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**Customary Tenure and Innovative Measures of
Safeguarding Land Rights in Africa**

The Community Land Initiative (Iniciativa de Terras Comunitárias) in
Mozambique

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ABSTRACT

This research is conducted to contribute to the currently ongoing policy debate on the benefits of collective vis-à-vis individual land tenure rights. The paper attempts to explore the Mozambican community land delimitation (CLD) program based on a community-level survey conducted in mid-September 2014. The survey revealed that land conflict is the main reason to initiate a CLD process, and nongovernmental organizations (NGOs) are major players in initiating and helping the CLD process. Two-thirds of the CLD communities have completed all the necessary phases of the CLD process and received community land use certificates (Direito do Uso e Aproveitamento da Terra (DUAT)). The major reason for not completing CLD processes is the withdrawal of the NGOs helping the process. More than 90 percent of the CLD communities mentioned improvement in land-related disputes both with other communities and within communities after the CLD process. Generally, not many significant differences are observed between the CLD and non-CLD communities. Land-related disputes are identified as the first most common dispute in 50 percent of the communities surveyed, with a difference between CLD (63 percent) and non-CLD (31 percent) communities. Similarly, land disputes are not only the first most common but also the first most difficult disputes in the surveyed communities. Among the surveyed communities were large-scale land acquisitions by domestic (35 percent) and foreign (10 percent) investors, with limited community involvement. The study found that CLD seems to have a strong demand from the non-CLD communities, as more than 50 percent of the non-CLD communities have a household-level willingness to pay for CLD process either in cash or in kind.

Keywords: community land delimitation, CLD, DUAT, willingness to pay, WTP

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1. INTRODUCTION

In response to recognizing that providing tenure security to landholders and improving the land governance environment are central to both rural livelihoods and private-sector investment, governments throughout the developing world are developing policies to ensure tenure security and improve land governance.

Mozambique is among the countries that took such policy initiatives. Mozambique's Land Law of 1997 recognizes customary rights of access to and management of land and the role of local leaders in conflict resolution. Despite the strong legal protections, however, local community landownership remains vulnerable in the country in the face of increasing demand from investors. Similarly, in Mozambique, various studies have documented the fact that a lack of reliable information on landownership for the majority of the country's land under the traditional land tenure system creates increasingly severe obstacles to investment (by local people or outsiders) and efficiency-enhancing land transfers. In response to this reality, the Mozambican government, in collaboration with nongovernmental organizations (NGOs), has begun refocusing efforts on formalizing land rights.

As the associated cost and complexity implies that full title is not an option even in the medium term, the government of Mozambique has realized the need to establish lower-cost options in the form of the community land delimitation (CLD) program. According to DNTF (2014), in the past, CLD has been undertaken mainly by the government, but due to financial constraints and limited human capacity, the government alone did not do much. In 2003, international donors, with the objective of promoting local economic development opportunities through a balanced community-investor partnership, established the Community Land Initiative (Iniciativa Terras Comunitarias, or iTC) as means of supporting the registration of local community land. The donor-financed CLD program was established as a means of supporting the registration of a community's land rights, with the ultimate objective of creating local accountability in protecting the interests and rights to land of the rural poor (such as women and other vulnerable groups) against the noninclusive approaches of recent investors' interest in Mozambican land. Given the documented land-related disputes in Mozambique in recent years, several interventions are either under way or in the proposal stages so as to speed up the CLD process not only to secure the land rights of communities but also to spur investment in the country.

In this regard, several important questions need answers. As indicated above, currently CLD programs seem to be supply driven as most of them are financed by donors. In this regard, theory suggests that communities respond to certification in accordance to their level of demand for such formalization of land rights. In other words, if donors are pushing certification that communities do not demand, we would expect communities to respond to such formalization differently. Another possibility is that communities could also take the initiative by approaching NGOs so that their community land could be delimited. In either scenario, differentiating between demand-driven versus supply-driven certification may add value to assess communities' response (investment, production, granting of DUATs to private investors, and so forth) to certification.

The CLD process is long and requires strong effort from the community to be effective and beneficial. As dispute is one reason for initiating a CLD process, it is important to understand how communities are susceptible to disputes and whether this varies with the stage of delimitation (not delimited, in progress, delimited, and certified). This will allow us to understand the decision dynamics in the community as well as the relative power of delimitation stage and certification in speeding up conflict mitigation. This in turn is relevant to answer various policy questions. For instance, if delimitation is sufficient in providing tenure security in certain geographic areas, we would want to target such areas for delimitations.

It is also important to assess the quality of the delimitation process by analyzing its various stages. Because of the diversity of NGOs' implementing the delimitation interventions and the flexible nature of the CLD procedure, the specific actions to be taken and the quality of the delimitation process could also vary. Hence, assessing the quality of the delimitation process will be paramount toward further

understanding of the realized versus potential costs and benefits of the delimitation process as well as the optimal procedure altogether.

Below are a few of the broad questions that we will attempt to answer as a means of learning more about the community decision power and tenure security. In this study, we try to specifically answer the following:

- What are the major reasons to initiate a CLD process?
- To what extent does a CLD process follow the stages and procedures that are deemed necessary?
- Were bordering communities involved in the CLD process and issues raised during the CLD process?
- Are any positive changes observed in tenure security after the CLD process?
- Do the non-CLD communities indicate a demand or willingness to pay for the CLD process?
- Is any systematic variation observed between CLD and non-CLD communities?

To this end, this study uses the community-level Community Land Delimitation survey that was conducted in 2014 and secondary data collected from different sources. The 2014 community-level Community Land Delimitation survey collected community-level data from 94 communities in Nampula and Zambezia Provinces in mid-September 2014.

In addition, to identify the key drivers of tenure insecurity, the study undertakes a community-level analysis using the 2014 Agricultural household survey – Trabalho de Inquerito Agrícola -TIA) data. The analysis attempts to measure the association between the potential drivers of tenure insecurity (such as population density, relative land scarcity, land use change, economic vibrancy, and off-farm employment opportunities) and households' perception of public or collective tenure security risk (proxied by risk of expropriation) and private tenure security risk (proxied by risks of border and ownership disputes).

This paper is organized into six sections. Section 2 presents a concise review of the existing literature in the area, the Mozambican land policy and land law, and Mozambique's legal framework for the community land administration and its challenges. Section 3 presents experiences and progress made in the CLD program. Section 4 tells about the data used in this study, and Section 5 presents the results of the descriptive analysis of the CLD survey. Section 6 presents the Conclusion and policy implications.

2. LITERATURE REVIEW

Customary Tenure, Titling, and Secure Land Rights Nexus: Synthesis of the Literature

With an assumption that informal customary institutions lack key elements of private property rights and provide fewer incentives for investment, thus forsaking potential advancements in agricultural productivity (Ault and Rutman 1979; Johnson 1972; Uchendu 1967), several African countries south of the Sahara (SSA) have made an attempt to formalize customary land use and promote private ownership of land through the provision of formal documentary evidence of land rights to landholders (Cotula 2007).

However, privatization of land rights through titling was found to be complex, and the authorities and institutions responsible to administer the process were found inefficient (Atwood 1990; Platteau 1996). As a result, very few land titles have been issued in these countries, especially in rural areas. Most titles were issued for properties located in cities and towns, which account for less than 10 percent of the SSA land area (Schneider, Friedl, and Potere 2009; Byamugisha 2013).

Moreover, empirical results of studies that look at the impacts of the improvement in tenure security on agricultural investment are far from conclusive. Generally, empirical evidence is weak for the relationship between individual land rights and investment needed to improve agricultural growth. In this regard, several factors including the existence of enough incentives in customary tenure systems (Brasselle, Gaspart, and Platteau 2002), lack of credit markets (Feder and Onchan 1987), and the particular failures of titling programs were identified as reasons for the very weak association between individual land rights and investment. More recently, based on a metadata analysis and thorough examination of the existing literature on the relationship between property rights in land and agricultural investment in Africa, Fenske (2011) concluded that results are “often confusing and contradictory.”

Roth, Unruh, and Barrows (1994) indicate that privatization through land titling was mostly for the wealthy and educated elites who could afford the high price of registration and had a good knowledge of registry procedures. Some also argue that customary tenures are capable of responding to changes and they spontaneously evolve toward individualization and that formal registration and titles do not necessarily imply tenure security (Bruce and Migot-Adholla 1994).

Attempts have been made to formalize collective land rights at the community level. Partially due to the high cost and complexity of individual land titling and partially due to the need for strong institutions to use and manage common property resources, giving communities recognition as legal entities and delimiting and demarcating the boundaries of their land was also considered as an option. The notion behind such intervention is that community land delimitation can remove the threat of encroachment by outsiders while drawing to well-defined procedures within the community to assign rights within the group (Deininger 2003). In this regard, Mozambique introduced their Land Law, which recognizes communities as legal entities and made an attempt to delimit communities' land under a CLD program (Anseeuw and Alden 2010). However, except some qualitative studies that tried to assess and evaluate the Mozambican Land Law and the implementation the CLD program, no empirical evidence measures the impact of this program.

While several countries have been adopting legislations that attempt to provide protection for local land rights, significant changes that affect land tenure systems were witnessed in many parts of the developing world in the past few decades. These include demographic growth, urbanization, migration, livelihood diversification, monetarization of the economy, greater integration in the global economy, large-scale land acquisition, climate change, and cultural change. Particularly, such changes have major implications on the African traditional or customary land tenure system (Cotula and Neves 2007).

For decades, Africa's population has been increasing continuously at an average growth rate of more than 2 percent. Such a population growth is also accompanied with a change in the age structure, with a substantial proportion of the population under 15 years of age. The variation from place to place should also be noted, as population growth rates were consistently higher than the Africa-wide average in some parts of the continent, while in some countries the rates were less than the continent-wide average due to the high HIV/AIDS-related death rates (UN 2005).

In predominantly agrarian societies like those of Africa, an increase in population growth would increase the population density in the areas with arable land and possibly lead to competition for it. The process also brings important changes in the local land tenure systems, which are dominated by customary or traditional landholding systems. Although the conventional view is that demographic growth and agricultural intensification increase the value of land and lead to a linear transition from communal tenure toward greater individualization of land rights (Boserup 1965), and some evidences support this theory, the reality on the ground is usually too complex to be fully explained by this linear model (Platteau 2000).

Similarly, urban centers are growing fast in Africa. Like population growth and change in demographic structure, this change also has major implications on land tenure systems in Africa. Cotula, Toulmin, and Hesse (2004) identify some of the key implications of urbanization on the land tenure system in Africa. One common phenomenon that follows from urbanization is the conversion of land use from agricultural to residential and commercial use. This usually involves change from customary tenure systems to more individualized forms of tenure (where both coexist) and to informal transaction on land (where formal transaction on land is legally restricted). Based on a thorough investigation of existing empirical evidences, Chimhowu and Woodhouse (2006) have shown the widespread emergence of informal land markets—that were created in response to urbanization and the associated strong markets for agricultural commodities—within the customary land tenure systems. Such a change in the nature of agricultural activities usually attracts new types of farmers that did not practice farming otherwise. These groups usually have an inherent tendency to acquire large tracts of land. Moreover, as urbanization increases, the nonagrarian segment of the population including public officials, businessmen, politicians, and others seek to buy agricultural land for residential, commercial agriculture, and other businesses, and more often for speculation purposes.

The implications of urbanization on the land tenure system are not only on the demand side, but changes are also observed in the supply side. In areas under the customary tenure system is a possibility that chiefs could sell unoccupied communal lands, pasture lands, and even off-lands being farmed by community members for housing and other purposes without having the proper consent of the community. In this regard, Cotula, Toulmin, and Hesse (2004) raised many actual cases from different field studies conducted in several countries in Africa. For instance, villagers in Ghana reported that their chiefs are selling off village land to “outsiders” (often civil servants, businessmen, and other urban elites) for residential as well as speculation purposes without consultation or compensation (Nyasulu 2012; Simon et al. 2004). Urbanization could also be a source of conflict between inter-community and community versus private parties. In this regard, Naab, Dinye, and Kasanga (2013) indicated that in Ghana were cases of arbitrary retrieval of some lands by the elders of the community and conversion of uses from agriculture into residential land, resulting in protracted land disputes between the plot landowners of the community and the dispossessed landholders and between the dispossessed landholders and prospective developers.

With the increased competition over land, monetarization of the economy, changes in family relations, and decades of government interventions, changes are ongoing in the institutional arrangements used to transfer land rights—both between groups and between individuals. Cotula and Neves (2007) indicate that in many parts of West Africa customary arrangements such as the *tutorat* are being reinterpreted and renegotiated and have acquired a monetary dimension that they did not have before.

The other important phenomenon that can affect the communal and customary land tenure system is large-scale land acquisition. Years have already passed since African governments have started to promote private-sector investment in land by making available their land and land-related natural resources as part of their initiative to support their rural development strategies. In response, international investors have acted favorably to Africa’s open land sector and seized the opportunities to secure large areas of land for food production and biofuel development. With government backing, several investors were able to gain access to sizable holdings in Africa in the past decade (FAO 2010). In addition to African governments’ commitment, the availability of arable land has made Africa a competitive location for investors. In this regard, it should also be noted that an equally significant proportion of land is

acquired by national agents in different SSA countries, and that national agents including political authorities and private parties are major actors as foreigners in the current large-scale land deals in Africa (Peters 2013).

