and Forests) Ministry of Agriculture.

(1:50,000 is the largest scale that would be of real use at community level) but the virtual absence of rural district land use planning capacity hinders adjudication of competing land claims and uses, and makes more systematic approaches to land delimitation difficult. As a result external and private capacity will somehow need to be mobilized to tackle priority areas.

However iTC has also faced limitations in service provider capacity, a critical factor in determining success. Intensive backstopping and on-the-job training by iTC has been necessary as a result of service provider skill shortages in surveying, NR management, community capacity building, gendered approaches and business development, and lack of familiarity of local service providers with iTC methods and the requisite rigorous planning, reporting, management and accounting procedures. iTC has fostered emergence of service providers consortia bringing together the full range of necessary skills, although this has sometimes involved management problems. Further investments in service provider capacity building are needed especially in “new” iTC provinces (Tete and Sofala) where suitable service providers are in short supply and in the longer term more sustainable arrangements involving close collaboration key service providers organisations and additional specialist service provider capacity to undertake rolling programmes more efficiently.

### **3. Operational experience and lessons learned**

This section focuses on the central aspects of iTC’s practical operational experience considers the practical implications for longer term scalability with reference to specific examples.

#### ***3.1 Participatory Approaches and Methodologies for Building Community and Local Stakeholder Capacity as Part of the Land Delimitation Process***

iTC’s methodologies to involve community members and other local stakeholders at every stage in land delimitation processes are necessary to ensure their engagement and ownership of the process and are now proving effective. These methods include social preparation, participatory appraisals and capacity building of beneficiary communities and other actors including local government officials, business people, local associations, CBOs and NGOs and extension and outreach workers.

Community social preparation is usually the next step in iTC interventions following initial awareness raising about relevant legislation and iTC objectives. Social preparation involves the combination of processes of participatory assessment with community discussion, learning prioritisation of land related problems, constraints and opportunities in broader social and economic context. This includes understanding of on-going conflicts and disputes, identification of resources and areas for development and investment, and those in need of protection. Social preparation involves learning about the economic value and community development potential of land and natural resources. It results in establishment of a *community agenda for sustainable land and natural resource use* and identification of interest groups and individual women and men able to take part in resource management and productive initiatives. Social preparation and development of community agendas can be extended into the development of a detailed community land use zoning scheme, although this has in many cases not been done, for lack of technical expertise and resources on the part of iTC service providers, and lack of clarity in the formal legal requirements.



**Box 1. iTC Social preparation in action**

In Manhane community in Manica District which comprises three inter-related villages or *povoados*. Social Preparation started with careful selection of 15 community facilitators (including seven women) from amongst the elders and village leaders. A community facilitator's profile requires honesty, ability to serve the community, and an ability to transfer knowledge. After 10 days of training in participatory assessment tools and relevant agrarian and relevant environmental legislation the facilitators engaged each village community in development of important PLA based planning tools, including a community natural resources map; a social map of community stakeholders indicating local poverty and wealth levels; a historical profile; and a gendered analysis of daily and seasonal work routines.

This information was then compiled and presented to and discussed by a community assembly in determination of a harmonized, legitimate community agenda. The core messages delivered to all community members, by the facilitators is that land and natural resources can bring development into the community, based on sustainable and participatory planning and management techniques, and by identifying community priorities and opportunities for marketing, business development and external partnerships.

*Source: iTC staff field work documentation*

An important lesson learned for iTC is that social preparation shall be implemented in every community land delimitation process. Experience has shown that although iTC service providers frequently have some experience in and participatory methodologies for appraisal and community development, these are often directed towards social and health issues and service providers are not skilled in areas of land and NR based economic development. This can lead to production of broader community agendas for activities beyond iTC's mandate, and creates unrealistic expectations about iTC's practical role. Development of community agendas at an early stage in iTC projects is needed to enable their use as a basis for negotiation with potential partners or investors while iTC's interventions are still on-going. As a result further training in iTC social preparation methodologies and capacity building of specialist consultants service providers can draw on are required.

**3.2 The need for understanding of the structure of community organisation and the level at which delimitation takes place and the size of community land areas.**

iTC has found it necessary to undertake a pre-diagnosis of the organisation of community land holding, population density and structures of customary authority in rural communities in order to clarify the nature and status of the group to be assisted and determine the level at which land delimitation should occur. The findings are incorporated into iTC project concept notes and should also be reviewed by service providers at the start of iTC project interventions. Customary authorities are generally organised into hierarchies of two or three levels of community leadership, now officially recognised by government.

In Niassa province customary authority is organised in a 2 to 4 level hierarchy of leadership roles now recognised in law, organised within chieftaincies generally known as *regulados* (sometimes *Sultanados*) below which authority over individual village communities or *povoados* is delegated to local chiefs or *Ndunas* (the local designation for 2<sup>nd</sup> level). Typically here and often in Nampula and Zambezia, *regulados* comprise anything from three or four to nine, ten or sometimes more *povoados* – each of which may be dispersed or nucleated to different degrees and in some cases mobile (under shifting cultivation and changing environmental conditions). In Northern Mozambique iTC generally undertakes community land delimitation at the level of individual *povoados*, each comprising up to several thousand people, whose areas of jurisdiction are normally (but not always) below 10,000 hectares, as opposed to previous practice of delimiting whole *regulados*, on the assumption that some sort of customary organisation of land and resource use existed at this level spanning multiple village communities. In practice this is generally not the case; *regulados* often correspond closely with entire administrative localities, and although they can be delimited, in practice organisation of land and NR management at this level has tended to prove unsustainable. Elsewhere, for instance in parts of Manica, a *regulado* and its customary leadership structures may be more compact, with sufficient social cohesion to provide a feasible scale for management.

Importantly, the definition of local community in the Land Law is flexible: *groupings of families and individuals living within a circumscribed territory at the locality level or lower with common interests in safeguarding areas for housing agriculture, whether in production or fallow, forests and places of cultural importance, pastures, water sources, hunting areas and allowing for areas for expansion*<sup>4</sup>. As a result of variation in the geographic scale at which a social grouping self-identifies common interests in land and natural resources, it is not appropriate to define a rural community rigidly. Correspondingly however, the law does not itself provide further specific guidance on how a community should be defined, posing conceptual, technical and procedural challenges for iTC and iTC stakeholders.

Delimiting communities at the level of individual *povoados* minimises problems and delays in formal registration and obtaining government approval and facilitates development of community based organisations and land management plans. Returning to the example of Niassa province, the *Ndunas* very often operate at this level, assisted by government appointed secretaries, religious leaders and councillors or elders. Organisations such as community development councils, or water committees, (and sometimes community based natural resource committees) may also exist at this level, supported by NGOs and outside organisations. Typically iTC will work with a cluster of three or often more contiguous *povoados*, within a single project, utilising customary structures for organisation of community meetings, training and awareness raising sessions and adjudicating meetings, and involving authorities from different communities in the adjudication of boundaries. In practice, there is immense variation in the size and structure of rural communities, patterns of resource utilisation and in population densities both within and between provinces, requiring a flexible approach.

