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Sida Decentralised Evaluation

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Midterm Review of GESTERRA Capacity Building Programme on Land Management and Administration within DINAT

Final Report

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The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of the Swedish International Development Cooperation Agency, Sida.

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Abbreviations and acronyms

AGIR	Action for Inclusive and Responsible Governance
AQUA	Agency for Environmental Quality
CSO	Civil society organisation
DFID	UK Department for International Development
DINAT	National Land Directorate of Mozambique
DINOTER	National Directorate for Spatial Planning and Resettlement
DUAT	Land title
GESTERRA	Capacity Building Programme on Land Management and Administration
LCF	Land Consultative Forum
MCC	Millennium Challenge Corporation
MITADER	Ministry of Land, Environment and Rural Development
MOLA	Mozambique Land Action
MTR	Mid-term review
PASP	Productive Social Action Plan
SIGIT	Land Information Management System
SPGC	Provincial Geographic and Cadastral Service
TA	Technical Assistance
ToRs	Terms of reference

Preface

This mid-term review of the GESTERRA Capacity Building Programme on Land Management and Administration within DINAT was commissioned by the Swedish Embassy in Mozambique in collaboration with the Embassy of the Netherlands. The review was conducted by a team from NIRAS Indevelop consisting of Ian Christoplos, André Calengo, Dale Doré and Svend Erik Sørensen. Kristoffer Engstrand managed the review process. The review was undertaken in September and October 2016.

The review team wishes to thank the stakeholders interviewed for their exceptionally open and constructive input which allowed the team to bring together a broad variety of perspectives in a brief time in Mozambique. We trust that this report will provide useful guidance for the work ahead in completing the current phase of GESTERRA's work and in considering if and how an eventual second phase should be initiated.

Executive summary

The purpose of this mid-term review (MTR) is to provide the donors and the National Land Directorate of Mozambique (DINAT) with recommendations on how to improve the functioning of the Capacity Building Programme on Land Management and Administration (GESTERRA) to ensure a relevant and more effective and efficient implementation to reach the desired outputs and outcomes. Findings are based on a combination of document review and interviews primarily conducted during a mission to Mozambique during the period September 26-30.

Given the early stage in programme implementation, methods for this MTR have focused on assessing potential contributions of the programme to intended goals and the capacity that has been developed to adapt the programme to changing conditions. Analyses of the latter have emphasised implications for future sustainability. The overall approach has thus involved revisiting the programme theory of change and engaging stakeholders and informed observers in reflecting on emergent capacities.

Relevance: The MTR judges that the overall theory of change of GESTERRA is largely consistent with Mozambican, Dutch and Swedish policy goals. However, the future achievement of these goals will rely on land administration being linked more closely to land management. More efficient land administration is not an end in itself, and the actual impacts on poverty alleviation, economic growth, job creation, women's empowerment, conflict mitigation and sustainable environmental governance will rely on land administration contributing to positive changes in the ways that land use is planned and managed.

A central component of GESTERRA in ensuring broad policy relevance is the support provided to the Land Consultative Forum (LCF). There are positive signs that the LCF is growing into providing a major role in ensuring relevance by contributing ideas and providing a forum where a range of stakeholders can participate in a national dialogue. The LCF is currently in a process of becoming a more forceful mechanism, but some interviewees remain sceptical about these trends due to past failures of the LCF to move beyond being a "talking shop". These concerns are partly based on perceptions that the LCF is "owned by DINAT" and therefore has yet to become a sufficiently autonomous mechanism for ensuring transparency, follow-up and driving the political process.

Effectiveness: GESTERRA has had a difficult start and it would be inappropriate to measure effectiveness today against the original objectives as the structures and government policies and priorities have shifted. Particularly due to the overambitious targets of the new Terra Segura policies, DINAT has had to expand its land registration activities before it could consolidate its capacity development efforts. Nonetheless, the strong commitments to land administration embodied in the Terra Segura

targets have mobilised institutional actors at national, provincial and district levels, as well as international support, to undertake and modernise the land administration processes. Links between DINAT Maputo and the provinces are being strengthened, as are provincial capacities. Basic provincial structures for a more proactive land administration process are now largely in place and appear to show promise for future development. Relationships have been established between DINAT and other stakeholders in the land administration process, but the roles of the different actors in these relationships remain, in the view of the MTR, insufficiently defined and managed.

Gender equality: It appears that there is genuine commitment to gender equality within DINAT and in training provided. There has been a strong emphasis on awareness-raising and co-titling as the major entry points for addressing community level gender equality. These areas may be relevant but are not sufficiently tailored to existing needs and challenges due to factors of cultural diversity. Overall the MTR judges that there does not appear to be a clear strategy or approach regarding gender issues, just a general desire to promote women's interests.

Roles and responsibilities: Within GESTERRA there is a recognition that the role of public institutions needs to be limited and realistic. Different stakeholders have different views regarding what the 'core functions' of the government are in land administration and what should be outsourced to service providers. It is beyond the scope of the MTR to propose the 'right answer' to this inevitably contested and ideological issue, but it has been observed that some of the hopes of the public sector staff at central and provincial levels in terms of retaining functions within the government appear to be overambitious in relation to available human resources and likely financial flows. These challenges may become even more acute in the future as links to the districts come more into focus when land administration becomes better integrated with land management.

SIGIT: One of GESTERRA's most important results has been the operationalisation of the Land Information Management System (SIGIT), including the establishment of basic human resource development capacities at DINAT in Maputo and at provincial level. The shift from paper to digital systems and the harmonisation of a variety of provincial procedures and interpretations of rules were major challenges that have now been largely overcome. Some significant gaps remain as the software has not been fully developed and some important hardware is not yet in place.

Remaining challenges: The MTR finds that the prospects for achieving intended outcomes are dependent on addressing the three unresolved issues:

- Land administration has not yet been integrated (to a sufficient extent) with land management –and it is in the latter where outcomes will be achieved.
- GESTERRA has not yet developed a strong enough focus on inclusivity.
- Principles of results-based management and reporting are weak within GESTERRA.

Technical assistance and management: The MTR judges that the current structures for technical assistance (TA) and overall management of GESTERRA are neither appropriate nor efficient. Interviews indicate a significant degree of ad hoc decisions regarding TA roles that depart from the consultants' original responsibilities and also fail to reflect a clear division between advisory and operational roles. Greater continuity, better coordination among TA and stronger management arrangements would be needed to increase the benefits from the TA provided.

Linking human resource investments to organisational development: There has been a very high level of turnover of trained staff within DINAT (and even among the TA service providers). Furthermore, interviewees also express concerns about discontinuities in programme implementation due to uncertain planning, erratic shifts of priorities, gaps in TA contracts and unclear TA roles. There are presumably many factors behind these problems, but the MTR judges that, in an overall perspective, this is probably due to an emphasis on human resource investments (training), rather than organisational development to ensure that roles of all stakeholders are clear and that staff are motivated and able to do their work effectively over time.

DINAT recognises that its core responsibilities relate to quality control and guidance vis-à-vis service providers and district government. This is an important point of departure for deciding *who should develop which capacities*, but the 'devil is in the details', most notably regarding what 'quality control' entails. A major role for GESTERRA is to leverage the capabilities of staff to engage more effectively in their leadership within the land sector. In order to do so there is a need to shift a considerable degree of the focus of GESTERRA from a narrow focus on human resources to broader support to organisational development.

Sustainability: There are plausible assumptions about paths to sustainability for GESTERRA's outcomes in the long-term, but these assumptions are dependent on mid-term actions to define clearer roles and more realistic judgements regarding the roles that can be managed within public institutions. Sustainability will ultimately rely on increased and more stable financial flows to cover the costs of service provision.

Linking land administration to land use planning and management: The MTR concludes that GESTERRA has ramped up the scale of public sector capacities to undertake land administration responsibilities, strongly spurred by political commitments. Significant progress has been made towards achieving its goals related to land administration, but *the challenges of linking this to enhanced livelihoods and respect for the rights of the rural population in general and marginalised groups in particular will lie in outcomes regarding how land is used and managed.*

This furthermore suggests that GESTERRA's outcomes will ultimately be determined by its capacities to operate at provincial, district and community level. At this point the focus is shifting to provincial capacities, and there are already significant results. However, the level of commitment to genuine subsidiarity is still not clear, as illus-

trated by apparent ambiguity regarding formal mutual accountabilities between DINAT Maputo and provincial government.

