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ENDLINE EVALUATION FINDINGS FOR USAID'S RESPONSIBLE LAND-BASED INVESTMENT PILOT IN MOZAMBIQUE

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Abstract

Mozambique's land law of 1997 recognizes customary and community land rights, and also aims to facilitate growing private investment in the country. Many rural smallholder farmers have low familiarity with the land laws and still operate under undocumented customary arrangements. We present endline findings from an evaluation of an innovative USAID-funded private-sector partnership to strengthen land tenure security and minimize risks associated with large-scale agricultural investments in Mozambique. The project supported participatory mapping and delivered land rights certificates for 1,642 land users around a sugar cane estate. The evaluation uses a qualitative pre-post design coupled with a 500-person telephone survey at endline to examine effects on land management, tenure security and private sector engagement. The evaluation found that engagement with outgrowing has increased since baseline but use of Pilot documentation to access investment schemes is limited. Pilot activities strengthened perceptions of tenure security for parcels in the Pilot zone over the short term.

Key Words: Land tenure, land titling and certification, Mozambique, Public-Private Partnerships, mixed-methods



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1. Introduction

This paper reports on findings from an evaluation of a USAID-supported pilot activity to strengthen land tenure security and minimize risks associated with large-scale investments in Mozambique. The pilot, a private-sector partnership, supported participatory land mapping and documentation of customary land rights for some 1,642 farmers. Evaluation results are based on two rounds of pre-post qualitative data collection, coupled with a 500-person household telephone survey at endline. Results aim to contribute to the currently limited body of evidence on use and effects of the private sector-focused Analytical Framework for Land-based Investments in African Agriculture (“AF”) to address tenure security risks in communities affected by private sector investments.

Mozambique’s land law of 1997 has been lauded for its approach to recognizing customary and community land rights, while also aiming to facilitate growing private investment and development in the country. The law establishes “the right of land use and benefit,” commonly known as a DUAT right, which may be obtained through customary occupancy or awarded through a DUAT title document (Tanner, 2002). Although the state retains ownership of land throughout Mozambique, DUAT titles can be transferred between individuals, when linked to the sale or transfer of assets, or to facilitate investment, clarification of tenure, and inheritance (UN Habitat & Series, 2005).

In practice, however, many rural smallholder farmers are unfamiliar with the land laws and regulations for securing their land tenure rights, and the majority of smallholders operate under undocumented customary arrangements (USAID, 2018). The institutional capacity of local authorities to facilitate or process DUAT title applications and conduct the associated land survey is often limited, and there is varied understanding of how to interpret, enforce, and facilitate the implementation of land regulations in the country (Van den Brink, 2008). Along with institutional and financial constraints, this situation results in individuals in local communities, including women and other vulnerable populations, facing particular risk for land expropriation and rent-seeking behavior by officials within the titling bureaucracy, and otherwise introduces barriers for community members to effectively assert their land claims and obtain formal recognition of their DUAT rights (IFHR, 2007). Despite efforts to recognize customary land rights, government, foreign, and elite expropriation of land under customary use is a growing concern.

The Responsible Land-Based Investment Pilot (“the Pilot”) in Mozambique aimed to help Illovo Sugar Africa Ltd.’s suppliers adopt global best practices by implementing elements of the AF to address land



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tenure risks. In addition to investor benefits, implementation of the AF guidance was expected to lead to more inclusive and positive development outcomes for communities and stronger relations with firms. With respect to land governance, the Pilot's focus on community-based land rights clarification, awareness raising, and parcel mapping is also intended to strengthen community members' perception of tenure security over land they customarily use and lower their perceived risk of land expropriation.

The AF is among the ranks of best practice recommendations for implementing community and social safeguards, but critiques highlight that in practice, elements of such best-practice guidance are often variably implemented, or cannot be strongly enforced, with potential negative implications for overarching community effectiveness (German, Schoneveld et al. 2013, Nolte and Voget-Kleschin 2014). There is also sparse empirical literature on whether and how the implementation of such activities may lead to changes in community-investor relations and local livelihoods. While existing research on the livelihood effect of land-based investment is relatively low, the evidence to date for welfare impacts of such schemes, and private land-sector investment more generally, is mixed (Bleyer, Kniivilä et al. 2016, Deininger and Xia 2016, Herrmann 2017). Some studies have found positive livelihood effects for outgrower participants relative to other types of workers, or areas with land-based investment relative to those without (Bellemare 2012, Herrmann and Grote 2015, Mudombi, Von Maltitz et al. 2016). In addition, the empirical literature on land governance and welfare impacts of land-based investment schemes is not strongly integrated into practice on the ground.

As an early opportunity to learn from the piloting of the AF, this study provides useful learning on performance issues and constraints on best-practice activities that companies and public-private partnerships may undertake with communities. In this section we present the Mozambican land context and Pilot implementation background. Ensuing sections detail the evaluation design and findings. The paper concludes with a discussion of results and implications for achieving linked land rights documentation, tenure security and broader livelihoods objectives through similar programming efforts.

Mozambique Land Context

In the aftermath of Mozambique's 17-year civil war, the National Assembly approved a national land law that sought to clarify land rights for men and women and lay the foundation for investment (Tanner, 2010). Hailed for its participatory process, the 1997 land law asserts the state's ownership of all land within the country, but clarifies "the right of land use and benefit" for individuals, communities, and companies. This is commonly known as a DUAT right (Tanner, 2002). Land use rights may be obtained



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through customary occupancy, but may also be certified through a DUAT title document issued individually or jointly. Although the state retains ownership of land throughout Mozambique, DUAT titles can be transferred between individuals to allow for investment, clarification of tenure, and inheritance (UN Habitat & Series, 2005). The law (Mozambique, 1997) provides that the right to use and benefit from land may be acquired through any of the following three means:

- Individual or community occupancy “in accordance with customary norms and practices which do not contradict the Constitution.”
- Occupancy by individuals “who have been using the land in good faith for at least 10 years.”
- Authorization of an application submitted according to procedures established by the law.

Individuals or joint land users may acquire a DUAT title, in which their right to use and benefit from the land is awarded through the application specified in point three. However, the law also specifies that the absence of a DUAT title does not prevent individuals from acquiring land rights through either of the two occupancy means outlined above and should not present a disadvantage for individuals who only have occupancy rights rather than a formal DUAT title. The law also states that proof of individual or community rights to land use may be provided by a DUAT title or by testimonials provided by community members, in addition to other evidence permitted by the law (Mozambique, 1997).

The government is expected to process DUAT title applications within 90 days of receipt. In practice, many rural smallholder farmers are unfamiliar with the laws and regulations for securing their land rights (USAID, 2018). The institutional capacity of local authorities to address DUAT title applications and conduct the associated land survey is often limited, with varied understanding of how to interpret, enforce, and facilitate implementation of land regulations (Van den Brink, 2008). As noted above, this situation has led to expropriation and rent seeking. It can also introduce barriers for community members to effectively assert their land claims and obtain a DUAT title (IFHR, 2007; USAID, 2018). Beyond the capacity and financial constraints, the procedures for obtaining a DUAT title are often unclear (OECD, 2013). The regulations for maintaining use rights to the land once a DUAT title is obtained are also open to interpretation and are often applied subjectively. For example, land expropriation events have been documented for those with legally recognized DUAT claims in cases where the state determined that the DUAT holder was not abiding by an agreed land use plan (OECD, 2013).



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USAID-Supported Pilot Activity

In 2012, the Committee on World Food Security adopted international soft law that “promotes secure tenure rights and equitable access to land, fisheries, and forests as a means of eradicating hunger and poverty, supporting sustainable development, and enhancing the environment.”¹ To provide practical guidance about how private sector investors can comply with these soft law guidelines, the international community produced the AF. The AF consolidates existing guidance on responsible land-based investment into a succinct framework and provides guidance for companies to align with international best practices. Despite consensus on tenure risks and AF mitigation approaches, there is little evidence that the private sector is incorporating the AF into investment due diligence and project development.