Field assessment of community structures is required to correct misunderstandings due to inaccurate designation of target communities and limited knowledge of community structures by

---

<sup>4</sup> Article 1, Law Number 19/97 1 October 1997 (Land Law)

government and service providers. For instance, an area in Niassa Province identified by the Cuamba district administration as “Napacala community” was found to comprise fourteen separate villages organised into two groups each with its own Chief. In another case a group of six communities spanning the boundaries of Lichinga and Muembe districts were found to part of the same *Regulado*.

Community land areas defined at the level of *povoados* can vary from around 2,000 in densely populated areas to 100,000 ha or more in remote areas of low population density and low agricultural productivity. For instance in Sanga and Majune districts of Niassa three communities located in the buffer zone of the Niassa Reserve occupy and utilize extensive areas over 100,000 ha primarily devoted to wildlife and natural forest. In these cases, as part of the *Chipange Chetu* community based conservation area under overall management by a private concession holder, Provincial Government was willing to approve land delimitations based on a broader natural resource assessment and utilisation plan. Elsewhere, recognition of community jurisdiction over areas of this size have proved controversial on grounds that this would deter external investment, while communities alone could not make effective use of areas of this size. In areas where the principle development opportunities for rural communities lie in natural resource and forest utilisation, or safari tourism however, the imposition of strict limits on community land areas, and non-recognition of community interests over extensive areas effectively denies the possibility of community access to 20% share of government tax revenues from forest and NR use, or 15% for tourism, as stipulated by legislation.

### ***3.3 Development of community institutions for improved land and natural resource management as part of the broader land administration system.***

iTC has found it necessary to establish Community based Land and NR management committees (CGRNs) for each community land area delimited. These committees were originally established under Forest and Wildlife legislation and set up to correspond with private forest and wildlife concessions, for the purposes of receipt and use of 20% community shares of tax revenue derived from third party forest exploitation and wildlife utilisation. In cases where relatively well functioning CGRNs already exist, even where these span more than one community, iTC has found the processes of land delimitation, awareness raising and conflict resolution to operate much more smoothly. IN other cases iTC has in some cases had to adapt and strengthen them to be operational at a feasible and appropriate community level. Formal registration of these Committees and training of their members establishes a community based organisation with the potential to act as legitimate representative of different interest groups at community level, including customary authorities, to organise the community for consultations, negotiations and agreements with private investors and others regarding the use CSR funds and eventual development of more inclusive community partnerships. A CGRN can also take overall responsibility for management and monitoring of common areas and natural resource use, promote sustainable land use development and assist with both internal and external conflict and dispute resolution In practice however, given lack of prior attention to the capacity and representativeness of CGRNs, the good management and effective use of sudden injections of cash funds is one of the most problematic aspects.

In the *Chipanje Chetu* conservation area in Sanga District, Niassa, the original Committees had become dominated by individuals from specific *povoados* who monopolised access to natural

resource and tourism revenues, to the detriment of others, requiring reorganisation of the committees and establishment of a number of new ones corresponding with the NR utilisation areas of specific village communities. Once these are established the different communities present in or surrounding a reserve, tourism or conservation area can then be represented in Natural Resource Management Council, comprising members of the different CGRNs alongside representatives of private concession managers and local government, as now been established for the *Chipanje Chetu* area.

### **3.4 Costs and cost effectiveness of iTC land delimitation**

Analysis of iTC budgets and spending of iTC indicates average costs of US\$ 13,000 for land delimitations and US\$ 3,600 for demarcations, which are smaller and have significantly higher costs per hectare due to legal and technical requirements for greater accuracy and placement of boundary markers. Given the diversity of situations encountered actual costs vary considerably. Land demarcations may cover anything from a few hectares to three hundred hectares and occasionally more, whereas delimitations involve several thousand or tens of thousands of hectares. In special circumstances both smaller and much larger delimitations may be undertaken. Based on preliminary analysis the approach of working with communities in geographical clusters now appears to have improved cost efficiency and cost-effectiveness, in relation to the key outcomes. This requires intensive field work and preparation by iTC staff and management teams to develop detailed Concept Notes as a basis for Service Provider technical and financial proposals to address community clusters.

The costs of iTC community land projects costs differ from those incurred by government using a purely technical approach, as iTC always adopts participatory approaches involving communities, community leaders, local government, service providers and other actors including investors where present, which increases unit costs. The steps utilised by government and by iTC in securing rural land rights and the associated costs to iTC based on analysis of projects conducted in 2010-12 are detailed in Tables 2 and 3. These indicate the additional costs involved in preparing and empowering rural communities as development agents for improved land use, and productive projects and partnerships.

[SEE TABLES 2 AND IN ANNEX]

### **3.5 ITC's work with producer associations**

In addition to delimitation and titling of community areas, iTC also supports development of sustainable land and natural resource based businesses by rural producer associations. iTC supports associations of charcoal producers, bee keepers, artisans and cattle keepers and herbal medicine producers to utilise natural resources sustainably, develop business plans and generate employment. iTC assists in obtaining operating licences, and establishing rights to key association assets, including a number of community owned tourist lodges. For farmer associations, iTC secures access to relatively small land areas through a process of geo-referencing and physical demarcation of land parcels, leading to issue of leasehold DUAT titles. In most cases associations are not formally

constituted, so iTC assists with their legal registration, as well as training and capacity building of members, business planning and facilitating access to sources of credit, equipment, and technical assistance and farm inputs supplied by other organisations.

During the first phase of iTC interventions in Gaza in southern Mozambique, differently from other provinces, concentrated on demarcation of multiple, dispersed parcels for producer associations. This approach was driven by demand from government and civil society in the province, and also in line with particular features of Gaza, with large areas of irrigable former colonial and state farm land in the Limpopo and other river basins, not subject to customary jurisdiction, but occupied informally by farmer groups or targeted for small scale irrigation and income generating projects. Gaza has a high level of male out-migration for work in South Africa and as a result a relatively urbanised population, with large number of female headed households. Outside of irrigable areas semi-arid agro-ecological conditions prevail, and communities are reliant on combinations of livestock keeping, cashew production from extensive orchards, charcoal production, unreliable rain fed cropping, and remittances by migrants. Typically, producer associations seek to access land in small contiguous blocks, divided into individual parcels, serviced by a shared network of irrigation channels and one or more irrigation pumps, and sometimes including plots for specific experimental crops or collective enterprise. An iTC- NGO partnership programme developed in Guijá and Chokwe districts in which ORAM undertook land demarcation and legalisation of producer associations financed by iTC, and Africa-works provided irrigation equipment and technical training to farmer groups. In the current phase, iTC has now begun to undertake larger demarcation projects on behalf of dispersed “clusters” of multiple producer associations in one or more districts. iTC has so far undertaken few community land delimitations in Gaza largely restricted to dryland areas. This raises concerns about broader community rights, tenure security and sustainability use of common resources and overall land use dynamics and organisation beyond demarcated and irrigable areas. Some land delimitations of specific common pasture and forest resources utilised by multiple groups with establishment of management committees have now begun, but follow up and further investigation are needed to develop strategies for broader tenure security and sustainable land use.