Human rights and resettlement processes: The most acute risks of failure to respect human rights and also the greatest opportunities to contribute to goals of inclusive and environmentally sustainable economic development and job creation lie with engagements related to resettlement. This concerns both resettlement due to economic activities and natural hazards. It seems appropriate to build on the experience of GESTERRA thus far to take a more proactive approach in the future. This would also result in GESTERRA initiatives being more explicitly anchored in Swedish and Dutch policy priorities.

Recommendations (current phase): Regarding the remainder of the current phase of GESTERRA (ending in December 2017) the MTR recommends that DINAT should take steps to establish a ‘business model’ and a ‘business plan’ to transparently clarify its intended roles and financial flows in a credible manner. The emphasis of this model and plan should be on both public and private sector roles and application of subsidiarity. The business model and business plan need to be developed by the Ministry of Land, Environment and Rural Development (MITADER) and DINAT. Technical support may be required, but the final product must be ‘owned’ by the ministry.

Furthermore, DINAT should begin piloting and exploring cooperation with institutions responsible for land management. This may be combined with efforts to map potential links with other institutions that may provide paths to a more concerted focus on policy objectives. DINAT should also reinforce and expand the reforms to the LCF process by restructuring the secretariat and governance to provide greater autonomy. This may include creating a steering committee or board to oversee and guide the work of the secretariat and to monitor and make transparent the processes through which LCF decisions are brought to bear on public policy.

Recommendations (eventual second phase): Regarding an eventual second phase for GESTERRA, the MTR recommends that the approach should be based on a more even balance between land administration and land management. Special attention should be given to resettlement planning aspects (especially when related to major economic development projects) to mitigate risks and optimise benefits related to job creation, women’s empowerment, conflict reduction and disaster risk reduction. Here again, it is essential that plans for an eventual second phase be ‘owned’ by MITADER, and also ensure ownership by other partners that are involved in the second phase planning.

1 Introduction

1.1 BACKGROUND

Purpose and scope

According to the terms of reference (ToRs) this mid-term review (MTR), commissioned by the Swedish Embassy in Mozambique, is to provide the donors and the National Land Directorate of Mozambique (DINAT) with recommendations on how to improve the functioning of the Capacity Building Programme on Land Management and Administration (GESTERRA) to ensure a more effective and efficient implementation to reach the desired outputs and outcomes.

The objectives of the MTR are:

- i) Assess progress achieved since the inception (01/11/2013 – 31/12/2015) and six months of the first year of implementation, including an assessment of the quality of progress.
- ii) Make recommendations and identify action points regarding any major issues and problems affecting progress.
- iii) Assess and score the project's progress during the last year against the outputs in the logframe, including a consideration of Assumptions and Risks, and determine whether and what changes are required.
- iv) Assess progress towards achieving the logframe outputs and outcomes by the end of the project.
- v) Review the performance of project partners, suppliers or consultants, and of Embassies of Sweden and Netherlands, DINAT and external processes (such as procurement, tranche payments, payroll and asset management).
- vi) Identifying priorities and suggest recommendations for DINAT and co-funding donors for the coming period.

In initial discussions as part of the inception phase of the MTR it was agreed that less attention would be given to assessment against the original results framework due to the considerable changes that have occurred since the start of the programme. Instead, a more formative learning focus was chosen. The scope of the MTR has included all the OECD/DAC criteria, but with a significant focus on the relevance of the approach and the effectiveness of GESTERRA's efforts in enhancing organisational and human resource capacities, and influencing the institutional environment associated with land-related policy formation. Relevance has also been judged in relation to the dynamic and rapidly changing context in Mozambique. This includes the creation of new institutional structures and policy frameworks. Effectiveness has been analysed extensively in relation to what is relevant for GESTERRA in this changing context.

This report begins with a presentation of the background to GESTERRA and the overall context of land administration and land management policies in Mozambique.

Methods and limitations are then described. This is followed by a chapter on findings as categorised according to the OECD/DAC evaluation criteria. The evaluation questions agreed in the inception phase are presented at the start of each sub-section. The chapter on conclusions and lessons learnt focuses on the formative issues arising in the MTR. Recommendations are divided between suggestions for the remainder of the current phase and those pertaining to an eventual future phase.

Background to GESTERRA and Terra Segura

GESTERRA grew out of the Land Tenure Services Project, which received USD 61 million in support from the Millennium Challenge Corporation (MCC), initiated in 2007 and terminated in 2012. Its main purpose was to establish more efficient and secure access to land, especially regarding the transfer of land. The MCC Compact document¹ signed in 2007 between the United States and Mozambique stated that the Government would revise legislation and adopt administrative procedures that would allow land rights to be transferred more easily and quickly, and with minimal risk. The project also enhanced land administration capacity by developing a land information management system (which later came to be referred to as SIGIT) and strengthened four Provincial Geographic and Cadastral Services (SPGCs) and eight municipalities with training and equipment. By the end of the project, 114,000 titles on municipal land, plus over 10,000 in the rural areas, had been issued; 20 land use maps in the municipalities and 12 districts had been produced in printed and digital formats; and SIGIT was up and running. Yet these successes were not matched by MCC expectations on land transferability and accountability. Recommendations of revisions to the transferability regulations were developed by the Land Consultative Forum and sent to the then Ministry of Agriculture for its subsequent submission to the Council of Ministers for approval, but this process was discontinued under the leadership of the new Minister of Land, Environment and Rural Development who took office early 2015.

The MCC support was focused heavily on achieving targets for results, and far less on sustainable capacities within Mozambican public institutions to undertake land administration efforts in the long-term. Due partly to the lack of attention to capacity development, all interviewees described how the institutions that were developed through MCC collapsed when the programme was discontinued. This was partly due to the two-year (2013-14) gap in support to the land sector before GESTERRA could start when Sweden and the Netherlands stepped in and renewed support to Mozambique's land sector. Whereas MCC's more structured and co-ordinated approach relied on non-state technical contractors, working parallel to public institutions, to de-

¹ Millenium Challenge Compact between the United States of America acting through the Millenium Challenge Corporation and the Government of the Republic of Mozambique, 2007

liver outputs (albeit with some training of government staff), GESTERRA is designed to build the government's institutional capacity to ensure greater sustainability. The central focus on capacity development in GESTERRA is a reflection of the lessons learnt from the weak sustainability exhibited in the MCC experience. Thus, and as per the programme document,² GESTERRA intended to address the following:

- Weak capacities to implement legal decisions and provide services
- Insufficient service provision reach to smallholders and women
- Insufficient service provision to investors
- Weak links to local planning and investment processes

Furthermore, the programme document states that “responsible governance of land in Mozambique” is seen to have “two important facets: management and administration”. For GESTERRA, land management and administration implies a set of activities, including urban planning, land use planning and territorial planning; and, land titling and recording of land rights uses and maintenance of up-to-date databases on these.

Background to land administration and land management in Mozambique

One of the major achievements of the MCC support to land management and administration in Mozambique through the Ministry of Agriculture was the emergence of the Land Consultative Forum (LCF) as a space for policy and strategic dialogue. At the start of GESTERRA, the LCF had already managed to convene (during six consecutive annual meetings) different key actors from public, private and civil society sectors, including representatives from local communities.

The LCF had begun to reach important consensus on major land issues, both at policy and operational levels, for responsible governance of land in Mozambique. These included key issues that remain on the GESTERRA agenda:

- Respect by the State of community land rights; the legal nature of land titles (DUATs)
- The quality of community consultations as part of the process of new land rights concession by the State to investors
- Transferability of DUAT and other rights over land
- Community and private investors' partnerships in land and natural resource based economic initiatives
- Community delimitations (i.e., registration of customary land tenure) to local territorial planning and investment processes
- Gender equity in land administration

² Capacity Building for Land Management and Administration in Mozambique (GESTERRA), Ministério da Agricultura: Direcção Nacional de Terra e Florestas, 12 July 2013

- Links of land administration to district land use planning exercises

Documents were discussed and approved by the LCF, including a draft regulation on the process for the authorisation by Government authorities to land rights holders for the transfer of their land rights or other land-related rights (referred to as *cessão de exploração*).

In 2015 there was a major governmental reorganisation by the new leadership that shifted all responsibility for the land sector to the new Ministry of Land, Environment and Rural Development (MITADER). Somewhat in contrast to the consensus that was emerging in the LCF on a comprehensive agenda, the new leadership decided to focus primary attention on individual land parcelling and titling as the main element of land governance in Mozambique through a new programme labelled Terra Segura. Since then, the implementation of Terra Segura has overwhelmingly driven the GESTERRA agenda.

