



Land Governance in an Interconnected World

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COSTS IN COMMUNITY LAND DELIMITATION: SUSTAINABILITY, INNOVATION AND SHARED RESPONSABILITIES FOR AN INCLUSIVE AND EFFECTIVE LAND ADMINISTRATION SYSTEM IN MOZAMBIQUE

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Abstract

This paper intends to bring information and present a detailed description of community land delimitation costs through the perspective of the Community Land initiative (iTC) in Mozambique, based on information gathered between 2014 and 2017, as well as analysing the sources of costs, and how it can lead to a more proactive, sustainable, innovative and inclusive land administration system. Additionally, the paper addresses delimitation as part of the land administration system, and discusses the opportunities to share responsibilities between the different stakeholders, on delivering community land delimitation, aiming to secure community land rights while promoting sustainable rural development in Mozambique. The discussion is also focus on alternative options for cost distribution, considering fit-for-purpose approaches, on capacity and infrastructure development, as discussed by Enemark *et al.* (2015), without losing the grip on current economic, social and environmental context.

Key Words: (I) Community land rights; (ii) Costs; (iii) Mozambique; (iv) Opportunities; (v) innovation



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1. INTRODUCTION

The Mozambique Land Law is clear that community land rights must be respected when land use rights are to be granted to third parties, by imposing community consultations before the formal attribution of a title. The land law in Mozambique enables community land rights to be registered and secured through delimitation processes. The recognition of customary rights was a key reform in the current (1997) land law. The effort of recognizing customary rights and respecting the bond that rural communities have with land and natural resources, have conferred the Mozambican land law the prestige of being very progressive, as mentioned by Aquino & Fonseca (2017); Locke (2014); Terra Firma (2013) and De Wit & Norfolk (2010), despite the challenges of its operationalization.

The major challenges of the country's land administration system is to deliver an efficient and integrated land management mechanism that responds to the current and future land dynamics, taking in account population growth, land-based investments and climate change effects. As mentioned by Enemark *et al.* (2015), sustainable development is dependent on an effective and fully operational land administration system. Today, rural communities need to be part of the solution and, as mentioned by GTZ (2010), participatory community land delimitation helps communities to internally identify their management structure, where with adequate support, can lead to better land management.

Handling challenges such as (i) respect for rural communities acquired rights; (ii) fair community consultations; (iii) appropriate resettlement, when necessary; (iv) responsible use of land natural resources; (v) land use planning at local level; and (vi) conflicts mitigation; depends a lot on how much (effective) investment (time, finance and human capital) is being allocated to deliver and build capacity at local level to enable an adequate response from the key actors. As a result Mozambique needs capacity to systematic planning to cope with its growing population and expanding opportunities. As mentioned by (World Bank, 2005), 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. Innovative approaches will push for cost-effective implementation of community land delimitations, while empowering rural communities as a key player in rural development.



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2. SECURING COMMUNITY LAND RIGHTS: COMMUNITY LAND INITIATIVE

Securing community land rights is widely recognized as a key path to promote sustainable rural development (De Wit & Norfolk, 2010; Tanner, *et al.*, 2009); to increase the respect for socioeconomic and cultural aspects of rural communities, including reducing inequalities against vulnerable groups (Indufor, 2014); and, for the improvement of forest conservation (Hatcher, 2009). Community land delimitation has an additional effect of reducing conflicts between communities in one hand and with investors, on the other (De Wit, 2002), contributes to improve land use planning and promote inclusive land-based investments.

Although rural land in Mozambique is regarded as state property, the law enables both allocation of private leasehold rights to individuals and corporate bodies for productive purposes, and registration of customary rights established by rural communities through beneficial occupation for 10 years or more. This community rights can be formalized through a relatively simple process of community land delimitation, which consists of geo-referencing the boundaries of the area under occupation by the communities, and register in the national land cadastre. When conceived the current land law legislation, community land delimitation was considered useful to promote economic development and assist in land use planning to enable private investment in community land, and ultimately promote rural development.

From the different forms of customary tenure, community land delimitation is the commonly applied in the country. The Government of Mozambique established parameters and methodologies to guide the process of community land delimitation, which is clear regulated in the Land Technical Annex of the Land law regulation. As results of land dynamics and methodological improvements, the land technical annex requires a considerable upgrade, to meet the current challenges in securing community land rights.