In other provinces ITC has found that delimitation and land demarcation processes and capacity building with producer associations within the same communities should be conducted in an integrated way within the same project. This approach requires greater attention to land and resource use zoning and planning in order to facilitate small scale commercial agricultural development, but enables a direct linkage between land tenure security and productive development projects from the outset. In a cluster based approach, producer associations from one or more communities can be grouped together for purposes of training, capacity building and registration of the associations and of secure leasehold rights.

In the most highly productive and densely populated areas however (for instance Angônia and Tsangano Districts in Tete province, and Cuamba, Gurué, Alto Molocué, Malema and Ribaué in the Nacala corridor) different models of producer associations prevail. With assistance from external agencies such as CLUSA, farmers have been organised into associations for purposes of combined marketing and input supply, whereas production takes place on individually held plots. In Gurué and elsewhere, CLUSA promotes a two tier model composed of “clubs” of emergent small to medium

scale commercial farmers dispersed across multiple communities organised into a federated district based marketing cooperative, while assisting with individual land registration for club members. Individual title registration is also advocated by major regional agriculture and agribusiness development programmes such as *Prosavana*. However in many such locations, such as Cuamba in Niassa and Angónia in Tete existing and emergent Producer Associations are generally based in specific communities, although they generally do not utilise land in common or in contiguous blocks. As multiple individual land registrations are relatively costly, and beyond iTC's mandate, we believe that community land delimitation, and legalisation, registration of collective assets and capacity development for producer associations in each community offer an important complementary approach, with potential to spread the benefits of market and cooperative development more broadly and deeply, preparing the ground for individual title registration while also guaranteeing the land and natural resource rights of much larger numbers of people at much lower cost<sup>5</sup>. In Angónia, individual Associations have hundreds of members, a number of them have contracts with WFP for bulk supply of maize and beans to WFP, but they have limited assets such as warehouses and sometimes small scale demonstration plots, without formal tenure. In these types of cases iTC can adopt an integrated strategy that combines community land delimitation with support to producer associations, including legalisation and training, legalizing existing assets and identifying potential to utilise and register contiguous parcels as collective assets, for instance in low lying areas suitable for horticulture. Establishment of a Land Management Committee involving association members and influential community figures can assist with land use zoning, dispute resolution, and community consultations required when associations, community members or outsiders apply to register leasehold rights for specific areas.

[SEE FIGURE 4. IN ANNEX: Illustration of an integrated delimitation - demarcation approach: Mpandagoma community in Barué, Manica province.]

So far iTC has had no scope to engage in processes linking individual and community based tenure security. MCA has piloted individual land registration in northern Mozambique separately from iTC's work to secure community rights. This has helped to maximise attainment of targets by each programme, but not aided development of a more integrated approach. However indications are that combined, incremental approaches will increasingly be necessary to facilitate agribusiness development and orderly and conflict-free transitions to more settled agriculture that government now promoting in higher potential areas, such as the Nacala development corridor. The few successful rural individual titling pilots conducted (welcomed enthusiastically by beneficiaries just as iTC's interventions have been) combine registration of a wide variety of parcel sizes under various forms of customary use in favour of nominated household or family heads, and in some cases joint spousal title. Parcels range from tiny plots allocated to small nuclear families or incomers from elsewhere, to large extended family holdings containing multiple plots still utilised on a rotational fallow system and forest and pasture resources<sup>6</sup>. In these pilot "regularization" processes, there has so far been no provision for identification of shared community resources, identification of

---

<sup>5</sup> Differences in approach and objectives have made it difficult for iTC to establish operational partnerships with CLUSA despite strong interest in doing so on both sides.

<sup>6</sup> Information provided by HTSPE staff working on MCA tenure regularization and deduced from inspection of cadastral maps developed by HTSPE, December 2012.

community or village boundaries, or capacity building for community organisations to help manage shared assets, resolve disputes, update land records monitor and control NR utilisation as they would in communities delimited by iTC. A key underlying legal issue is the relative content of the rights enjoyed by individual DUAT holders (a 50 year lease subject to implementation of a land use development plan, and payment of annual taxes) and members of delimited communities with registered or unregistered DUATs (rights held in perpetuity subject to customary norms and principles), highlighting the risks of large scale conversion of community DUAT holders into government tenants.

### ***3.6 Large scale land investments and mediation of land conflicts***

iTC has so far had limited experience in working with communities affected by large scale land investments as in most cases these have been subject to planning and approval through centralised government channels which do not involve iTC. iTC has generally been directed away from large scale investments and cases of land conflict by provincial government because of perceptions that iTC interventions in land delimitation and community capacity building would obstruct investment plans. For example in Zambezia, iTC was initially asked not to work in Gurué and Alto Molocué Districts on the grounds where plans were underway for large scale plantation forestry investments and government feared that iTC's service providers would mobilise communities to oppose the investments. Plans for an iTC project working with producer associations to gain secure access to irrigable land in the Limpopo flood plain in Xai-Xai District in Gaza were dropped because of a large scale Chinese irrigated rice project covering the whole area, including land already occupied and used by small scale farmers. Where investment projects have entailed resettlement, such as the PROCANA scheme in Gaza, the Matanuska banana farm in Monapo District, Nampula and coal mining concessions in Tete, government identified alternative land and registered titles for the resettlement areas, not including accessible arable and forest areas and without involving iTC. Until conflict arose in Tete in early 2012, responsibility for community consultation resettlement and provision of alternative livelihood opportunities were left entirely to the private companies involved. Resistance to iTC engagement has arisen for a number of reasons: misunderstanding of the nature of iTC interventions and of the nature of community rights that result from land delimitations, whereas under the land law are not exclusive rights; private interests in government connected with land investments; reluctance to interfere with centralised higher level decisions to prioritise external private investments; and beliefs that involvement of advocacy agencies in land delimitation and community awareness raising will stir up conflict and influence communities to reject land investments. In iTC's experience rural communities are hungry for development opportunities and better access to markets and very open to negotiation with outsiders, while concerned to protect existing livelihoods, whereas the business models of investment projects requiring direct access to large land areas tend to compete with existing, extensive patterns of community land use. In practice, unrestricted access to large contiguous blocks of land that investors have been led to expect is unlikely to be available in many locations. Depending on local conditions and population densities, large tracts of land are rarely available within areas under customary jurisdiction of individual communities, raising transaction costs for investors in assembling land. While investors expect government to provide credible information, Mozambique does not currently have resources or mechanisms for systematic assessment of community land use and occupation.

In a number of cases iTC has been required to assist in resolving conflicts between local communities and forest investors, involving community land delimitations, redefinition of plantation areas and development of small scale partnerships whereby community members are contracted to grow trees or other products for sale to the companies. More generally iTC could play a constructive role in facilitating proper community consultations, better adaptation of investment proposals to local circumstances, development of community-investor partnerships by the investor and assisting in resettlement processes and negotiation of appropriate compensation. Private investors in the Beira Agricultural Growth Corridor (BAGC) and forestry plantations in Niassa are gradually the importance of iTC in assisting government to make available credible land information and avoid conflicts with rural communities.