Terra Segura aims at providing and registering a total of 5 million individual DUAT titles to land right holders between 2015 and 2019. Individual land titling has been taken into consideration for many years as an important element for achieving the objective of sustainable use and management of land and natural resources by the main strategic and operational documents of the Mozambican Government.³ However, these policies have taken a more modest approach with regard to individual land titling targets. With Terra Segura, targets have been vastly increased and land titling has become a centrepiece of public policy.

GESTERRA, now under the umbrella of Terra Segura, also pledges to provide a total of 4,000 community land certificates, which implies community land delimitation and registration. This aspect is aligned with ongoing civil society initiatives which have been carried out in the past 10 to 15 years by civil society organisations (CSOs). This is one of the main lessons that leading CSOs working on community land delimitation have learned from their field experiences. These organisations are now involved in linking community land delimitations to district land use planning and district economic planning processes as bridges to ongoing local investments and funding initiatives such as the District Development Fund, micro-finance groups and the national Productive Social Action Plan (PASP).

In global discussions on land tenure security for the poor in Africa and similar regional contexts, there has been a general consensus among scholars, human rights activists, policy and law makers and community leaders that the entry point is not necessarily the massive demarcation, titling and registration of land to individual fam-

³ Most notably the Poverty Reduction Action Plan 2011-2014, Programa Quinquenal do Governo 2015-19, National Agriculture Sector Investment Plan 2014-2018

ilies and community members. This not only due to the large costs in terms of money and time tie associated with such exercises. It is also due to specific social and cultural contexts of these countries, which have much to do with the kind of the relationship where, particularly in Africa, land is not just a property good, but also and mainly a common heritage of inestimable cultural and spiritual value.

In Mozambique individual land titling was in the past not seen as a priority in the context of land administration and management. On the contrary, both the 1995 Land National Policy and the subsequent 1997 Land Law gave priority to ensure land tenure security for the poor through specific strategies, including:

- the recognition of the role of the customary norms and practices in land administration and management, together with statutory norms, particularly with regard to access and use of land and land conflict resolution;
- the recognition of local communities as a legal subject with regard to land rights, implying that local community are also land title holders in addition to individual subjects or other institutional subjects (e.g., companies, CSOs, State organisations, etc.). This means that specific groups of local families may legally exercise their rights over agricultural lands, residential areas, livestock grazing areas, areas for natural resource use (water, firewood, hunting, etc.), areas of village expansion, areas for religious worship, etc.;
- the need of the community and its members to be heard by the State when allocating new land right to investors;
- the recognition by the law of land rights acquired by customary occupation or by 'good-faith' occupation;
- the need for government and public administration officers to respect the acquired land rights of local communities and its members.

Both the Land Law and its Regulations introduce specific legal mechanisms in the context of the land administration. These include:

- community land delimitation;
- community consultation;
- simplified procedures for the recognition and formalisation of 'good faith' land occupations;
- the obligation vested in the District Administrator to promote economic partnerships in the use and exploitation of land between local communities and private investors.

Nearly 20 years of implementation of this legal and policy framework has shown that the demarcation and individual land titling is a necessary mechanism to secure land rights of effected communities and community members in regions where there is potential for land conflicts or where land conflicts between local communities and investors have actually been reported. These conflicts arise mainly due to several factors, including problems with the interpretation by government officials of existing legal frameworks governing the access and use of land by local communities and its members; corruption; the global rush for land by multinational companies; large land acquisitions by national elites; etc.

In this context, key actors from civil society have advocated for individual land titling as a measure to protect the rights of the community over their lands and their access to local natural resources. This understanding also applies to community land delimitation exercises. These organisations promote community land delimitations or individual land titling with public or donor funds linked to an economic purpose (promotion of investment on the land); a social purpose (land conflict management); ecological concerns (to prevent the encroachment on land located in areas prone to natural hazards); or territorial planning purposes (to enable the implementation of land use plans).

Finally and with a view to assessing GESTERRA effectiveness, it is important to note that individual land titling is a very complex technical exercise which is operationalised within the Land Law Regulations. Given the fact that a massive land titling exercise is new to both the land administration and to the majority of land users in Mozambique, the process implies the need for a specific methodology that is flexible and adaptive to Mozambique's diverse social and cultural context and, at the same time, that is aligned with the existing legal requirements as set in the Land Law Regulations and its Technical Annex. It also requires the design and implementation of a comprehensive communication strategy that can reach not only the community members but also the other land actors, especially civil society organisations and investors.

Comparing MCC and the subsequent experience of GESTERRA in retrospect, both approaches have their strengths and weaknesses. Whereas the MCC's hands-on approach achieved higher outputs, it had a tendency to by-pass state institutions to meet targets. GESTERRA's approach, on the other hand, tends to achieve less in the way of outputs, but is expected to strengthen the government's capacity in land administration and management. The conundrum for both government and donors is the expectation of high outputs, as envisaged by Terra Segura, while capacity – especially at district level – remains weak. This difficulty is exacerbated by a current freeze on government recruitment in the face of fiscal constraints.

1.2 METHODS

Given the early stage in programme implementation, and the emphasis thus far on specific activities, the focus of the overall approach was on assessing *actual and potential contributions* of the programme to intended goals and the *capacity* that has been shown to *adapt* the programme to changing conditions and move towards sustainability. This was done by first revisiting the overall theory of change of the programme and then engaging stakeholders and informed observers in reflecting on these actual and potential contributions and emergent capacities.

The steps in this process were as follows:

1. *Construction and reflection on a theory of change*: The evaluation team used available documentation to assemble an understanding of the current overall theory of change of the programme. Due to the activity focus of the programme

reporting, this theory of change was rudimentary and used to stimulate DINAT and others to reflect on and clarify (a) the assumptions regarding how capacities will be developed while simultaneously implementing Terra Segura, (b) intentions regarding how to achieve sustainability, and (c) how the improvements in land management/administration will protect the rights of men, women and youth, enhance environmental management, and reduce conflict and food security risks.

2. *Extracting individual contribution stories and alternative explanations for contribution:* A range of individual and group interviews were undertaken with DINAT staff, technical assistance (TA) staff and with other key stakeholders to obtain different perspectives on the results of the programme and views regarding contributions and external factors impinging on changes in land administration and management practice.
3. *Obtaining outside perspectives on the changes underway and the relevance of GESTERRA:* The team interviewed a selected group of informed observers to obtain alternative perspectives on changes underway in land management/administration.
4. *'Reality check' at provincial level:* The team made a one day visit to Gaza province and Chibuto district to obtain a better understanding of the contributions of GESTERRA to the work of the SPGCs, including the challenges that exist in rolling out new systems at sub-national level, most notably the Land Information and Management System (SIGIT).
5. *Revisiting the theory of change:* Analysis of the findings has involved revisiting the theory of change of the programme, including discussions with DINAT staff and donor representatives.

The brief inception phase of the evaluation involved agreeing upon modest revisions to the evaluation questions proposed in the ToRs, which were included in an Inception Note (see Annex Two). The revised evaluation questions are presented under each of the OECD/DAC criteria in the findings section, as well as at the start of the sections on conclusions and recommendations.

The MTR began on September 19th with a teleconference with the DINAT director and representatives of the Swedish and Dutch embassies, after which a brief inception note was prepared. Three members of the team conducted interviews in Maputo and Gaza province during the period of September 26th to 30th with some additional interviews conducted during the following week. A draft report was submitted on October 10th, and after receiving feedback from various stakeholders the report was revised and the final draft submitted on October 18.

The MTR review team consisted of Svend Erik Sørensen, team leader responsible for quality assurance, Ian Christoplos, rural governance specialist and leader of the field

work and reporting, André Calengo, Mozambican land sector expert, and Dale Doré, international land administration and management expert.

1.3 LIMITATIONS

GESTERRA includes a large range of activities and intended outputs. During the very brief period of fieldwork and very compressed periods for preparation and reporting the team was not able to trace all planned outputs. Furthermore, the detailed activity and output reporting undertaken by DINAT and the technical assistance is judged by the team to provide considerable monitoring data, but was not in a form that provided a basis for structured analyses of either outputs over the full period of the programme, or outcomes. The MTR therefore focused on synthesising the overall relevance and effectiveness of the programme and has striven to highlight key results that can best provide a basis for informing DINAT, the embassies of Sweden and the Netherlands and other relevant stakeholders regarding future directions. The MTR was intended as a formative exercise, and has been primarily undertaken in a manner intended to provide lessons and recommendations for adapting programme design, modalities and foci to address strategic needs.