USAID tasked the Cloudburst Group and a consortium of two private sector partners, Indufor and Terra Firma, to pilot utilization of the AF in Mozambique during December 2016 to March 2018. Pilot implementers collaborated with Illovo Sugar Limited through its local subsidiary Maragra Açúcar Limited to implement the Pilot in rehabilitated floodplain zones near the Maragra nucleus sugarcane estate, 75 kilometers north of Maputo. The Pilot was layered over two European Union (EU) projects in the same floodplain area.² The EU projects also established partnerships with Maragra and several farmer associations, with a goal of increasing the number of sugarcane outgrowers and outgrower-produced sugarcane, thus were synergistic with the USAID Pilot activities. At baseline, Pilot participants overwhelmingly had no formal land documentation, expressed a high level of tenure insecurity, and were either cautiously optimistic regarding anticipated livelihoods benefits from sugar outgrowing, or had little expectation of outgrowing engagement due to concerns on income smoothing or insufficient information.³

Development Hypothesis

USAID believes that if companies appropriately apply the AF as part of their land investment, acquisition, and management activities, private businesses will be able to identify and understand individual and community land tenure risks, and firms will be more likely to adopt approaches to avoid these risks. This will also mitigate risks in affected communities. USAID also expects investor application of the AF to produce outcomes for individuals and communities affected by land-based

¹ See: <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>.

² These are the Maragra Smallholder Sugarcane Development Project and the Maragra Sugarcane Outgrowers Capacity Building Project. Together they rehabilitated flood protection infrastructure, worked to expand outgrowing, and subsidized inputs.

³ See https://pdf.usaid.gov/pdf_docs/PA00T5HW.pdf.



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investments that are more inclusive and positive. This includes greater tenure security, lower perceived risk of land expropriation by individuals within affected communities, and fewer land disputes (Figure 1).

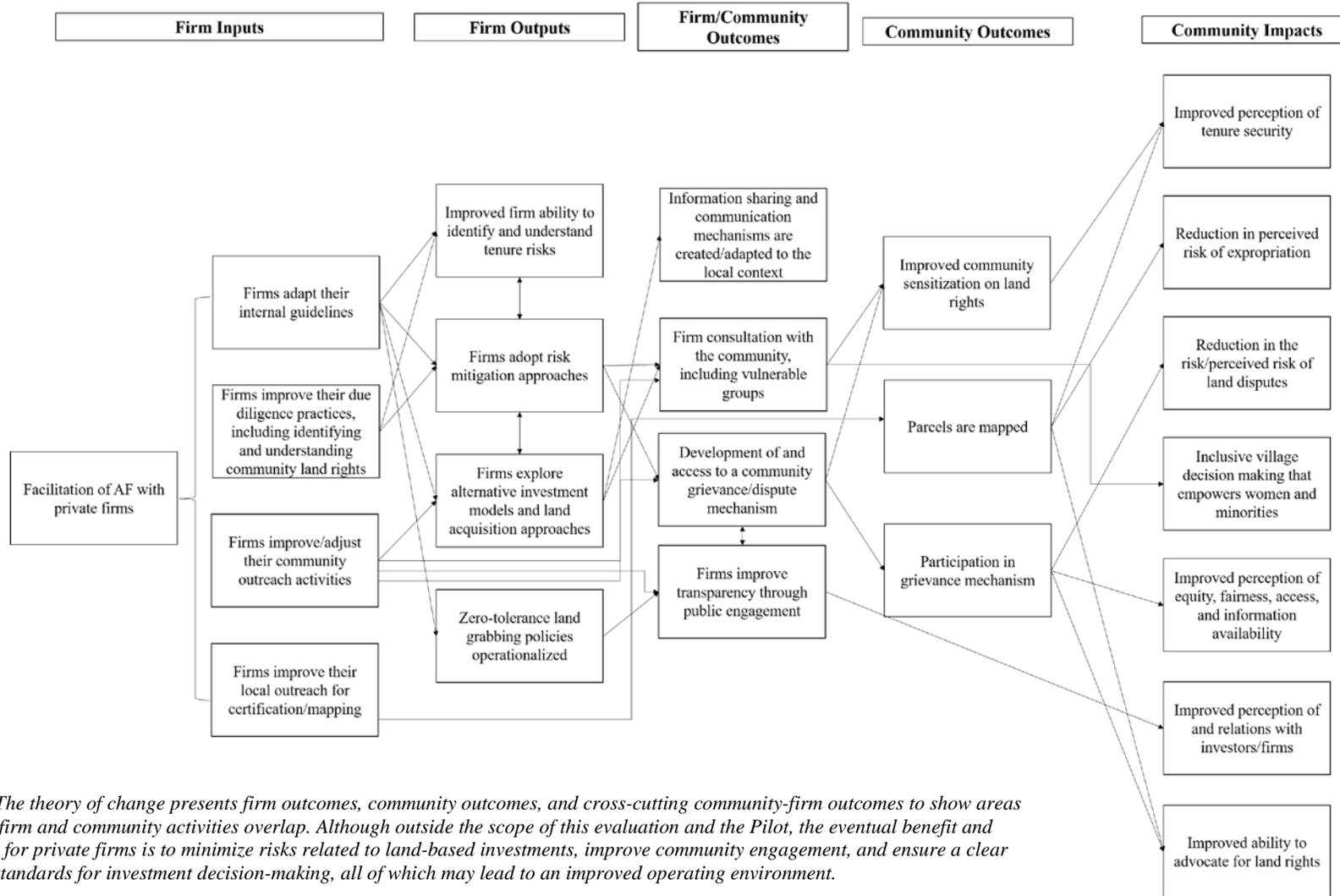


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Figure 1: Pilot theory of change



Note: The theory of change presents firm outcomes, community outcomes, and cross-cutting community-firm outcomes to show areas where firm and community activities overlap. Although outside the scope of this evaluation and the Pilot, the eventual benefit and impact for private firms is to minimize risks related to land-based investments, improve community engagement, and ensure a clear set of standards for investment decision-making, all of which may lead to an improved operating environment.



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II. Evaluation design and approach

Evaluation Purpose and Questions

USAID commissioned this evaluation to examine how the application of the AF affects community perceptions and actions as they relate to land management, tenure security, and engagement with private sector investors. The evaluation focuses on the following four questions:

1. How has community participation in AF-guided activities under the Pilot affected how community members perceive and engage with land-based investor companies and schemes?
2. To what degree have community-level objectives of the AF-guided activities under the Pilot been achieved, and what explains where successes, failures, or unanticipated effects have occurred?
3. How well do the AF-guided activities under the Pilot meet underlying challenges and the needs of communities with respect to participation in or locational proximity to new or existing land-based investment schemes?
4. What are the lessons learned from the AF-guided activities under the Pilot that can inform future application and dissemination of the AF to better achieve intended community-level objectives?

Evaluation Design and Methodology

This evaluation takes a non-experimental approach using qualitative pre-post analysis to explore the relationship between Pilot activities and outcomes of interest for land users in the Pilot zone. The evaluation was designed iteratively in coordination with USAID and pilot implementers to find the best way to assess Pilot outcomes within the budget and timeframe available.

The evaluation uses four data collection methods:

- **Desk review** of implementing partner performance reports, other available Pilot documents, and monitoring and evaluation data, which was conducted as part of the evaluation's endline analysis.
- **Group discussions (GD)** with land users in the Pilot zone at baseline (8 GDs with a total of 130 participants, conducted in June 2017) and endline (7 GDs with a total of 109 participants, conducted in Aug-Sept 2018).
- **Key informant interviews (KIIs)** with farmer cooperative and association leaders, government administrative staff, and Pilot and EU project liaisons at baseline (6 KIIs) and endline (13 KIIs).
- A **computer-assisted telephone interview (CATI)** survey at endline with 483 Pilot participants to capture quantitative information about their Pilot experiences and tenure security.