Although the increase in private-sector investment in land can be seen as a contribution to increasing levels of rural employment and improving local infrastructure, it also has raised critical questions regarding land rights for local communities and the individual poor. It is not clear how the new investment will be managed to ensure local communities' social and economic interest. In many cases, the government-backed large-scale acquisitions of prime arable land are happening while individual small farmers are increasingly facing restricted access to such land. This phenomenon of substantial land acquisitions has major implications for the rural poor. These include declining access to land and an increase in the number of landless poor (FAO 2010).

Peters (2013) presents several SSA cases where large tracts of prime arable land were appropriated to both foreign investors and national agents, setting aside the interests of millions of small- to medium-scale producers. Although the proponents of the transfer of land claim that such transfers were from "vast under-utilized land reserve," the transfers have already resulted in displacement and vulnerability of rural people in many countries.

In addition to their impact on the poor in general, large-scale land acquisitions could also have differential gender effects. In this regard, Behrman, Meinzen-Dick, and Quisumbing (2012)—based on case studies from West Kalimantan, Indonesia, and Maputo Province of Mozambique—indicate that large-scale land deals have tended to overlook the rights, needs, and interests of women and as a result have tended to aggravate gender inequalities in affected communities.

The observed changes in land tenure relations that follow from the changes in the local and international socioeconomic–political order have important implications for the livelihoods of hundreds of millions Africans as land is of crucial importance to economies and societies, agriculture is still the main economic activity, and access to land is a fundamental means whereby the poor can ensure their livelihood.

Land Policy and Reforms in Mozambique

After Mozambique gained independence in 1975, successive efforts in establishing land legislation were implemented, culminating with the 1995 Land Policy and the 1997 Land Law and Regulations. The Mozambican Land Policy and legislation aims to achieve three main objectives: (1) community security of land tenure—through community land delimitation, (2) community participation in decisions to allocate land to external parties (especially investors)—through community consultations, and (3) community benefit sharing with investors and the state—through private–community partnerships.

One of the salient feature of the 1997 Land Law is the fact that although the state still owns all land, it grants use rights to individuals, communities, and companies in the form of leases that can last up to 100 years (known as DUAT). These leases can be transferred, but not sold or mortgaged. Use rights emerge either through occupancy or by a specific grant through the state. The government can issue use right title documents to individuals, companies, or entire communities and groups, although those who occupy the land for more than 10 years acquire permanent use rights without the need for title documents (Frey 2004). Linked to this, however, is a debate about the transferability of DUATs while the land is owned by the state. In fact, some argue that the state may inhibit investments on land if full rights to land are not granted to citizens (Sjaastad and Bromley 1997).

The recognition of the local communities with ability to provide DUAT through their customary systems of land management can be taken as a far-reaching innovation in the Land Law of 1997. In this case, all existing rights acquired through customary law are granted automatically to an equal standing as the DUAT and enjoy the same constitutional and legal guarantees. A citizen may likewise exert a spontaneous occupation of the land and acquire a DUAT automatically after a certain period, provided that the land has not been legally assigned to another person or entity or has not been legally reserved (Article 111 the Constitution).

Mozambique's Legal Framework for the Community Land Administration and Its Challenges

CLDs are sometimes associated with acquisition of community land. Mozambique's land legislation defines that in cases of land acquisition and involuntary displacement due to development projects, a community consultation should be conducted and fair compensation should be provided. However, the implementation of such provisions were defective. To address the problem of defective resettlement, the government approved the Ministerial Diploma 181/2010, which deals with resettlement in the context of territorial planning (compulsory land acquisition as part of territory planning) and compensation for lost crops, and the recently approved Decree 31/2012 by the Council of Ministries (May 2012), which regulates the resettlement resulting from economic activities and development projects.

Although these legal provisions attempt to address fair compensation in the event of involuntary resettlement, important gaps still exist. While the Diploma 181/2010 includes compensation of lost crops and infrastructures possessed in the expropriated land, such compensations are on the basis of established tables of property values and their depreciation over time. It is silent about compensation for future uses or lost incomes and compensation for aesthetic value of such land. The Decree 31/2013) deals with elements such as housing but overlooks the protection of vital aspects such as land livelihoods, access to healthcare, and security.

The Land Law Regulation also states that in the consultation process the communities must have a minimum of three and a maximum of nine people as their witnesses at the signature of the community consultation meeting minutes (Article 27, no. 2). On the other hand, the Law on Local State Organs (LOLE) Regulation speaks of community committees and community development funds (Articles 113 and 114). However, the Land Law is silent about who should represent the community in the community consultation. In principle, the "traditional leaders" or any other customary structure should be regarded as the legal unquestionable representative of the community, but this opens a tremendous gap for elite capture.

The Article 105 of LOLE Regulation minimizes the problem by stating that the local committees and citizens' groups, women, and men are privileged to represent the local community along with other actors and community leadership. The issue of representation is also addressed by applying the Decree 15/2000, which formally recognizes the figure of a "community authority," which may include the Régulos and other superior chiefs in the political-religious order of Mozambican ethnic communities.

The consultation process involves not only representation but also the period. Through the Ministerial Decree 158/2011, the consultation process is established to be in two stages spread over a maximum of 30 days. According to this provision, the first meeting must include the provision of information to the community and other interested parties, and the second is to receive the feedback from their deliberations on the specific land request.

Noting that even if the community consultations have been conducted and fair compensation has been given as recommended by the law, the communities would still be unprotected with respect to enjoying the benefits from such development activities or projects in the communities. In this regard, Article 1403 of the Civil Code defines "co-ownership" of property as when two or more people simultaneously hold property rights over the same item. This provision allows communities to partner with investors for managing the resources existing in their community land (community-investor partnership). In addition, to guarantee a sustainable use of natural resources, the agricultural sector policy and development strategy and legislation approved Law 10/99 of July 7 of Forestry and Wildlife and its respective regulation approved by Decree 12/2002 of June 6 speak of the community as the central element for the sustainable management of forest and wildlife resources. It was in this context that the Council of Ministers approved the Ministerial Diploma 93/2005 of May 4, which in case of community-investor partnerships recommends channeling 20 percent of revenues from forest and wildlife exploitation to the communities living in areas where the exploitation occurs.

As can be seen, the major problem of land administration in Mozambique is that provisions for land-related issues are scattered in different legal documents, which requires a high level of education to master and implement such legal provisions. The correct implementation of the Land Law requires proper consideration of related laws, including but not limited to the Forest and Wildlife Law of 1999, the Environmental Law of 1997, the Tourism Law (defines “tourism areas” in which rights can compete with a range of planning and development conditions), and Territorial Planning Law of 2006.

3. EXISTING EXPERIENCES AND PROGRESS MADE (2006–2013) IN COMMUNITY LAND DELIMITATION

Existing Experiences in Community Land Delimitation

Background

CLD is legally defined by Article 24 of the Land Law, with its procedures detailed in Chapter II, articles 5 to 12, Technical Annex of Land Law Regulation. The Technical Annex of Land Law Regulation has progressively followed two approaches. In the past, CLD was not attached to any development agenda, plans, or projects. Noting the limitation of this approach and based on iTC experiences, it was realized that CLD not attached to any development plan will not bring deserved results. As such, the current approach is moving more into the CLD value chains, where the development projects are seen as crucial for a successful CLD. However, this approach is still in the infant stage.

According to DNTF (2014), in the past, CLD has been undertaken mainly by the government, but due to financial constraints and limited human capacity, the government alone did not do much. In 2003, international donors, with the objective of promoting local economic development opportunities through a balanced community–investor partnership, established the iTC as means of supporting the registration of local community land. The NGOs that have been working in the delimitation program are CARE, Fórum Terra, KULIMA, OLIPA, ORAM, CCS, CONCERN, CCM, PRODEA, RADEZA, and SIDE (TerraFirma 2013) and KPMG. But currently the NGOs actively engaged in the CLDs in Mozambique are iCT, KULIMA, Forum Terra, and ORAM.

The iTC has funding from a consortium of donors, and its implementation started in 2006 in the provinces of Gaza, Manica, and Cabo Delgado. Later in 2009, under the Millennium Challenge Corporation and Millennium Corporation Account Program (MCC/MCA), iTC expanded its activities to the provinces of Zambezia, Nampula, and Niassa. In 2011, the project was extended further to the provinces of Tete and Sofala, under funding from the consortium of donors. Then, with the termination of funding of the MCA, the provinces of Zambezia, Nampula, and Niassa were funded by a consortium of donors (iTC 2013). Currently, iTC operates in 8 out of 11 provinces of Mozambique.

KULIMA is a national NGO with 30 years of experience in development, focusing in many areas including health, agricultural production, education, and community development. Concerning land administration, the main activities implemented and achieved by KULIMA are (1) dissemination of the Land Law; (2) development of a model for community sensitization in collaboration with other NGOs (UNAC and ORAM); and (3) development of a methodology for CLD (KULIMA 2014).

The Forum Land (FT) is a national NGO with headquarters in the city of Nampula, with vocation to promote the economic empowerment of communities through dissemination of legislation on land at various levels. The FT started by dissemination of the Land Law, followed by coordination of dissemination activities, and finally began the implementation of land delimitation and demarcation in 2007. With regard to CLD, the experience of FT reveals high demand of their delimitation services; the main delimitation type prevalent in their intervention area is “demand driven.” Many communities’ registration to date has been at the request of the local community and supported by FT. The FT’s CLD model follows the participatory and bottom-up approach based on the Technical Annex of the Land Law. The FT uses a flexible and adjustable approach on the basis of the experience the organization is accumulating. FT operates in seven districts in the province of Nampula: Monapo, Muecate, Meconta, Mogovolas, Nacala, Malema, and Ribaué; it also operates in Cabo Delgado although on a smaller scale (Forum Terra 2014).

The Rural Mutual Aid Organization (ORAM) is a foreign NGO that started its activities in Mozambique as an institution of advocacy, disseminating legislation on land and farm organizations. Starting in 2000, shortly after the approval of the Technical Annex of the Land Law, ORAM initiated activities in delimitation of community lands. As a result of its intervention, ORAM has produced a manual for internal use. With the delimitation of the communal land, ORAM aimed at reducing land

conflicts and satisfying the interests of the communities to identify and define their boundaries in order to protect their resources against private investors. Generally, the delimitation of land by ORAM is in response to the request of the communities made to the district government as a way of mediating land conflicts (ORAM 2014).

Modalities of Delivering the Community Land Delimitation

As stated in the Land Law, CLD is defined as a flexible and participatory process necessary for communities to identify and define their land areas in which they can claim their right to use and enjoy land in that bounded space.

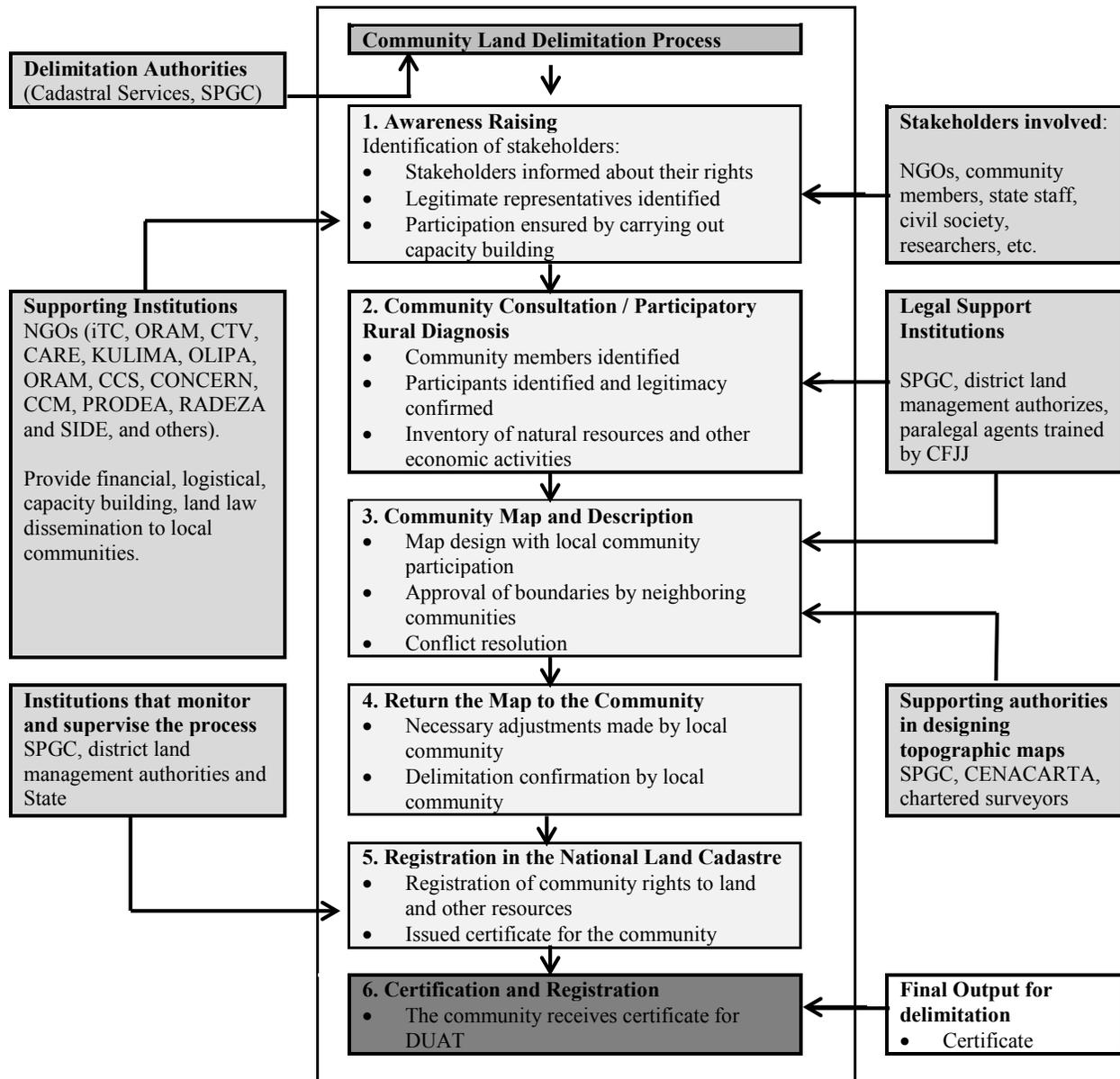
Several authors (Chilundo et al. 2005; Monteiro, Salomão, and Quan 2014; Akesson, Calengo, and Tanner 2008; De Wit and Norfolk 2010) summarize the community land delimitation process in six phases (Figure 3.1):