2 Findings

2.1 RELEVANCE

Evaluation questions:
<i>Are activities and outputs within GESTERRA consistent with the current overall goals of the programme and the attainment of both programme and Mozambican/Netherlands/Swedish strategic objectives?</i>
<i>Are the activities and outputs of GESTERRA consistent with the intended impacts and effects in policy dialogue (preparation, implementation and monitoring of development policies and plans)?</i>

The MTR judges that the overall theory of change of GESTERRA is largely consistent with Mozambican, Dutch and Swedish policy goals. However, the future achievement of these goals will rely on land administration being linked more closely to land management. More efficient land administration is not an end in itself, and the actual impacts on poverty alleviation, economic growth, job creation, women's empowerment, conflict mitigation and sustainable environmental governance will rely on land administration contributing to positive changes in the ways that land use is planned and managed. This should lead to more accountable governance and greater influence on land use decisions by rights holders, as well as overcoming risks of marginalisation of the poor, women and particularly vulnerable groups in society as investments increase in Mozambique. This linkage between land administration and land management was foreseen in the original GESTERRA plans, but land management has been overshadowed by the drive to scale-up land administration efforts.

Relevance to Mozambican policy objectives

The main policy and strategic objectives relevant to GESTERRA can be found in two main governance instruments of the Mozambican Government that emphasise the *links between planning, transparency, land registration and equity*.

<i>Five Year Government Plan 2015-19 (PQG-2015-2017)</i>
• Strategic objective V, under Priority II (Human and Social capital): to promote gender equally and equity in the various economic, Social, Political and cultural development spheres... • Strategic objective 1, under Priority V (Sustainable and transparent management of Natural Resources and the environment): to improve the territorial planning and spatial planning and to strengthen the monitoring, supervision and accountability capacities in the context of the preparation and implementation of spatial plans.
<i>Annual Economic and Social Plan 2016 (PES 2016)</i>
• Main objectives (33): to improve the management of the environment and the transparency in the use of natural resources as an important basis for national development;

- Main indicators (4.5) and paragraph 114: emissions of 100.000 DUATs.

Relevance to Swedish policy objectives

In relation to the Swedish Strategy for Development Cooperation in Mozambique 2015-2020, GESTERRA has potentially very strong relevance for several objectives *if the work of the programme leads to more appropriate land use practices and more effective and transparent public administration*; in particular regarding the following goals:

A better environment, limited climate impact and greater resilience to environmental impacts, climate change and natural disasters

- Transparent and sustainable management and use of Mozambique's natural resources
- Enhanced capacity of national and local authorities to contribute to a better environment, and greater resilience to environmental impacts, climate change and natural disasters
- Sustainable food security with particular focus on resilient agriculture

Strengthened democracy and gender equality, and greater respect for human rights

- Stronger democratic institutions and increased capacity in public administration
- Mozambique's revenues to be mobilised, used and accounted for in a more transparent, sustainable and effective way that benefits the entire population
- Increased transparency, with a particular focus on citizens' access to information on political and public decisions
- Strengthened capacity in civil society to work for transparency, accountability and greater respect for human rights

Better opportunities and tools to enable poor people to improve their living conditions

- Greater opportunities, particularly for women and young people, for decent work and productive employment and entrepreneurship

Relevance to Dutch policy objectives

In relation to Dutch policies for inclusive development,⁴ GESTERRA is potentially highly relevant in relation to goals of inclusivity, employment creation and women's economic empowerment, but *this will depend on a very strong focus on who benefits from improved land administration and actually achieving the intentions in the theory of change for how this will lead to inclusive economic growth*. Policy objectives in the "20-point plan of action for inclusive development and growth", for which GESTERRA is of particular relevance, include:

⁴ Letter of 28 September 2015 from the Minister for Foreign Trade and Development Cooperation to the House of Representatives on inclusive development in Dutch Foreign trade and development cooperation programmes

Work for women and young people

- Fundamental causes of migration – entrepreneurship for young people in Africa
- More jobs for young people
- Young farmers
- Economic participation by women
- Opportunities for vulnerable groups
- More exports from Least Developed Countries

Dialogue for change

- Dialogue with partner countries
- Advocacy by and for marginal groups
- Monitoring of Leave No One Behind in the Sustainable Development Goals

Relevance in a human rights-based perspective

The MTR judges that there are great opportunities to contribute to policy goals, but also great risks if land administration is rapidly expanded without due attention to the rights of women, widows, youth, the elderly, those living in areas threatened by climate related hazards and other marginalised groups. Thus far, GESTERRA has taken some steps to manage these risks (e.g., by not undertaking land registration in areas where there are major climate risks), but a more proactive approach to helping rights-holders and communities to demand accountable land governance may be needed in the future if the programme is to retain its relevance.

Due to the volatile start of GESTERRA and rapid scale-up of Terra Segura (as described in section 1.1 above), other contributions to policy dialogue may have been overshadowed as *doing* land administration has tended to overshadow reflection over the ultimate contribution to the well-being of the population. For example, though some very high quality policy and strategic studies have been undertaken under the auspices of GESTERRA, which could guide efforts towards managing for outcome and impact level results, they have received little attention in the actual work of DINAT, with some key staff not even aware of their existence. The MTR judges that this can at least be partially attributed to the pressures to rapidly expand land registrations, together with heavy staff turn-over.

A major intention of GESTERRA's land administration outputs is to increase the *transparency* of the Mozambican land sector, which is also central to both Dutch and Swedish development policies. This is thus of major importance for attaining policy relevance. However, the MTR was informed that the details of the cadastre have thus far not been made public and that this has been a major point of contention between the Mozambican government and donors in the past. As such, even though the development of land administration carries with it great potential for increased transparency, this central aspect of a human rights-based approach remains unresolved.

The Land Consultative Forum, a key function for ensuring relevance

A central component of GESTERRA in ensuring broad policy relevance is the support provided to the LCF. The LCF was created in 2010 as an “organ of consultation

of the government in the process of consolidating policies and regulatory frameworks for access and use of land”.⁵ Within GESTERRA the LCF is conceptualised as the main forum for ensuring policy alignment and policy development in a manner that includes and engages a broader range of stakeholders than the original “organ of consultation of the government” would seem to suggest. There are positive signs that the LCF is growing into providing a major role in ensuring relevance by contributing ideas and providing a forum where a range of stakeholders can participate in a national dialogue. The LCF is currently in a process of becoming a more forceful mechanism, but some interviewees remain sceptical about these trends due to past failures of the LCF to move beyond being a “talking shop”. Findings of an earlier review of the work of the LCF documented these issues.⁶ These concerns are partly based on perceptions that the LCF is “owned by DINAT” and therefore has yet to become a sufficiently autonomous mechanism for ensuring transparency, follow-up and driving the political process.⁷ The responsibility for following up on decisions made at the forum is left with DINAT and an internal government process, and some stakeholders judge this to be inappropriate.

The MTR notes conflicting views about the relationship between the LCF and the main policy initiative - Terra Segura. Observers from civil society and independent observers see Terra Segura as exemplifying the lack of influence of the LCF, as the programme was decided entirely by the government without broader consultation through the LCF. DINAT has acknowledged the fact that Terra Segura did not come about as a result of LCF recommendations, but rather as a political decision from the highest level of the Government. DINAT is making great efforts to align Terra Segura praxis with LCF’s overall objectives for good land governance in Mozambique. The major obstacle to this is the broad recognition that the targets of Terra Segura are highly unrealistic, which muddles efforts to address the concerns raised by the LCF. The Terra Segura emphasis of *quantities* of DUATs effectively stands in the way of ensuring that the LCF concerns about the *quality* of land administration are addressed.

⁵ Decreto 42/2010 de 20 de Outubro, Artigo 1(1)

⁶ Forum de Consulta sobre as Terras – Questões para discussão e revisão, Secretariado do FCT, Maputo, Janeiro de 2012

⁷ As part of the discussions around the creation of MINADER and DINAT there was consideration of alternative approach of creating a semi-autonomous land institute. This option is said to still be under consideration.