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Limitations and sources of bias in the evaluation design are those common to non-experimental evaluations. They include the lack of a counterfactual, potential response and/or recall bias from participants, and the possibility that respondents who participated in either the baseline or endline data collection were not representative of Pilot participants in general.

Data Analysis

All GDs were recorded and transcribed from Shangaan into English by the evaluation team prior to analysis. GD and KII notes and transcripts were first reviewed to identify major themes and subthemes for analysis. The team then analyzed the transcribed data from the GDs and KIIs using MaxQDA data analyses software, and drawing on content analysis techniques, coding text according to key themes of interest across the KIIs and GDs. This included highlighting outlier responses and experiences to capture the range of feedback, and attention to gender differences in responses and experiences.

The team applied an *a priori* coding approach to capture themes and broader trends based on 48 pre-determined coding themes. These themes were developed after review of the transcripts and field notes to ensure relevancy for responding to the evaluation questions. After coding transcripts, the evaluation team compared responses within and across GD group types, and also by demographic subgroups (such as gender) across different respondent categories (e.g., EU project participants and nonparticipants).

Descriptive statistics on the CATI survey data were calculated in R. The team calculated overall and disaggregated frequencies by respondent type and location to highlight differences, track Pilot coverage, and complement the qualitative analysis on themes such as tenure security and certificate use and understanding.

III. Results and Discussion

How has community participation in AF-guided activities under the Pilot affected how community members perceive and engage with land-based investor companies and schemes?

One of the key motivations behind the AF is to improve the relationship between private firms and nearby land users. To capture data around potential changes in perceptions and engagement with outgrowing schemes, the evaluation team asked GD respondents about their engagement with Maragra, and constraints they faced in engaging with the firm. The CATI survey also asked whether respondents were engaged in outgrowing and for how long.



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This section highlights the key endline findings related to the perception of and engagement with Maragra after the end of the Pilot. Baseline findings suggested that pre-existing relationships strongly influenced individual farmers' decisions on outgrowing. EU project participation explained quite a bit of the variation in engagement with Maragra. While EU participants reported attending meetings and trainings with Maragra staff, GD participants who were not involved with the EU project reported almost no relationship with Maragra at baseline. This was largely due lack of information, risk aversion, or local conditions such as poor soil quality or unresolved land disputes which made them ineligible to obtain outgrowing contracts. Overall, discussants were uncertain about outgrowing since few had gone through a full harvest cycle; most were not engaged with outgrowing schemes at all. Few respondents perceived any link between formal land documentation and the ability to engage with Maragra as an outgrower. For example, baseline data indicated that a range of documents had been used to prove rightful land use to Maragra for farmers already involved in outgrowing prior to the EU-project, including extra-legal declarations, documentation, and identification papers.

A key component of the Pilot's theory of change is that land mapping and documentation of use rights for beneficiary farmers will ease the pathway to engagement with investor schemes such as outgrowing. By Pilot endline, investor engagement among Pilot participants had grown but remained limited. In addition, utilization of the Pilot-facilitated certification was not widespread, even among respondents who were engaged in outgrowing at endline. At endline, around 17 percent (n=18, ten of whom were female farmers) of GD respondents said they were involved in outgrowing as individuals. The majority of respondents were not engaged in outgrowing despite being in the catchment area for outgrowing promotion and capacity building under existing donor projects. However, the larger CATI sample does provide some indication of growth in outgrowing over the Pilot's implementation (Figure 2). Within the CATI sample, an average of two people started outgrowing contracts prior to 2016, while 19 people reported outgrowing contracts in 2017 and 16 started contracts in 2018 (4 percent and 3 percent of the CATI sample, respectively).

Respondents said they needed an average of two documents to enter into an outgrower contract with Maragra between 2016 and 2018 (Figure 3). For each year of the Pilot's implementation, a government ID was the most common type of documentation. Among respondents who mentioned a form of



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documentation other than the four main options (i.e. “other”), the taxpayer identification number NUIT was the most common document.

Figure 2: CATI outgrowing contract start dates by year

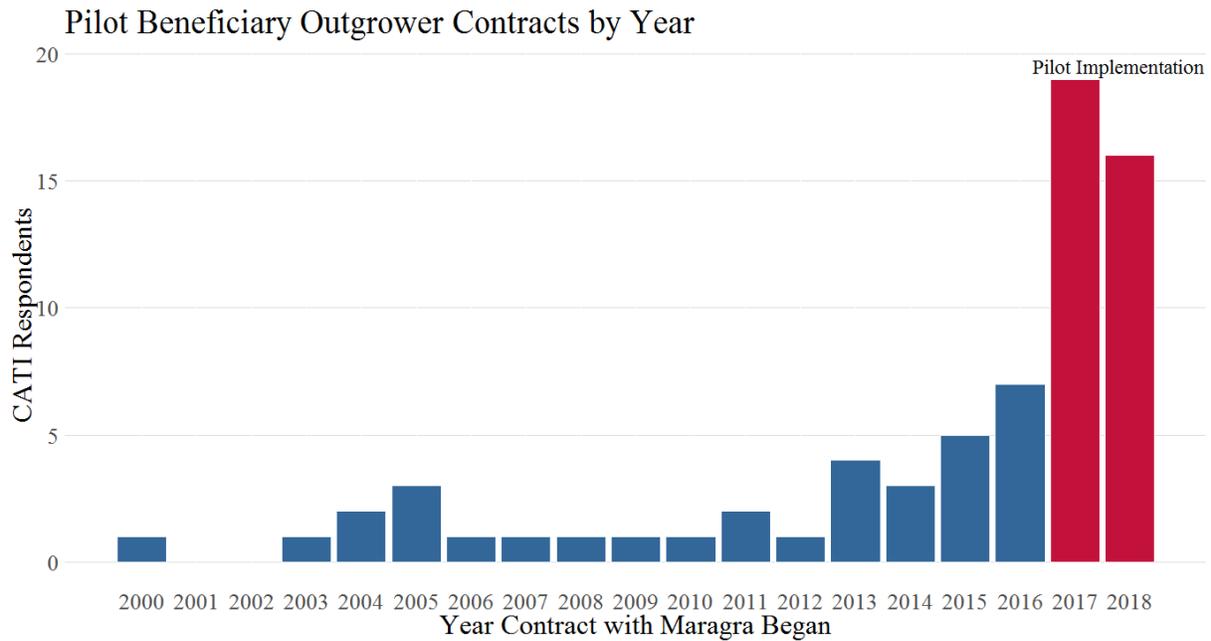
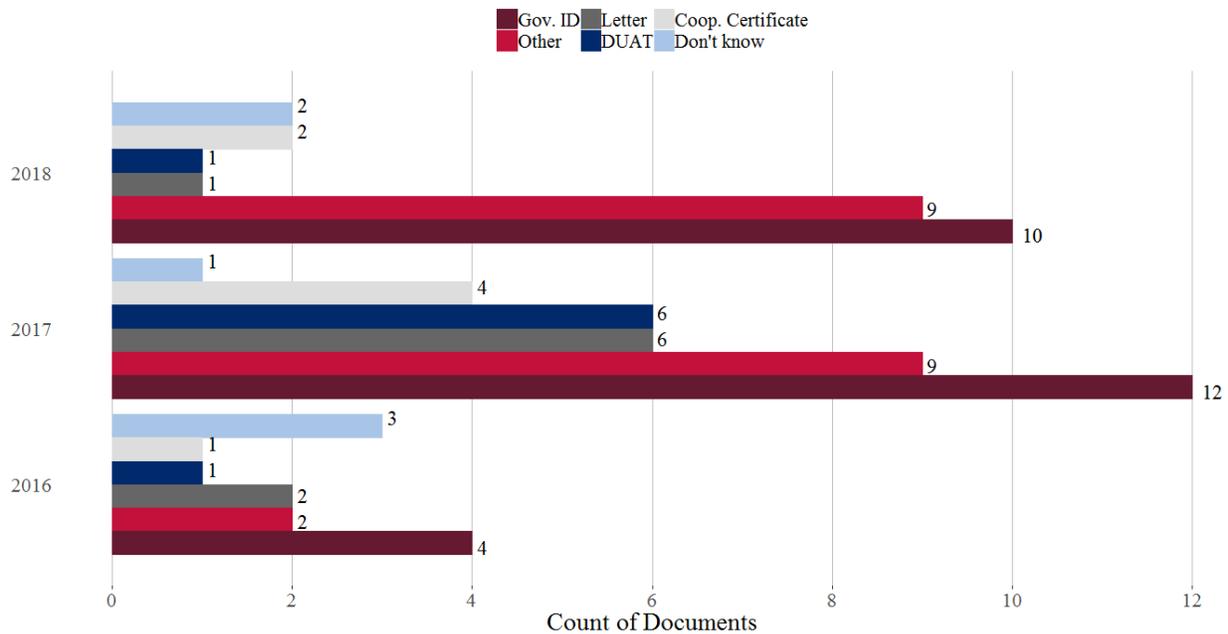


