



Produced by LEGEND's Core Land Support Team

Issue 10: May 2018

Bulletin editor: **Philippine Sutz**, Senior Researcher, Legal Tools, IIED

## Editorial

**Julian Quan**, LEGEND Core Land Support team leader, Natural Resources Institute (NRI) University of Greenwich

**The LEGEND programme's Challenge Fund is supporting a series of innovative partnerships between non-profit organisations and agricultural and natural resource companies to pilot new schemes to encourage more responsible investment in the agriculture sector. This LEGEND bulletin explores early experiences and emerging lessons from four of these projects, and includes testimony from community members attesting to their positive results.**

In May, 2012, the United Nations Committee on World Food Security endorsed the **Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)** to try to address concerns over the often weak governance of land tenure rights and the potential threats posed by growing numbers of large-scale private land acquisitions to host communities. Since then, a growing range of initiatives and campaigns to promote good land investment practice has spurred a raft of global commitments by companies to 'zero land grabs', and efforts to pilot VGGT-based guidance to strengthen land governance surrounding agri-investments and supply chains.

Through the LEGEND Challenge

Fund, non-profit organisations are working with large and small companies to test innovative approaches designed to strengthen land governance, secure land rights and improve investment practice. LEGEND awarded seven grants, which became operational from October 2016, and will run for periods of 21-30 months. The selected projects use a variety of approaches to protect legitimate local tenure rights, whether they be within or adjacent to investment areas.

These include company-specific due diligence tools tailored to specific contexts; systematic assessment and mapping of community and individual land rights in and around investment sites; strengthening

community-based organisations and standing platforms for company-community consultation; and more inclusive partnership and business models that bring greater benefits to farmers. The projects all seek to create conditions that will allow investments to deliver economic benefits for local people and contribute to inclusive growth while providing opportunities for business partners to learn lessons to help them improve company practice. The projects also seek to address important cross-cutting gender issues by carefully monitoring how women and girls may benefit from greater tenure security and new opportunities that investment offers.

The **ORAM** and Terra Firma project in Mozambique shows how NGOs can help map existing rights and patterns of land occupation in investment areas in participatory ways that complement and assist over-stretched government systems. It also shows the importance of conducting such mapping exercises before companies acquire land parcels for planting, but the wider challenge is to enable government systems to adopt similar approaches, to ensure that investors recognise communities' land rights and avoid land conflicts. Also in Mozambique, **MICAIA's** project shows how new value chains for underutilised species such as baobab can create direct benefits for women and communities in the absence of other income sources, while providing incentives for communities to organise themselves in order to better manage their natural resources. To broaden and sustain the benefits, however, similar methods need to be applied throughout the Zambezi valley – averting complete



deforestation by controlling logging, and improving farming methods.

In Sierra Leone, **Solidaridad** shows the importance of platforms for sustained engagement between oil palm investors and land holding communities, and of exploring how to perform “due diligence” at each stage of the investment process. This has helped reduce tensions between families who feel they could gain from offering land to the company and those who fear losing their land rights and livelihoods. Yet investors still need to demonstrate that oil palm plantations will not squeeze out food production, and the country now needs legislation to ensure that companies consult land owning families properly and land rights

are documented. The **VSF-B** and **UCRT** project in northern Tanzania demonstrates the importance of participatory land use planning to the survival of remaining indigenous groups in a region adjacent to a conservation area and subject to agricultural encroachment. By securing user groups’ combined collective rights within a consolidated ecological corridor of remaining grazing, hunting and wild resources, the project has provided a basis for building a sustainable tourism plan from which local communities and a wide range of small businesses can all benefit. While this offers considerable benefits to socially and environmentally sensitive business partners, improved government

planning is needed to apply it in grazing and tourism areas facing similar problems, and to strike a balance between rapid expansion of arable farming, cattle keeping other land uses.