2.2 EFFECTIVENESS

Evaluation questions:
<i>What activities worked better (and special attention should be given to LCF in terms of functioning and relevance)?</i>
<i>How have capacity building relationships developed between government, private sector and civil society organisations?</i>
<i>To what extent are capacity building objectives likely to be achieved and demonstrated?</i>
<i>How have women been targeted in capacity development activities?</i>
<i>How has gender been reflected in the issues addressed in the programme?</i>
<i>Have civil society groups representing women had influence over the programme?</i>
<i>Have particular concerns (related to Mozambican/Netherlands/Swedish policy goals) regarding links between land management/administration, gender, conflict and environmental risk been considered in programme design and implementation?</i>
<i>What are the major factors influencing achievement or non-achievement of the objectives?</i>
<i>What are the results and lessons with GESTERRA support, as compared to the programme's objectives: How and to what extent have the programme contributed to development of systems for land e-Government e.g. SIGIT?</i>

Progress amid growing pains

GESTERRA has had a difficult start and it would be inappropriate to measure effectiveness today against the original objectives as the structures and government policies and priorities have shifted. Particularly due to the Terra Segura targets (which are widely seen as highly overambitious), DINAT has had to expand its land registration activities before it could consolidate its capacity development efforts. GESTERRA has contributed to mitigating the negative impacts of this institutional restructuring (e.g., through TA support). In particular, with GESTERRA support DINAT has made major efforts to maintain a focus on quality control of land administration processes (e.g., by developing and closely following registration through SIGIT), but interviewees consistently note that a tension clearly exists between the pressures to achieve targets and efforts to maintain the structured approach to capacity development that was foreseen in the original programme plans. Clarity is lacking regarding the scope of responsibilities that are implied by 'quality control'. Growing pains remain apparent, even though the institutional restructuring is largely in place.

Nonetheless, the strong commitments to land administration embodied in the Terra Segura targets have mobilised institutional actors at national, provincial and district levels, as well as international support, to undertake and modernise the land administration processes. GESTERRA has provided the physical infrastructure, information technology development (especially SIGIT) and training to channel these commitments toward the development of what the MTR judges to be largely appropriate institutional structures.

Of particular importance, the programme has shown that SIGIT can work and provide a new and more appropriate basis for land administration. However, organisational structures to ensure that the system can continue to develop and be maintained are not in place. The MTR received reports of significant risks to ongoing maintenance and the further development of SIGIT due to discontinuity in TA contracts, unclear decisions about what tasks should be outsourced, and a range of hardware and software issues.

Decentralisation to provincial level, but only limited outreach to districts

Links between DINAT Maputo and the provinces are being strengthened, as are provincial capacities. Basic SPGC structures for a more proactive land administration process are now largely in place and appear to show promise for future development. The MTR has only had limited contact with SPGC staff, but the evidence collected has shown strong ownership for the programme, despite significant concerns about how the Terra Segura targets would impact on their efforts to develop appropriate organisational structures and plans. Interviews highlighted that the SPGC structures can now operate far more proactively and quickly than they did before GESTERRA. In the past they waited in their offices for requests for land registration, whereas now they promote this process (together with a range of service providers) in the field.

Development of district links and capacities also shows promise, but these efforts are still at a pilot stage. The MTR cannot provide an overview of the achievements at this level, but note that it is particularly here that there is a need for a clear vision and organisational structure to link land administration and land management. The largely pilot efforts to work with district level institutional structures (i.e., not just sending service providers from Maputo to undertake land administration tasks) described to the MTR team appear to be relevant and innovative. However, it is unclear how they might be scaled up and linked with the work of land management institutions (particularly the National Directorate for Spatial Planning and Resettlement - DINOTER and possibly the new Agency for Environmental Quality - AQUA⁸ in the future), or the myriad of donor financed land administration and management initiatives that may bypass government structures. This is an area where the MTR judges that future goals for a coordinated and coherent national approach to land governance will depend on stronger internal coordination within MITADER as a whole, together with a realistic and well-structured approach to engaging at district level.

⁸ DINOTER has responsibility for land use planning and with that land management, whereas AQUA is a newly created institution that will monitor the quality of how land use planning is actually applied. At the time this report is being drafted the modes of cooperation and division of responsibilities between these two institutions is still being defined.

Need for clearly defined roles and relations among stakeholders in the land sector

The focus of capacity development has been on public institutions, primarily emphasising human resource development (training) and some aspects of organisational development as related to IT and other infrastructure. TA support appears to have been provided for management and planning, but the MTR has not observed significant results in that regard, apart from some apparently valuable coaching by advisors acting in a semi-operational role within DINAT.

Civil society acts as a service provider, undertaking studies and some training of public sector staff. The MTR judges that the tendency to conflate the concepts of ‘civil society’ and ‘service provider’ (which is regrettably common in Mozambique) may undermine civil society’s role as a defender of human rights, though it is beyond the scope of this review to draw definitive conclusions. Sweden, the Netherlands and Denmark have made major investments in the capacity of civil society in Mozambique to transcend a service provider role and better emphasise their support to rights-holders and actions to hold duty-bearers to account through the programme Action for Inclusive and Responsible Governance (AGIR), which has generated lessons that could inform the GESTERRA process regarding government and civil society relations.⁹ Some interviewees have informed the MTR that there have been issues when civil society land advocacy is interpreted as being “anti-investment”. This suggests the importance of GESTERRA providing an impartial platform for developing civil society capacities and a voice for critical yet constructive reform of the land sector.

The capacity development needs of civil society and the private sector are not being addressed by GESTERRA. The MTR team has particularly noted major concerns regarding the quality of services being provided at field level by private service providers. This could hypothetically be addressed in two ways; either through the provision of training or the creation of some form of accreditation and certification system to generate incentives for service providers to invest in their own capacity development. There has been some reflection on these options at this point, but decisions have not been made on how to proceed. The MTR judges this to be an important area for DINAT’s future quality control role in land administration.

This relates to a broader issue. Relationships have been established between DINAT and other stakeholders in the land administration process, but the roles of the different actors in these relationships remain, in the view of the MTR, insufficiently defined and managed. For example, contracts with service providers should ‘in principle’ be

⁹ Evaluation of Thematic Results Achieved and Demonstrated within AGIR, Sida Decentralised Evaluation 2014:37

with DINAT in Maputo (even if donor financed initiatives appear to sometimes bypass government structures), but some confusion exists regarding the actions that SPGCs can take when they uncover sub-standard performance by service providers who are overwhelmingly Maputo-based, and may not be present when the SPGC discovers poor quality data collection and registration. The MTR did not have an opportunity to gather more than anecdotal data on this, but nonetheless judges that clarity regarding roles and responsibilities in the triangular relationship between DINAT Maputo, SPGCs and service providers is leading to significant inefficiencies.

Weak results based management

GESTERRA has focused on reporting its activities rather than analysing its outcomes. The MTR has been informed that this is an endemic problem in the Mozambican public sector. The weak outcome reporting has meant that it is difficult to obtain clear data and other evidence on achievement of objectives. The MTR team has been informed that the new unit AQUA within MITADER, will assume responsibilities for monitoring outcomes in the future. As the tasks and modalities of that institution are not yet defined it is not possible for the MTR to comment on its role regarding future results-based management efforts. It should be stressed though that the achievement of outcomes that strengthen the participation of rights-holders and reinforce the accountability of duty-bearers will occur when land administration and land management are integrated at district, community and household level. AQUA's role in ensuring this accountability and meaningful participation will be important.

Gender, equity and non-discrimination

Available data is too fragmented to obtain an overview, but it appears that there is genuine commitment to gender equity within DINAT and in training provided. Some gains have been achieved (e.g., in DINAT headquarters staffing). However, the data available suggests that gender parity in human resource investments at sub-national level is still a distant objective, perhaps due to staffing patterns at provincial and district level that may be beyond the sphere of influence of the programme.

There has been a strong emphasis on awareness-raising and co-titling as the major entry points for addressing community level gender equality through GESTERRA. These areas may be highly relevant (depending on the local context) but are not sufficiently tailored to existing needs and challenges due to factors of cultural diversity, especially different perspectives between patrilineal and matrilineal societies in Mozambique and between the norms of rural and urban populations. Overall the MTR judges that there does not appear to be a clear strategy or approach regarding gender issues, just a general desire to promote women's interests. There is some recognition that efforts need to focus more on men than women, as it is often the attitudes of men that are reinforcing gender discrimination.

The MTR judges that the 'one-way' awareness-raising focus described by DINAT staff of GESTERRA's communications efforts (despite a communications strategy

that proposes a somewhat more consultative approach¹⁰) towards ‘vulnerable groups’ is not appropriate given the prevailing need for two-way dialogue with diverse communities. Despite some claims that DINAT is involved in “social preparation”, the MTR judges that a “supply-driven” approach to communications stands in the way of efforts to find a way to ensure the active participation of marginalised populations. Here again, greater attention to ‘two-way’ communication in relation to land management and accompanying community planning processes could inform the gender and overall equity and poverty alleviation approach of the programme. There are well tested methods being used in Mozambique already (e.g., by iTC) for community-led land delimitation and resettlement planning that could inform a reorientation from a narrow awareness-raising approach to encourage households to register their land, to instead become a more consultative approach linking land registration to land management in ways that contribute to equity and vulnerability reduction.