Figure 3: Documents required to become an outgrower

Documents Reportedly Required for Outgrowing 2016-2018





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While none of the GD respondents and only seven of the CATI respondents used the cooperative-issued certificates to engage with outgrowing, perceptions of the certificate's future value for outgrowing was captured at endline. Qualitative findings show that, although the use of certificates was low, Pilot beneficiaries believed the document could potentially facilitate engagement with Maragra. How respondents from Category 1 (EU project participants) and 2 (non-participants in EU project) perceive the future value of the certificates is telling. At baseline, respondents who were also EU project participants already had more knowledge and awareness of outgrowing and 15 such GD participants reported ongoing engagement with outgrower schemes.

Outgrowing perceptions among EU Project participants

Group discussion respondents who participated in the EU-funded livelihoods and outgrower support project as well as the USAID Pilot ("Category 1") reported that cooperative-issued certificates could be helpful for facilitating the outgrowing relationship with Maragra. The common rationale was the legitimacy conferred by the certificates, whereby the certificates were seen as a way to prove that their sugarcane was grown legitimately on their land. Similar to the CATI data in Figure 3, GD participants said they were able to enact outgrowing contracts with Maragra, but required some form of formal identification or letter from a local group or leader to do so.

The motivation for outgrowing among Category 1 respondents was often stated as financial and as a form of insurance, as outgrowing provides the security of a guaranteed buyer. Even in cases where GD participants had not yet started outgrowing, security in sales and potential profit were perceived as benefits of engaging with Maragra. The following dialogue captures these perceptions:

Facilitator: *What benefits do you expect to receive as a result of outgrowing to Maragra?*

Male Respondent: *For me, the benefit is not like selling to just anyone. I have a secure buyer where all my sugarcane can be delivered. It is like a secure market.*

Female Respondent: *Since I haven't harvest yet, I am yet to see what the benefits will be but having a targeted place to sell is a big benefit. – South Zone, August 27, 2018*

Category 1 GD respondents stated that Maragra has clear expectations about the sugarcane they contract through outgrowers. No GD participants reported that the Pilot changed how they view or engage with Maragra. A female GD participant in the South Zone summarized this perception:

Facilitator: *Do you perceive any changes in how you engage with Maragra as a result of any of the Pilot activities?*

Female Respondent: *It didn't change. Our relationship is strictly commercial and related to the selling of sugarcane. We just interact with Maragra as outgrowers of sugarcane. – South Zone GD, August 27, 2018*



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Non-EU Project outgrowing perceptions

Respondents who were non-participants in the EU livelihoods and outgrower support project (“Category 2”) voiced the benefits of a secure buyer and clear standards for engagement, but only three GD respondents in this category were engaged in outgrowing. Category 2 respondents voiced their expectations for future outgrowing as a result of receiving cooperative-issued certificates through the Pilot. Here, respondents believed the cooperative-issued certificates would prove legitimacy of land rights for Maragra, thus improving their ability to gain an outgrowing contract. In some cases, this result did indeed take place during the Pilot lifetime.

It [the certificate] helps because the first thing that Maragra asks when you want to become an outgrower is for us to show that we are the legitimate owners of the lands.

– Central Zone GD, August 22, 2018

When I received the certificate with the USAID project is when I became an outgrower for Maragra. Before that, I tried to assemble other documents, but they were never accepted. – Male Farmer Association Leader KII, Central Zone, August 23, 2018

As for Category 1 GD participants, perceptions of Maragra were also largely unchanged after the Pilot among Category 2 GD participants. They reported having almost no relationship with the company, and highlighted a general lack of engagement among farmers who were not outgrowers.

Outgrowing uncertainty

Endline results show that uncertainty about outgrowing among floodplain zone Pilot participants has not changed from baseline, while participation in AF-guided activities under the Pilot also did not change GD participants’ engagement with land-based investor companies and schemes. The main reasons for this were due to farmer concerns about food security and the required inputs and capacity to grow sugar cane. While the number of outgrowers increased over the Pilot period, many of the challenges facing potential outgrowers at baseline remained the same at endline.

In four GDs, respondents who were not engaged in outgrowing reported small parcel sizes as the main reason, while farmers in three GDs noted the need for food crops as the key barrier to outgrowing. A GD discussion in the Central Zone summed up these points:

Facilitator: *For people not participating as Maragra outgrowers, what tends to be the reason?*

Female Respondent: *It is mainly because we prioritize food.*

Male Respondent: *There is another thing. The sugarcane cycle is of once per year, so we cannot just focus on sugarcane, but also need to focus on food. Otherwise during the cycle in which we are waiting for sugarcane to mature we need to have subsistence crops as well. The other thing is*



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capacity to support people financially since sugarcane requires a lot of investment for input supplies, fertilizers, etc.

– Central Zone, August 23, 2018

Both categories of respondents reported not engaging in outgrowing due to parcel size constraints, food crop prioritization, and general uncertainty about the process. Respondents saw the long harvest cycle of sugarcane as prohibitive to entry, and, coupled with uncertainty and small parcel size, as too risky. As one GD participant stated:

We just have one parcel of approximately 1 hectare, so if you take that piece of land for sugarcane how will you feed your family? The sugarcane cycle takes 8 to 10 months to be harvested, so in that period of time you'll not have anything to feed. – Female GD respondent, South Zone, August 28, 2018

Results indicate that longer time frames may be needed for potential outgrowers to fully utilize the cooperative-issued certificates to engage with Maragra.⁴ The evaluation endline took place one to three months after farmers received these certificates. However, this is likely too short a time frame for many farmers who had not previously engaged with Maragra, nor had a background in sugarcane harvesting, to gain sufficient information to alter their risk preferences, or otherwise overcome broader uncertainties related to the decision to switch to outgrowing as a new endeavor.

To what degree have community-level objectives of the AF-guided activities under the Pilot been achieved, and what explains where successes, failures, or unanticipated effects have occurred?

At baseline, land users in the Pilot area overwhelmingly had no formal land documentation, either as individuals or collectively as a farmer association. Perceived tenure security was low, and ten percent (n=13) of GD respondents at baseline had been directly involved in a land dispute. GD participants most commonly cited familial, association-leader, and outsider (Mozambican and foreign) land disputes and expropriation. At baseline, participants cited poverty and associated powerlessness, lack of DUAT titles, and the presence of uncultivated land held by customary land users as the key underlying drivers of land disputes. Dispute resolution was often attempted via informal processes, and GD participants indicated a widespread mistrust in formal resolution mechanisms. Baseline data indicated that women were more vulnerable to land expropriation than men and commonly disenfranchised of their land rights in the Pilot area. Respondents also underlined the critical role that farmer associations⁵ had played in upholding

⁴ All GD respondents reported receiving cooperative-issued certificates between March and July 2018.