### ***3.7 Development of community-business partnerships***

Implicit in the philosophy of the 1997 Land Act was a view that secure community land rights defined by process of land delimitation under the “open borders model” would lead directly to the emergence of community based economic development projects and partnerships with private investors. This has not been the case, and in practice considerable development work has been required to build capacity of community based producer associations and assist them to raise funds and negotiate with potential partners and to raise interest and awareness in the private sector.

Alongside large scale investments, Government and donor strategies for agricultural development now emphasize integration of small scale producers and producer associations into formal partnerships with agribusiness developments and value chain actors. iTC experience so far suggests that there is real scope to develop community - private sector partnerships in agriculture through strengthening or developing new value chains, via contract farming and outgrower models linked to commercial buyers and smaller central nucleus estates and managed irrigation blocks. Conducted properly with due attention to community development, resource access and tenure, these projects are much more likely to deliver sustainable economic and social benefits than engagement of communities at the fringes of enclave style plantations using social corporate responsibility funds to promote supplementary income generation to substitute or compensate for community land acquired (legally or illegally) by investors.

Large scale public - private partnership programmes, such as BAGC and PROSAVANA in the Nacala Corridor, and the World Bank PROIRRI programme for irrigation development in central Mozambique are seeking to systematically upgrade smallholder productivity and integration into value chains, linked to larger scale investments which they also promote. ITC is developing active collaboration with these programmes, most advanced on the ground in the case of PROIRRI to secure community land rights and economic benefit, yet all remain at an experimental stage, and reliant on presence of medium scale private investors to manage irrigation and processing facilities and contract with smallholders. The contract farming operations and value chain development approaches adopted by NGO and donor programmes tend to focus on increasing commercial output of particular crops by the more dynamic but dispersed individual producers, rather than upgrading the capacity of community based and location specific producer associations, which creates opportunities to spread benefits more broadly within communities and to link investments to improved tenure security and improved community land use.



In other contexts, social entrepreneurs or specialist investors, so far few in number, can develop joint ventures with strong community participation for new products and services which are difficult to produce in other ways. Examples which iTC has assisted and promoted include community access to benefits from carbon credits derived from agroforestry and natural forest protection, community based tourism ventures, and marketing natural resource products, notably honey. There is also scope to conserve resources and improve production and marketing of natural products such as honey, *malambi* (baobab) flour in Tete and the Zambezi valley.

iTC's experience in facilitating community partnerships for economic development is multifaceted and not confined to work with the private sector, also involving fostering of community linkages with of credit, technical assistance providers through synergies with Government and NGO led development programmes in the areas where iTC works. iTC has enabled farmers' organisations to obtain credit through Government's District Development Funds to move up the value chain by establishing agro-processing, marketing, seed production and poultry businesses. Table 4. (in annex) indicates types and examples of partnerships under development and emerging from the iTC programme so far.

## **Box 2. iTC creation of agribusiness opportunities for small farmers**

Farmers in Vanduzi, Manica District have opportunities to market vegetables through Mozfoods, an export company linked to the Vanduzi Company which has developed commercial horticulture on its own nucleus estates, supplemented increasingly by outgrowers. Due to its high agriculture potential, the area is very susceptible to land conflicts among farmers and with outsiders.

iTC demarcated 362 ha of land for 112 farmers organized into four s associations *7 de Abril 1, 7 de Abril 2, Munhar, and Campo 4*, working with trusted iTC service provider Caritas Messica. The iTC project also trained selected farmers in (i) business planning, land management, group management and leadership, as basis for increasing e productivity and establishing commercial partnerships. The Vanduzi Company contracts farmers to produce hot peppers, cow-peas and baby corn, providing seeds and other inputs, and monitoring and quality control during the growing season. At the end of season, the company buys the produce at a predetermined price. The farmers have learnt that for this e model to work they must belongs to a registered association with secure title as evidence of their right to use the land. In addition the Associations' secure land rights will help the company fulfil the requirements for Fair Trade certification. Association member Joice Muceu told iTC that a lot of land had been taken by outsiders, and she never thought she could gain legal rights to the land she had worked for many years long time.

Although production is currently rain fed, the associations share a productive watershed, with good potential for gravity fed irrigation. Despite the site's hydrological potential, there is no irrigation infrastructure to enable efficient improved water use and dry season production. It is now expected that PROIRRI, a World Bank irrigation development programme will build an irrigation canal benefiting all the associations on the site, a project conditional on the associations securing DUAT titles.

*Source: iTC staff field work documentation*

Development of community- investor partnerships and integration of small scale family farming into value chains are long term processes, but a major limitation so far has been the absence of a standing support mechanism to ITC assisted communities assisted to secure tenure rights in partnerships development and negotiation with market actors. Appropriate legislative provision and legal instruments to regulate development of partnerships, community leasehold land transactions with investors and equitable framework for joint ventures should now be a priority to avoid conflict and enable more inclusive sustainable investments.

Experience suggests the following avenues for further development of community-investor partnerships by ITC:

- Proactive community land use zoning demarcation, training, capacity building and registration of producer associations to prepare them as potential partners in outgrower schemes in other public-private investment programmes, as pursued by ITC with PROIRRI and BAGC projects in Manica and Sofala provinces.
- Proactive marketing and feasibility studies to replicate successful joint ventures in carbon sequestration, community based tourism and natural resource market development projects (such as those managed by Envirotrade, Eco-Micaia and Mozambique Honey Company).
- Development of Memoranda of Understanding and appropriate contractual instruments to regulate community-private sector partnerships, specifying rights and responsibilities on both sides. Communities with confirmed secure rights can enter into a revenue sharing partnerships and agreements for a company to use community land. Functional and effective community based institutions with legal personality are needed to enter into partnerships, and it may also be necessary to upgrade forms of community land rights certification to ensure that the rights are perceived to be at least as strong or stronger than private concessional rights allocated by government.
- Achieving recognition across government and amongst investors of ITC's potential role in ensuring fully inclusive consultations for proposed large scale investments, to assist in adaptation to local conditions, strengthen community capacity in negotiation, and enable fair access to benefits and ensure adequate, well planned compensation in cases of resettlement or where farmers land rights and assets are lost.
- Development of a systematic role for ITC as a partner and facilitator for community engagement in major public-private investment programmes such as BAGC and PROSAVANA. In addition there is a need to develop an ITC role in relation to mining concessions, especially in Tete province and in planning of development associated with natural gas exploitation in Cabo Delgado.

### ***3.7 ITC's interface, coordination and advocacy role with government land administration***

The capacity of provincial cadastral services (SPGCs) for and the institution of clear mechanisms for collaboration with ITC are critical issues to be addressed in design and development of ITC as a national organisation. Currently weak government land administration capacity and resourcing is a major constraint on efficiency of ITC's programme, the expansion of community tenure security and strengthening of land governance generally. ITC's relations with SPGCs are generally good but SPGCs have different practices and interpretations of how to apply legislation and DNTF guidelines in

different provinces. Collaboration and speed of issuing titles is generally better in the northern provinces where MCA has provided technical support to the SPGCs. iTC interventions in coordination with government have proved successful in addressing problems that have arisen as a result of earlier attributions of DUATs for large land areas to forest investors and safari tourism operators, notably in Niassa. In other cases however, notably in Gaza, provincial government collaboration in processing community land certificates and titles has been weak. In Manica, despite good overall collaboration with government, SPGC has sought to maximise its revenue from iTC projects by delimiting and demarcating land themselves, and undertaking field verifications attracting additional daily allowance payments, and on managing payments to local government staff involved, something normally managed by iTC service providers. Appropriate procedures and divisions of labour need to be clarified to improve efficiency and avoid leakage and duplication, requiring joint iTC / SPGC annual planning are needed. Were SPGCs equipped with additional qualified staff, coverage could be greatly expanded and iTC service providers could concentrate on social preparation and community development activities, community land use planning and business development.