1. Community sensitization (informing local people about land and other natural resources legislation and related development issues)
2. Participatory community land rights diagnostics (establishing proof that the community has acquired right over land through occupation according to customary norms and practices, and establishing the territorial limits over which these rights apply)
3. Participatory community land mappings (a number of participatory maps are produced by different interest groups)
4. Consensus-based community land map (cartogram) production
5. Community land map validation by neighboring community
6. Issuance of community land certificate through cadastral processing

Different models of delimitation of community lands are used by different NGOs in Mozambique, but everyone has the Technical Annex of the Land Law (Law 19/97 of October 1) as its legal basis. The definition in the Technical Annex can be applied to delimitation of either traditional unit based on clans or extended families or to group of neighbors (TerraFirma 2013). Although the CLD process is well established and all NGOs follow the procedures described in the Technical Annex in developing their own model, some differences still exist.

For instance, ORAM's model speaks of transforming the Community Land Management Committees (CLMCs) to Community Natural Resources Management Committees. KULIMA advocates joining the consultations stage of the CLD process with the delimitation stage because all possible conflicts arise and are resolved during community delimitation and there is therefore no need to do the community consultations separately. In all CLD models, with the exception of FT's model, the delimitation ends with handing over the delimitation certificate to the community. FT's model includes assistance to the community beyond the issuance of certificate. However, there are cases where the delimitation was conducted but the certificate was not transferred to the local communities. In this cases, from a legal point of view, there is no delimitation process since, according to the Technical Annex, the delimitation of community land is not confirmed unless the community is granted with a Delimitation Certificate.

Figure 3.1 Community land delimitation process



Source: Adapted from Chilundo et al. (2005); Monteiro, Salomão, and Quan (2014); Akesson, Calengo, and Tanner (2008); De Wit and Norfolk (2010).

Progress Made in Community Land Delimitation in Mozambique (2006–2013)

Number of Community Land Delimitations and Other Statistics

The national statistics indicate that 659 communities (corresponding to about 35 million hectares of land) were delimited between 2006 and 2013 (Table 3.1). Most of those delimitations (that is, in 413 communities) were made through the iTC (Monteiro, Salomão, and Quan 2014).

The community land delimitations are made for three reasons: (1) when requested by the communities, (2) when there are land conflicts, or (3) in the areas of communities where there is demand for land. The amendment to paragraph (d) of Article 35 of the Rules of the Land Law (Decree 50/2007 of

October 16) establishes the maximum areas to be authorized by each level of authority as stated in Article 22 of the Land Law (areas up to 1,000 hectares to be approved by the provincial governors, 1,000–10,000 hectares by the Minister of Agriculture, and more than 10,000 hectares by the Council of Ministers). Before this amendment, the approvals were done by the provincial governors regardless of the size.

Table 3.1 Summary of CLDs in Mozambique from 2006 to 2013 by region

| Province | Number of community delimitations | Total area of community delimitation (hectares) | Number of Land Law dissemination workshops | Number of land conflicts reported | Number of community organized (management councils created) |
|--------------|-----------------------------------|---|--|-----------------------------------|---|
| Niassa | 148 | 3,431,879 | 171 | 19 | 36 |
| C. Delgado | 43 | 364,119 | 43 | 77 | 84 |
| Nampula | 77 | 675,378 | 153 | 18 | 418 |
| Zambezia | 181 | 1,853,528 | 81 | 94 | 171 |
| Tete | 9 | 3,984 | 1,053 | 71 | 85 |
| Manica | 41 | 15,600,000 | 889 | 54 | 87 |
| Sofala | 62 | 3,756,982 | 157 | 18 | 55 |
| Inhambane | 16 | 8,461,690 | 158 | 35 | 92 |
| Gaza | 58 | 516,609 | 75 | 72 | 69 |
| Maputo | 24 | 45,975 | 22 | 176 | 43 |
| Total | 659 | 34,710,144 | 2,802 | 634 | 1,140 |

Source: Author's compilation based on Mozambique, Ministerio de Agricultura (2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014).

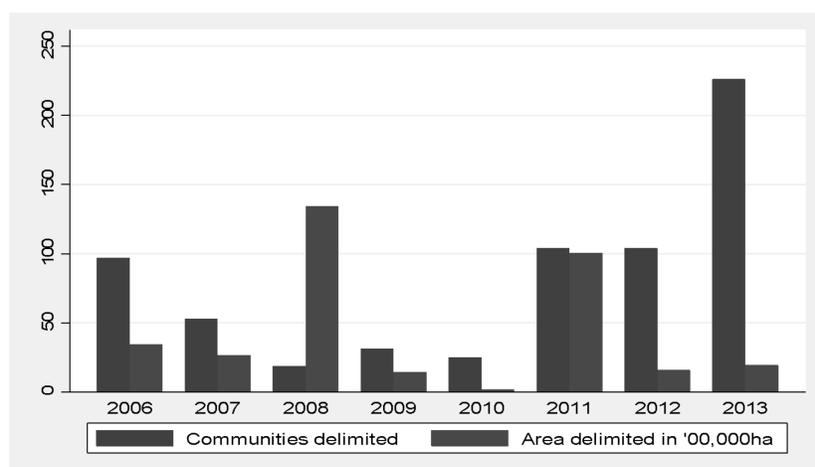
Note: It is not clear how many local communities exist in Mozambique. However, according to the Ministry of State record, more than 10,000 villages are in Mozambique. A local community usually includes several villages, and the total number of communities in Mozambique could be anywhere between 2000 and 3000 Tanner (2010). With regard to the size of the local community's land, some official pronouncements suggested that "185 communities have over 7.5 million hectares, and of these, 85 have more than 10 thousand hectares each" (Tanner, De Wit, and Norfolk 2009).

The number of community land delimitations has not shown a stable trend from 2006 to 2013, as shown in Figure 3.2. From 2006 to 2010, the number of delimitations shows a declining trend, starting with a total of 97 community delimitations (an area of 3.4 million hectares throughout the country) in 2006, down to 53 delimitations in 2007 (3.7 million hectares; of which 48 percent were registered in Zambezia Province, followed by the provinces of Niassa with 30 percent), down again to 19 community delimitations in 2008 (equivalent to 13.4 million hectares), and increasing to 31 community delimitations in 2009 (equivalent to 1.4 million hectares). According to the National Directorate of Land and Forestry, the 31 community delimitations in 2009 correspond to 62 percent of the annual target set for this year, which was to delimitate 50 communities. Continuing the declining pace on the community land delimitations, 2010 saw only 25 delimited communities, corresponding to a total area of about 157,000 hectares.

After 2010, the number of community land delimitations observed an increasing trend with 104 communities delimited in 2011 (corresponding to about 10 million hectares) in which Gaza, Nampula, and Sofala observed the majority of these delimitations with 23, 18, and 17 communities, respectively. Of the total area delimited in 2011, 49 percent was delimited in Sofala Province. In 2012, the number of CLDs in the country increased to 108, corresponding to an area of only 1.6 million hectares, with the provinces of Niassa delimitating 48 communities (corresponding to about 76 percent of total area) and Zambezia 27 communities. Finally in 2013, the number community delimitations almost doubled the past two years, reaching 226 communities, corresponding to an area of about 2 million hectares in which the province of Niassa delimited 75 communities in an area of 725,084 hectares (corresponding to 37 percent of total area delimited), Zambezia delimited 63 communities, Cabo Delgado delimited 23, and Nampula delimited 6.

Figure 3.2 suggests an inverse relationship between the number of communities delimited and delimited area. The reasons for the inverse relationship include (1) awareness of communities in areas of their actual dimensions, (2) improving the capacity of registration services in evaluating plans for exploration and therefore not approving requests for larger areas, and (3) improving procedures of community consultations (Monteiro, Salomão, and Quan 2014).

Figure 3.2 Number of community delimitations and the corresponding area



Source: Mozambique, Ministerio de Agricultura (2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014).

Community Land Management Committees and the Natural Resources Management Committees

The process of delimitation of community lands helps to create the CLMCs. These committees are established based on the Land Law. The committees have the responsibilities to protect the resources of the community, negotiate with investors, manage the resources of the communities, and design the land use plans.

In general, CLMCs are composed of a minimum of three and maximum of nine members and preferably with equitable gender makeup (4 + 5). Given that the tasks and responsibilities of this committee are not very clear, it can be mistakenly interpreted as Natural Resources Management Committees (CGRN) instituted on the basis of Ministerial Decree 93/2005 of May 4. These two legal instruments seem to create confusion in establishment of the committees.

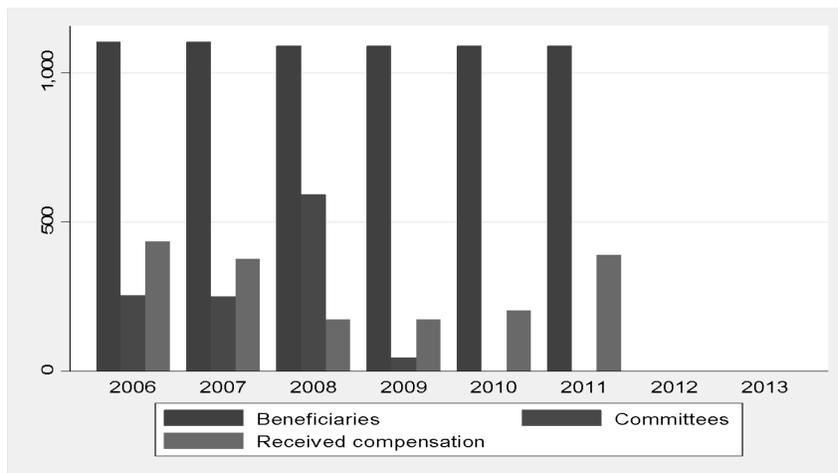
The election process for CLMC members is led by the community itself with the observation of NGOs (for example, ORAM, FT, KULIMA) and the selection criteria are disclosed to the public, namely, (1) minimum age of 18 years, (2) able to read and write, and (3) a resident in the community. The selection for leadership is by voting mechanism instead of nomination by the local leaders. However, the actual process of selection of the members is not very clear.

As indicated above, the Natural Resources Management Committees are established by the Ministerial Diploma 93/2005 of May 4, which recommends channeling of 20 percent of revenue taxes from forest and wildlife exploitation to the communities living in areas where exploitation occurs. According to the National Directorate of Land and Forestry, the local communities should define their own mechanisms to prioritize the uses of 20 percent revenue tax. But in most cases, the funds have been used for purchasing of goods and services that are not directly related to forest and wildlife conservation. Most often, the communities prioritize the acquisition of milling, drilling holes for water thereby reducing the long distances to obtain, establishment of microcredit system thus allowing the development of entrepreneurship within the communities through small business, and increasing household income and improving the quality of life. But few financial resources are used to manage their natural resources. The

only expense directly related to natural resource management is the acquisition of bikes that are used for monitoring resources use within the communities.

Although this initiative is commendable, experiences on the establishment of functional committees (land management and Natural Resource Management Committees) reveals several aspects that deserve attention. As illustrated in Figure 3.3, the number of committees established over time is much lower than the number of communities identified as beneficiaries of the channeling of 20 percent. Of a total of 1,102 eligible communities as beneficiaries of the 20 percent revenue, only 17 percent are properly organized and 27 percent received the 20 percent revenue tax. The establishment and proper functioning of these committees and its sustainability is affected by several factors, including (1) the human capacity to organize themselves and use the funds, (2) confusion in interpreting the legal instruments, and (3) maintaining and coordinating various community committees. In addition, ORAM reports (4) lack of funds to run the committees, (5) mindset that the committee can only work with external funds, and (6) committees constituted to receive 20 percent were not functioning due to mismanagement and corruption.

Figure 3.3 Number of beneficiary communities for compensation and management committees created



Source: Mozambique, Ministerio de Agricultura (2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014).

Note: Information not available for 2012 and 2013.