⁵ Farmer associations also help protect against and resolve land disputes, enable greater productivity and food security, and provide a channel to disseminate information related to sugarcane outgrowing and Maragra. The baseline data made clear that



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customary claims in the Pilot area. Despite this support, Pilot zone respondents expressed weak tenure security due to opaque land allocation and dispossession by powerful elites, local leaders, and foreigners.

Pilot activities were therefore designed to strengthen local tenure security and inform and complement Illovo's efforts to verify and respect legitimate land rights in areas where they operate.⁶ The Pilot's community-level objectives for participants are supported through community-validated cooperative-issued certificates⁷ and include:

- Enabling participants to have greater protection from land encroachment and outside investors;
- Enabling greater security of rights to the land for future generations and women; and
- Facilitating increased economic opportunities, such as by reducing outgrower contracting barriers to sell sugarcane to Maragra, engaging in growing contracts for other agricultural products, and obtaining credit.

Endline results suggest strengthened perceptions of tenure security among Pilot participants compared to baseline. Community-level Pilot objectives regarding tenure security appeared to have been achieved largely because Pilot participants have confidence in the cooperative-issued certificates. There are, however, concerns on whether the certificates will be able to ward off counter claims from DUAT holders or through government land grabbing. Respondents in all seven GDs at endline expressed stronger perceived tenure security. They indicated the certificate gave them a sense of security and protection against land expropriation because it offers proof the land is theirs. One female GD respondent explained:

"I am a widow and there are people that tried to take my land. So, when the project gave me the certificate, it helped me to now stand against future land disputes". – South Zone GD, August 27, 2018

KIIs with six association and community leaders and three IP staff also confirmed the connection between perceived improvements in tenure security and receipt of cooperative-issued certificates through the Pilot. According to them, this has greatly reduced farmers' worries about land expropriation and increased their confidence in their ability to protect themselves in the event of a competing claim to their land. Two GD respondents summarized these perceptions:

Farmer associations are (1) typically the initial body individuals turn to discuss and resolve land disputes among association members or in response to outside encroachment or expropriation threats; and (2) the main vehicle for conveying or transmitting to individual land users in the Pilot zones information related to sugarcane outgrowing, the EU project, and any other interactions or issues related to Maragra.

⁶ See <https://www.illovosugarafrika.com/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights>.

⁷ Cooperative-issued certificates were viewed by the Pilot "as evidence that the process used by the Pilot to validate the rights to a particular land parcel has been completed, and that there are no disputes."



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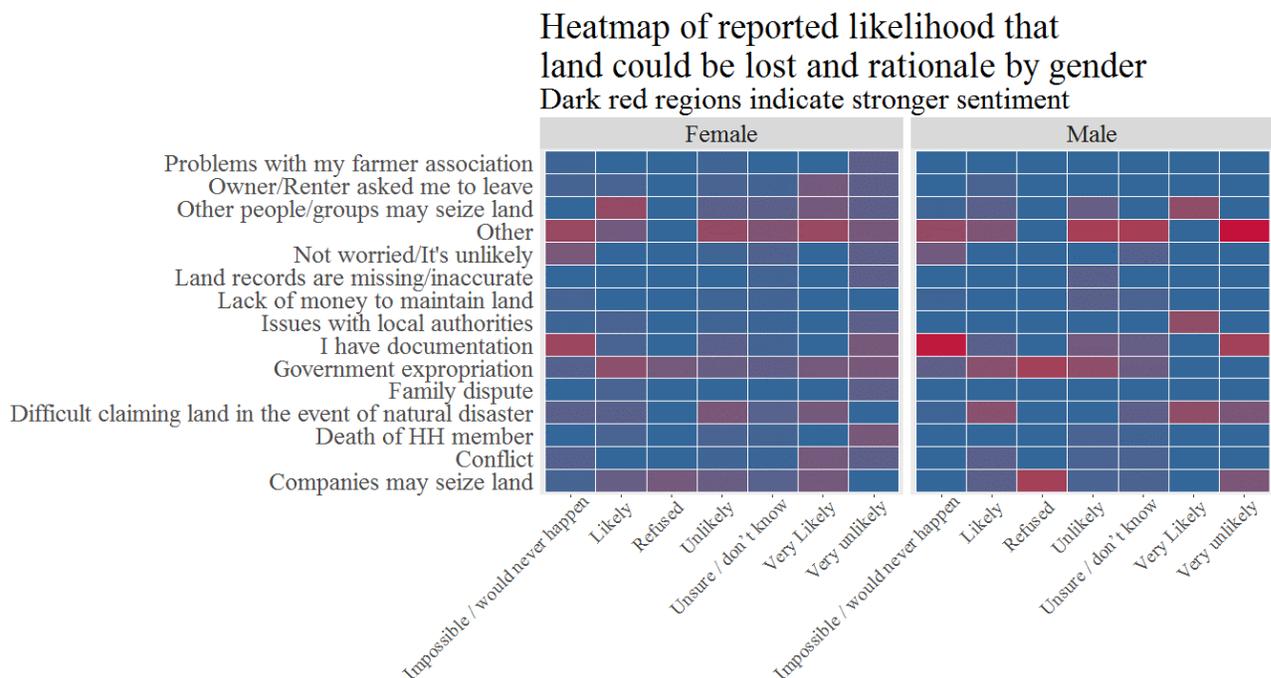
“I remember that in the past there was a lot of confusion and litigation. Someone could come to your farm and just claim that it belongs to them, when actually it did not belong them. Now that they came to map our lands, anyone can stand on their farm without a fear of having their lands taken.” – GD participant, Central Zone, August 23, 2018

“Before we had the certificates someone could come at a given time and say that the land belongs to them and you would be at risk of having your land stolen. Now if that occurs, you can show them the certificate.” – GD participant, South Zone, August 30, 2018

The CATI survey also asked respondents whether they felt they could lose their land against their will in the next five years. Overall, 26 percent (n=130) said this was impossible or would never happen, while 17 percent (n=85) said it was unlikely. Another 27 percent (n=133) were unsure and 12 percent of the CATI sample (n=58) said it was likely they could lose their land in the next 5 years.

The heatmap in Figure 4 shows a relatively low-intensity of perceived threats overall, but also highlights some key areas of greater concern (*heatmap note: greater intensity of red indicates stronger response or concern*). Among female CATI respondents, seizure of land from outsiders was a common source of uncertainty at endline, within the context of future tenure security. Male respondents expressed strong feelings that their land could not be taken away because they have documentation (indicated in the heatmap by dark red squares).