Although legal regulations governing community consultations by investors have now been strengthened, there is as yet no mechanism whereby iTC is called in to assist or independent legal advice and facilitation can be provided automatically. Lack of transparency and accountability surrounds the planning and implantation of investments as a whole. Provincial cadastral offices are frequently required by government to deliver leasehold titles to private investors without assessment of local conditions, risking conflicts and creating disincentive for collaboration with iTC.

### ***3.8 Service Provider Capacity, Training and Capacity Building***

iTC has financed, organised and delivered training courses and capacity building sessions covering: Legal knowledge and advocacy skills for paralegal advisers; survey and mapping skills; social preparation methodologies; gender and diversity; project planning, management, monitoring and financial management; land, natural resource management and environmental awareness at community level; also collaborating to assist delivery income generating skills and opportunities (notably beekeeping) to community groups assisted. By October 2012 almost 1000 people had been trained, almost half of them staff from service providers and collaborating local NGOs. Forty per cent of participants were community facilitators and leaders; a further ten per cent government officials at locality, administrative post and district levels. iTC service providers are in turn involved in delivering further training at community level both in both iTC and independently funded projects.

Outside of government itself, the key strategic issues to address are building capacity and land related knowledge at community level, developing appropriate skill sets and efficient configurations of iTC service providers in each province with appropriate contractual links; and disseminating harmonised, methodologies which they can use in future and in other settings. Para legal skills available to communities have emerged as central in prevention and resolution of land and natural resource conflicts of all kinds. An important lesson is that community leaders, customary judges and other influential people need to be trained in paralegal skills, requiring purpose designed training. As elders, they generally have low levels of formal education, whereas the younger people with

necessary basic educational qualifications required for training provided by the national legal training centre (CFJJ) do not have sufficient credibility at community level. ITC is also piloting support to associations of trained paralegals (generally personnel from local NGOs and also from government and private sector) at provincial level, and examining how best to provide on-going support and guidance to community paralegals.

### **3.9 Gender perspectives and women's participation**

Women's direct participation in community land delimitation and zoning has been limited in many cases due to cultural barriers, and male dominance and lack of gender awareness within communities and service provider organisations. As a result of ITC's application of a Gender and Diversity Strategy, which arose from findings from a gender audit in the three pilot provinces (Forsyth and Chidiamassamba 2009) women's participation has risen from estimates of 20 – 30% in different provinces to an averages of approximately forty per cent for iTC provinces and activities as a whole<sup>7</sup>. In many cases, and is now higher in many cases. Ensuring women's participation requires specific gender sensitive training and capacity building efforts, and gender responsive technical guidelines monitoring and reporting tools procedures and specific efforts for systematic gender targeting

In Gaza province, due to high male out-migration, women's participation has been particularly high in both producer associations (66%) and land management committees (52%), and is now around 50% in both Niassa and Zambezia, where matrilineal inheritance and cultural systems favour stronger female social and tenurial status. Nevertheless, men still tend to dominate in community leadership and decision making roles and are less likely to be put forward for training, even in matrilineal contexts, leading to difficulties in specific contexts in Cabo Delgado and Niassa.

#### **Box 3. iTC Gender and Diversity Principles**

- 1: Participation and social inclusion.
- 2: Equal access to decision-making.
- 3: Equal benefit.
- 4: Long-term and intergenerational commitment.
- 5: Transformation of social relations.
- 6: Socially-sensitive and participatory monitoring and evaluation.

Source: iTC Gender and Diversity Strategy

Women's participation in producer associations has risen steadily in most locations but in Manica province, where patriarchal practices are culturally entrenched remains limited to around 30% in iTC supported community organisations. Given the weakness of gendered approaches by service providers, iTC staff have promoted women's participation, and a cascade approach to gender training is underway to help build understanding of gender and diversity issues and disseminate gender sensitive methodologies amongst provincial service providers and at local community levels. Other issues identified by the 2009 gender audit will take time to address at significant scale. Women's participation in iTC assisted economic development activities was found to largely reflect customary gender divisions of labour, although female beneficiaries rated iTC services highly, in

---

<sup>7</sup> Based on data derived from head counts of gender participation in all iTC assisted CBOs and in training activities seminars and structured meetings at community, local, district and provincial levels.

terms of increased security and improved incomes. Men were found to face severe livelihood constraints and barriers to sustainable natural resource use, linked to increasing environmental degradation, land conflicts, and lack of economic opportunity, leading to increasing labour migration. Youth, the elderly, orphans and people with HIV/AIDs and were also constrained by access to marginal or poor quality land.

#### **4 Conclusion: institutional development challenges, policy and legislative issues**

In conclusion we consider briefly some of the institutional development challenges for design of future programmes and the associated policy and legislative issues which arise from iTC's experience. Whereas existing donor funding models have enabled successful experimentation and piloting, there are significant challenges in translating experience to date into effective and scalable public service delivery to which civil society and private sector can contribute. Although radical improvements in institutional capacity, coordination and legislative instruments to regulate land use development and provide security of tenure for peasant farmers are needed it is likely that in reality institutional changes will continue to be gradual and negotiated, as recent social and historical institutionalist approaches in political science suggest (Mahoney and Thelen 2010, Leftwich et al 2011). Land rights in practice, or patterns of territorial control and the institutions and practices that determine them are always "hybrids" of the interaction of public policies with state, market and social forces. (Bonnard *et al* 2011). The different influences of changing government and donor policies must also be considered. These factors help to explain extremely mixed outcomes of both land and investment policies (and indeed of donor assistance projects including the iTC) in Mozambique. The Mozambican context also presents particular challenges for a democratic decentralisation of traditionally centralised and sector based planning and policy processes, as economic and political power in Mozambique have become more centralised and more integrated in recent years (de Brito et al 2012, Mosca & Seleman 2012, Weimar et al 2012). For these authors, as for iTC itself, a top-down drive to install specific investments has been evident, although iTC has also found particularly at lower levels of government, considerable caution and a strong recognition of the importance of community engagement and inclusion in new productive opportunities which investment can potentially create.

A set of important areas for institutional development and change has emerged from the iTC programme:

- Effective national legal and practical guidelines on partnership development are now a high priority for effective security of community tenure and conflict avoidance.
- Better governance arrangements and effective practical mechanisms for territorial development at all levels to improve social inclusion and sustainability in land development and natural resource use.
- Re-articulating the purpose, scope and appropriate methods for community land delimitation including social preparation and capacity building for CBOs, as essential first steps in an incremental approach for sustainable rural development.
- Development of decentralised land administration capacity in which community organisations play a role; incorporating documented recognition of specific configurations

of community land holding and authority, and capacity building for community level institutions.