Although these projects should contribute to good, if not, best practice the challenge is how to move beyond creating ‘islands’ of success. For example, how can public funds, from donors and national budgets, best be applied not only to prompt investors to act more responsibly beyond the life of a project and to strengthen land rights but also to improve land use planning on a much broader scale.

Contact LEGEND [legend@odi.org.uk](mailto:legend@odi.org.uk)

## Safeguarding the livelihoods of women baobab harvesters in Mozambique through improved land and natural resources governance

Andrew Kingman, Managing Director, ECO-MICAIA Ltd

For the last four years, the **MICAIA Foundation** has been working in the north of Manica Province in Mozambique to improve women’s livelihoods through economic empowerment and securing community land rights. The area is very dry and agriculture is difficult, with per capita cash incomes below US\$30 per year. The sole, readily available source of cash income is baobab sales. The iconic trees, some more than 1,000 years old, grow plentifully in the Districts of Guru and Tambara, and local people have traded the fruit informally for decades. When MICAIA started work, the foundation quickly identified that women knew little about the baobab value chain and were being exploited by (mostly Malawian) traders. This realisation ultimately led to MICAIA launching (through its sister social enterprise, **Eco-MICAIA Ltd**) Baobab Products Mozambique Ltd (BPM) – a company dedicated to helping women secure a better deal.

Today, BPM sells bulk baobab powder for export, has two finished products on the local market, and is

launching processed baobab oil for export. The company pays prices that are significantly higher than those offered by traders, and 20 per cent of the shares in BPM are set aside for women through their association.

The foundation’s priority is to ensure that the women gain the skills, knowledge and confidence they need to play a central role in determining how the income from baobab is used.

In 2016, the MICAIA Foundation launched a LEGEND-funded project in the baobab zone. The aim was to strengthen ownership and control of land and natural resources at community level – in particular baobab – and to secure management arrangements for the baobab resource. In the first year, MICAIA made good progress in participatory

mapping and natural resource assessments.

**Suzeni Julio**, 37, is a mother of three boys and two girls who lives in the Nhalua community. The second wife in her family, she has been collecting baobab fruit for the past four years. Suzeni used to barter her fruit with Malawian traders in return for various products, but she much prefers the flexibility that comes with being paid in cash by BPM. She gave her first payment to her husband for safekeeping and he later used the money to repair the family’s grinding mill – a decision Suzeni endorsed because it benefited the whole family. Although Suzeni’s husband decided how they would spend her initial earnings from BPM, she believes that receiving payment in cash will benefit her in the long term by making it easier to save and plan expenditure on essentials such as utensils, school fees and clothes.

**Belinha Thembiwa**, 35, is a club representative in Demaufe. She has four girls and three boys and she is the second of her husband's three wives. Belinha has been collecting baobab fruit since she was a young girl. Before BPM came to her community, she bartered her fruit with Malawian traders from Tete in exchange for household items such as buckets, plates and dishes. In 2016, Belinha began to sell her fruit to BPM because the cash she received meant she no longer had to ask her husband to cover expenses such as school fees, children's clothes and hospital fees.

Twenty communities have now had their traditional land boundaries officially demarcated, and each one has a natural resource management plan in place. In the communities with particularly dense baobab forest areas, MICAIA wanted to explore the

possibility of helping associations of baobab collectors secure title (DUAT – *Direito do Uso e Aproveitamento da Terra*) to forests, and create an additional, more formal protection for the 'baobab zone'. However, a meeting of most of the chiefs from 20 local communities rejected the proposal for reasons that attest to the power of traditional forms of eco-governance. The chiefs pointed out that harvests vary every year. In some years, one community might harvest an abundance of fruit while its neighbour obtains very little. Under traditional norms, women from one community can collect fruit in another as long as the trees are in open forests (in other words, not in farms), giving them a fall-back option if their usual sources of fruit fail. The community chiefs felt that this system – a form of insurance that benefits everyone over time – would be undermined by introducing a more formal ownership system for forests.