Community land delimitation has been implemented since 1999, mainly through the interventions of local NGOs. Community Land initiative (iTC-F) has been since 2006 one of the main key players in delivering community land delimitations in the country. Box 1 describes the basic information about Community land initiative.

Box 1. Community Land initiative (iTC)



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From 2006 to 2014, Community Land initiative (iTC) was a Project funded by a group of donors (United Kingdom, the Netherlands, Switzerland, Sweden, Denmark and Ireland) and Millennium Challenge Corporation (for the period of 2009 to 2013) to implement activities related to secure community land rights in the provinces of Cabo Delgado, Gaza, Manica, Nampula, Niassa, Sofala Tete, and Zambézia.

From May 2014, with the same donors, iTC embarked in the process of institutionalization, aiming to become a Foundation. The initiative main objective is to secure community land use rights, through registration in the cadastral services of their boundaries, as a contribution to promote rural development. Community Land initiative tends to elevate and empower community based organizations, so they can become actives actores of their own development, leading the planning and implementation of activities that promote sustainable land and natural resources use and management.

2.1 APPROACHES AND RESULTS

Since 2006, iTC has been securing community land rights respecting the legislated procedure parameters, in straight collaboration with provincial Cadastre services. Provincial Cadastre Services continues to be the centralized peace of the all community land delimitation process, specially when comes to georeferencing and production of community maps. Since all community land delimitation are implemented by selected service providers, an efficient quality control and access to final products at provincial cadastral services, remain a common challenge in the process.

During the years 2006 to 2010, a combined contexts of demand for securing community land rights, investments and required cost-effective delivery of services, forced iTC to improve the community land delimitation approach, focusing on a more participatory approach towards an organized and empowered rural communities. As results, the following approaches were introduced in the iTC management and operational life:

- Cluster-based projects: as a way to deliver a more cost-effective delimitations projects, identification of clustered communities requiring iTC assistance were considered as part of the procurement process during the concept note elaboration;
- Social Preparation: Social preparation is a participatory planning tool, that aims to empower rural communities to lead sustainable development based on the sustainable use of their surrounded



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land and natural resources opportunities. Box 2 describes the basics of Social Preparation process as implemented by community land initiative.

- Legalization and training of Natural Resources Management Committees: in order to create a solid and empowered community representative entity, establishment and training of natural resources management committees became part of the delimitation process.

Box 2. Social preparation

As result of the iTC's first performance evaluation on 2008, a recommendation to add value and to create ownership to the iTC beneficiaries in all land delimitations activities (Boyd & Calengo, 2008) led to the creation of a participatory tool: iTC Social Preparation. Social preparation is considered a natural resources management-planning tool, on which rural communities are engaged on definition of their on development priorities based on the use and management of natural resources. As a tool, Social preparation is implemented in every land delimitation activities supported by iTC, and the result is the elaboration of a Community Development Agenda, that reflects a short-long term aspiration of the communities in regards to their development priorities. Social preparation as part of the delimitation activity, it involves the following steps:

- 1. Identification of community facilitators.** Through a participatory process, these community facilitators are selected within community members, and has the responsibility to collected information transfer knowledge back to the communities.
- 2. Training of the community facilitators.** The selected community facilitators are trained on various techniques to collect information about economic, socio-cultural and environmental aspects of the community, all referenced into a historical profile.
- 3. Participatory Rural Appraisal.** Based on familiar techniques of rural appraisal, all relevant information that helps describes the life in the community are gathered and processed
- 4. Devolution.** A validation process, that consists in presenting back to the communities all the information produced, for validation and ownership by all community members.
- 5. Community Development Agenda.** The agenda reflects the aspiration of the communities in long-term spectrum, on how they are willing to use the available natural resources to achieve each of the prioritized development needs.



The above approach originated in change of the methodological delimitation procedure, without losing the core basic regulated procedures described in the Technical Annex of the land law regulation. The community land delimitation approach, as described in the guideline by (Cooperativa para Terras Comunitárias, 2016), became more participatory and oriented to empower rural communities to be active actors in rural development. Figure 1 presents the current steps of the delimitation process, delivered by community land initiative.

Figure 1. Steps of Community Land delimitation: iTC approach

Social Preparation approach as an essential step in community land delimitation process, and the Community development Agendas is a planning tool that might improve inclusive land based investments. Changes in the current technical annex is required, to deliver a more strategic approach in identifying available lands to investments (Terra Firma, 2017), but also to promote a more sustainable and cost-effective mechanism to secure community land rights.