The MTR has found that studies, such as the communications strategy, the social and gender audit¹¹ and the baseline study¹², are of high quality and could provide a basis for a more nuanced and outcome-oriented approach to achieving equity goals, but have had little impact on the programme. The MTR has also found that similar studies were conducted under the MCC Land Tenure Project, but were never used or revisited before commissioning new studies. Staff are often not aware of their existence. This suggests that, to be more effective, future efforts to enhance the gender equity and vulnerability reduction would need to be addressed in a different manner than ‘commissioning a report’ if better ownership is to be fostered.

Major CSOs representing women on land and natural resource issues, such as CTV, WILSA, MUGEDE and Forum Mulher, have in the past advocated for land co-titling as a key strategy for gender equality and equity on the access to land by men and women. But after years of experience these organisations report having learned that the problem is not just ‘access’ to land and other natural resources. It is also and mainly about factors of power involving ‘participation’, ‘use’, and ‘control’ of resources by both men and women. Thus these organisations are now advocating and putting in place other initiatives that aim at increasing women’s capacity to fully participate and exercise control over resources at family and community level. These

¹⁰ Estratégia de Comunicação de Terras 2015-2020, GESTERRA, January 2015, see also Componente de Comunicação e Consciencialização Social: Relatório das actividades realizadas durante o período- 5 de Maio de 2014 a 30 de Novembro de 2015, GESTERRA, December 2015

¹¹ Auditoria Social e de Género no Contexto de Gestão e Administração de Terras, GESTERRA December 2014

¹² Elaboração do Estudo com Vista à Definição de Linha de Bases das Actividades a Serem Desenvolvidas no Âmbito do GESTERRA, Leadership Business Consulting 24 June, 2015

initiatives include information, training, establishment of quota systems, etc. The MTR has not found evidence that these learning processes are influencing GESTERRA.

In general, the MTR has found that current outputs and early outcomes indicate the existence of plausible paths towards addressing gender equity, stimulating employment creation, mitigating conflict, and contributing to more sustainable environmental management. However, these are largely dependent on links to land management, which remain weak. There are even some significant risks that strengthening administration without considering land use planning can have negative effects. DINAT is aware of these risks, and has described taking some steps to mitigate them (primarily related to selection of sites for land registration to avoid locations where registration may have negative effects, e.g., environmentally sensitive areas). Nonetheless, a comprehensive approach to ensuring that risks are managed as land administration efforts are rapidly scaled up to achieve the Terra Segura targets is difficult to discern.

Importance of continuity and a focus on core functions

Overall the MTR judges that deficiencies in programme implementation are partly due to the insufficient continuity of programming initiatives to obtain broad effectiveness. Some interviewees expressed concerns that Terra Segura may have contributed to fragmented and seemingly ad hoc management approaches. Furthermore, divergence in views regarding the roles of DINAT suggests that there has been insufficient focus on defining the core responsibilities of DINAT in relation to service providers, as well as relations between DINAT Maputo and SPGCs.

Comments to the MTR team indicate that different stakeholders have different views regarding what the ‘core functions’ of the government are in land administration and what should be outsourced to service providers. It is beyond the scope of the MTR to propose the ‘right answer’ to this inevitably contested and ideological issue, but it has been observed that some of the hopes of the public sector staff at central and provincial levels in terms of retaining functions within the government appear to be over-ambitious in relation to available human resources and likely financial flows. Putting aside the somewhat ideological debate on the role of the State, the MTR notes that consensus and realism regarding roles and relations are essential for enhancing effectiveness.

These challenges may become even more acute in the future as links to the districts come more into focus when/if land administration becomes better integrated with land management. Despite some promising reported results in pilot efforts, both conceptual and practical links from land administration to improvements in land management remain undeveloped, and the MTR does not discern that DINAT has defined a clear pathway to address this issue over time. Hopes have in some respects been placed with a planned British Department for International Development (DFID) financed intervention entitled Mozambique Land Action (MOLA). The future for that

programme is uncertain, partly due to the broader uncertainties regarding future British development cooperation priorities.

SIGIT, significant progress, but yet to be consolidated

One of GESTERRA's most important results has been the operationalisation of SIGIT, including the establishment of basic human resource development capacities at DINAT in Maputo and the SPGCs at provincial level. The shift from paper to digital systems and the harmonisation of a variety of provincial procedures and interpretations of rules were major challenges that have now been largely overcome. Some significant gaps remain as the software has not been fully developed and some important hardware is not yet in place. A backlog of 40,000 registrations from past years have yet to be entered into the system. Evidence of problems during contract gaps and the team's observations of similar IT initiatives internationally, suggest that these SIGIT results will need relatively long-term and highly skilled TA to be maintained. Some DINAT staff describe expectations of a rapid handover of IT tasks to quickly trained government staff. The MTR judges that these intentions are neither realistic nor appropriate, for example due to low governmental salary scales and demonstrated difficulties in staff retention. In other interviews concerns arose regarding the type and quality of new staff who had been recently trained in universities but lacked practical experience. These are structural issues that are not easily overcome within a programme such as GESTERRA.

Furthermore, SIGIT is intended to be a tool with significantly broader applications, including the important task of cadastre management. While recognising that this potential exists, information received suggests that this has not yet been operationalised. One of our interviewees pointed out that "DINAT cannot yet respond to demands for information on basic land administration related aspects... e.g., the number of DUATs issued by the State disaggregated by provinces, gender, rural versus urban; number of community delimitations conducted by State agencies and by civil society organisations disaggregated by province; total of households that have benefited from land delimitations so far, disaggregated by provinces, gender, and rural versus urban..".

2.3 IMPACT/OUTCOMES

Evaluation question
<i>To what policy change outcomes did the programme contribute, e.g. to the new programme (Terra Segura)?</i>

GESTERRA has both *reacted to* policy (including the turbulence created by institutional restructuring and the announcement of Terra Segura) and also *contributed to* policy change through the LCF. As noted above, in the past the LCF was seen as a useful forum for multi-stakeholder engagement, but was less effective in influencing actual policies. There are promising signs that the LCF is now feeding more directly

into the process of policy formation. However, it is too early for the MTR to draw conclusions about the outcomes of recent reforms.

There are discussions underway of ‘roadmaps’ that draw heavily on the decisions of the recent LCFs. This may come to represent a significant contribution to policy change outcomes. The MTR team has not seen these draft documents and it is in any case too early to judge the prospect of them contributing to policy outcomes.

As noted elsewhere in this report, the MTR finds that the prospects for achieving intended outcomes and the ability to ensure that these are achieved are dependent on addressing the three unresolved issues.

First, the land administration has not yet been integrated (to a sufficient extent) with land management – and it is in the latter where outcomes will be achieved. This has apparently been due largely to the Terra Segura pressures to rapidly expand land registration. It is beyond the scope of this MTR to judge specific potential measures to work with land management. The MTR interprets interview feedback at central and provincial levels to suggest that current land use planning efforts are limited in scale (i.e., there are few districts with land use plans of acceptable quality) and scope (tendencies to focus more on top-down ‘zoning’ rather than planning with communities). A broadening of the scope of GESTERRA would therefore be a major challenge, but one that deserves attention nonetheless.

Second, GESTERRA has not yet developed a strong focus on inclusivity, and therefore an agenda for taking forceful steps to achieve outcomes that reflect Mozambican, Swedish and Dutch policy objectives is not in place. There is a tendency to largely relegate these issues to awareness-raising efforts among women and disadvantaged groups. This does not comprehensively reflect the risks of land dispossession, climate maladaptation and other concerns facing vulnerable communities. DINAT has close links with other institutions that appear to have significant skills in how to support the capacities of rights-holders to express their concerns and negotiate over their futures (e.g., iTC, CTV, etc.) which could contribute to developing these areas further.

Third, principles of results-based management and reporting are weak within GESTERRA. The MTR mission found significant evidence of outcomes that were not clearly described in programme reports (that focus strongly on activities), and even more importantly, it is not clear to the team if/how ongoing analyses of results feeds into management processes.

2.4 EFFICIENCY

Evaluation questions:
<i>How appropriate are current management structures and technical assistance arrangements?</i>

Have the technical assistance arrangement and institutional change from MINAG to MITADER had positive or negative influence on the achieved results?

A more appropriate institutional framework through MITADER

The shift of DINAT (and with it the primary responsibility for GESTERRA) from MINAG to MITADER is widely perceived as being very positive for coordination of core functions of land administration and land management. Nonetheless, the full benefits of that institutional link have yet to be reaped as the balance of efforts has been overwhelmingly focused on land administration, rather than land management. Furthermore, even though the new structure is seen as enhancing the prospects for more coherent and transparent policy formation, several observers note that this has yet to emerge. The emphasis on Terra Segura as “a target” is seen by some as overshadowing the need for a strategic agenda for the land sector.