MICAIA's deepening work with women is having broader impacts. For example, the growing value of baobab has encouraged more men to get involved in the trade. BPM will continue to contract only with women, however, and MICAIA is helping to launch a new Association of Baobab Collectors, which will represent all the women with contracts to supply the company. MICAIA is by no means opposed to male family members working with women in the baobab collection business. Nevertheless, the foundation's priority is to ensure that the women gain the skills, knowledge and confidence they need to play a central role in determining how the income from baobab is used.

The simple fact is that for many of the women and their families the money is critical to their survival.

Contact MICAIA [andrew@micaia.org](mailto:andrew@micaia.org)



# Formalising community and family land rights in Mozambique: positive impacts of the Community Land Value Chain approach

Dan Mullins, Project Manager, Terra Firma

LEGEND's Challenge Fund is working with **ORAM** and Terra Firma to help communities in Mozambique's northern Zambézia Province to establish legally recognised land associations, delimit community and family lands, and develop land use plans. Documenting existing customary land rights – which are recognised in law – provides a basis for communities and families to manage their land and negotiate with investors. The project is being implemented in communities where **Portucel Mozambique**, a large Portuguese forestry company and Mozambique's largest land-based investor, has been granted a checkerboard of concessions intended for eucalyptus plantations.

These concessions include land where communities comprised of thousands of families have been living for many years, engaging primarily in small-scale farming. Virtually none of these families has any formal documentation of their land rights. Mozambique's 1997 Land Law grants legal land rights to community members who have occupied and used land in 'good faith' for 10 years, or who have acquired it according to 'customary norms and practices', even if they lack formal titles. However, the Portucel concessions were awarded without prior assessment of existing land rights or adequate consultations with

customary land users, many of whom do not fully understand their land rights or lack formal documentation. As a result, the Portucel investment stirred up significant concerns, and in some cases opposition.

Unlike some other forestry investors, Portucel treated the concessions it obtained from the government as only a first step in its land acquisition process. The company committed to undertake direct negotiations with communities and individual families to identify any land available for growing trees and find ways to acquire it.

This was partly due to Portucel's company obligation to meet the **International Finance Corporations global performance standards**, which require them to inform and consult local communities in relation to matters that affect them. Although the company's limited initial consultations with traditional leaders were deemed to have fulfilled the formal requirements for public consultation under Mozambican law, a subsequent Environmental and Social Impact Assessment identified problems with the initial consultations and highlighted a "lack of systematic communication channels" between the company, residents, local governmental authorities and traditional leaders.

The company had initially tried to acquire large blocks of land from

traditional leaders. In some cases, these leaders did not consult with members of their community, many of whom began to fear that they might lose their land. Portucel then shifted to a second approach, involving discussions with individual families. Although more participatory, this process proved slow and expensive for the company, resulting in the acquisition of many small, fragmented plots. The community, meanwhile, had no way to assess the cumulative impact of these individual agreements.

Recognising these mistakes, Portucel stopped attempting to acquire more land in early 2017. The company is now awaiting the outcome of the LEGEND-funded project, which it hopes will provide the basis for negotiations that result in agreements with clear benefits for both host communities and the company.

ORAM and Terra Firma are aiming to enable 20 communities and resident families to formalise their land rights using an innovative approach called the Community Land Value Chain (*Cadeia de Valor da Terra Comunitária* in Portuguese, or *CaVaTeCo*). The scheme enables the mapping and documentation of rights to land and associated natural resources at both the community and household levels. The approach is based on the assumption that



land and natural resources are the 'raw materials' for development that can benefit communities. Local people can unlock hidden value by transforming their existing (but undocumented) rights into registered community declarations that can help formalise rights, reduce conflicts with neighbours, identify land that could potentially be made available to investors such as Portucel, and preserve high-value areas such as remaining forests and shared community resources such as markets and places of cultural value.