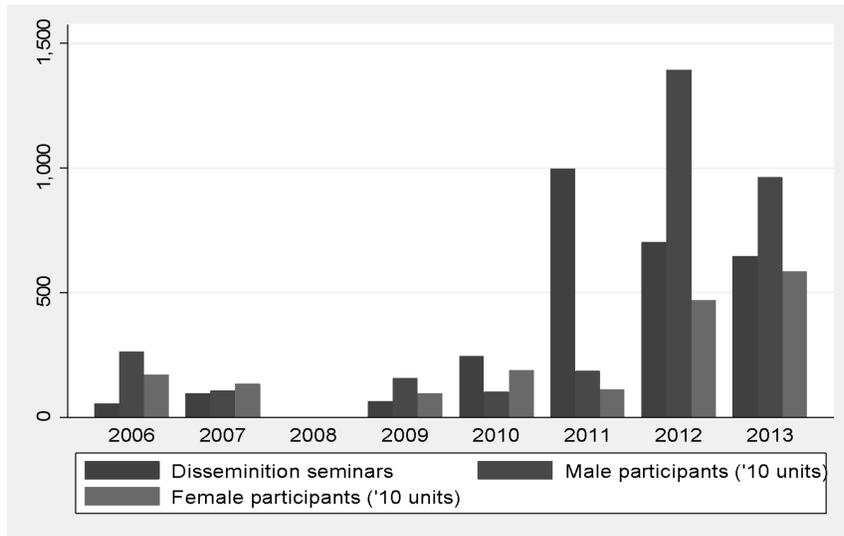
Dissemination of Land Legislation

Both the acquisition of DUATs and the delimitation of communal lands is made on the basis of the Land Law. It appears that the lack of Land Law knowledge by the land users is one of main causes of land conflicts; therefore, the intensification on dissemination efforts at all levels is necessary.

As illustrated in Figure 3.4, before 2010 little had been done both in terms of the number of seminars conducted to disseminate the land legislation and the number of participants. Aiming to extending the level of knowledge about the Land Law and natural resources, the largest number of outreach seminars for Land Law dissemination took place in 2011, with a total of 997 meetings with 12,009 participants of whom 4,488 were women and 7,521 were men. After 2011, the number of outreach seminars on Land Law and its regulations decreased while the number of participants increased.

Although efforts have been made to disseminate the Land Law, dissemination is still limited due to limited government funding. Of course, NGO participation also plays an important role; however, it is still insufficient to cover the most remote areas of the country. As illustrated in Figure 3.4, the gender imbalance remains strong, calling for greater efforts in increasing women's participation to reduce unequal Land Law knowledge between men and women.

Figure 3.4 Dissemination of Land Law



Source: Mozambique, Ministerio de Agricultura (2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014).

It is important to note that the outreach seminars consisted mainly of planned meetings in the communities or occurred during the conflict mediations or both. Therefore, the limited coverage and content of outreach seminars may be the main causes of the limited Land Law knowledge shown by the Ministry of Agriculture's Agricultural National Surveys Data (TIAs). According to TIA data, only 15 percent of Mozambicans are informed about Land Law. This is an area of concern given that about 85 percent of people draw their income from agriculture and natural resources. On the other hand, limited land legislation knowledge implies lower returns to land reform.

Given the importance of knowledge about the rights and duties of citizens in accessing and using land either for conflict resolution or for the delimitation of community land, a massive dissemination of current legislation is recommended not only in conflict areas or during the community land delimitation, but also in other communities in the country.

Legal Assistance

Given the limited legal knowledge and legal assistance of farmers and communities, the government has implemented the training of paralegals. The training of paralegals was implemented under the Food and Agriculture Organization of the United Nations (FAO) project from 2001 to 2012 on natural resources rights and management.

During this period, a total of 39 training courses were conducted. The objective of this training was to enhance knowledge in the communities, government bodies, and private sector about legislation that guides access rights to natural resources, including women rights. The impact evaluation report for the project suggests that the training of paralegals should continue, especially with focus on training agents (for instance, in the context of the management committee) to promote economic activities based on sustainable use of natural resources (such as community forest concessions, community mineral concessions) (Brouwer et al. 2012).

This initiative was seen to be a solution for the lower demand and access to courts by farmers due to lack of knowledge of farmers' rights. Although efforts of training paralegals is recognized as an important contribution for legal assistance to communities, the paralegals are not recognized in courts and cannot represent communities in courts. Similarly, they are not allowed to mediate the investor–community partnerships.

4. DATA

Community-level data collection of 94 communities from Nampula and Zambezia provinces was completed in mid-September 2014. The CLD and non-CLD communities are included in the survey in such a way that the two groups are comparable in all aspects except the delimitation process. To this end, the authors undertook a rigorous community listing exercise. A comprehensive community-level questionnaire was administered, and community leaders responded to the questions. The preliminary descriptive findings from the data analysis work are presented in Section 5.

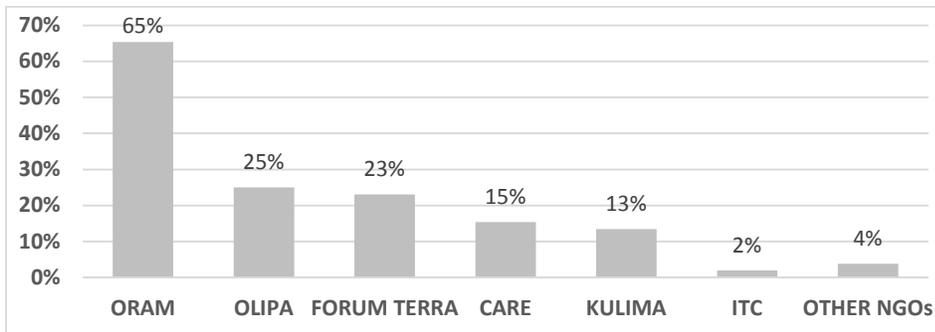
5. SURVEY RESULTS AND DISCUSSIONS

The sample size of the community-level Community Land Delimitation (CLD) survey is 94, of which in nearly 60 percent of the communities the CLD process was introduced, while in 40 percent CLD process had not yet been introduced by the time the survey was conducted. In the following three subsections, we describe the CLD and non-CLD-communities separately and compare these two groups based on certain key aspects that are supposed to determine access to the delimitation program and expected to be affected by the delimitation program.

CLD Communities

As indicated in the previous section, in nearly 60 percent of the surveyed communities the CLD process was introduced, and many NGOs were involved in the process. Among the NGOs, ORAM is working in 65 percent of the CLD communities, while OLIPA (25 percent) and Forum Terra (23 percent), followed by CARE (15 percent) and KULIMA (13 percent), are the other NGOs working in the CLD process (Figure 5.1). After two decades since the introduction of the Land Law, the fact that several communities are not delimited and the process is almost fully NGO driven is an indication of the lack of emphasis for the process, and its sustainability is still not guaranteed.

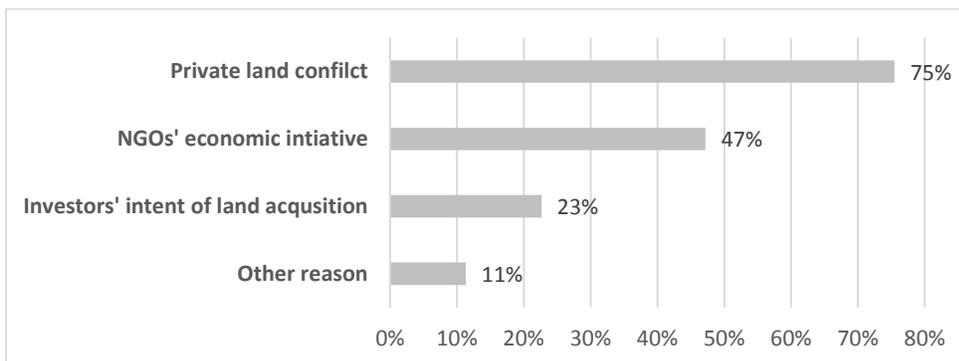
Figure 5.1 Involvement of CLD service providers (NGOs) in the study area



Source: Authors' computation from community survey (2014).

Of the total CLD communities surveyed, 75 percent stated that private–community land conflict is the main reason for the launch of CLD process in their community. NGOs' economic initiatives (47 percent) and private investment (23 percent) were the other main reasons for the CLD process (Figure 5.2).

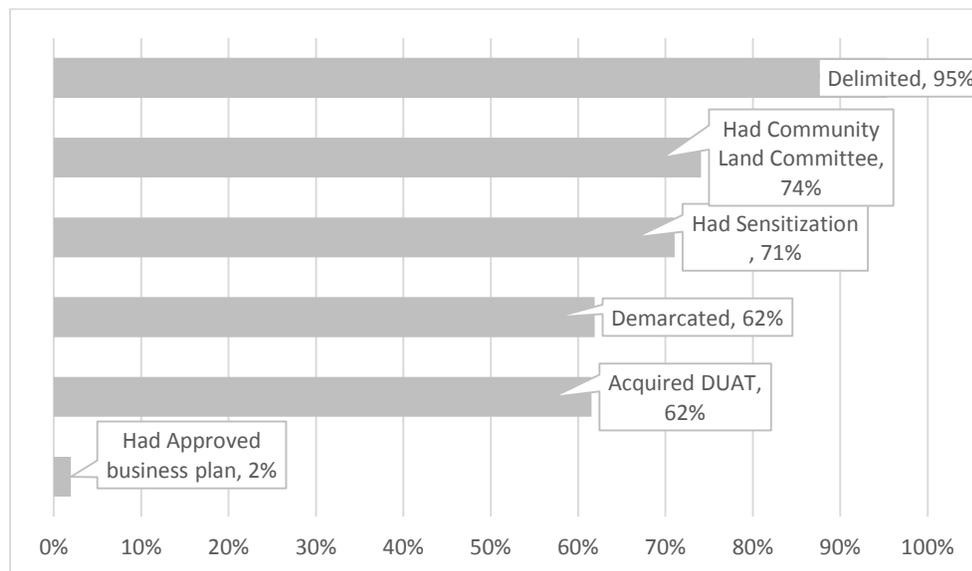
Figure 5.2 Reasons for initiating the CLD process in the study area



Source: Authors' computation from community survey (2014).

The CLD process involves many phases that follow one after the other. Of the total CLD communities surveyed, 74 percent stated that CLMC was established in their community and that happened some seven years ago on average. Similarly, in 71 percent of CLD communities the sensitization phase of the CLD process was completed. On average, CLD sensitization began seven years ago and was completed five years ago in the study area. In 95 percent of CLD communities, delimitation was completed. Like the sensitization phase of the CLD process, on average, the delimitation was also started and completed some seven and five years ago, respectively. Similarly, 62 percent of CLD communities' borders were demarcated and beacons were placed on the ground. Like the other phases of the CLD process, on average, the demarcation was also started and completed some seven and five years ago, respectively. Of the total CLD communities responding, 62 percent confirmed that their community acquired land certificate (DUAT), and the average number of years since such communities acquired the DUAT is a little less than four. Of the total CLD communities, only one has an approved business plan as part of the CLD process (Figure 5.3). Overall, the CLD processes don't strictly encompass the steps that are deemed necessary. Although the process of CLD is defined by the law as a flexible processes, its participatory nature should not have been something to be compromised, as its ultimate success would be determined by its acceptance by the community.

Figure 5.3 Proportion of communities at various phases of the CLD process in the study area

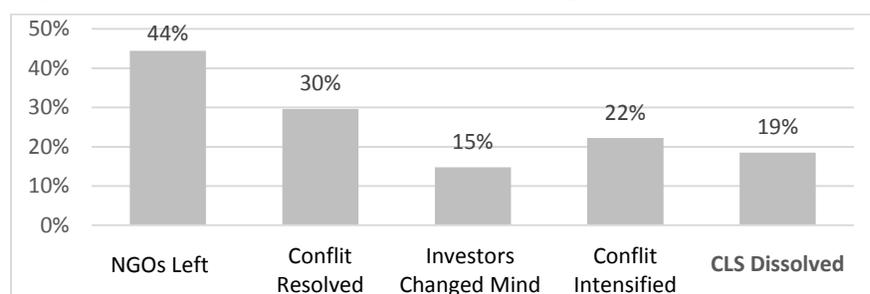


Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation.

Among the CLD communities that did not collect DUAT, 44 percent mentioned that the CLD process was halted because the NGOs helping the process have left. Similarly, 30 percent stated that the CLD process was halted because the conflict that initiated the process was resolved, while 22 percent stated that the CLD process was halted because of the intense conflict flared during the process. Among the CLD communities that did not collect DUAT, 32 percent mentioned that they have made an attempt to restart the process, while those communities that haven't made an attempt mentioned a range of reasons including dissolution of CLMC (47 percent), absence of NGOs helping the process (29 percent), and intense conflict (29 percent) for the lack of attempt to reinstate the process (Figure 5.4). The fact that the absence of an NGO is major reason for the halt of a CLD process and lack of attempt to continue a halted CLD process is an evidence for our previous assertion that the sustainability of the CLD process in Mozambique is an issue.

Figure 5.4 Main reasons for the halt of CLD process in the study area



Source: Authors' computation from community survey (2014).

Note: NGO = nongovernmental organization.

Of the total CLD communities that gave response, 53 percent indicated that the CLMC is still functioning and the committee works nearly four days per week on average. Lack of compensation (50 percent) and dissolution for poor performance (38 percent) followed by lack of financial transparency (21 percent) were the main reasons given when asked why the CLMC is not currently functioning. The average number of male and female members of the CLMC is 7.0 and 4.2, respectively. Protecting the community's resources (70 percent) and elaborating development projects for the community (53 percent) followed by economic development planning (40 percent) and managing the natural resources of the community (40 percent) were mentioned as the major responsibilities of the CLMC. When asked how they are tenure secured while the CLMC is not functioning, 38 percent of the community mentioned that they are less secured while 31 percent mentioned that they are more secured (Table 5.1). This indicates that not only the presence of an institutional structure but the way it operates certainly matters to improve the tenure security of the community through the establishment of local institutions.