- Development and strengthening of the legislative and regulatory framework for operation of Community based land and NR management committees.
- Development of legal and contractual instruments to regulate transactions between community organisations and other land users (such as contracts for *Cessão de Exploração*, and establishment of joint ventures).
- Stronger and more transparent management and regulation of private investment and community partnership arrangements by value chain actors (German 2012), and greater transparency and accountability in government and private investor behaviour in relation to land.
- Complementary and coordinated roles for government, donors, civil society and private sector for scalable and systematic tenure security and improved rural land utilisation at greater scale.
- Institutional design and governance arrangements for iTC as an independent national institution, linked to government.

There is now good evidence from Latin America that natural resource, market and policy drivers can be harnessed effectively to achieve more inclusive and sustainable rural territorial development in circumstances where land distribution remains reasonably equitable and effective coalitions of civil society, policy and market actors can be built and consensual development visions established (Berdegué et al 2012). This represents a next challenge in achieving tenure security for rural communities and sustainable rural development at national scale in Mozambique. Better understanding of the influences of intersecting networks of state officials, political leaders, private investors, donors and civil society actors on policy and practice, and the roles played by customary leaders, community based organisations, government and ruling party at the most local levels can to assist in building the broad social needed to strengthen policy, improve institutional practices and governance arrangements for rural development. iTC, by virtue of the partnerships it establishes at all levels is at the centre of such a coalition and is a potentially a key rural development institution.

In the short term two key areas emerge for future development, requiring empirically informed analysis, and strong iTC - partner engagement as iTC consolidates its position as a key

- a) Coherent and relevant legislative revision and development, within the existing framework, but not confined to the land law itself
- b) Piloting and development more comprehensive district and region-based community tenure security and capacity building programmes engaging fully with government and public- partnership programmes, and civil society.

## REFERENCES

Berdegué, J.A., Bebbington, A., Escobal, J., Favareto, A., Fernández, M. I., Ospina, P., Ravnborg, H.M., Ravnborg, H.M., Aguirre, F., Chiriboga, M., Gomez, L., Modrego, F., Paulson, S., Ramírez, E., Schejtman, A., & Trivelli, C. (2012) *Desarrollo territorial rural en America Latina:determinatnes y opciones de politica*. In Berdegué, J. & Modrego, F. (eds.). (2012). *De Yucatán a Chiloé. Dinámicas territoriales en América Latina*. Buenos Aires: editorial Teseo.

Bonnal, Phillipe ., Delgado, N.G., and Cazella A.A., (2011) Subsídios Metodológicos ao estudo do desenvolvimento territorial. Ch 2 in *Políticas Públicas, Atores Sociais e Desenvolvimento Territorial no Brasil*, edited by Sergio Leite and Nelson Delgado. Brasília: IICA.

Borras, Saturnino. Jr., R.Hall, I.Scoones, B. White and W.Wolford (2011), *Towards a better understanding of global land grabbing: an editorial introduction*. Journal of Peasant Studies, 38 (2), 209-216st

Boyd, G. & A. Calengo (2009) A Strategic Analysis to Reinforce the *Iniciativa de Terras Comunitárias*. Report prepared for DFID, Maputo.

Cotula, Lorenzo (2011) *Land deals in Africa: what is in the contracts?* London: IIED

De Brito, Luis; C.N. Castel-Branco, S. Chichava & A. Franciso (eds) (2012) *Desafios para Mocambique 2012*. Maputo: IESE

Forsyth, Lora & C. Chidiamassamba (2009) Gender Audit for the Mozambique Community Lands Initiative. Maputo: iTC, NRI / University of Greenwich and KPMG

German, Laura (2012) Multi-level governance of large-scale land acquisitions: Mapping and evaluating the terrain, Paper presented at *the International Conference on Global Land Grabbing II* October 17-19, 2012. Organized by the Land Deals Politics Initiative (LDPI) and hosted by the Department of Development Sociology at Cornell University, Ithaca, NY.

Hoekma, Andre (2012) If not private property, then what? Legalising extra-legal rural land tenure via a third road. In Otto J.M. & Hoekma A. (eds) (2012) *Fair land governance: how to legalise land rights for rural development*. Leiden University Press: Leiden

Leftwich Adrian & Sen, K. (2011) *Beyond Institutions: institutions and organizations in the politics and economics of growth and poverty reduction – a thematic synthesis of research evidence*. DFID funded research consortium on Improving Institutions for Pro-Poor Growth (IPPG) September 2010, IDPM, University of Manchester

Mahoney, James & K. Thelen (eds). (2011). *Explaining institutional change: ambiguity, agency, and power*. Cambridge: Cambridge University Press

Mosca, Joao & Seleman, T. (2012) Mega-projecots no meio rural, desenvolvimento do territorio e pobreza: o caso de Tete. In de Brito, Luis *et al.* 2012 *Desafios para Mocambique 2012*. Maputo: IESE

Nhantumbo, Isilda & A. Salomão (2010) Biofuels, land access and rural livelihoods in Mozambique. London: IIED

Norfolk, Simon & Hanlon (2012) Confrontation between peasant producers and investors in northern Zambezia, Mozambique, in the context of profit pressures on European Investors. Paper prepared for presentation at *The Annual World Bank Conference on Land and Poverty*, the World Bank, Washington DC, April 23-26 2012

Norfolk, S. & C. Tanner (2006), "Improving Tenure Security for the Rural Poor Mozambique Country Case Study". *LEP Working Paper 5*. Rome: FAO 2006

Oakland Institute (2011) *Understanding land investment deals in Africa*. Available at <http://www.oaklandinstitute.org/land-deals-africa> .

Toulmin, Camilla & J. Quan (eds) (2000) *Evolving land rights, policy and tenure in sub-Saharan Africa*. London: DFID, IIED and NRI, 324p

Tanner, C. & S. Baleira (2006), "Mozambique's legal framework for access to natural resources: The impact of new legal rights and community consultations on local livelihoods", *FAO Livelihoods Support Programme Working Paper No. 28*. Rome and Maputo: Centro de Formação Jurídica e Judiciária, 2006

Weimar, Bernhard (ed) (2012) *Mocambique: descentralizar o dentralismo: economia politica, recursos e resultados*. Maputo: IESE

World Bank & FAO (2010) *Policy Note: Community land delimitation and local development*. Maputo: World Bank / FAO, November 2010

