

Ensuring community land rights in a land investment pressed country - The Community Land initiative (iTC) in Mozambique

by Paulo Mole, José Monteiro and Julian Quan¹

Abstract

Land is the prime source of livelihood and income for Mozambique's rural communities. Land in Mozambique is regarded as state property, and land tenure and user rights are regulated by the Land Law (Law n°. 19/97) which recognizes and protects customary rights, and sets out procedures for community and private land registration. Currently, Mozambique's land and other natural resources have come under great pressure from foreign and domestic private investment in recent years as a result of relatively low population density good land availability and high potential agricultural productivity. This creates challenges for rural communities and government to use private investments as opportunities for partnership, and sustainable local economic development, and to overcome the risks of conflict that arise when investments are not properly planned. The Community Land initiative (iTC) managed by KPMG International Development Services (IDAS) Mozambique and technical support from the Natural Resources Institute (NRI) of the University of Greenwich in UK² seeks to secure community rights to land and natural resources as a means of capacity building for sustainable local economic development. This paper provides few examples of iTC interventions that have

led to communities' empowerment and engagement in viable community-investor partnerships.

Introduction

Land is probably the most valuable asset that rural communities possess in the developing world, especially in Africa. Mozambique is no exception since at least 80% of the population in rural Mozambique relies on agriculture to make a living. Debates about land in Mozambique revolve around questions of tenure rather than ownership, since land is deemed by law to be state property. The state recognizes and grants land use rights which cannot be subject to any type of transaction between third parties. Many consider that such unlawful land transactions do in fact occur, and there is some debate about circumstances in which they should be allowed. Nevertheless one of government's main concerns is to protect community interests in land, and there is widespread agreement that improving land users' security of tenure is important in ensuring sustainable development.



Mozambique's land law recognizes and protects customary land user rights, and enables their formal registration. These rights are not necessarily exclusive and the law also provides for consultation with rural communities before the state grants temporary use rights to private investors

¹ Partner, KPMG IDAS, Mozambique and iTC; Knowledge Management Officer, Manica Mozambique; and Natural Resources Institute, University of Greenwich and Chief Technical Adviser to iTC.

² In addition, *Centro Terra Viva* (CTV) a Mozambican national NGO has recently joined the consortium partnership for the management of iTC

within areas where communities have established legitimate customary use rights. The land law has now been under implementation for more than a decade, and over the years pressure on land and other natural resources has grown because of increasing demand from investors, and therefore pressure over availability of these resources. This has been seen as a threat to community user rights over existing land and other natural resources but in fact provides opportunities to secure rights to support local economic activities in ways that ensure long-term and sustainable benefits. The Community Land initiative (iTC³) was established in precisely this context and seeks to secure community land tenure and use for local economic development.



This paper offers a few examples of linkages between community land user rights and partnership based on local economic development opportunities facilitated and assisted by iTC. iTC has unique experience in linking secure

³ iTC is the Portuguese acronym for Land Community initiative. Built on a DFID pilot project on Land delimitation in Zambézia province, iTC was established in 2006, with support from a group of donors (Denmark, Ireland, Netherlands, Sweden, Switzerland and the United Kingdom) for the provinces of Cabo Delgado, Gaza and Manica. Later in 2009, additional support from the Millennium Challenge Corporation (MCC) expanded activities to Nampula, Niassa and Zambézia provinces.

community land rights to economic development opportunities and provides lessons the lessons of importance to other African countries, given the prevalence of customary land use rights.

iTC's Rationale: *Seeking the balance between community needs and demands from development priorities*

Mozambique has registered significant rates of economic growth for more than a decade (Kaarhus, 2011; FIAN, 2010). The growth of cities, and economic infrastructure, reducing poverty and increasing spending power, and Mozambique's increasing integration into the world economy has also stimulated a high demand for land and other natural resources to supply expanding global, regional and local markets.

As a result Mozambique needs capacity to systematic planning to cope with its growing population and expanding opportunities. As the World Bank (2005) has noted, the country's economy will be highly dependent on available land and other natural resources for the foreseeable future. As demand for these resources grows, community rights are under pressure, bringing challenges for Mozambique's relatively weak institutional framework for allocating and enforcing land tenure rights.

Despite the legal recognition of customary rights, the limited capacity of the government institutions charged with management of land and natural resources institutional constraints does not allow rural communities and producer groups to get their rights properly recognised and protected as a source of long-term benefit and security. In particular, the land information management system, or cadastre, is unable to provide the required information to ascertain land availability for different uses. As a result, accurate

mapping of existing land user rights becomes critical. Land registration processes are cumbersome, and in most cases out of reach for rural communities without external assistance, leaving them exposed to the risks of land grabbing. Sustainable use of land and other natural resources is a national development priority. The issues of clarifying and securing community land rights, and establishing an accessible, fair and functional institutional framework to manage land and natural resources have become of utmost importance to national economic development.

A number of ongoing trends create immediate concerns for rural communities. These include widespread deforestation due to logging, and increasing but unregulated demand for charcoal from growing urban centers, although these activities also contribute to rural incomes. At the same time large private sector agricultural investments further increase land pressure on land and resources already used by local communities, although contributing to economic growth and employment. Achieving a fair and sustainable balance between small scale farm production, large scale commercial land development and conservation and use of essential natural resources is a huge challenge.

iTC supports communities to secure their user rights through processes of land delimitation and/or demarcation⁴, for their long-term benefit, leading to legal recognition of land rights, and wherever possible facilitation of negotiated partnerships with external investors and land users and state development

⁴ Demarcation provides exclusive rights over relatively small parcels of land for community producer associations for a limited period, in a similar way as it does for private land users. Delimitation secures the boundaries of larger areas within which rural communities have non-exclusive use rights and must be consulted before the state can grant land rights to other users.

programs. With iTC support, community groups including both men and women local leaders and government authorities are engaged in processes of social preparation for development projects, community planning, and education about the value and potential uses of natural resources within community land areas.

iTC contributes to reducing land pressure and conflicts, contributing to a better planning of land use and sustainable natural resources. The land Law sets a framework within which securing rights to land and property contributes to economic growth, because it reduces land conflicts, promotes investments and encourages business development. Through iTC's approach which assists government in implanting the land law rural communities can achieve a real voice in defining development priorities.