Figure 4: Heatmap of land loss and rationale by gender





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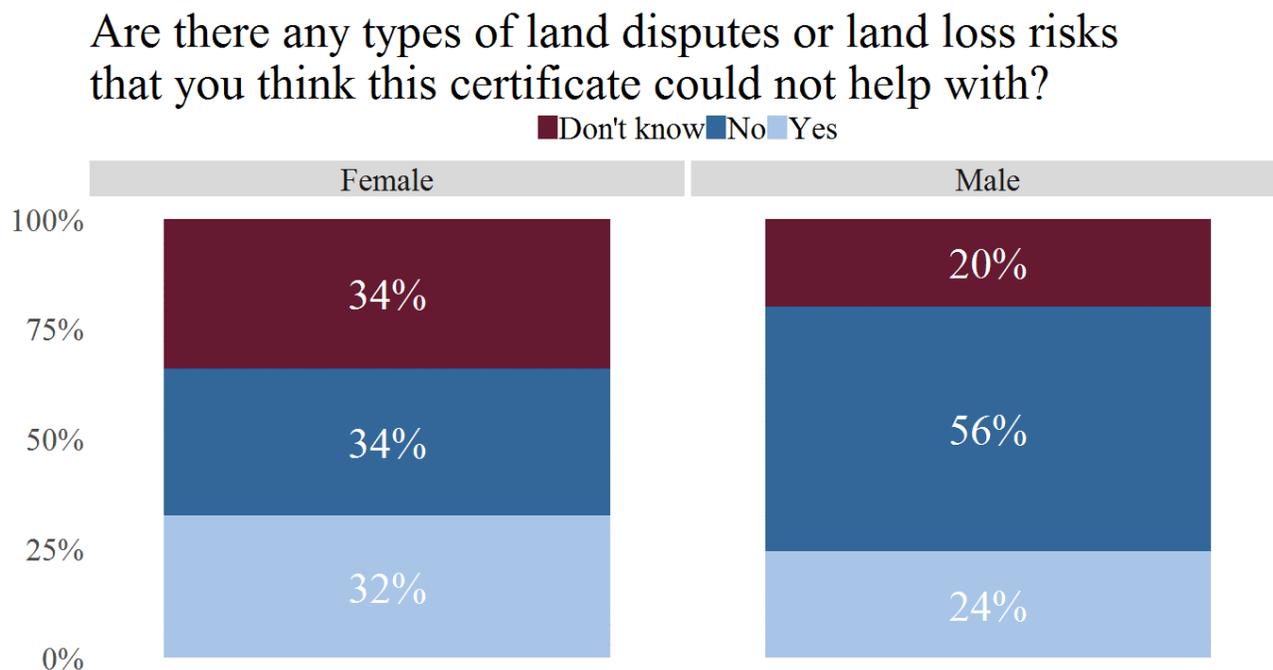


Participants in two GDs raised some uncertainty as to whether the certificate would protect against land grabbing that is facilitated by government authorities, a phenomenon also highlighted at baseline.

“It covers everything, but I am not sure how it can end, when for instance people come from town with papers as well from the same land, acquired through bribery to government officials.” – GD participant, Central Zone, August 23, 2018

The CATI data provide further insight into this concern. Thirty-two percent of female respondents believed there are situations in which the cooperative-issued certificate may not assist in securing their land rights. Most respondents were either unsure or felt the cooperative-issued certificate would be sufficient for assisting in land disputes or land loss risks (Figure 5). In 19 percent (n=53) of cases where CATI respondents said “don’t know,” they noted uncertainty about the distinction between cooperative-issued certificates and government-issued DUATs. In another 8 percent (n=22) of cases, respondents who said “don’t know” did not see any distinction between DUATs and cooperative-issued certificates.

Figure 5: Responses to the question, "Are there any types of land disputes or land loss risks that you think this certificate could not help with?"



Participants in five GDs alluded to concerns that the certificate may not be sufficient to protect against an unevenly interpreted and applied section of the land law on whether land that is not being used productively can be reallocated to others. A small number of participants in these five GDs expressed



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uncertainty over whether the certificate would protect their land claim if they were not using the land productively (e.g., leaving it fallow for some time). As one farmer put it,

“Yes, we are afraid because even if we have certificates the land can be taken away from [us] because of not being used.” – GD participant, August 28, 2018, South Zone

Others expressed greater certainty on this, stating they felt the government could still take their land if it was not actively farmed, even if they had a certificate confirming their land rights:

“The government has taught us the land belongs to the government and the farm to the farmer. If you’re not farming where you’re supposed to, the government can take it and give it to someone that can.” – GD participant, August 21, 2018, Central Zone

“Even when you have the certificate, the government does not allow you to leave it unfarmed. So, the lands could be taken away.” – GD participant, August 27, 2018, South Zone

In each GD, participants indicated their perceptions of tenure security had improved as a result of the Pilot’s land mapping process and cooperative-issued certificates. This was largely driven by their ability to prove use and combat competing claims over the land. More than half of male CATI respondents and a third of female CATI respondents felt the certificates were sufficient for dealing with land disputes and land loss risks. But, endline data also indicated there are limits to this sense of security. Concerns about government land-grabbing in the Pilot implementation zone were voiced both at baseline and endline. At endline, respondents clearly valued the certificates for asserting their rights within the floodplain zones. However, given their historical experiences with land precarity, their broader security of land rights (including for lands they used outside the Pilot zone) was still a concern.

Certificate Provisioning

According to implementer data, 1,642 Pilot participants received certificates. Respondents in five GDs saw the parcel mapping process as generally smooth and free of major problems. Nearly everyone who wanted their land mapped was able to do so. Participants confirmed they received certificates in March through July of 2018, and reported few issues with respect to obtaining the document.⁸ Among GD respondents, 53 percent (n=58) said they received cooperative-issued certificates through the Pilot. Within the CATI sample, 67 percent (n=192) of respondents who participated in the Pilot reported receiving a cooperative-issued certificate.

The key mapping or certificate provisioning challenges highlighted by GD participants were:

⁸ Some minor issues were noted, such as a need to re-issue the certificate due to misspellings on the document, but these seemed to be relatively uncommon and were resolved within the Pilot period.



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- Individuals could not have their land mapped or the required pictures taken on their farms because farms were flooded during the mapping timeframe and enumerators did not return to finish the job (reported in two GDs).
- Uncommon cases of individuals who were unable to obtain the certificate because they lost the voucher required to claim the document and were unsure how to follow up (reported in one GD).
- Individuals who had their land mapped and received the claim voucher, but the certificate had not been issued to them and they were unsure why (reported in one GD for some 15 people).
- Individuals who registered interest in the Pilot and had their land mapped but did not receive a claim voucher or certificate and next steps were unclear (reported in one community leader KII, Central Zone).
- Some respondents felt the land parcel area listed on the certificate is smaller than their actual parcel area, because enumerators did not always map uncleared portions of the parcel (two GDs).
- Individuals who were absent during the certificate distribution period and may not be aware the certificates are still available for them to claim from the cooperative (reported by one community leader KII, suggesting this may apply to some 100 individuals).

For people who were unable to have their land mapped or obtain the cooperative-issued certificates at all, GD respondents mentioned two main reasons: (1) Their parcel was flooded during the mapping and photo process; or (2) a project team began working in their area, then moved to another block and did not return. In both situations, participants appeared to have been told that the project would return to complete the process, but this had not happened by endline and they were unsure of next steps. Interviews with three implementer staff noted the occurrence of inopportune rains during key Pilot activities. This presented logistical and technical challenges in getting parcels mapped and performing outreach efforts.

Beneficiary confidence and confusion on cooperative-issued certificates and DUAT titles

The Pilot undertook a sensitization process on the cooperative-issued certificates, but at endline many Pilot participants were unclear on differences between the cooperative-issued certificates (a novel land document in Mozambique developed through the Pilot) and government issued DUAT title documents. Still, Pilot beneficiaries expressed strong confidence that the cooperative-issued certificate could protect them against land expropriation. Beneficiaries' somewhat low knowledge base and confusion on these documents, together with the strong confidence they expressed in the certificates, may warrant some caution for the achievement of broader development objectives over the longer term, through the Pilot's theory of change. While longer term outcomes could not be measured through this evaluation, the legally



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aligned but untested status of the cooperative-issued certificates does appear to raise some potential for perverse outcomes or the erosion of short-term tenure security gains over time, if for example, investors, private sector actors, or individuals with formal DUAT titles make competing land claims and local courts or authorities fail to recognize or uphold the authority of the Pilot certificates.