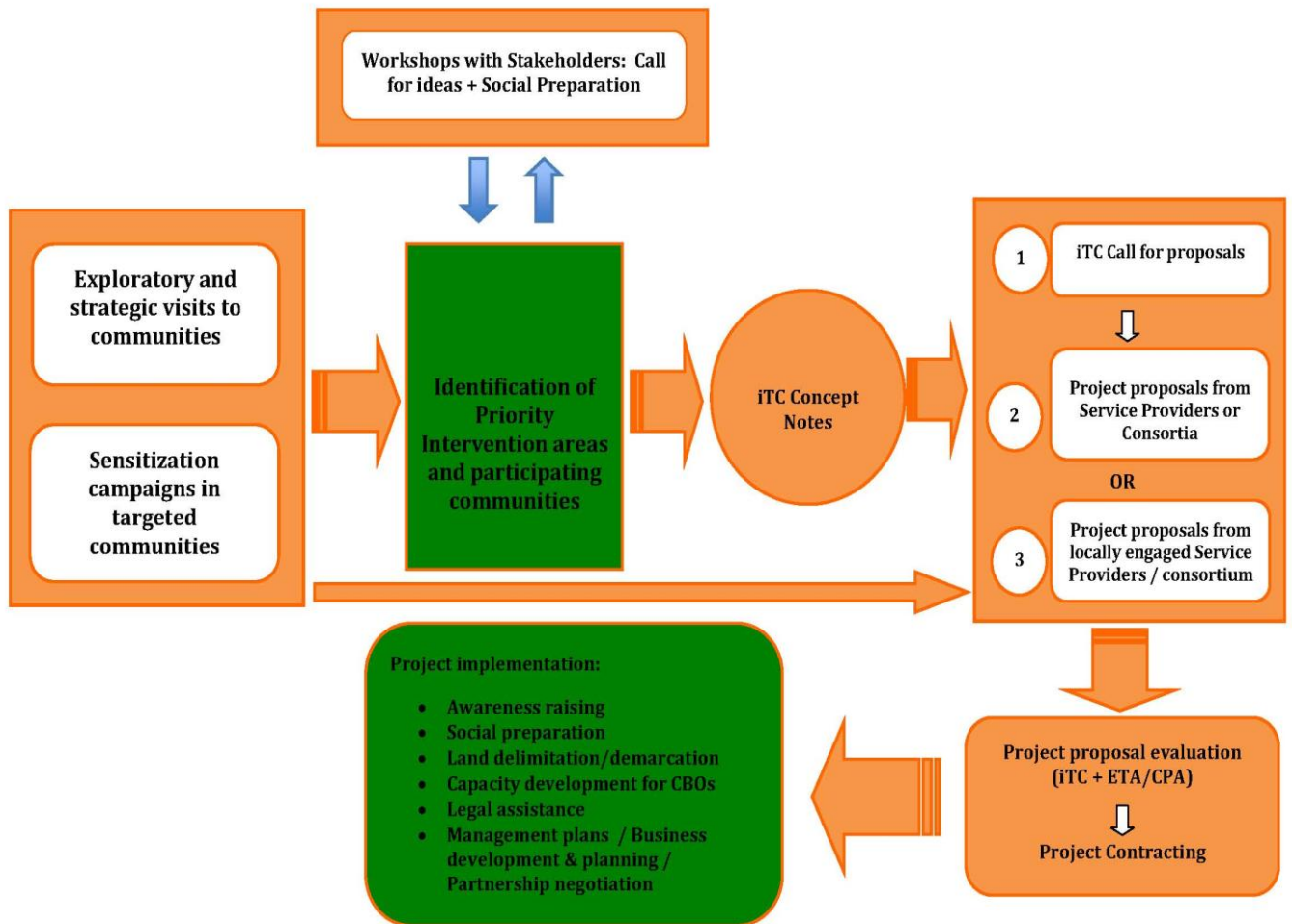


**FIGURES REFERRED TO IN THE TEXT**

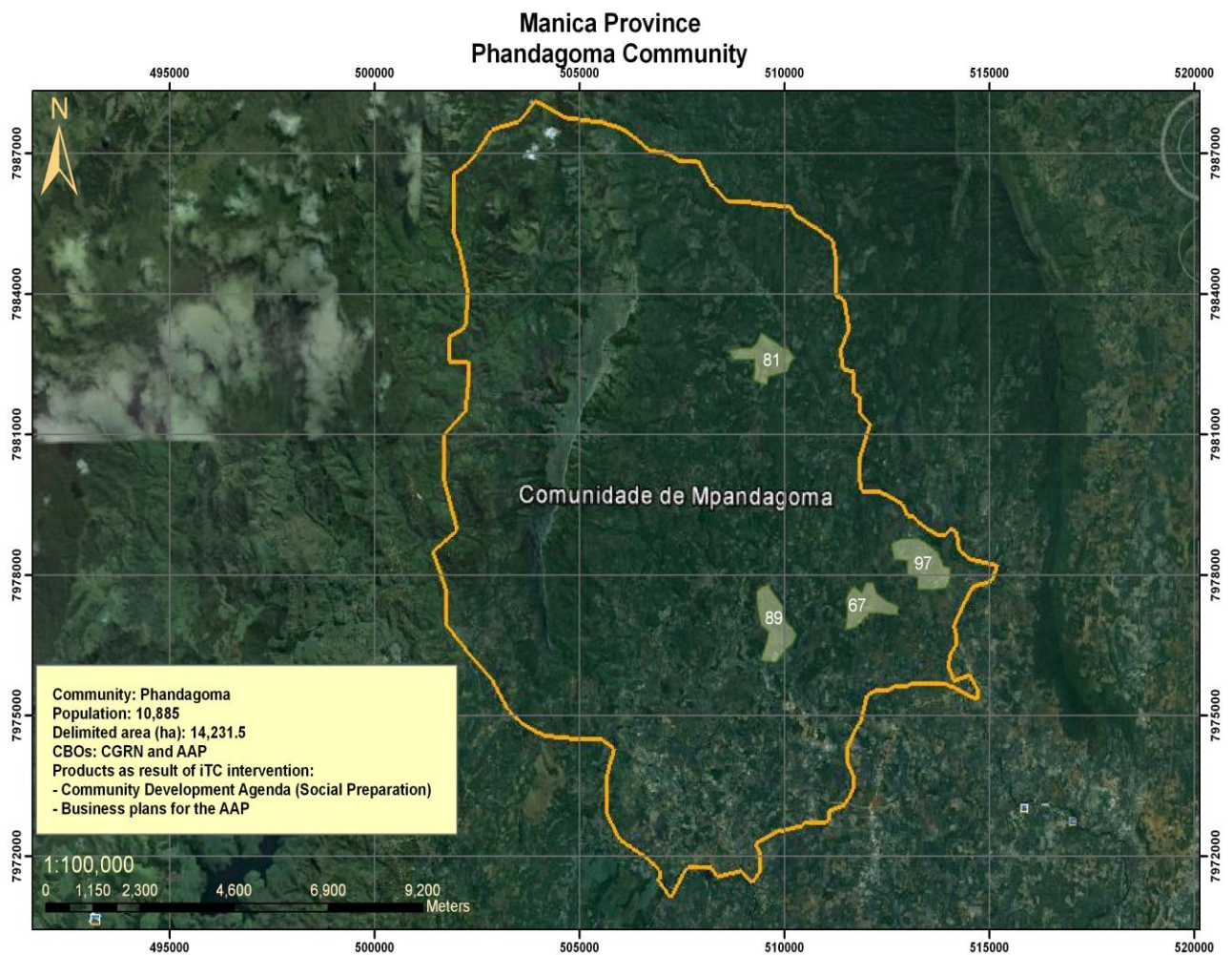
**Figure 1. iTC Operational Provinces in Mozambique (2011 - 2014)**