The process begins by helping communities to establish legally-recognised land associations. With help from the project team, these associations formally delimit the overall extent of community land. They then delimit the land that has been allocated to each family through customary procedures, with the land that has been acquired

by virtue of 10 years of occupation in 'good faith'. To ensure that the process is transparent and honest, details of each land parcel and its owners are publicly displayed for 15 days. During this period, anyone is allowed to raise objections, offer corrections or provide confirmation. Through the LEGEND project, associations will also receive training in maintaining and updating a community land registry. Taken as a whole, this process provides an efficient, fully transparent and highly participatory way of clarifying and formalising land rights. The LEGEND project is not designed to provide land to Portucel, but once their rights have been recognised, the community – or individual families – can negotiate with the company or other investors from a position of strength.

Throughout the process, CaVaTeCo explicitly emphasises the importance

of the land rights of women and vulnerable families. These rights can be formalised in various ways, such as: couples registering as co-title holders; families splitting land so that husbands and wives each have tenure in their own names to specific pieces of land; men agreeing to split off land for female family members, including sisters and daughters; and women owning co-titles of land with their daughters.

As of mid-April 2018, more than 3,600 parcels covering nearly 18,500 hectares have been documented. Over 66 per cent of these parcels were registered in the name of a woman, girl or a female group; a further four per cent were registered under a co-title that included at least one woman.

Contact Terra Firma  
**Dan@terrafirma.co.mz**

### How land registration is helping Fatima Muanlela Mussa, a farmer from the Malalo community

Fatima Muanlela Mussa, a member of the Malalo community in Zambézia Province's District of Namarroi, grows soya, pigeon pea and maize, which provide important sources of food and income. Through the project, Fatima registered two plots in her name, one of 5.6 hectares and the other of 15.6 hectares. Fatima says: "Money comes to you through your field." Financial independence is important to her: she doesn't have to rely on her husband for cash and explains that "if you have good land, you don't need anyone to give you money". However, Fatima noted that a lack of secure tenure posed many problems before land in the community was delimited thanks to the LEGEND Challenge Fund. "Before, it was common to find a neighbour who had crossed over the border of their field and started to grow crops in your field. Without documentation, it was hard to resolve" she says. "Some neighbours fear large investors even more, particularly because the government allocated land to outsiders, including places



where people had lived and farmed for many years."

Fatima praised the LEGEND Challenge Fund project, saying: "People in our area began to mobilise us and we all became really united. Now I am convincing my friends and family to delimit their lands. I see a lot of benefits." Fatima pointed out her house, fields and the boundaries of her land on satellite images. "I learned how to interpret maps through the

association; I'd never seen a map before" she said. "The opportunity to have documentation for my land is very important to me. For someone without any documentation, it's like they aren't a person. Now I feel more secure. I have advice for anyone who doesn't want to register their land: tomorrow they will run the risk that someone will steal their land, it is very important to have documentation."

# Investing in land tenure and management to assure sustainable tourism revenues, natural resource utilisation and conservation in northern Tanzania

**Peter Van Der Jagt**, Country Programme Manager, *Vétérinaires Sans Frontières* – Belgium

Pastoralists and hunter gatherers in the Yaeda-Mangola area, east of Lake Eyasi, in northern Tanzania, have seen large parts of their traditional grazing lands set aside for conservation and tourism. Population growth is increasing the pressure on land and natural resources, with people migrating into formally lightly-populated areas and more land being converted to agriculture. The reduced availability of – and access to – dry season grazing areas has resulted in widespread conflicts, including outbreaks of violence between competing stakeholders, as well as a deterioration of livelihoods and cultures in communities that are closely tied to the land. The conversion of these pastoralist rangelands for agriculture represents the foremost threat to wildlife populations and, in turn, the continued competitive advantage Tanzania enjoys in high-end wildlife tourism.