In five GDs, participants said they viewed the cooperative-issued certificate the same way as a DUAT title⁹. When probed on this, they thought the two documents held equal weight in protecting their land claims in the floodplain area.¹⁰ In three GDs, participants said they had too little information about DUATs to know what the differences were. In two GDs, respondents saw the cooperative-issued certificate as a government sanctioned document that held the same legal weight as a DUAT title in managing competing claims to their land. According to respondents, the main differences between the two documents was that the government DUAT process was expensive and took a long time, while the USAID-supported certificates issued by the cooperative were issued very quickly, did not require a cost, and avoided cumbersome bureaucracy. A few respondents viewed the DUAT title through government to have greater value, but this was not commonly expressed.

Despite these uncertainties, respondents believed the Pilot process was aligned with government and thus they viewed the cooperative-issued certificates as having government authorization. Community and association leaders demonstrated greater knowledge than land user constituents as to the differences between the DUAT title and cooperative-issued certificate, and generally understood that the project had only intended to submit 200 DUAT applications.¹¹ Three of the seven association and community leader KII respondents reported a perception that the DUAT and cooperative-issued certificate work in conjunction or can both be part of an overall land rights certification process. One association leader explained:

⁹ IP sensitization around this issue was that certificates had the same legal weight as a title in terms of defending a person's right to continue to use and occupy a piece of land.

¹⁰ The Pilot initially aimed to issue certificates of proof of DUAT rights to all Pilot participants, and facilitate applications for DUAT title documents through the Government of Mozambique for a smaller subset of participants. The Pilot later decided to submit DUAT title applications for all beneficiaries.

¹¹ Pilot IPs submitted 275 DUAT title applications to the Government of Mozambique national system before the end of the Pilot. Prior to Pilot end, they also submitted the information required for government to process DUAT title applications for all remaining Pilot participants. However, the Government of Mozambique's system could not receive bulk data transfers of the application data, such that manual re-entry of the data would be required for each applicant. Resolution of these issues was still pending at evaluation endline. KIIs with IPs indicated the initial 275 applicants had not been informed that DUAT title applications had been submitted on their behalf, and the Pilot's exit strategy did not contain a clear process for following up on this post-Pilot. Given this, it was not clear to the evaluation team if or how Pilot participants would be notified in the event their DUAT title application was accepted by Government, or how they would be able to follow-up on the process themselves.



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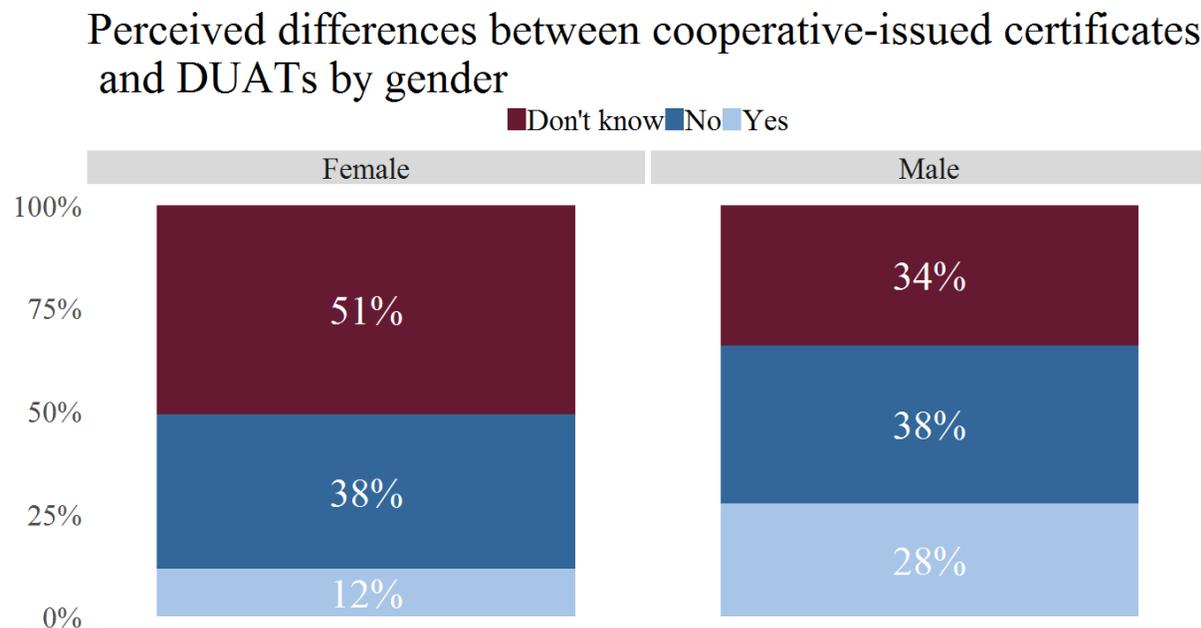
“The main difference is that the certificate is a testimony that there was mapping on the parcel and with that, you can apply for the DUAT without having to undergo the mapping process. So, the same coordinates from the certificate can be used.” – Farmer Association Leader KII, South Zone

KIIs with implementers confirm the Pilot viewed the certificate as meeting the legal requirements to establish DUAT rights to land under Mozambique’s Land Act. Moreover, the Pilot followed processes for establishing customary claims set out in the Mozambique Land Act, including a process of neighbor identification and public consultation, among others. Whether the cooperative-issued certificate will be viewed equally as the DUAT title under a specific type of land challenge or legal setting in Mozambique is an open question and likely outside of implementer manageable interests. According to implementers, potential challenges to the validity of the certificate could include situations in which: (1) a government claim to land takes precedence over the cooperative-issued certificate, or (2) there is a conflict between the national cadaster and certificate. Follow-on rounds of evaluation data collection can contribute to understanding longer-term effects, including the extent to which such types of challenges may have occurred and how they were resolved.

The CATI survey results at endline also reflected GD participants’ uncertainty on this issue. Of those who responded to a question on whether they saw any difference between the certificate and formal DUAT title issued by the government, 108 respondents (38 percent) said no. Many CATI respondents, including 51 percent of females who responded to this line of questioning (n=84), were not sure if there were differences between the two (Figure 6). Those who saw no difference said the two documents contain the same information and are both issued by the government (in the eyes of the respondents). Those who saw a difference between the two documents stated that the DUAT is more secure and trusted (24 percent); the certificate is free whereas the DUAT is not (12 percent); or pointed to minor differences in the length of the document and information contained within (12 percent).



Figure 6: Perceptions of difference between cooperative-issued certificates and government DUATs by gender



How well do the AF-guided activities under the Pilot meet underlying challenges and the needs of communities with respect to participation in or locational proximity to new or existing land-based investment schemes?

At baseline, farmer uncertainty over potential sugarcane outgrower benefits was common and there were few perceived linkages between formal land documentation and a farmer’s ability to engage with Maragra as an outgrower. None of the EU livelihoods and outgrower support project participants in the GDs had yet harvested their cane or received payments from Maragra for the recently concluded growing season (for most of the Pilot participants, it was their first year as outgrowers). Respondents in group discussions expected that outgrowing would lead to a higher standard of living through sugarcane income. Pilot participants who had not participated in the EU project (Category 2) had no relationship with Maragra and little expectation of engagement. Non-outgrower GD participants expressed insufficient outgrower information or reluctance to move away from food crop production because of consumption and income smoothing concerns. Others said ongoing land disputes or insufficient soil quality for sugarcane production prevented them from participating. Pilot participants were either cautiously optimistic about



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anticipated livelihoods benefits from sugar outgrowing or had little expectation of outgrowing engagement due to concerns about income smoothing or insufficient information.

By providing land rights certificates, Pilot activities appear to have met one of the key underlying challenges and community needs with respect to their ability to participate in local land-based investment schemes. But, it is also clear that tenure security is not the only important barrier to engaging in outgrowing in the Pilot area. Technical skills, capital support, high information uncertainty, and high labor needs were also commonly-expressed reasons that individuals in the Pilot area do not take advantage of available land-based investment opportunities. Further, participants conveyed broad feelings of tenure insecurity over their landholdings outside of the Pilot zone, such as at their homesteads, that contribute to a general sense of anxiety around land use¹². Tenure security and proof of land claims are thus necessary but insufficient conditions for land users in the Pilot area to effectively participate in available land-based investment schemes in their locality.