**Figure 2. ITC approach: steps in identification, preparation and implementation of community- based land projects**



**Figure 3. A community land area delimited by iTC**



Light green areas illustrate demarcated parcels areas held under leasehold title by Producer Associations, individual farm households or small scale private producers

**TABLES REFERRED TO IN THE TEXT**

**Table 1. Main ITC Indicators, targets and results (to November 2012)**

INDICATOR	G1 (MCA / MCC) iTC		G6 iTC	
	Targets (July 2009 - September 2013)	Results (November 2012)	Targets (2006 - 2014)	Results (November 2012)
No. Delimitation	202	95	102	25
No. Demarcation		11	165	49
Associations Legalized	N/A	36	501	156
NRMC Legalized		35		39
Land Areas Secured (hectares)	3,030,000	936,580	875,327	402,966
Number of Communities supported	202	143	248	216

Note: only cases with land certificates and titles delivered by November 2012 are included in results

**TABLE 2. Community titling: ITC Land Delimitation Activities and Average Costs**

		<b>LAND DELIMITATION ACTIVITIES</b>	<b>Cost (in US\$)</b>	<b>%</b>
Green = Tasks normally undertaken by Government	<b>1</b>	Rapid Rural Appraisal	1,374.99	10%
	<b>2</b>	Boundary adjudication with neighboring communities	439.52	3%
	<b>3</b>	Georeferencing	305.76	2%
	<b>4</b>	Partial devolution (iteration) of sketch map to the communities	203.44	2%
	<b>5</b>	Processing by SPGC	52.63	0%
	<b>6</b>	Delivering Land certification	296.86	2%
Orange = Additional Tasks Undertaken by ITC	<b>7</b>	Dissemination of legal principles and community awareness raising	1,392.30	10%
	<b>8</b>	Project presentation	154.17	1%
	<b>9</b>	Social Preparation	2,768.90	21%
	<b>10</b>	Management Plans	224.42	2%
	<b>11</b>	Legalization of NRMC	639.72	5%
	<b>12</b>	Capacity building of NRMC	2,809.97	21%
	<b>13</b>	Service Providers Fees	2,044.99	15%
	<b>14</b>	Service Providers Fees	671.07	5%
		<b>TOTAL COST PER LAND DELIMITED</b>	<b>13,378.72</b>	<b>100%</b>

**TABLE 3. Leasehold Titling Producer Associations: ITC Land Demarcation activities and average costs**

		<b>ACTIVITY</b>	<b>Cost (in US\$)</b>	<b>%</b>
Green = Tasks normally undertaken by Government	<b>1</b>	Community consultation	503.22	14%
	<b>2</b>	Georeferencing	444.00	12%
	<b>3</b>	Partial devolution sketch map of demarcation	125.78	3%
	<b>4</b>	Land use development plan	181.75	5%
	<b>5</b>	Processing by SPGC	42.08	1%
	<b>6</b>	Delivering DUAT	184.56	5%
Orange = Additional tasks undertaken by ITC	<b>7</b>	Dissemination of legal principles and community awareness raising	59.55	2%
	<b>8</b>	Project presentation	130.45	4%
	<b>9</b>	Legalization of Associations	467.25	13%
	<b>10</b>	Capacity building of Associations	405.67	11%
	<b>11</b>	Service Provider Fees	742.43	20%
	<b>12</b>	Service provider Administrative costs	384.99	10%
		<b>TOTAL COST PER LAND DEMARCATED</b>	<b>3671.74</b>	<b>100%</b>

Note: for Tables 2 and 3 all figures are based on projects implemented in the period 2010-12

**TABLE 4. Types of partnerships under development in iTC projects**

Type of Partner organisation	Examples	Nature of partnerships involved	
Private sector	Plantation Forestry companies (partnerships resulting from iTC conflict resolution)	<ul style="list-style-type: none"> <li>• Mussa-Chimbonila, Lichinga with <i>Florestas do Planalto</i></li> <li>• Ratane &amp; Mutapua Mecuburi with Green Resources Ltd</li> </ul>	Adjusted plantation - community boundaries; Use of CSR funds to promote tree growing and soya production with seed-supply, technical assistance and purchase by Forestry companies; introduction of MoUs
	Outgrower Schemes and contract farming	<ul style="list-style-type: none"> <li>• <i>Compania de Vanduzi</i> with communities in Messica, Manica District and Rotanda, Sussundenga district</li> </ul>	Land Demarcation and training for producer associations by iTC; Inputs, technical assistance and purchase of crops by <i>Compania de Vanduzi</i>
	Joint ventures and social investments	<ul style="list-style-type: none"> <li>• Nzhou Camp –EcoMicaia with communities in Sussundenga; 8 more communities in Guro / Tambara</li> <li>• Envirotrade in Cheringoma, (Sofala) and Macomia (Cabo Delgado)</li> <li>• Mozambique Honey Company (MHC)</li> </ul>	<ul style="list-style-type: none"> <li>- Community based tourism venture and lodge; Zoning and Management Plan for nature reserve and alternative income generation activities.</li> <li>- Carbon Forestry – introduction of agroforestry species with payments to producers for tree husbandry and natural forest protection.</li> <li>- Joint venture company between local producer associations and private investors providing processing and marketing support</li> </ul>
	Safari tourism operators	<ul style="list-style-type: none"> <li>• 5 communities in Sanga, Niassa, with Lipilichi Wilderness – <i>Chipanje Chetu</i> programme</li> </ul>	Enhanced community revenue sharing and distribution as a result of land delimitation and reinforced NR Management Committees; potential for tourism linked community businesses
	Land release by plantation companies	<ul style="list-style-type: none"> <li>• Madal Coconut plantations in Macuse, Zambezia</li> </ul>	Land affected by endemic coconut disease: iTC assistance and District Government credit for producer associations to establish new ventures on transferred land.
Public Sector and NGOs	PROIRRI	<ul style="list-style-type: none"> <li>• Associations from communities in Vanduzi, Rotanda and Muhoa (Manica province)</li> </ul>	iTC Demarcation of irrigable land and capacity building for Producer Associations. Participation in contract farming arrangements and preparation for small scale agribusiness development
	NGO Agricultural support programmes	<ul style="list-style-type: none"> <li>• Numerous associations in Gaza: irrigation equipment supply and training by AfricaWorks; supply of water pumps by World Vision</li> </ul>	iTC supports land demarcation and capacity building for producer associations which undertake their own marketing
	Partnerships with Provincial government	<ul style="list-style-type: none"> <li>• Maganja da Costa – Lake Ruguria community based ecotourism</li> </ul>	Zambezia Provincial Tourism Department Support to complete Lodge construction and identify a private sector partner
	Partnership with National agencies	<ul style="list-style-type: none"> <li>• ACAMUSE Association in Moma – seed production enterprise</li> </ul>	Formal partnership with IIAM to provide foundation seed and technical assistance
	Credit from District Development Fund (FDD)	<ul style="list-style-type: none"> <li>• Various cases in Gaza, Manica and Cabo Delgado: agro-processing marketing, poultry production</li> </ul>	Credit for community based business ventures; potentially effective when producer associations are linked into value chains and technical assistance.