Since 2006, community land initiative secured rights of 1066 communities in Mozambique, covering an area of 10 million hectares. Figure 2 presents an evolution of community land delimitation supported by iTC since 2006.

Figure 2. Evolution of iTC supported community land delimitation (with certificates)

Despite strict collaboration with provincial cadastre services, access to delimited communities shapefiles is challenging, mainly because of weak land information system and infrastructure capacity, as stated described in iTC report on assessment of cadastre capacity at district level (Cooperativa para Terras Comunitárias, 2016). As a result of joint effort with Terra Firma, under the MADICO project, a map of delimited community lands were produced, with data available as per March 2017, giving a fair clear picture of what have been delimited in Mozambique.

Another important information when it comes to delimitation is the size of the secured community land. Mozambique socio-cultural diversity created various patterns on how land is used among communities, in addition to the population density structure. Data from iTC Community databases indicates that the



commonly delimited area fits in the range between 1000 to 10000 hectares. Figure 3 presents the distribution of delimited communities per class of size (area) of supported iTC communities.

Figure 3. Distribution of delimited communities per class of community area

Most of the large delimited areas is the result of previous community land delimitation, and mainly located in the northern province of Niassa, where population density is very low. Additionally and future analysis might include relationship between management and land availability, just to understand how pressured there rural communities are facing in regards to land availability.

2.2 COSTS

Understanding costs structure of a process or activity is important to improve scalability and sustainability, and basic principles of organizational management. Since community land delimitation is becoming an important component in the land administration system, understanding the costing structure is critical, especially when scalability, sustainability and innovation are considered, as parts of the land administration equation. Given that most of the community land delimitation in Mozambique have been supported by NGOs (Indufor, 2014; Tanner, *et al.*, 2009), it is difficult to gather data and information regarding costs. According to (Knight, *et al.*, 2012; Indufor, 2014; Hatcher, 2009) data on costs are not readily available and vary according to the country's economic context. However, more than just an estimate of the total cost, it is important to understand where the costs come from, and its impact in the land administration system in the longer-term.

Community land delimitation shall not be considered the end but, rather, the first step of a process, if sustainable land-based investments are expected to materialize at community level (Monteiro, 2015). Therefore, optimal allocation of efforts and resources to empower rural communities with knowledge, skills and tools to make the right decisions in land planning and management should be assumed as a long term investment, in the land administration system.

Results from iTC internal cost analysis from 2006-2012 data, showed that the cost for delivering a community land delimitation was estimated on US\$8,000 ± US\$2,000, where at that time, the exchange



rate to Metical¹ was estimated in 1 US\$ to 30 Mt. Current iTC data, resulting from analysis of 37 community projects, implemented during 2015-2017, covering 292 community land delimitation processes, shows that cost for delivering a community delimitation is estimated in **US\$4,500 ± US\$1,400** under a exchange rate to Metical of 1 US\$ to 60 Mt. Figure 4, illustrates the evolution of community land delimitation costs supported by iTC, during the period of 2015 – 2017.

Figure 4. Evolution of Community land delimitation cost

The evolution representation shows a decline on total cost from 2015 to 2017. However, in absolute terms, the average cost today is higher when compared to 2014 analysis.

According to Knight, *et al.* (2012) Liberia and Uganda reported costs of US\$7,100 per community delimitation and, Mozambique, within a range from US\$2,000 to US\$8,000. For Hatcher (2009) Mozambique community land delimitation costs, ranged from US\$0.18/ha to US\$6.64/ha, compared to US\$9.96/ha in Bolivia. As mentioned by Indufor (2014), variations on costs between countries offer a potential to improve actions such as the adoption or improvement of new technologies and methodologies.

Knowing the total cost is clearly important. But, knowing additional information about the source of costs and its distribution can offer a more accurate overview of how the resources should be allocated to make community land delimitation in an effective and progressive instrument of land administration system.

As community land delimitation process is implemented in different Phases (figure 1), each of the phases involves a cost. Figure 5 illustrates the percentage distribution of costs by the various delimitation phases, including the cost for management of the project, which is attributed to the service provider.

Figure 5. Distribution of delimitation costs by principal steps

Social Preparation, the participatory approach that might lead to improvements in inclusive land-based investments, represents 27% of the total cost, and another important aspect is that 22% of the delimitation cost is being applied to legalize and train Natural Resources Management Committees.