Thanks to funding from the LEGEND Challenge Fund, **Vétérinaires Sans Frontières Belgium** (VSF-B) is implementing an initiative which aims to secure land and natural resource rights for Datoga pastoralists and Hadza

hunter-gatherer communities as the basis for a sustainable tourism development plan for the project area. The initiative involves collaboration between a number of stakeholders, including commercial tourism operators, guides and community members themselves. Key partners are the **Ujamaa Community Resource Team** (UCRT), a local civil society organisation specialising in land issues with strong community outreach and facilitation skills, and **Dorobo Tours and Safaris**, a safari operator focused on responsible tourism. The main activities to secure land and natural resources include participatory village land use planning, securing communal ownership of the rangeland, capacity building of village and ward land management institutions, and sustainable tourism development. These various activities ultimately lead to the issuance of collective Certificates of Customary Rights of Occupancy (CCROs).

The project is based on Village Land Use Planning (VLUP), an intensive, participatory and inclusive process that brings community members together to work out how best to manage their shared land and resources. The process is piloted

by local governance institutions through an elected Village Land Use Management Committee (VLUM).

Currently, nine out of the 13 villages in the programme's intervention area have undertaken participatory land use planning, including measures to demarcate and secure legal communal ownership of their grazing and forest lands, and establish bye-laws to govern natural resources. For the other 4 villages the VLUP process is underway.

*“Village land without demarcation is like cattle without branding: no one can return it to the owner. As a chairperson of a pastoralist association, [I believe] we need the work of UCRT in all pastoralist land in Tanzania. Land should be visually demarcated to assure grazing and water.”*

George Bajura, Chairperson of the Pastoralist Association of Tanzania



Despite some initial fear and doubt, most community members are seeing positive outcomes from the process. Community member Mr Butaya, a Datoga pastoralist from Eskesh said: *“Our livestock did not decrease by drought in recent years due to the LUP plan because we have reserved areas for grazing in the dry season. We have also set rules for giving access to neighbouring communities when their cattle are skinny because tomorrow it may be our turn due to this climate change.”*

In a meeting to discuss cross-village grazing management attended by community members

from seven villages from Mbulu and Karatu districts, some community members raised concerns about the apparent reluctance of two other villages to prepare land use plans. Saikobe Gabro, a resident of Mongo wa Mono village in Mbulu district, told his peers:

*“Today, we the people of Yaeda valley – since we prepared our land use plans – are assured of security*

*of land tenure, and our livestock survival during dry season due to the availability of pasture.*

*But our neighbouring villages areas remain bare and empty without pasture and now are just causing conflicts and destruction to our environment by illegally immigrating to our areas with their cattle. We cannot allow this to happen anymore – because*

*this is causing a huge shortage of grazing and later many deaths of our livestock – unless they adopt the same plan and make bye-laws to punish the offenders. From there we will work together to make good management plans for our common grazing land for the benefit of all.”*

Contact VSF-B

[p.vanderjagt@vsf-belgium.org](mailto:p.vanderjagt@vsf-belgium.org)

## Applying the VGGT in the responsible development of a large-scale oil palm plantation in Sierra Leone

**Katie Minderhood**, Knowledge management and learning advisor, Solidaridad

**O**il palm has been an important crop for farmers in Sierra Leone for many years.

Increasingly, agribusiness investors are seeing great potential for commercial oil palm development through plantations and outgrower schemes. Although such projects promise employment and infrastructure, past experience has shown that oil palm investments do not automatically imply enhanced livelihoods and the economic empowerment of local communities. In some instances, oil palm development can even lead to conflicts and the loss of access to land. With support from the LEGEND Challenge Fund, **Natural Habitats Sierra Leone** (NHSL), a company committed to the sustainable production of organic and fairly traded palm oil, and **Solidaridad** are implementing a project aimed at kickstarting the development of a sustainable palm oil plantation around Zimmi town, Makpele Chiefdom in south-east Sierra Leone. For Natural Habitats, helping to secure local land rights and developing an independent smallholder network is part of their long-term business model for palm oil production in Sierra Leone.