Table 5.1 The Community Land Management Committee (CLMC) and its role

| Description | Observation | Mean |
|--|-------------|------|
| Number of male members of the CLMC | 30 | 7.00 |
| Number of female members of the CLMC | 28 | 4.21 |
| Are members of CLMC financially compensated? | 40 | 23% |
| How many days per month does/did CLMC work? | 32 | 3.75 |
| Which of the following are among the major roles of the CLMC: | | |
| Economic development planning | 40 | 40% |
| Elaboration of the development project for the community | 40 | 53% |
| Negotiate with external investors | 40 | 20% |
| Protect community resources | 40 | 70% |
| Manage natural resources of the community | 40 | 40% |
| Developing business plan for the community | 40 | 18% |
| Other responsibilities | 40 | 3% |
| The CLMC is still functioning | 36 | 53% |
| If CLMC is not functioning, the reason is | | |
| Waiting for approval | 24 | 4% |
| Dissolved due to poor performance | 24 | 38% |
| People are not interested to volunteer | 24 | 21% |
| Lack of compensation | 24 | 50% |
| Past members deceased | 24 | 13% |
| Lack of transparency in member election | 24 | 17% |
| Lack of transparency in handling of funds | 24 | 21% |
| Past failures to implement negotiations | 24 | 13% |
| Changes in tenure security since CLMC stopped functioning | | |
| More secure | 29 | 31% |
| Less secure | 29 | 38% |
| Indifferent | 29 | 31% |

Source: Authors' computation from community survey (2014).

Of the total CLD communities, 67 percent stated that issues or resistances were raised during the CLD process, and 77 percent of the issues were related with boundary disputes with the adjacent communities. In connection to this, 78 percent of the CLD communities with the issues stated that the issues were resolved through mutual agreement (39 percent), district government resolution (39 percent), and certificates and maps (32 percent) (Table 5.2). This indicates that involving the bordering communities in the CLD process is of paramount importance for the success of the program.

Table 5.2 Issues raised with bordering communities during CLD process

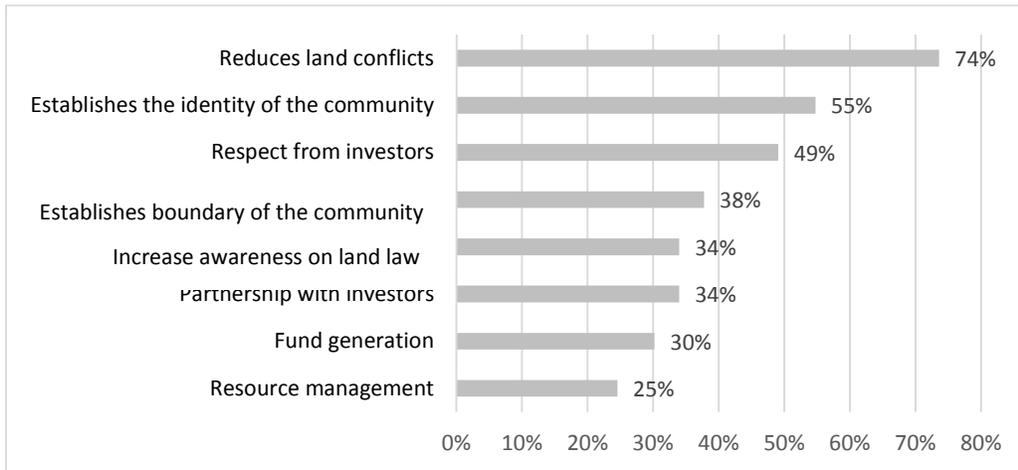
| Description | Observation | Mean |
|---|--------------------|-------------|
| There was issue/resistance from the bordering community | 51 | 67% |
| If yes, was that a boundary dispute? | 35 | 77% |
| If yes, was that because the bordering communities were not involved? | 35 | 9% |
| If yes, was that because the bordering communities were not aware? | 35 | 29% |
| If yes, was it because of other reasons? | 35 | 3% |
| Issues raised during the CLD process were resolved | 27 | 78% |
| If yes, it was through certificate and approved map | 28 | 32% |
| If yes, it was through district government resolution | 28 | 39% |
| If yes, it was through mutual/gentlemen agreement | 28 | 39% |
| If yes, it was through other ways | 28 | 0% |

Source: Authors' computation from community survey (2014).

With regard to the state of land-related disputes, 96 percent of the communities noted improvement in land-related disputes with other communities after CLD. Similarly, 88 percent of the CLD communities mentioned improvement in land-related disputes within communities after CLD. This is an evidence for the success of the CLD process in terms of resolving land-related disputes. However, when asked whether communities made use of the certificate (DUAT) to accomplish something, only 23 percent of the CLD communities gave an affirmative answer. In this regard, communities indicated that they used the certificate to resolve dispute and to negotiate with investors.

Of the total CLD communities surveyed, 74 percent stated reduction of land conflict as the main benefit of CLD. In addition, 55 percent of CLD communities stated that CLD allows communities to establish their identity and 49 percent said CLDs cause external investors to approach communities with respect. Moreover, 38 percent stated that CLD allows communities to know their boundaries. In connection to this, 77 percent of the CLD communities recommended for the non-CLD communities to initiate the CLD process (Figure 5.5). Overall, communities do believe that the CLD process is beneficial in many dimensions. This implies that by involving the community from the beginning of the CLD process, it is possible to emphasize addressing issues that are more relevant to the community.

Figure 5.5 Opinions about the main benefits of the CLD process



Source: Authors' computation from community survey (2014).

Silent Features of Non-CLD Communities

As indicated in the previous section, 40 percent of our sample is from the non-CLD communities. Of the total non-CLD communities responding, 55 percent indicate that at least some senior members of their respective community are aware of the CLD initiatives in the other communities. In connection to this, it is noted that 30 percent of the non-CLD communities share a boundary with CLD communities (Figure 5.6a and Figure 5.6b).

Figure 5.6a Heard of CLD process

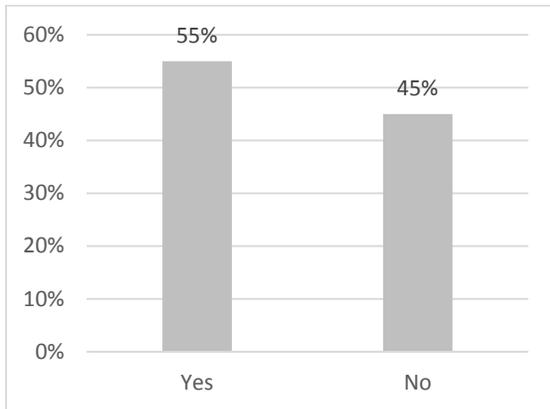
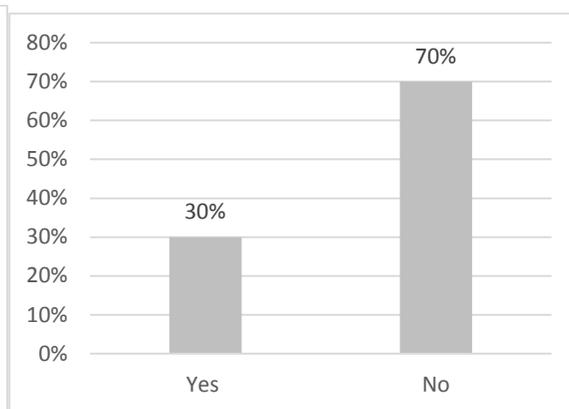


Figure 5.6b Share boundary with CLD communities



Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation.

When asked about the extent of their involvement in the CLD processes of the bordering communities, only 60 percent of the non-CLD communities indicated that they had been involved in the CLD process of the bordering communities, 50 percent indicated that they had been involved in the delimitation process of their common boundaries, and 20 percent indicated that they had managed to resolve earlier boundary conflicts with the bordering communities (Figures 5.7a–5.7d). During the involvement of the non-CLD communities in the CLD process of the bordering community, 75 percent of them were represented by the community leaders and 50 percent said they were represented by traditional leaders. Although involving non-CLD communities in the CLD processes of bordering communities is crucially important, not enough has been done in this regard.

Figure 5.7a Involved in the CLD process of bordering communities

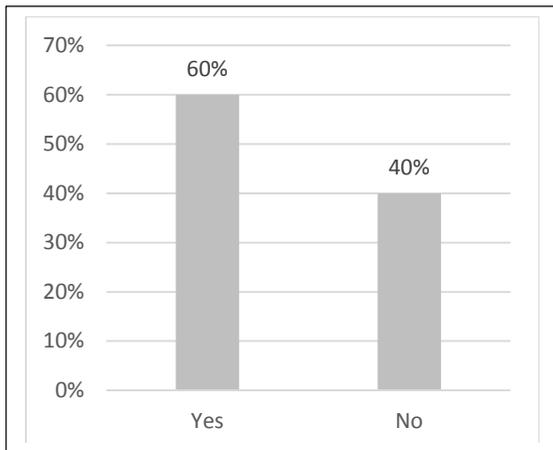


Figure 5.7b Involved in the delimitation process of the common boundary

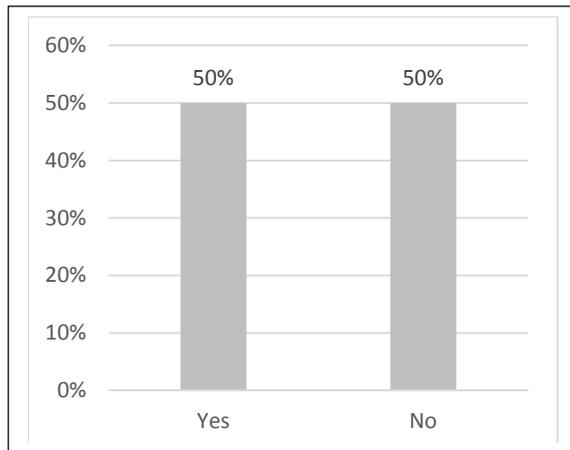


Figure 5.7c Resolved earlier boundary disputes in the process

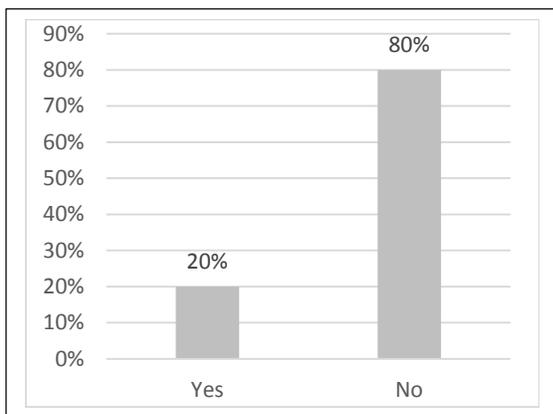
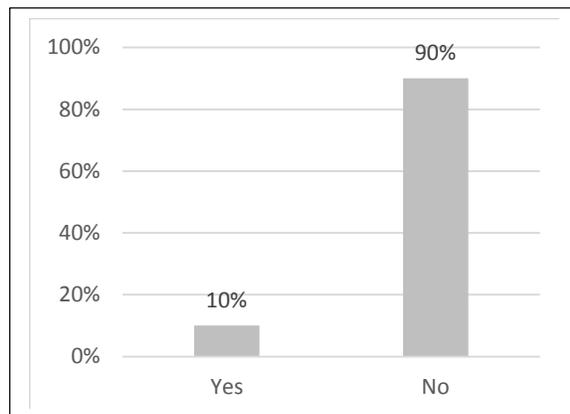


Figure 5.7d Involved in other aspects of the CLD process



Source: Authors' computation from community survey (2014).
 Note: CLD = community land delimitation.

When asked about the prevalence of land dispute with bordering communities *before* the CLD process, 36 percent indicated that disputes had been resolved, while 8 percent indicated that these disputes still exist. Similarly, 33 percent indicated that disputes *during* the CLD process were resolved, while 4 percent indicated these disputes still exist. Moreover, 8 percent indicated that disputes *after* the CLD process were resolved, while 4 percent indicated these disputes still exist (Table 5.3). Overall, evidence is strong that CLD processes are helpful in solving land-related issues between the CLD and the non-CLD bordering communities.

Table 5.3 Land-related issues with CLD communities before, during, and after initiation of the CLD process

| Description | Observation | Mean |
|---|-------------|------|
| Land-related issues with CLD communities <i>before</i> the CLD process was initiated | | |
| Yes, but resolved | 25 | 36% |
| Yes, and still unresolved | 25 | 8% |
| Not at all | 25 | 52% |
| Land-related issues with CLD communities <i>during</i> the CLD process | | |
| Yes, but resolved | 24 | 33% |
| Yes, and still unresolved | 24 | 4% |
| Not at all | 24 | 63% |
| Land-related issues with CLD communities <i>after</i> the CLD process was initiated | | |
| Yes, but resolved | 24 | 8% |
| Yes, and still unresolved | 24 | 4% |
| Not at all | 24 | 88% |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation.