¹ Mozambique currency



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Another key feature of the cost structure is identifying the main cost sources (what is paid for). Figure 8 illustrates the main sources of cost for community land delimitations for the period of 2015-2017.

Figure 6. Percentage distribution of main sources of costs

The cost structures shows that most of delimitation costs comes from (i) logistics of service provider staff - 29%, (ii) food for the local communities, during participatory meetings - 19%, transportation, renting vehicles and getting to rural communities - 12% and Government (District and Provincial) per diem 10%.

The relevance and importance of securing community land, both nationally and internationally, are pushing stakeholders and development practitioners to deliver most cost-effective approaches with outstanding outcomes. Considering the three E's (Economy, Efficiency, Effectiveness, and Cost-effectiveness) of DFID value for money approach (DFID, 2011), integrated planning and innovative methodological approaches needs to be deployed in order to imprint the expected outcome at community level in regards to rural development. Securing community land rights brings clear opportunities for rural development, and some, experiences from iTC are much more closer to become a reality.



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3. OPORTUNITY AND CHALLENGES FROM SECURING COMMUNITY LAND RIGHTS

Delivering community land delimitation as legislated is challenging in the current country socio-economic context, where there is a slowdown in the economic performance (The World Bank, 2017) and high demographic indexes. Nevertheless, progress in transforming natural resources into real economic opportunities, require proper support great land governance, where land administration became a mechanism to ameliorate the rural communities livelihood, under appropriate integrated planning.

Three main opportunities are flourishing as the result of securing community land rights, especially by following iTC's participatory approach, namely:

- **Community-based development planning (Community Agendas).** As a planning tool, social preparation aims to empower rural communities to lead sustainable development based on the sustainable use of their surrounded land and natural resources opportunities. The final output of Social Preparation is the elaboration of Community development agenda, which is a document that compiles and highlights basic development aspiration of the rural community. The document is a community consultation and planning tool, which can guide them in fulfilling their development priorities by their own selves or by negotiation with third parties. Key main uses of development agendas include: (i) design ground level development programs, with appropriate support of District Government, improving the current District level socioeconomic development plan. Communities have always been the agriculture and natural resources business centres; (ii) Improve Social Corporate Responsibility, linking real business and economic opportunities to livelihood improvement and empowerment. This might reduce costs from the investor side, maximizing their relation with rural communities and enlightening solid partnerships; and (iii) improve benefit sharing and allocation of financial resources coming from taxes contribution of natural resources-based investments, such as mining, tourism, fisheries and forestry. Weak and misallocation of community funds have been reported along the country. Rural communities are thirsty for development, and a planning tool will guide them in investing and in delivering common priorities in the search of common wellbeing.
- **Natural Resource Management** The rational use and management of available natural resources (water, soil, forest, mining, etc.) for the quality of life today without affecting the quality of life tomorrow is referred to as Natural Resource Management. Mozambique natural resources abundance has attracted various national and international business interests, creating a real



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challenge in avowing the resource curse paradox. Delivering appropriate capacity and empower rural communities are the key to improve natural resources management. Adequate capacity at community level will (i) Improve community mapping, improving access to information at community level, making it easy to plan and allocate land without conflicts, or with reduced impact from resettlement process; (ii) improve monitoring of natural resources, specially vegetation/forest cover and agriculture projects. With adequate technology and little training participatory monitoring of forests can become a reality, improving accuracy and quality control, while empowering rural communities to engage in sustainable management of natural resources;

- **Land administration.** Involvement of rural communities in land administration is a huge opportunity for both land governance and reducing costs. Cadastral systems require current updating processes, reducing the risk to become an old archive. The logistic cost for communities to engage into a daily basis land use monitoring and fiscalization is practical null, considering that they are on the ground. Appropriate knowledge, tools and infrastructure needs to be developed and delivered, in order to integrate rural communities in the land administration systems. Additional contribution from the process of community land delimitation is the local level certification of acquired DUAT, as described by Terra Firma (2017), where communities contributes to land administration by identifying and mapping households for further registration process if necessary. In this context, securing community land rights is an opportunity to improve access to land and security of tenure for many poor households (Kasimbazi, 2017).

Resources allocation for securing community land rights through community land delimitation activities, needs to consider the above-mentioned opportunities, maximizing outcome as results of cost effective approaches.