Inefficient use of technical assistance

The MTR judges that the current structures for TA and overall management of GESTERRA are neither appropriate nor efficient. Interviews indicate a significant degree of ad hoc decisions regarding TA roles that depart from the consultants’ original ToRs, and also fail to reflect a clear division between advisory and operational roles. It appears that arrangements for partners to make use of the input from technical advisors (most notably ‘counterparts’ to technical advisors) have often not been in place. The MTR recognises the need for a significant degree of flexibility in responding to the fluid situation that has existed, but still sees the need for consistency regarding roles and ensuring that TA is overwhelmingly focused on advisory functions and addressing very technical tasks (particularly IT related) that are beyond the capacity of DINAT. Furthermore, clear direction is an important element in maintaining motivation among the consultants, who report a considerable staff turn-over and a significant degree of demotivation, partly due to a lack of provisions for effectively managing their teams and inexplicable gaps in their contract periods. This has been aggravated by a failure to readjust contracts after large currency devaluations. GESTERRA may appear to have generated more ‘value for money’ in this way, but the motivations and operative capacities of these firms are also very important to ensure that they generate ‘value’. The demotivation related to this factor appears to be significant.

Furthermore, it has been difficult to discern a structured approach to achieving synergies in the support provided by the three primary TA service providers and also the consultants engaged to undertake smaller studies and inputs. This relates to the aforementioned concern that even though high quality studies have been commissioned, their application in DINAT practices is limited, as is awareness of their existence.

Greater continuity, better coordination among TA and stronger management arrangements would be needed to increase the benefits from the TA provided and en-

sure that objectives are achieved. As part of this, better definition of roles between DINAT and the TA (with a structured and realistic vision for handover) would be needed.

Need for more efficient management systems and greater subsidiarity

Several interviewees mentioned a very high level of turnover of trained staff (exact figures over time have not been possible to obtain). Furthermore, interviewees also expressed concerns about discontinuities in programme implementation due to uncertain planning, erratic shifts of priorities, gaps in TA contracts and unclear TA roles. There are presumably many factors behind this turnover and these discontinuities, but the MTR judges that, in an overall perspective, this is probably due to an emphasis on human resource investments (training) rather than organisational development to ensure that roles of all stakeholders are clear and that staff are motivated and able to do their work effectively over time.

MTR evidence is rather anecdotal regarding the roles and relations between DINAT Maputo and SPGCs, but some significant concerns have been expressed that decisions and quality control responsibilities are overly centralised. There are inevitably some tensions in this regard as SPGCs have accountabilities to both central and provincial government, and as contracting of service providers must largely be done at central level due to the lack of sufficiently experienced firms outside of Maputo. Nonetheless, in order to maintain motivation and encourage local-level accountability, the MTR judges that it is important that ways are found to promote an optimal level of subsidiarity, especially in managing quality control of service providers.

Finally, the MTR has observed that a number of donors are responding to Terra Segura by contracting their own service providers to scale up land registration, often more or less bypassing DINAT and the SPGCs. This is seen by the MTR to be highly inefficient, and suggests that a more efficiently managed GESTERRA process that also includes clear demonstration of integration of lessons from partners (such as iTC) would generate stronger credibility that could in turn encourage alignment from other donors and have significant additional benefits with regard to efficiency. If DINAT can demonstrate the capacities to ensure sound implementation and maintain clear and realistic division of roles and responsibilities, the synergies arising from integrating what are currently poorly harmonised and aligned donor initiatives could be significant.

2.5 SUSTAINABILITY

Evaluation questions:
<i>If positive results are identified as a result of GESTERRA, how likely are they to be sustainable?</i>
<i>What are the prevailing assumptions regarding programme sustainability and are they plausible?</i>

There are plausible assumptions about paths to sustainability for GESTERRA's outcomes in the long-term, but, as discussed above, these assumptions are dependent on mid-term actions to define clearer roles and more realistic judgements regarding the roles that can be managed within public institutions.

Sustainability will ultimately rely on increased and more stable financial flows into MITADER to cover the costs of service provision. The World Bank has taken the lead in initiating a constructive and apparently appropriate discussion of land taxation. This is an important element of what is inevitably a larger set of issues (all of which have significant political implications) that need to be addressed to move towards sustainability. It should be noted that the World Bank initiative on land taxation is not entirely new. These issues have been pursued since the beginning of the MCC Land Tenure Project, but with little results. The main problem has been a lack of consensus regarding potential solutions, as well as political will for change. It has not been a priority at the level of the LCF and it is not included in the PQG 2015-16 or in the PES 2016. It is important to note that a major reform of land taxation, at least at the level and scope suggested by the World Bank, would require changes in the land law, and possibly also in the Constitution. As such, even if agreement was achieved these changes would only be implemented in the long-term.

The MTR team received worrying information regarding continuity issues related to the capacities to continue to develop and maintain SIGIT. It is beyond the capacities of the MTR team to assess these highly technical issues, but given that so much of the progress of GESTERRA hinges upon the effective functioning of SIGIT, this may become a major immediate threat to the sustainability of GESTERRA as a whole.

Ultimately, sustainability will be reliant on continuing to develop the capacities and credibility of DINAT. Despite significant progress, a long-term approach and more strategic management will be required to ensure that DINAT is able to shoulder its responsibilities in the future. The Terra Segura targets are currently attracting significant donor support, but the MTR is concerned that some of these investments may bypass government structures and there is a risk that DINAT's leadership in the land sector could be undermined. It is therefore essential to continue capacity development efforts, linked to strong and credible management structures. If support was to be withdrawn at the end of the current GESTERRA programme period in December 2017 the MTR judges that the prospects for sustainable continuation of the current trajectories would be poor.

3 Conclusions and lessons learnt

Evaluation questions:
<i>What has happened as a result of GESTERRA support in relation to organisation and structure of the land sector? Given its present situation and challenges, what is the likelihood that GESTERRA will contribute to positive impacts?</i>
<i>What are the major strengths and weaknesses of the organisation and the reasons behind these?</i>
<i>Is the programme having the intended outcomes –and if not, why?</i>

Linking land use planning and administration: GESTERRA has ramped up the scale of public sector capacities to undertake land administration responsibilities, strongly spurred by political commitments. Significant progress has been made towards achieving its goals related to land administration, but *the challenges of linking this to enhanced livelihoods and respect for the rights of the rural population in general, and marginalised groups in particular, will lie in outcomes regarding how land is used and managed*. The links between land administration and land management have been portrayed by some informants as a “chicken or the egg” question. While recognising the logic in this description, it seems that a simple sequencing is not what is needed when planning with communities for whom these aspects are intertwined.

Incomplete shift from a focus on outputs to capacity development: Despite intentions of being overwhelmingly focused on capacity development, Terra Segura has led GESTERRA to focus considerably on outputs, i.e., to deliver as many individual land titles as possible. Although there have been some efforts by DINAT to retain an integrated programme structure aiming at improving land governance in Mozambique, Terra Segura has created pressures to focus instead on the five million land title target, and investments including SIGIT and the use of TA, are now overwhelmingly directed towards that goal.

Need for a more structured approach to capacity development: DINAT and even DINATER recognise that their core responsibilities relate to quality control and guidance vis-à-vis service providers and district government. DINAT also recognises the importance of finding innovative ways to strengthen capacities within the constraints of government procedures and rules. These aspects are an important point of departure for deciding *who should develop which capacities*, but the ‘devil is in the details’, particularly as related to the implications of ‘quality control’. Some of the answers involve more effective partnerships with strong national level institutions such as iTC, CTV and TA firms. Other answers lie in finding ways to better focus efforts on developing the capacity of provincial institutions, primarily (but not exclusively)

SPGCs. These are the most viable channels to work more effectively with communities and districts.

Building the credibility of the LCF in the consultative policy process: The programme has also made progress in moving towards more open and consultative policy formation through the LCF. However, credibility is still an unresolved issue. This relates to three aspects:

1. The autonomy of the LCF vis-à-vis DINAT
2. The transparency of processes through which LCF decisions contribute to policy formation
3. The capacity of the LCF secretariat to provide strong follow-up and ensure that the forum plays a decisive role in the land sector

The MTR judges that the LCF needs stronger autonomy through clearer governance, beyond that provided by the current reflection group. If this is achieved and stakeholder engagement is consolidated, the secretariat may also require additional resources to operate effectively. It is currently managed by the DINAT Department for Managing Land Conflicts, which has other vital and heavy responsibilities. A more autonomous and transparent LCF should contribute to building the credibility of DINAT and GESTERRA as institutions that reflect government commitments to broad multi-stakeholder engagement.