Of the total non-CLD communities responding, 71 percent indicate that at least some senior members of their respective community are aware of NGOs working in the CLD process, and 8 percent of these communities indicated that they were offered CLD-related services by the NGOs. Among those non-CLD communities that were not offered CLD-related NGO services, only 6 percent attempted to get the services (Figures 5.8a–5.8c). The major reason for not attempting to get CLD-related NGO services is lack of awareness (75 percent), while lack of consensus (21 percent) within the community about the CLD process is the other important reason mentioned. After more than a decade has passed since the CLD process was introduced in the country, to have communities that are not aware of the process is an indication for the need to improve awareness.

Figure 5.8a Aware of the CLD service provider NGOs

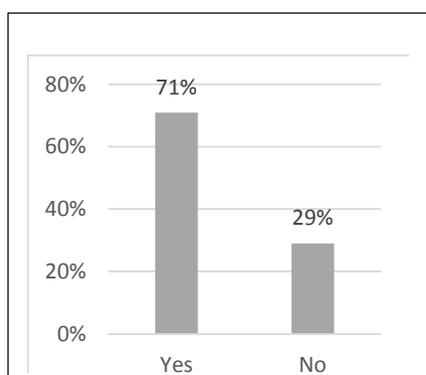


Figure 5.8b Offered CLD services by NGOs

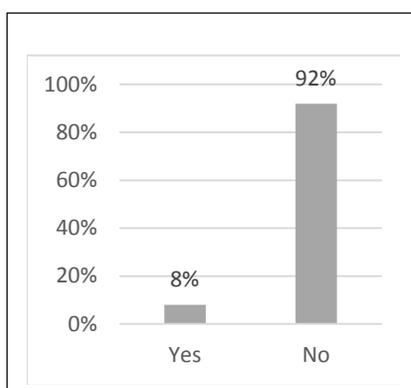
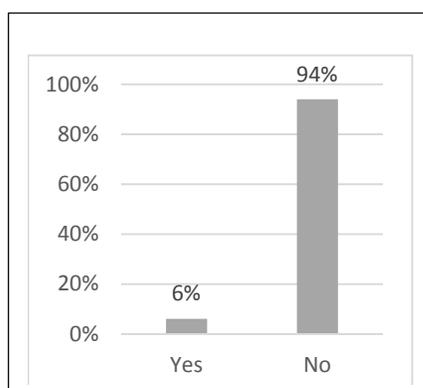


Figure 5.8c Attempted to contact NGOs



Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation; NGO = nongovernmental organization.

When asked whether there was a discussion in the community to initiate the CLD process, only 16 percent of the responding communities indicated they had such a discussion in the past. It is also observed that all responding non-CLD communities are willing to participate in NGO's CLD initiatives (Figure 5.9a and Figure 5.9b).

Figure 5.9a Past discussion to initiate CLD

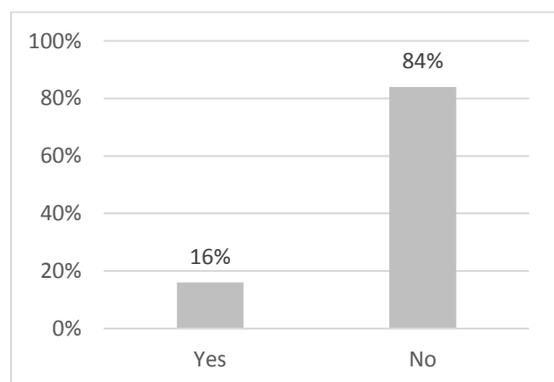
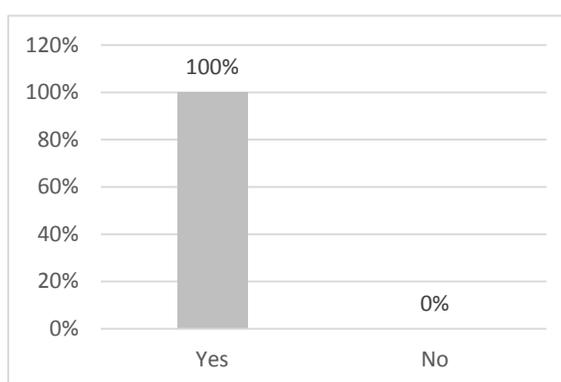


Figure 5.9b Willing to partake in NGOs' CLD process initiative



Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation; NGO = nongovernmental organization.

With regard to willingness to pay for CLD process, 48 percent of the communities responded that households in their respective community would be willing to pay a one-time payment of 90 Metical (MT) each. Of those communities that indicated no willingness to pay a one-time payment of 90 MT per household, 50 percent indicated willingness if made in three installments while 64 percent indicated willingness if at a subsidized price of 45 MT per household. In addition, non-CLD communities indicated that households would be willing to contribute or pay in kind 32 man-days of free labor on average for CLD process (Table 5.4).

Generally, evidence shows not only that communities believe the CLD process is beneficial, but communities do have certain degree of willingness to pay for CLD processes. Thus, there is room to expand the ongoing CLD process by strongly involving communities themselves.

Table 5.4 Willingness to pay (WTP) for CLD process

| Description | Observation | Mean |
|--|-------------|-------|
| How much is the WTP of the community per each household | | |
| 90 MT per household at one time | 33 | 48% |
| 90 MT per household at three installments | 16 | 50% |
| A subsidized price of 45 MT per household | 11 | 64% |
| Man-days of free labor per household | 19 | 31.53 |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation.

Comparison of CLD and Non-CLD Communities

Women Leadership

When we compared the prevalence of female-headed households, we found that 29 percent of the non-CLD communities are predominantly female headed, while only 9 percent of the CLD communities are predominantly female headed (Table 5.5).

Table 5.5 Comparison of CLD and non-CLD communities in availability of women in leadership

| Description | Without CLD | | With CLD | | Significance test |
|---|-------------|----------|----------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Communities that are predominantly female headed | 0.29 | (0.074) | 0.09 | (0.038) | ** |
| Are there any female <i>bairro</i> leaders in this community? | 0.18 | (0.063) | 0.46 | (0.067) | *** |
| Number of female <i>bairro</i> leaders | 2.29 | (0.421) | 2.77 | (0.365) | |
| Are there any female quarter leaders in this community? | 0.17 | (0.064) | 0.39 | (0.066) | ** |
| Number of female quarter Leaders | 2.43 | (0.369) | 3.24 | (0.337) | |

Source: Authors' computation from community survey (2014).

Note: *** is <=1%, ** is 5% and * is 10% level of significance. CLD = community land delimitation. “*Bairro* leaders” are administrative authorities responsible for administration and management of a well-defined geographic administrative area known as *bairro*. These administrative authorities are defined under the Decree 15/2000 Article 1 for creation of administrative units. Among other duties, *bairro* leaders are responsible for tax collection, land attribution, and certification. “Quarter leaders” are lower-level administrative authorities elected by the local residents in a specific geographic area known as *quarteirao*; their mandates include delivering speeches in funeral events, issuing residential certificates, and others. *Quartes* are geographic units composing *bairro*. In a sense, they are seen as part of community administrative authorities but they were not created by a legal instrument.

When we compare women’s leadership opportunities between CLD and non-CLD communities, we found female *bairro* leaders in 46 percent of the CLD communities, while only 18 percent of the non-CLD communities have female *bairro* leaders. Similarly, 39 percent of the CLD communities have female quarter leaders, while only 17 percent of the non-CLD communities have quarter leaders (Table 5.5).

Basic Services

In terms of basic services and infrastructure development, except on the type of water source that households in the communities use, no statistically significant difference is observed between CLD and non-CLD communities in other measurements (Table 5.6).

Table 5.6 Comparison of CLD and non-CLD communities in availability of basic services

| Description | Without CLD | | With CLD | | Significance test |
|---|-------------|----------|----------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Is there a primary school in the community? | 0.92 | (0.044) | 0.91 | (0.038) | |
| Is there a health clinic in the community? | 0.24 | (0.069) | 0.18 | (0.052) | |
| Is there a regular market in the community? | 0.41 | (0.081) | 0.29 | (0.06) | |
| Households obtain their water from well | 0.63 | (0.078) | 0.75 | (0.059) | |
| Households obtain their water from tap | 0.21 | (0.066) | 0.04 | (0.025) | *** |
| Households obtain their water from river | 0.37 | (0.078) | 0.62 | (0.066) | ** |
| Is there mobile phone service in the community? | 0.95 | (0.036) | 0.98 | (0.018) | |
| Is there electricity in the community? | 0.18 | (0.063) | 0.13 | (0.045) | |
| Distance to the nearest secondary school in hours | 3.37 | (0.578) | 3.67 | (0.367) | |
| Distance to the nearest hospital in hours | 2.78 | (0.417) | 3.22 | (0.32) | |
| How many times the market runs per month | 24.73 | (2.777) | 25.27 | (3.171) | |
| Distance to the major market town in hours | 3.75 | (0.751) | 3.24 | (0.375) | |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance.

In the CLD communities, only 4 percent stated that households use tap water, while 21 percent of the non-CLD communities stated they use tap water in their communities. In contrast, the use of a river as a source of water is substantially higher in the CLD (62 percent) communities than in the non-CLD (37 percent) communities (Table 5.6). This latter point could be related to the possibility that significant CLD processes were initiated to provide irrigation-accessible land to investors that use the land for agricultural purposes.

Farm Size

In terms of farm size, the prevalence of landless households and farmlands that are less than 2 hectares is substantially lower in the CLD communities (66 percent and 5 percent, respectively) than in the non-CLD communities (84 percent and 16 percent, respectively) (Table 5.7). This is an indication that the CLD processes were mainly initiated to provide land for investors as they are more focused on relatively land-abundant communities than land-scarce communities.

Table 5.7 Comparison of CLD and non-CLD communities in DUAT and farm size

| Description | Without CLD | | With CLD | | Significance test |
|---|-------------|----------|----------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Households with private DUAT | 0.08 | (0.044) | 0.2 | (0.053) | |
| Households with farm size > 10 hectares | 0.08 | (0.044) | 0.09 | (0.038) | |
| Households with farm size < 2 hectares | 0.84 | (0.061) | 0.66 | (0.063) | * |
| Landless households | 0.16 | (0.059) | 0.05 | (0.031) | * |

Source: Authors' computation from community survey 2014

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance.

Occupation

Farming is the major occupation that is predominantly practiced by both male and female members of both the CLD and non-CLD communities. However, the predominance of farming as the male's occupation is substantially higher in non-CLD communities (100 percent) than in the CLD communities (73 percent). In contrast, petty trade and mining are the predominant practices of females in 11 percent and 18 percent of the non-CLD communities, respectively, as compared with the predominant practices of females in 2 percent and none of the CLD communities, respectively (Table 5.8).

Table 5.8 Comparison of CLD and non-CLD communities in type of occupations held by individuals

| Description | Without CLD | | With CLD | | Significance test |
|---------------------------------|-------------|----------|----------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Male | | | | | |
| Farming | 1 | (0) | 0.73 | (0.06) | *** |
| Petty trade | 0.32 | (0.075) | 0.2 | (0.053) | |
| Casual labor | 0.13 | (0.055) | 0.21 | (0.055) | |
| Mining | 0.15 | (0.08) | 0.03 | (0.03) | |
| Fishing | 0 | (0) | 0 | (0) | |
| Extraction of natural resources | 0.43 | (0.094) | 0.46 | (0.082) | |
| Female | | | | | |
| Farming | 1 | (0) | 0.98 | (0.018) | |
| Petty trade | 0.11 | (0.052) | 0.02 | (0.019) | * |
| Casual labor | 0.11 | (0.051) | 0.09 | (0.039) | |
| Mining | 0.18 | (0.092) | 0 | (0) | ** |
| Fishing | 0 | (0) | 0.03 | (0.034) | |
| Extraction of natural resources | 0.35 | (0.107) | 0.22 | (0.069) | |

Source: Authors' computation from community survey 2014

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance.

Asset Ownership

In terms of asset ownership, land, house, mobile phone, bicycle, farm equipment, vehicle, and livestock are the common assets held by households both in the CLD and non-CLD communities. Except on the prevalence of ownership of farm equipment, no statistically significant difference is observed between CLD and non-CLD communities in the other assets. In the CLD communities, only 55 percent stated that many households have farm equipment, while 82 percent of the non-CLD communities stated the same (Table 5.9).

Table 5.9 Comparison of CLD and non-CLD communities in asset ownership of households

| Description | Without CLD | | With CLD | | Significance test |
|--|-------------|----------|----------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Land is owned by many households | 0.97 | (0.028) | 1 | (0) | |
| Livestock is owned by many households | 0.66 | (0.08) | 0.75 | (0.061) | |
| House is owned by many households | 1 | (0) | 0.98 | (0.02) | |
| Farm equipment is owned by many households | 0.82 | (0.067) | 0.55 | (0.071) | ** |
| Other building is owned by many households | 0.09 | (0.05) | 0.17 | (0.055) | |
| Vehicle is owned by many households | 0.69 | (0.082) | 0.59 | (0.073) | |
| Mobile phone is owned by many households | 0.89 | (0.054) | 0.86 | (0.048) | |
| Bicycle is owned by many households | 0.94 | (0.039) | 0.98 | (0.02) | |

Source: Authors' computation from community survey 2014

Note: CLD = community land delimitation.*** is $\leq 1\%$, ** is 5% and * is 10% level of significance.