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4. DEALING WITH DELIMITATION COSTS FOR IMPACT

4.1 SCALABILITY

In Mozambique, since 1999, community land delimitation has been supported by NGOs, with direct or indirect investments by Government bilateral partners. In a context of economic and financial challenges, Delimitation first approach shall continue to dictate scalability dimension when comes to securing community land rights and empower communities. High land and natural resources pressured regions, shall continues to benefits from quality community land services, creating the foundation an inclusive business development and capacity for sustainable natural resource management.

Local governments have crucial roles, in being proactive to promote effective synergies where resource allocations can generate more impact at both community and district level. Synergies shall be based complementarity, and combination of methodological approach that improve capacity at community level, for land and natural resources management, business developments (including negotiations abilities) and governance.

4.2 SUSTAINABILITY

Community land delimitation has been supported by NGOs, with direct or indirect investments by Government bilateral partners. Merged interests of different stakeholders towards rural communities land and natural resources, among with country's development principles, will define the right sustainability approach to securing community lands. Sustainability in securing community land rights will also requires a joint efforts of all stakeholders in addressing the following challenges in regards to securing community land rights: (i) Quality of georeferencing process; (ii) access to planning supporting information (including spatial); (iii) Capacity building of rural communities.



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5. INNOVATIVE APPROACHES

Considering that the wealth and survival basis of most of the rural communities in developing countries are measured based on access to land (USAID, 2007), an appropriate mechanism to secure land tenure and reduce conflicts while promoting its sustainable use needs to be developed, based on a participatory approach for social and economic inclusion.

Technology development

Information and Communication technologies are quickly breaking barriers of communication and access to information, making it easy to share, and challenging the basic consolidation and organization structure of any kind of organization (including the community-based). Key development practitioners shall merge forces with Information and Technology companies to deliver simple and user-friendly application that allows rural communities to learn, share and engage in their own development. Developing tools that can improve community consultation and mitigate land conflicts shall be fully supported by stakeholders engaged in rural developments, allocating part of the resources to improve community-based decision making on allocations, investments and sustainable use and management.

Open data: for planning and decision-making

Access open (public) data in a secure and within a privacy environment are key elements to improve access to information for planning and decision making, and also to improve efficiency in disaster response, promote conservation and reduce corruption (Ferris, Pichel, & Sorensen, 2017), which constitutes one of the main basic barriers to economic development in Africa (Kochanova, 2015).

Improvement of community participatory mapping, using platforms such as CADASTA, improves access to information for both communities and investors, reducing the risks to conflicts and inappropriate resettlements. Access to satellite images and other mapping technologies can reduce costs related to transport and housing during some phases of community land delimitation. The capacity for accessing and analyse information, shall be also transferred to rural communities, as a mean to empower them to become key actores in land and natural resources management.



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Community Land information System

Dedicated infrastructure and capacity to produce, process, and deliver community land information shall be implemented, in a simple and effective process, that complements and interact with the current land administration platforms, while continuing to support Government decision on land Governance, and deliver services for both communities and investors. Access to community-base spatial and geographic information are weakly available, making difficult to local governments to make decisions in regards to investments, resettlements and conservation of natural resources. The challenges faced under the MADICO projects, implemented by iTC and Terra Firma, raised concerns about quality control of georeferencing process, cadastre readily platform and archiving of registered processes.



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6. CONCLUSION

Securing community land rights is a priority in Mozambique, not only because it is stipulated in the legislation, but mainly because it opens a range of opportunities to promote rural development based on inclusive investments on land and natural resources. Community land delimitation has been the most effective approach to secure community land rights, and Community Land Initiative have contributed with more than 1000 delimitations to the land cadastres system. Community land delimitation is just a foundation for development; community land delimitation first shall continue to be promoted as a mechanism to integrate land security into effective development.

Securing community under a cost effective manner requires development of innovative approaches in the all context of land administration, such as (i) Effective and user friendly technology that's improves community involvement in the land administration system, while promoting economic development; (ii) foster alternatives for open data approach, making public information available for planning and decision making at both community and national level; (iii) effective community land information system, that delivers community based information for communities, investors and governments, for sustainable decision making processes when comes to investments, land allocations, resettlements, conservation and other forms of land and natural resources use and management.