The initial goal is to help secure and protect the land rights of approximately 3,000 land owners and small holders so the company can formalise a new lease arrangement with landowning families in the concession area through a process

of free, prior and informed consent. The project also aims to raise community awareness of land rights and support the emergence of land holders' associations by encouraging the development of a multi-stakeholder platform.

In order to inform local communities about NHSL's development plan and obtain their free, prior and informed consent, community consultation and stakeholder engagement meetings have been carried out in the area. NHSL has also invested in building relationships since the start of their activities in 2014 by basing dedicated staff in Zimmi town to work closely with nearby communities. Solidaridad staff came on board in late 2016 to help the company increase its capacity to engage at community level. Though the organisation was initially perceived as a messenger for the company, it also engaged independently with communities – including by providing land rights training, starting food crop demonstration plots with farmer groups, and facilitating dialogue between landowners, local authorities and the company.

Daniel H Saidu, Solidaridad community development officer reflects on the community outreach approach:

*“What made it successful is our focus on inclusivity and transparency. We have built trust with the community by tactfully handling confidential matters and*

*our tolerance to criticism by major land actors in the chiefdom. Land owners now feel they can speak to us as project staff on issues which happened during the last land acquisition process, knowing that we are there to advocate for them. Also, women are now actively involved in community meetings and are prepared to voice their opinion on land issues.”*

*“Most times, a team comprised of workers from the company and the project jointly engage with us at the community level and present all relevant messages in Mende, so everybody present can understand. In fact, relevant documents are shared with us and they encourage us to engage with them if further clarification is needed. What we appreciate most is that we are informed ahead of time on what the engagement is about.”*

Saffa Gbonda Seitua, land owner in the Gbahama Community (October 2017)

### Multi-stakeholder platform for dialogue and planning

In addition to direct community engagement, the project also helped set up a multi-stakeholder platform to enable regular dialogue between land owners associations, local authorities and NHSL. The scope of the platform goes beyond relations with NHSL as the meetings can address other land-related and community issues. An internal commission trained in conflict

resolution has proven particularly vital for resolving land disputes and addressing a lack of transparency in the distribution of lease payments within communities.

### Recommended Land Acquisition Steps designed by Community Stakeholders

As a result of this increased attention to community engagement, communities in Makpele Chiefdom have also come

up with their own requirements and recommended procedures for investors and companies based on their experience with NHSL, which suggests that they are starting to take ownership of the process. Today, the various stages of land acquisition are illustrated on posters (as shown below) in Makpele Chiefdom for all to see.

Contact Solidaridad [katie.minderhoud@solidaridadnetwork.org](mailto:katie.minderhoud@solidaridadnetwork.org)