The observed statistically significant variations between CLD and non-CLD communities in terms of residents' occupation and farm equipment ownership indicate that agriculture is relatively more practiced in the non-CLD communities than in CLD communities, though it is still the predominant activity in both areas.

Source and Mode of Land Acquisition

Among the indigenous communities, inheritance, borrowing without payment, and gift are the predominant sources or modes of land acquisition in both the CLD and non-CLD communities. However, gift as the predominant source or mode of land acquisition is substantially higher in the non-CLD communities (79 percent) than in CLD communities (56 percent). On the other hand, among the other sources or modes of land acquisition, allocation of land by the government as predominant source or mode of land acquisition is substantially higher in the CLD communities (27 percent) than in non-CLD communities (8 percent), and allocation of land by the community leaders is higher in the CLD communities (56 percent) than in non-CLD communities (37 percent) (Table 5.10).

Table 5.10 Comparison of CLD and non-CLD communities in source and mode of land acquisition of households

| Description | Among Indigenous | | | Among Nonindigenous | | | Among Women | | |
|--|------------------|-----------------|-----------|---------------------|-----------------|-----------|-----------------|-----------------|-----------|
| | Without CLD | With CLD | Sign test | Without CLD | With CLD | Sign test | Without CLD | With CLD | Sign test |
| Inheritance is common | 0.97 (0.027) | 1 (0) | | 0.24 (0.075) | 0.09 (0.042) | * | 0.86 (0.058) | 0.9 (0.041) | |
| Gift is common | 0.79 (0.069) | 0.56 (0.072) | ** | 0.51 (0.084) | 0.4 (0.066) | | 0.78 (0.073) | 0.78 (0.062) | |
| Borrowing without payment is common | 0.73 (0.078) | 0.82 (0.053) | | 0.42 (0.082) | 0.58 (0.068) | | 0.79 (0.071) | 0.51 (0.073) | ** |
| Allocation by the government is common | 0.08 (0.046) | 0.27 (0.06) | ** | 0.03 (0.027) | 0.4 (0.071) | *** | 0.08 (0.046) | 0.2 (0.057) | |
| Allocation by the community leader is common | 0.37 (0.082) | 0.56 (0.072) | * | 0.22 (0.069) | 0.5 (0.068) | *** | 0.42 (0.082) | 0.64 (0.068) | ** |
| Rent or sharecropping is common | 0.09 (0.05) | 0.22 (0.058) | | 0.25 (0.072) | 0.43 (0.069) | * | 0.15 (0.061) | 0.21 (0.057) | |
| Occupation of vacant land is common | 0.35 (0.082) | 0.4 (0.066) | | 0.06 (0.039) | 0.18 (0.054) | * | 0.26 (0.076) | 0.22 (0.06) | |
| Purchase of land is common | 0.42 (0.086) | 0.37 (0.069) | | 0.75 (0.072) | 0.69 (0.065) | | 0.33 (0.082) | 0.24 (0.061) | |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation.*** is $\leq 1\%$, ** is 5% and * is 10% level of significance.

Among the nonindigenous communities, purchase, borrowing without payment, and gift are the predominant sources or modes of land acquisition in both the CLD and non-CLD communities. Among other sources or modes of land acquisition, allocation of land by the government as the predominant source or mode of land acquisition is substantially higher in the CLD communities (40 percent) than in non-CLD communities (3 percent). Similarly, allocation of land predominately by the community leaders is higher in the CLD communities (50 percent) than in non-CLD communities (22 percent). Moreover, acquisition of land predominately through rent and sharecropping is higher in the CLD communities (43 percent) than in non-CLD communities (25 percent), and acquisition of land predominately by occupying vacant land is higher in the CLD communities (18 percent) than in non-CLD communities (6 percent). In contrast, inheritance as a predominant source or mode of land acquisition is substantially higher in the non-CLD communities (24 percent) than in CLD communities (9 percent) (Table 5.10).

For female members of the communities, inheritance, borrowing without payment, and gift are the predominant sources or modes of land acquisition in both the CLD and non-CLD communities. However, borrowing without payment as a predominant source or mode of land acquisition is substantially higher in the non-CLD communities (79 percent) than in CLD communities (51 percent). On the other hand, among the other sources or modes of land acquisition, acquisition predominately by

allocation of land by the community leaders is higher in the CLD communities (64 percent) than in non-CLD communities (42 percent) (Table 5.10)

Generally, leaving aside the observed variations between indigenous and nonindigenous communities in the mode of land acquisition, acquisition of land through allocation of government and community leaders is more common in the CLD communities than in the non-CLD communities. This could probably be among the key factors for initiating the CLD process in the former group.

Tenure Security and Source and Mode of Land Acquisition

Among the indigenous communities, inheritance, gift, purchase, and allocation by the government are perceived as very secure sources or modes of land acquisition in terms of tenure security both in the CLD and non-CLD communities (Table 5.11).

Among the nonindigenous communities, purchase and to some extent allocation of land by the government are perceived as very secure sources or modes of land acquisition in both the CLD and non-CLD communities. However, the perception of gift as a very secure source or mode of land acquisition is substantially higher in the non-CLD communities (31 percent) than in CLD communities (13 percent) (Table 5.11).

For female members of the communities, inheritance, purchase, gift, and allocation by the government are perceived as very secure sources or modes of land acquisition in both the CLD and non-CLD communities. However, the perception of gift as a very secure source or mode of land acquisition is substantially higher in the non-CLD communities (78 percent) than in CLD communities (47 percent) (Table 5.11).

Table 5.11 Comparison of CLD and non-CLD communities in tenure security of the source and mode of land acquisition of households

| Description | Among Indigenous | | | Among Nonindigenous | | | Among Women | | |
|---|------------------|-----------------|-----------|---------------------|-----------------|-----------|-----------------|-----------------|-----------|
| | Without CLD | With CLD | Sign test | Without CLD | With CLD | Sign test | Without CLD | With CLD | Sign test |
| Inheritance is very secure | 0.97 (0.026) | 0.89 (0.041) | | 0.35 (0.086) | 0.2 (0.058) | | 0.84 (0.059) | 0.79 (0.056) | |
| Gift is very secure | 0.72 (0.075) | 0.58 (0.071) | | 0.31 (0.082) | 0.13 (0.046) | ** | 0.78 (0.069) | 0.47 (0.071) | *** |
| Borrowing without payment is very secure | 0.17 (0.062) | 0.16 (0.053) | | 0 (0) | 0.05 (0.031) | | 0.22 (0.068) | 0.22 (0.059) | |
| Allocation by the government is very secure | 0.65 (0.099) | 0.65 (0.073) | | 0.48 (0.1) | 0.5 (0.077) | | 0.65 (0.099) | 0.52 (0.075) | |
| Allocation by the community leader is very secure | 0.44 (0.088) | 0.37 (0.069) | | 0.15 (0.062) | 0.24 (0.06) | | 0.42 (0.089) | 0.3 (0.065) | |
| Rent or sharecropping is very secure | 0.13 (0.062) | 0.1 (0.044) | | 0.19 (0.069) | 0.18 (0.052) | | 0.16 (0.066) | 0.14 (0.049) | |
| Occupation of vacant a land is very secure | 0.21 (0.069) | 0.17 (0.052) | | 0.03 (0.03) | 0.09 (0.039) | | 0.09 (0.052) | 0.12 (0.046) | |
| Purchase of land is very secure | 0.78 (0.073) | 0.77 (0.063) | | 0.76 (0.075) | 0.8 (0.056) | | 0.84 (0.066) | 0.69 (0.069) | |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance.

Type of Boundary Mark

Planted trees and planted crops are largely common boundary marks in both the CLD and non-CLD communities. However, planted trees as a largely common boundary mark are stated by 81 percent of the CLD communities as compared with 54 percent of the non-CLD communities. Soil band as a largely common boundary mark is mentioned by 30 percent of the non-CLD communities as compared with 13

percent of the CLD communities. In contrast, fence as a largely common boundary mark is mentioned by 46 percent of the CLD communities as compared with 16 percent of the non-CLD communities. Moreover, 62 percent of the non-CLD communities and 42 percent of the CLD communities mentioned lack of a boundary mark as a largely common phenomenon (Table 5.12).

Table 5.12 Comparison of CLD and non-CLD communities in type of boundary marks

| Description | Non-CLD | | CLD | | Significance test |
|--------------------------------------|---------|----------|------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Planted tree boundary mark is common | 0.54 | (0.082) | 0.81 | (0.054) | *** |
| Planted crop boundary mark is common | 0.7 | (0.075) | 0.79 | (0.057) | |
| Soil band boundary mark is common | 0.3 | (0.075) | 0.13 | (0.046) | ** |
| Fence is common | 0.16 | (0.061) | 0.46 | (0.068) | *** |
| Beacon is common | 0.45 | (0.081) | 0.35 | (0.065) | |
| No boundary mark is common | 0.62 | (0.08) | 0.42 | (0.067) | * |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation. *** is $\leq 1\%$, ** is 5% and * is 10% level of significance.

Relatively speaking boundary marks are more common among the CLD communities than they are in the non-CLD communities. This could probably be among the key factors for initiating the CLD process in the CLD communities, as it is easy and less costly to delimit the land of such communities.

Type of Marriage and Women's Property Rights

Customary marriage followed by religious and arranged marriage are typical practices in both the CLD and non-CLD communities. In this regard, no statistically significant differences are observed between CLD and non-CLD communities. Early marriage is also typical in around one-third of both the CLD and non-CLD communities, while statutory marriage is practiced in less 1 percent of both the CLD and non-CLD communities (Table 5.13).

Table 5.13 Comparison of CLD and non-CLD communities in type of marriage and women's property right

| Description | Non-CLD | | CLD | | Significance test |
|--|---------|----------|------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| Arranged marriage | 0.25 | (0.072) | 0.41 | (0.066) | |
| Customary marriage | 0.61 | (0.081) | 0.68 | (0.062) | |
| Statutory marriage | 0.06 | (0.038) | 0.09 | (0.038) | |
| Religious marriage | 0.36 | (0.08) | 0.3 | (0.061) | |
| Early marriage | 0.28 | (0.075) | 0.38 | (0.065) | |
| Do women bring land to the marriage? | 0.91 | (0.061) | 0.72 | (0.075) | * |
| The property woman brings to marriage remains hers | 0.69 | (0.077) | 0.71 | (0.06) | |
| The property woman brings to marriage becomes joint | 0.31 | (0.077) | 0.3 | (0.061) | |
| The property woman brings to marriage becomes husband's | 0 | (0) | 0 | (0) | |
| If a woman marries a man from another community, can she return to her natal community for land? | 0.97 | (0.027) | 0.93 | (0.035) | |

Source: Authors' computation from community survey 2014

Note: CLD = community land delimitation. *** is $\leq 1\%$, ** is 5% and * is 10% level of significance. Here, note that marriage categories are not mutually exclusive since each category is compiled from community leaders' answers in response to a multiple-response question, "What types of marriages are typical here? (1) Arranged, (2) Customary, (3) Statutory, (4) Religious, (5) Early."

In both CLD and non-CLD communities, it is common that a woman brings land to the marriage when she gets married and it largely remains hers even after marriage. However, the practice of women's land contribution to marriage is substantially prevalent in non-CLD communities (91 percent) but not as much in CLD communities (72 percent). Similarly, it is very common that a woman can return to her natal community for land if she marries a man from another community (Table 5.13).

Inheritance of Land and Other Properties upon the Death of the Husband

Upon the death of a husband, the late husband's land and other assets are largely inherited by all of his sons in both CLD and non-CLD communities. The practices of giving the entire inheritance right of the late husband's land and other properties to his natal family as well as to his eldest son are also common (from 25 percent to 45 percent, respectively) in both the CLD and non-CLD communities (Table 5.14).

Table 5.14 Comparison of CLD and non-CLD communities in inheritance practices of land and other assets upon the death of the husband

| Description | Non-CLD | | CLD | | Significance test |
|--|---------|----------|------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| When a husband dies, who inherits his land? | | | | | |
| The eldest son | 0.37 | (0.078) | 0.25 | (0.058) | |
| All sons | 0.82 | (0.063) | 0.89 | (0.041) | |
| All daughters | 0.21 | (0.066) | 0.21 | (0.055) | |
| The first wife | 0.05 | (0.036) | 0 | (0) | * |
| All the wives | 0 | (0) | 0.16 | (0.049) | *** |
| His natal family | 0.45 | (0.081) | 0.38 | (0.065) | |
| When a husband dies, who inherits his other assets? | | | | | |
| The eldest son | 0.24 | (0.069) | 0.29 | (0.061) | |
| All sons | 0.87 | (0.055) | 0.87 | (0.045) | |
| All daughters | 0.29 | (0.074) | 0.22 | (0.056) | |
| The first wife | 0 | (0) | 0.02 | (0.018) | |
| All the wives | 0.03 | (0.026) | 0.11 | (0.042) | |
| His natal family | 0.37 | (0.078) | 0.36 | (0.065) | |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance. Here, note that responses listed under the description are not mutually exclusive since they are compiled from community leaders' answers to a multiple-response question.

The practice of giving the entire inheritance right of the late husband's land and other properties to his daughters is practiced in only around 25 percent of both CLD and non-CLD communities. The practice of giving the entire inheritance right of the late husband's land and other properties to his wife or wives is rarely practiced (from 0 percent to 16 percent, respectively) in both CLD and non-CLD communities. In 16 percent of the CLD communities, all wives would inherit the land of their late husband, while wives would not inherit the land of their late husband in the non-CLD communities (Table 5.14).