Allocation of resources shall be implemented every steps, and shall be addressed in a synergies context and considering that securing community land rights embraces opportunities that can lead to rural development. Some of these opportunities includes: (i) transformation of community development agendas into a real planning tool for development, supporting local districts in delivering an effective and realist socioeconomic development plans, improving Corporate social responsibility, while fostering business and partnerships opportunities, and lastly contributing to a more priority based allocation of benefits generated for the community; (ii) Natural resources management, is an opportunity that requires full engagement of stakeholders in delivering capacity to engage rural communities in mapping their resources and monitor forest and land use change; (iii) Land administration, needs to integrate rural communities, maximizing the opportunities of low logistic cost of having communities on the ground.



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LIST OF FIGURES

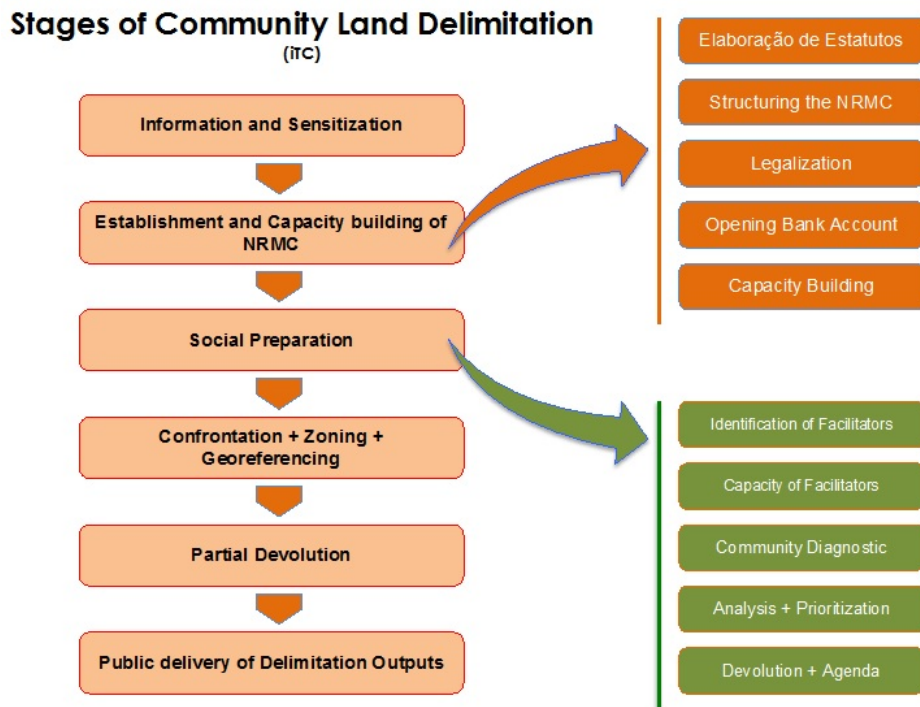


Figure 1. Steps of community land delimitation process: iTC approach

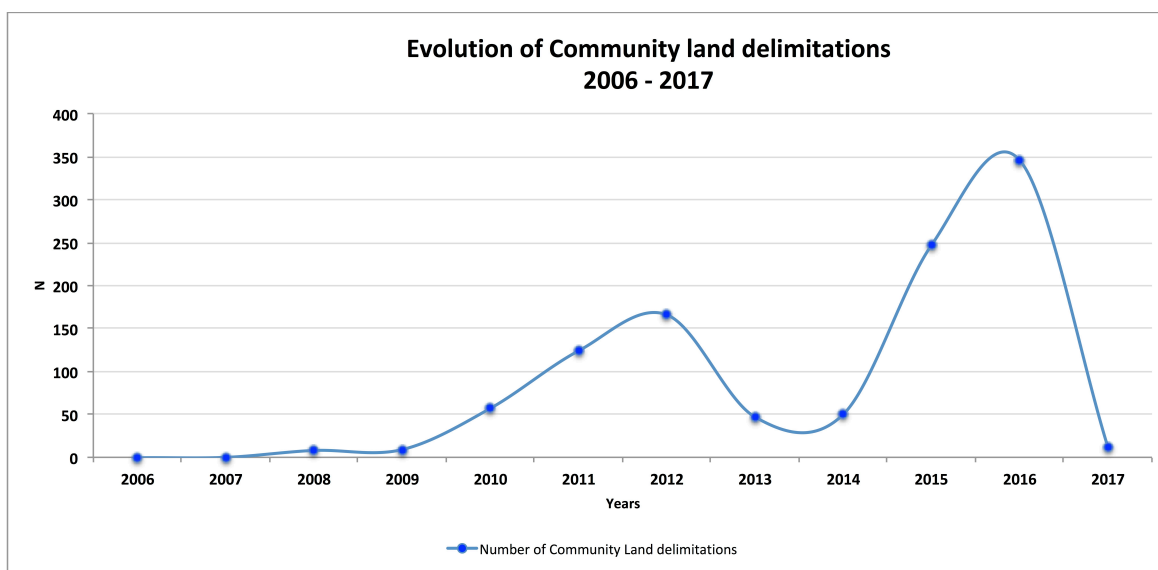


Figure 2. Evolution of community land delimitations supported by iTC



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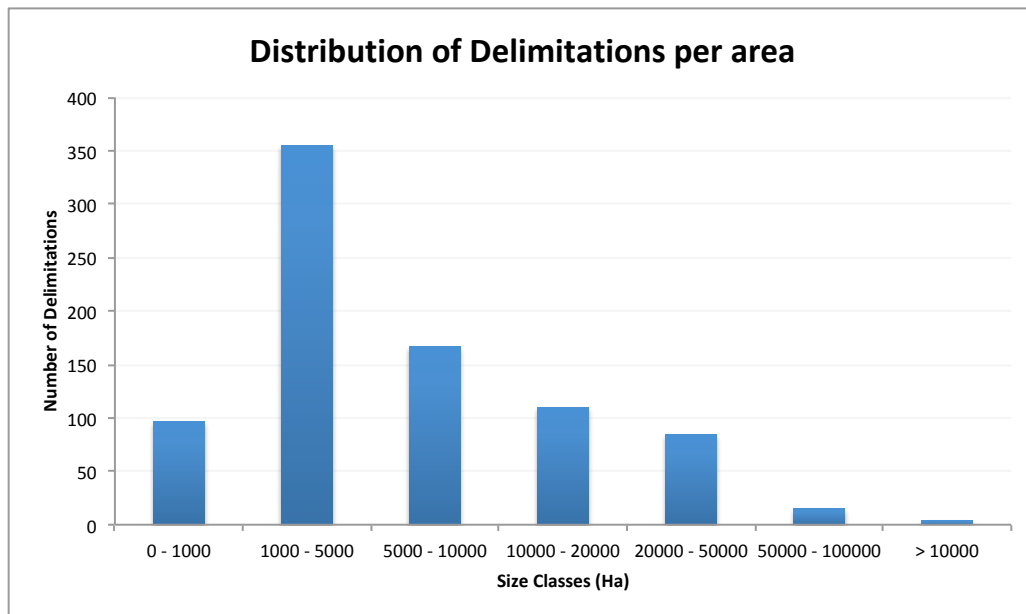