As a result, it may not be surprising that the evaluation found little indication that certification activities increased beneficiaries' opportunity to engage as sugarcane outgrowers in the brief time period post-Pilot. GD participants pointed to technical knowledge and skills, capital support, labor requirements, and information uncertainties as equally important or larger underlying challenges. One implementer noted that even with secure tenure and ambition to conduct outgrowing there are logistical challenges:

It's a difficult crop not to grow, but to harvest and process. There were timing issues related to when the crop was harvested. It needs to be crushed within 24 hours. That means the small outgrower needs to be well integrated into the collection of the sugarcane, transport to the facility. Some of the people growing sugarcane are quite far from the facility. You have to arrive at the mill at the exact scheduled time to be accepted. I think that is a formidable challenge, especially for small holders. – KII, September 11, 2018

At endline, many GD participants were hesitant to venture into outgrowing and noted they were waiting to see what happens with those already engaged in it. Of the GD participants at endline who already had individual outgrower contracts, all had started their contract during the year of endline data collection and none had gone through a harvest cycle yet. Uncertainty or insufficient information on repayment and

¹² Respondents in four of the seven GDs mentioned a need to secure their residence and lands outside the floodplain lands as well, and requested that Pilot activities be extended to areas outside the floodplain. As expressed by one GD respondent: *The challenges that currently exist now that we have certificate for our farms now but, since we don't have certificates for our lands at home, we still face the same insecurities we used to face before.* – GD respondent, GD 5, South Zone



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related conditions for loans from the company to obtain the required inputs for sugarcane farming also served to dis-incentivize participation:

We need to sit with Maragra to really understand everything. Now for instance, where the sugarcane was planted, we are not able to tell you how much was spent on seed, how much was spent on fertilizers, labor, etc. We need to sit down and do a breakdown of all the expenses incurred so that if we [receive] a loan we are all clear what it served to pay [for]. – GD respondent, August 22, 2018, Central Zone

It is also noted that interest in sugarcane outgrowing and land-based investment was not a pre-condition for Pilot participation and, as noted above, not all farmers or farmer associations in the floodplain blocks felt they needed to or wanted to engage in this activity even if presented with the opportunity.

What are the lessons learned from the AF-guided activities under the Pilot that can inform future application and dissemination of the AF to better achieve intended community-level objectives?

Overall, GD respondents were happy with the AF-guided activities and community objectives under the Pilot. Lessons learned through this evaluation focus on three main issues:

- 1. Timeline:** The implementation period for the Pilot was limited with respect to ability to fully address intervention challenges and the theory change within the Pilot lifetime.
- 2. Communication:** Implementing staff held several meetings with community members, association leaders, and key farmer stakeholders to explain and communicate the Pilot and mapping and certification activities. Despite these efforts, GDs indicate some misunderstandings about the certification process and Pilot itself. In decentralized contexts such as the floodplain Pilot zones, activities may need to take additional steps to ensure strong upward and downward chains of communication and ensure that participants receive full information on activity details and benefits.
- 3. Data management:** The Pilot collected substantial data on participants' parcels and key demographics, but the use and maintenance of this database faced several challenges. To help ensure future sustainability and achievement of broader activity objectives, systems for the analysis, storage, and transfer of land rights data should be designed to take into account local capacity and requirements for data integration within existing local or government systems.



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IV. Conclusions and Implications for Future Programming

This paper outlines the findings and conclusions from of an innovative USAID-funded private-sector partnership to strengthen land tenure security and minimize tenure, supply chain, and reputational risks associated with large-scale agricultural investments in Mozambique. In this study, engagement with outgrowing appears to have increased since baseline, although the use of Pilot-facilitated documentation of land rights to access outgrowing schemes was limited at endline. The cooperative-issued certificates were perceived by beneficiaries as a legitimate and helpful means of obtaining future outgrowing benefits. However, many beneficiaries continued to express uncertainty about engagement with outgrowing schemes, and broader livelihoods improvements were not apparent by evaluation endline. The evaluation team concluded that it was too soon to fully assess or achieve longer term livelihood objectives expressed in the Pilot's theory of change, as the relationship between land rights documentation, tenure security and farmer decision-making related to outgrowing opportunities is still in flux at this early stage. Further inquiry could assess tenure security and outgrowing uptake further out from certificate receipt, together with longer-term livelihood effects, or map and assess company due diligence practices in additional detail.

Despite these limitations on longer term outcomes, several of the current evaluation's findings are in line with existing evidence on land rights and private sector engagement. That literature highlights several of the Pilot's activities as important for achieving positive community impacts from land-based investment schemes and community-investor relations. These include: land rights clarification, informed consent, transparent negotiations, substantive involvement of a wide range of community members rather than a focus only on community leaders, and (where applicable) fair compensation for land loss or displacement as a result of land-based investment (Aha and Ayitey, 2017; German, Schoneveld, and Mwangi, 2013; Schoneveld, German, and Nutako, 2011). Stronger land rights and tenure security is also long hypothesized to strengthen farmer incentives to make longer-term land investments, including those that require larger up-front investments with delayed economic returns (Besley 1995, Place and Otsuka 2002, Deininger and Jin 2006, Goldstein and Udry 2008, Fenske 2011), as is the case for sugarcane outgrowing and a typical characteristic of many land-based investor schemes.

Existing research and the evaluation findings also provide some guidance for informing future programming. This evaluation's qualitative sampling captured perspectives among farmers and farmer association leaders. Additional research and future programming focused on intra-community power relations may be warranted, as prior evidence suggests this can strongly affect whether best-practice



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activities promoted by the AF achieve their intended effects (Aha and Ayitey, 2017). Household characteristics such as wealth status, farming skills, and current access to farmland may also shape household perceptions of the investor and firm opportunities, and interest in participation (Herrmann and Grote, 2015). Studies have also found that prior community experiences with land acquisition processes, grower schemes, or employment by the company can continue to strongly shape household perceptions of firms irrespective of current activities (Herrmann and Grote, 2015). In cases such as the Pilot, where farmer associations or producer co-operatives serve as a contracting intermediary and general interface with companies, individual farmer experiences may also be shaped more by the capacity and interactions within the co-operative than by company actions (Otsuka, Nakano, and Takahashi, 2016).

Still, it is clear that the Pilot successfully strengthened perceptions of tenure security among Pilot participants for the land they farm in the Pilot zone (noting that endline data suggests that Pilot beneficiaries still experience tenure insecurity outside of the Pilot zone). The Pilot experienced some challenges with provisioning of the cooperative-issued certificates, but ultimately the certificates also contributed to improved perceptions of economic opportunity, gender equity, and dispute mitigation. There is confusion among beneficiaries around the difference between DUATs and cooperative-issued certificates, and evaluation findings raise some concerns on the longer-term outlook for beneficiaries' sustained tenure security gains if the legally untested cooperative-issued certificates cannot hold up against competing land claims. Given the timing of endline data collection shortly after the certificates were distributed, the current evaluation was not able to speak to this. With respect to Pilot activity's ability to ease outgrowing barriers more broadly, many respondents reported ongoing underlying technical and financial barriers to engaging in outgrowing, which appear likely to continue to inhibit engagement with private sector investment schemes.

The growing literature on responsible land-based investment suggests that the use of voluntary guidelines in general, and the implementation of several of the activities undertaken by the Pilot can help to mitigate important challenges faced by communities around land governance, investment, and loss (German et al., 2013; Nolte & Voget-Kleschin, 2014). However, as our evaluation results highlight, such frameworks alone may not be oriented to address all of the most pressing issues that communities face, and may benefit from additional design guidance or complementary implementation activities to strengthen their ability to do so.



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