Inheritance of Land and Other Properties upon the Death of the Wife

Upon the death of a wife, the late wife’s land (whether she inherited it or purchased it) and other assets are largely inherited by all of her sons in both CLD and non-CLD communities. Giving the entire inheritance right of the late wife’s land and other properties to her natal family as well as to her eldest son is also practiced by some (from 13 percent to 26 percent, respectively) in both CLD and non-CLD communities. Giving the entire inheritance right of the late wife’s land and other properties to her daughters is practiced in only around 25 percent of both CLD and non-CLD communities. Giving the entire inheritance right of the late wife’s land and other properties to her husband is rarely practiced (from 4 percent to 21 percent, respectively) in both CLD and non-CLD communities. In 16 percent of the non-CLD communities, the husband would inherit the land of his late wife that she inherited, while only in 4 percent of the CLD communities would the husband inherit the land of his late wife that she inherited (Table 5.15).

Table 5.15 Comparison of CLD and non-CLD communities in inheritance practices of land and other assets upon the death of the wife/wives

| Description | Non-CLD | | CLD | | Significance test |
|---|---------|----------|------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| When a wife dies, who inherits her land she inherited? | | | | | |
| The eldest son | 0.24 | (0.069) | 0.18 | (0.052) | |
| All sons | 0.68 | (0.075) | 0.75 | (0.059) | |
| All daughters | 0.24 | (0.069) | 0.22 | (0.056) | |
| The husband | 0.16 | (0.059) | 0.04 | (0.025) | ** |
| Her natal family | 0.42 | (0.08) | 0.33 | (0.063) | |
| When a wife dies, who inherits her land she purchased? | | | | | |
| The eldest son | 0.26 | (0.071) | 0.15 | (0.048) | |
| All sons | 0.74 | (0.071) | 0.8 | (0.054) | |
| All daughters | 0.24 | (0.069) | 0.22 | (0.056) | |
| The husband | 0.21 | (0.066) | 0.16 | (0.05) | |
| Her natal family | 0.24 | (0.069) | 0.33 | (0.063) | |
| When a wife dies, who inherits her other assets? | | | | | |
| The eldest son | 0.24 | (0.069) | 0.13 | (0.045) | |
| All sons | 0.71 | (0.074) | 0.71 | (0.061) | |
| All daughters | 0.29 | (0.074) | 0.2 | (0.054) | |
| The husband | 0.18 | (0.063) | 0.11 | (0.042) | |
| Her natal family | 0.42 | (0.08) | 0.45 | (0.067) | |

Source: Authors’ computation from community survey (2014).

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance. Here, note that responses listed under the description are not mutually exclusive since they are compiled from community leaders’ answers to a multiple-response question.

Land Allocation Practices in Divorces and Separation

During divorce or separation, the land that was brought by the husband to the marriage goes to the husband in 50 percent and 63 percent of the CLD and non-CLD communities, respectively. The practice of dividing the land that was brought to the marriage by the husband is practiced only by around 25 percent of the communities in both the CLD and non-CLD communities. Similarly, the land that was brought by the wife to the marriage goes to the wife in 58 percent and 74 percent of the CLD and non-CLD communities, respectively during divorce or separation. The practice of dividing the land that was

brought to the marriage by the wife is practiced by only around 15 percent of both the CLD and non-CLD communities. Consistent to this logic, during divorce or separation, the land that was acquired while they were married is divided among both the husband and the wife in 78 percent of the CLD and 92 percent of the non-CLD communities (Table 5.16).

Table 5.16 Comparison of CLD and non-CLD communities in land allocation in divorce or separation

| Description | Non-CLD | | CLD | | Significance test |
|--|---------|----------|------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| In divorce or separation, what happens to the land the husband brought to the marriage? | | | | | |
| Goes to the husband | 0.63 | (0.078) | 0.49 | (0.067) | |
| Goes to the wife | 0.03 | (0.026) | 0.13 | (0.045) | * |
| Divided | 0.24 | (0.069) | 0.25 | (0.059) | |
| Goes to his natal family | 0.16 | (0.059) | 0.24 | (0.057) | |
| In divorce or separation, what happens to the land the wife brought to the marriage? | | | | | |
| Goes to the husband | 0.03 | (0.026) | 0.09 | (0.039) | |
| Goes to the wife | 0.74 | (0.071) | 0.58 | (0.067) | |
| Divided | 0.13 | (0.055) | 0.16 | (0.05) | |
| Goes to his natal family | 0.13 | (0.055) | 0.25 | (0.059) | |
| In divorce or separation, what happens to the land acquired after the marriage? | | | | | |
| Goes to the husband | 0.05 | (0.036) | 0.15 | (0.048) | |
| Goes to the wife | 0.08 | (0.044) | 0.13 | (0.045) | |
| Divided | 0.92 | (0.044) | 0.78 | (0.056) | * |
| Goes to his natal family | 0 | (0) | 0.05 | (0.031) | |

Source: Authors' computation from community survey (2014).

Note: CLD = community land delimitation. *** is $\leq 1\%$, ** is 5% and * is 10% level of significance. Here, note that responses listed under the description are not mutually exclusive since they are compiled from community leaders' answers to a multiple-response question.

Other Assets Allocation Practices in Divorces and Separation

Unlike land, in both the CLD and non-CLD communities, the allocation practices of other assets during divorces and separation is largely (in 74 percent to 84 percent, respectively) by dividing the assets among both the husband and the wife, whether they were brought by the husband or the wife or they were acquired while they were married. One party's taking the other assets is rarely practiced in both the CLD and non-CLD communities. However, in 11 percent of the CLD communities, during divorce or separation other assets go only to the husband, though this is practiced in none of non-CLD communities (Table 5.17).

Table 5.17 Comparison of CLD and non-CLD communities in allocation of other assets in divorce or separation

| Description | Non-CLD | | CLD | | Significance test |
|--|---------|----------|------|----------|-------------------|
| | Mean | Std. Err | Mean | Std. Err | |
| In divorce or separation, what happens to other assets the husband brought? | | | | | |
| Go to the husband | 0.05 | (0.036) | 0.15 | (0.048) | |
| Go to the wife | 0.16 | (0.059) | 0.15 | (0.048) | |
| Divided | 0.82 | (0.063) | 0.74 | (0.06) | |
| Go to his natal family | 0 | (0) | 0.06 | (0.031) | |
| In divorce or separation, what happens to other assets the wife brought? | | | | | |
| Go to the husband | 0.08 | (0.045) | 0.06 | (0.032) | |
| Go to the wife | 0.16 | (0.061) | 0.13 | (0.047) | |
| Divided | 0.78 | (0.068) | 0.81 | (0.054) | |
| Go to his natal family | 0.03 | (0.027) | 0.06 | (0.032) | |
| In divorce or separation, what happens to other assets acquired after? | | | | | |
| Go to the husband | 0 | (0) | 0.11 | (0.044) | ** |
| Go to the wife | 0.13 | (0.055) | 0.06 | (0.032) | |
| Divided | 0.84 | (0.059) | 0.84 | (0.049) | |
| Go to his natal family | 0.05 | (0.036) | 0.04 | (0.026) | |

Source: Authors' computation from community survey 2014

Note: CLD = community land delimitation. *** is <=1%, ** is 5% and * is 10% level of significance. Here, selections listed under the description are not mutually exclusive since they are compiled from community leaders' answers in response to a multiple-response question.

6. CONCLUSION AND POLICY IMPLICATIONS

This study uses the community-level Community Land Delimitation survey that was conducted in September 2014 and secondary data collected from different sources.

The analysis of the available secondary data indicates that 659 communities (corresponding to about 35 million hectares of land) were delimited between 2006 and 2013 in Mozambique. The process does not show a stable trend during the indicated period. It is also noted that the majority of the delimitations were made by one NGO's initiative—the Community Land Initiative, or iTC. During the period, 634 land conflicts were reported, with most being reported in the early period. The analysis also indicates a strong negative correlation between the CLDs and the number of land conflicts—suggesting positive impact of the delimitation of community lands on land-related conflicts.

The 2014 community-level Community Land Delimitation survey is the major data source for this study. The sample size of the survey is 94, of which nearly 60 percent of the communities introduced the CLD process. Many NGOs were involved in several of the CLD processes. Private community land conflict followed by NGOs' economic initiatives and private investment are indicated as main reasons for the launch of the CLD process in the study areas.

Of the total CLD communities surveyed, the majority stated that a Community Land Management Committee (CLMC) was established in their community, the sensitization and the delimitation phases of the CLD process were completed, communities' border were demarcated, and beacons were placed on the ground. Moreover, 62 percent the responding CLD communities confirmed that their community acquired a land certificate (DUAT); however, only one has an approved business plan. The major reasons mentioned for not completing the CLD process are the withdrawal of the NGOs helping the process and the resolution of the conflict that initiated the process. In a majority of the cases, boundary disputes with the adjacent communities were raised during the process.

Of the total CLD communities surveyed, the majority stated reduction of land conflict and establishing their identity as the main benefits of CLD, and more than 90 percent of the community mentioned improvement in the inter- and intra-community land-related disputes after CLD. Around one-fourth of CLD communities made use of the certificate (DUAT) to resolve dispute.

Of the total number of non-CLD communities responded, only around one-half indicate that at least some senior members of their respective community are aware of the CLD initiative that was going on in other communities. Of the non-CLD communities bordering with CLD communities, only one-half indicate that they have been involved in the CLD delimitation process of the bordering communities.

With regard to willingness to pay for the CLD process, nearly half of the non-CLD communities responded that households in their respective community would be willing to pay a one-time payment of 90 MT each while up to two-thirds of them indicated their willingness if this is made in installments or at a subsidized price or in kind (such as days of free labor).

In addition to describing CLD and non-CLD communities separately, comparisons were made between the two groups based on certain key aspects that are supposed to determine access to the delimitation program and aspects that are expected to be affected by the delimitation program. However, not many significant differences are observed between the CLD and non-CLD communities.

In terms of farm size, the prevalence of landless households and farmlands that are less than 2 hectares is substantially lower in the CLD communities than in the non-CLD communities—indicating that the CLD processes are happening in relatively land-abundant communities, which are normally areas associated with large-scale land acquisitions. Generally, land-related disputes are identified as the first most common dispute by 50 percent of the total communities surveyed, with a significant difference between CLD (63 percent) and non-CLD (31 percent) communities.

Of the total surveyed communities, one-third indicated large-scale land acquisition by the domestic investor in the past. The average number of domestic investors who acquired land was 15 per community, and the average land size acquired by the investors was 86 hectares. In this regard, one-fifth of the communities noted no community involvement in these domestic land acquisitions. Only two-

thirds stated that public consultation meetings were held in the process of the land acquisition, while only half of the surveyed communities—with significant difference between the CLD (two-thirds) and non-CLD (one-fifth)—stated that the CLMC has been informed by the District Agriculture Bureau about the domestic land acquisition. In connection to this, one-fourth of the communities indicated that conflict had been spurred as a direct result of the domestic land acquisition, though most of the conflicts were resolved. Moreover, one out of five surveyed communities, with significant difference between the CLD (5 percent) and non-CLD (40 percent) communities, perceive it very likely that their respective communities may lose their land due to future domestic land acquisition.

Generally, evidence exists not only for the fact that communities believe the CLD process is beneficial, but also that communities do have certain degree of WTP for CLD processes. However, after two decades since the introduction of the Land Law, the fact that several communities are not delimited and the process is almost fully NGO driven is an indication for the lack of enough emphasis for the CLD process and its sustainability is still not guaranteed. In this regard, our finding that the absence of an NGO is the major reason given for the nonexistence or halting of a CLD process is evidence for our assertion that sustainability of the CLD process in Mozambique is an issue.

The observed lack of effectiveness among the CLMC indicates that not only the presence of an institutional structure but the way it operates actually matters to improve the tenure security of a community through the establishment of local institutions.

Overall, communities do seem to lack awareness and understanding on the potential benefits of the CLD process; this implies that proper community sensitization from the beginning of the CLD process and its benefits may enhance the implementation and proper scale-up of the program. It is possible to emphasize addressing issues that are more relevant to the community. This could be more relevant in areas prone to land disputes, as evidence is strong that CLD processes are helpful in solving land-related disputes. The fact that almost all of the CLD communities stated improvement in land-related disputes with other communities after CLD is evidence for the success of CLD process in terms of resolving land-related disputes.

The fact that inter-community conflicts were usually raised during the CLD process indicates that involving the bordering communities in the CLD process is of paramount importance for the success of the program. Although involving non-CLD communities in the CLD processes of bordering communities is crucially important, not enough seems to have been done in this regard. The fact that more than one-third of the non-CLD communities were not involved in the CLD process of their bordering communities is one of the observed serious challenges in the CLD process. In this regard, strong efforts should be made in the future CLD processes.

In a nutshell, the 2014 community-level Community Land Delimitation survey suggests that—by increasing awareness and strongly involving communities themselves—there is room to expand the ongoing CLD process and to improve tenure security in Mozambique. Moreover, our community-level analysis of TIA 2014 data suggests that population density, relative land scarcity, urbanization, and off-farm economic opportunities are drivers of tenure insecurity in Mozambique. Thus, land policy interventions that seek to improve tenure insecurity need to prioritize communities residing in such areas.

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