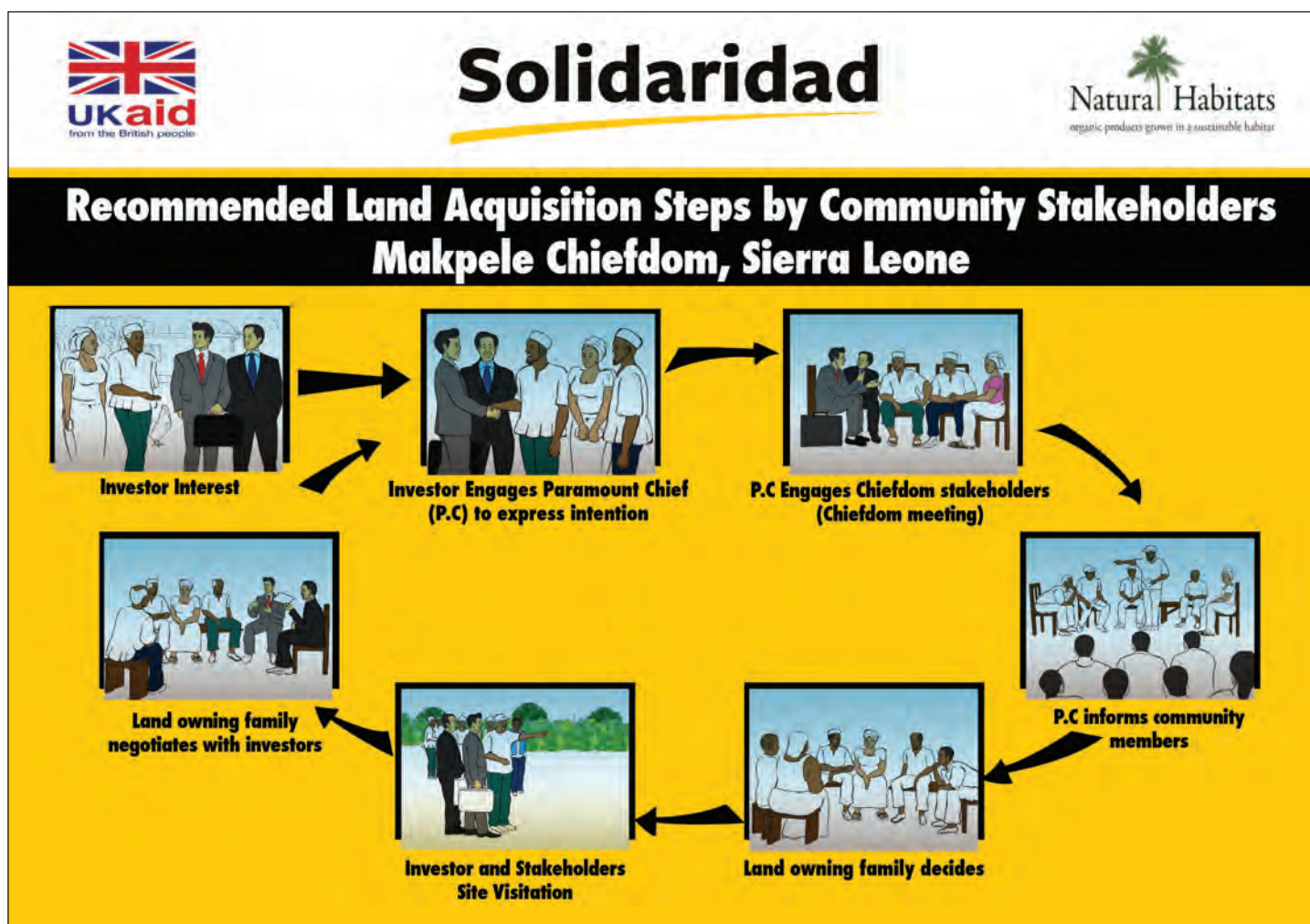


Photo credits  
 Page 1: UCRT staff responding to questions raised by the community. Mongo wa Mono village in Mbulu district, Tanzania. VSF-B, 2017.  
 Page 3: A woman baobab harvester in Mozambique. MICAIA, 2017.  
 Page 5: Fatima Mussa pointing out one of her land parcels in Malalo community, Namarroi district, Mozambique. Terra Firma, 2017.  
 Page 6: George Bajuta, chairperson of the Pastoralist Association of Tanzania addresses a meeting in Mongo wa Mono village, Mbulu district, Tanzania. VSF-B, 2017.  
 Page 8: Poster of Recommended Land Acquisition Steps produced by Solidaridad. Solidaridad, 2017.

### About us

Land: Enhancing Governance for Economic Development (LEGEND) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants, MoUs and contracts, and supported by a Core Land Support Team.

Future issues of this bulletin will feature updates on our most interesting findings and results, keeping you posted and enriching the debate. Contributions reflect their authors' views, not those of DFID or members of the LEGEND Core Land Support Team.

You can send suggestions and comments on this bulletin to [legend@odi.org.uk](mailto:legend@odi.org.uk)



UNIVERSITY of GREENWICH | Natural Resources Institute