Community-Investor Partnerships: *setting stage for ensuring long-term benefits and sustainable use of land and natural resources*

Since its establishment of iTC in 2006, iTC has been grown in coverage and reach. During its pilot phase the initiative benefited 188 communities in 25 districts of Manica, Cabo Delgado and Gaza provinces⁵.

In addition to the challenge of securing community rights at greater scale, the most exciting aspect of the iTC experience has been promoting models of cooperation between communities and the private

⁵ iTC service delivery included 32 official community land certificates and 66 official land titles covering an estimate area of 280,000 hectares of land; establishment and legal registration and capacity building of 92 farmers association and 36 Community based Natural Resources Management Committees; training for 768 people (21% of which are women) on land and sustainable natural resources management.

sector. Partnerships can take a variety of forms depending on the nature and value of resources available to rural communities, and the interests of private investors.

In addition to the challenge of securing community rights at greater scale, the most exciting aspect of the iTC experience has been promoting models of cooperation between communities and the private sector. Partnerships can take a variety of forms depending on the nature and value of resources available to rural communities, and the interests of private investors. iTC is now engaging with land investment proposals to increase for large scale production of food, cash crops, wood products and biofuels.

Despite growing interest, these projects can be slow to materialize requiring careful planning to foster business models compatible with investor's business models and community needs, and more experience is needed. However iTC has also found that there are also significant new opportunities for communities and private investors in developing markets for new products and services which foster sustainable resource use without handing over large areas to direct control by private companies. Here we provide a few examples.

Community based ecotourism: *Ndzou camp*

The *Ndzou camp* is an eco-tourism investment partnership between the Mpunga community in the district of Sussundenga, Manica province, and EcoMicaia⁶. iTC has supported the community through a grant that financed the legal establishment of an association, representing the Mpunga community; the delimitation process to establish secure community rights to a conservation area; and the design of a business plan which

helped to secure World Bank funds for a community Joint Venture with Eco-Micaia to establish the Ndzou Camp Eco-tourism lodge. The community is entitled to 60% of revenues generated.



Inclusive business: *Mozambique Honey Company*

iTC supported the establishment of 12 honey producers' associations in Manica province, linked to a honey trading company established by a private trader who recognized the huge potential of community business partnerships.



In addition, iTC secured the rights to community business premises and key natural resources for honey production, and funded training and capacity building for apiculture activities and business management by association members. The associations then became members of a

⁶ Eco-Micaia is a private organization that works towards sustainable development of local communities.

honey producers union, which is a shareholder of the Mozambique Honey Company. This joint venture is an example of how trained community associations can tap into new development opportunities and enable their members to escape poverty.

Environmental protection: *securing a community stake in carbon sequestration through secure natural resource rights*

In Cabo Delgado province, efforts to promote sustainable management of forest resources led to iTC financial support for a carbon sequestration project.⁷ The iTC support consisted of delimitation of community land areas, establishment and training of a Natural Resources Management Committee (CGRN), and a participatory forest inventory. As result of the project, the communities engaged will be paid for planting and preserving the forest, to enable greater carbon storage, and securing alternative sources of income for the future.



Challenges: *empowering community based organizations to engage with investors*

Lessons learnt from iTC's implementation have shown that securing community land rights is an important step towards

⁷ The project was implemented by Envirotrade - a private sector company implementing carbon sequestration in Mozambique to provide carbon offset opportunities for investors.

enabling sustainable investments in rural areas. This must be linked to dialogue and capacity building among different stakeholders, so as to tap on synergies for the development of local opportunities. The partnerships illustrated here tap into new opportunities in marketing natural resource products, ecotourism and carbon storage. Many other opportunities are emerging to expand community production and marketing of food stuffs and other natural products are now emerging. Defining and securing community land rights and building local institutional capacity is however also essential to achieve sustainable business models for large scale agricultural investments that seek to transform existing land uses and land holding arrangements.

At present the success of iTC's approach to securing land and natural resources rights depends on the presence and capacity of good local service providers to work with rural communities. One challenge is to put in place greater capacity in government, private sector and civil society to respond effectively to increasing community demands for support in dealing with land and natural resources planning and management. Another challenge in addressing land tenure issues is to achieve better coordination and synergy amongst different government institutions, programs that deal with land and natural resources development.

Formal recognition of community land rights enables communities to benefit communities from around land and natural resources development. For the huge growth in rural investment in Mozambique to contribute to sustainable economic and social development, inclusive community-investor partnerships are needed which pay proper attention to secure community land and natural resource rights and building local institutional capacity. The iTC program offers a way forward to do this.

References

DfID (2007) *Land: better access and secure rights for poor people.*

DNTF (2007) *Relatório do inventário florestal nacional.* Ministério de Agricultura.

FIAN (2010). *Land grabbing in Kenya and Mozambique: a report on two research missions - and human rights analysis on land grabbing.*

Kaarhus, R. (2011) *Agricultural growth corridors equals land grabbing? Models, Roles and Accountability in a Mozambican case.* Land Deal Politics Initiative.

Norfolk, S., & Liversage, H. *Land reform and poverty alleviation in Mozambique. Paper for the southern Africa poverty network, human science research council.*

World Bank. (2005) *Natural resources and growth sustainability, economic and sector work.*