Figure 3. Distribution of number of delimitation per class of areas

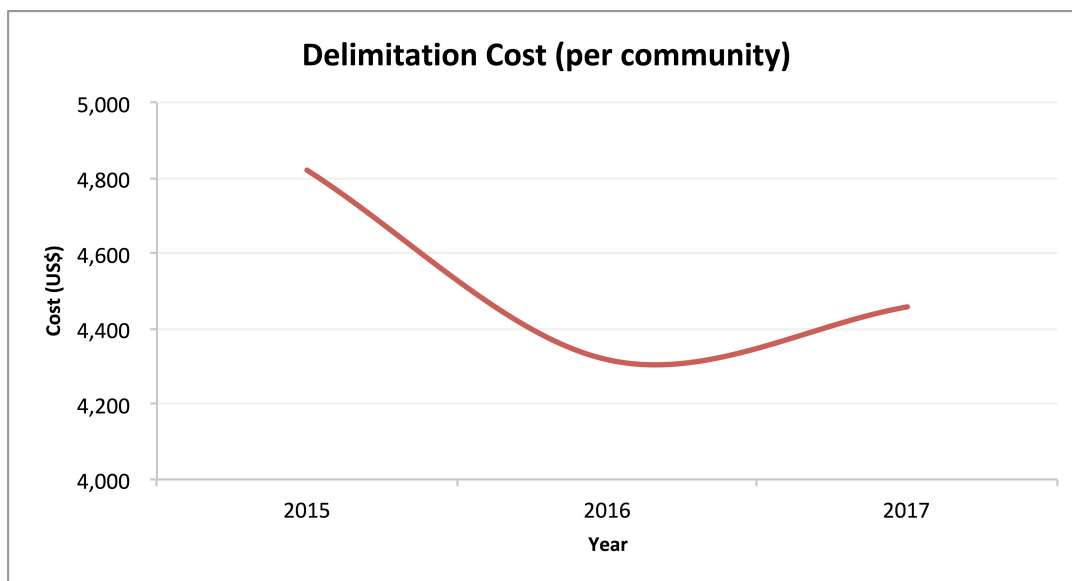


Figure 4. Evolution of costs in community land delimitation



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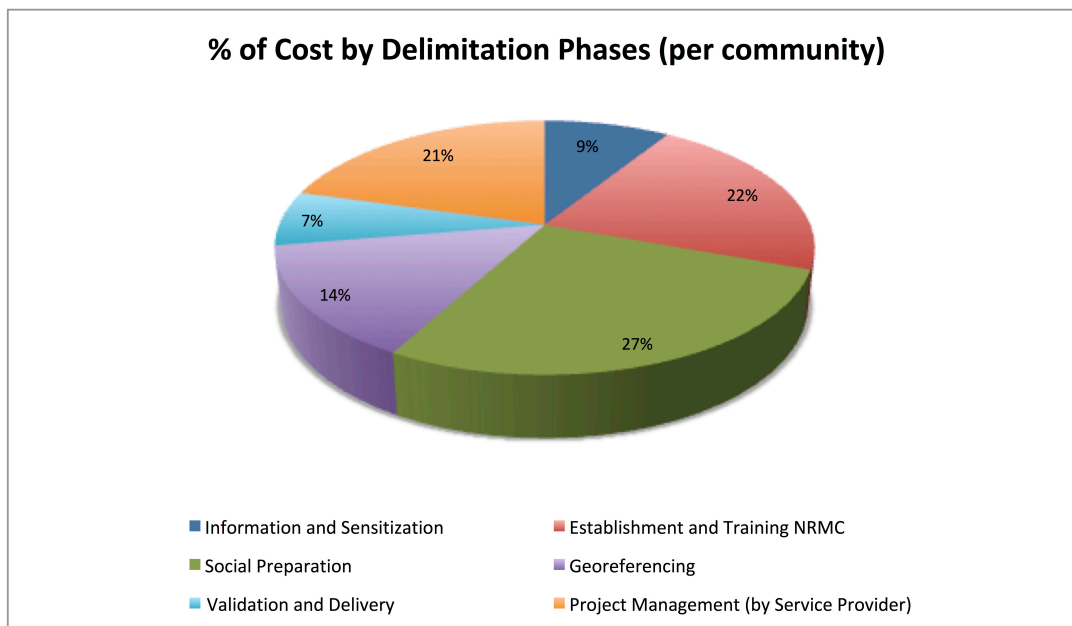


Figure 5. Cost Distribution for delimitation steps

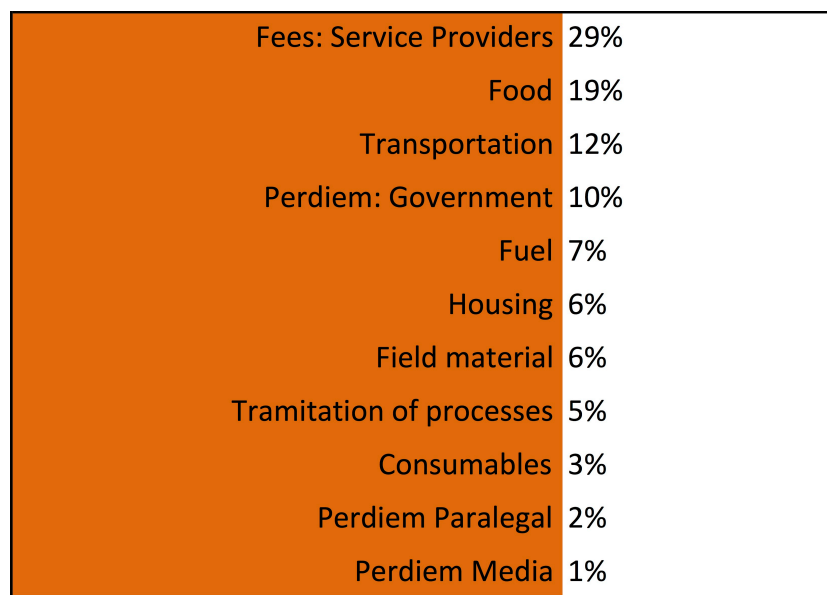


Figure 6. Percentage distribution of main sources of costs