Linking human resource investments to organisational development: DINAT staff have considerable knowledge about the land sector and a major role for GESTERRA is to leverage the capabilities of staff to engage more effectively in their leadership within the land sector. In order to do so there is a need to shift a considerable degree of the focus of GESTERRA from a narrow focus on human resources to broader support to organisational development. This need is illustrated by DINAT's sometimes erratic response to pressures to shift staff and suddenly take on new initiatives to meet the Terra Segura targets, which have sometimes overshadowed the need to maintain strong and steady management. A better balance in this regard is essential, with organisational development efforts focused on longer-term strategic goals rather than overambitious activity targets.

Need for more attention to results-based management and outcomes: Despite the considerable skills of its staff, DINAT has difficulty articulating its achievements at outcome level or describing its theory of change. The baseline analysis has not been used as a foundation for analyses and managing for results. Lessons from this experience suggest that results-based management is needed, but that this cannot be addressed by commissioning consultants to draft studies and strategies. Ownership for monitoring of outcome level results is key, but long-standing practices focused on reporting on activities in Mozambican public institutions constitute a formidable obstacle to developing such ownership. The MTR notes that the creation of AQUA may represent a new and important step towards a more concerted commitment to results-

based management, but that it is too early to judge the nature of the systems that will be put into place.

Decentralisation and subsidiarity: GESTERRA's outcomes will ultimately be determined by its capacities to operate at provincial, district and community level. At this point the focus is shifting to provincial (SPGC) capacities, and there are already significant results. However, the level of commitment to genuine subsidiarity is still not clear, as illustrated by apparent ambiguity regarding formal mutual accountabilities between DINAT Maputo and provincial government. The lack of clarity is compounded by insufficiently defined roles of government and private service providers. The interests of the public sector in retaining an operational role (rather than one focused on core responsibilities of quality control and guidance) is at odds with the realities of available public sector human and financial resources. There is an awareness of the need to streamline and define roles but, as noted above, 'the devil is in the details' that have yet to be decided.

Proactive efforts for inclusive and sustainable processes: The MTR judges that the most acute risks of failure to respect human rights and also greatest opportunities to contribute to goals of inclusive and environmentally sustainable economic development and job creation lie with engagements related to resettlement. This concerns both resettlement due to economic activities and natural hazards. Although the MTR respects DINAT's decision to avoid risks by not engaging in land registration in sensitive areas, it seems appropriate to build on the experience of GESTERRA thus far, and that of institutions such as iTC, to take a more proactive approach in the future. This would also result in future GESTERRA initiatives being more explicitly anchored in Swedish and Dutch policy priorities, as well as creating a more inclusive image for the programme.

The situation with overambitious targets and uncoordinated donor efforts means that the sustainability of the capacities to continue to contribute to positive impacts in the future remains uncertain. The core strengths of GESTERRA are that a basic capacity is in place and systems are well on the way to development at central and provincial level. The main prevailing weaknesses relate to a lack of continuity, structured institutional relationships (and related multistakeholder governance issues), links to land management, district capacity and a range of unmitigated risks.

4 Recommendations

Evaluation questions:
<i>What changes, if any, need to be undertaken to strengthen management and institutional arrangements?</i>
<i>How could be next support improve on the organisation development and services delivery approach?</i>
<i>Suggestions of changes to the functioning of the programme?</i>
<i>Suggestions of improvements that will make the programme more likely to achieve expected outcomes and impact?</i>

4.1 RECOMMENDATIONS FOR THE REMAINDER OF THE CURRENT PHASE

1. MITADER and DINAT should take steps to establish a ‘business model’ in the sense of an overall set of principles for future operations, well-defined roles and responsibilities, and explicit commitments to develop the capacities and partnerships needed to achieve these aims.
2. This business model should be accompanied by a ‘business plan’ to transparently clarify how it intends to practically redefine roles and generate financial flows in a credible manner. The business plan needs to be accompanied by clear outcome monitoring procedures as part of an overall reassessment of the steps needed to introduce more comprehensive results-based management.
3. The emphasis of this model and plan should be on both public and private sector roles and application of subsidiarity.
4. Regarding the latter, the model and plan should look closely at the need for SPGC ownership and ability to ‘accompany’ the work of the service providers, while also remaining cognisant of the need to work within available resources.
5. Given the central importance of SIGIT to the continued success of the programme, urgent attention should be given to independently assessing the overall human resource, hardware and software needs; and also developing a plan of action to ensure continuity in operations in the short-, mid- and long-term.
6. The business model and business plan need to be developed by MITADER and DINAT (in consultation with DINATER). Technical support may be required, but the final product must be ‘owned’ by MITADER and DINAT and past failures related to simply commissioning a report by a consultant must be avoided.
7. DINAT, together with its partners, should begin piloting and exploring cooperation with DINATER and AQUA. This may be combined with efforts to map potential links with other institutions that may provide paths to a more concerted focus on policy objectives (e.g., the National Council for Sustainable Development, AGIR, National Institute for Disaster Management, etc.). Collaboration with AQUA may also provide guidance for how to both strengthen and streamline monitor-

ing procedures.

8. DINAT should reinforce and expand the reforms to the LCF process by restructuring the secretariat and governance to provide greater autonomy. This may include creating a steering committee or board to oversee and guide the work of the secretariat and to monitor and make transparent the processes through which LCF decisions are brought to bear on public policy.
9. Efforts to strengthen and reform the LCF should be part of a broader process wherein DINAT consolidates ongoing and positive efforts to create an image for GESTERRA as a broad, multi-stakeholder initiative (rather than a tool for implementing Terra Segura). This image will be important for building confidence in moving towards a more comprehensive and results-oriented future phase.

4.2 RECOMMENDATIONS FOR AN EVENTUAL SECOND PHASE FOR GESTERRA

1. An eventual second phase should reflect a more even balance between land administration and land management through engaging both DINAT and DINATER, and possibly AQUA and others. This may involve, for example, placing responsibility for GESTERRA at permanent secretary level to ensure that land administration and management are both given due attention.
2. The relationship between GESTERRA and Terra Segura must be transparent and explicit in an eventual second phase. The implications of this for the broader integration of land administration and land management should be part of this mapping of roles in the land sector.
3. Depending on how their role becomes defined in the near future, particular attention may need to be given to collaboration with AQUA so as to better integrate results-based management in a future programme.
4. It is recommended that in a possible second phase of the programme there be a stronger emphasis on decentralisation, which may imply greater earmarking of funds to SPGS operations and for other activities carried out at sub-national levels.
5. SIGIT services could partially be provided as part of outsourcing contracts with a selected service provider.
6. Special attention should be given to targeting activities on so-called ‘hot spots’, particularly with regard to resettlement planning aspects (e.g., when related to major economic development projects) to mitigate risks and optimise benefits related to job creation, women’s empowerment, conflict reduction and disaster risk reduction.
7. If LCF reforms are put into place, an increase in resources to the autonomous secretariat should be provided.
8. It is essential that the ToRs for an eventual second phase be ‘owned’ by MITADER (including both DINAT and DINATER), and also ensure ownership by other partners that are involved in the second phase planning. Part of this ownership will involve ensuring that plans reflect governmental administrative procedures, while looking for more innovative approaches within the constraints presented by these administrative procedures.

5 Annexes

5.1 ANNEX ONE: TERMS OF REFERENCE

Background

The GESTERRA is a programme implemented by Direcção Nacional de Terras (DINAT) and funded by the Embassies of Sweden and the Netherlands, and the Government of Mozambique (GoM). The aim is to build a well-designed, regulated, transparent and implemented land governance system based on inclusive economic and social development. The programme covers the period 2013-2017 and is structured in two main components that are reflected below:

1) *Component 1:* Land governance promoting an integrated vision of land administration and management.

- Output 1.1 Improved mechanisms to facilitate open and constructive policy debate and resolving emerging land administration and use/management problems for all land users, including women.
- Output 1.2. Greater operational synergy between land administration processes, land use/management planning at local and district level, and development initiatives.

2) *Component 2:* Land administration services and building national land cadastre.

- Output 2.1. More responsive and inclusive land administration.
- Output 2.2 Strengthened capacity of DINAT and SPGCs to carry out quality control and land inspection.

GESTERRA builds on the lessons learned and experiences from the previous support from Millennium Challenge Corporation (MCC)/Millennium Challenge Account (MCA) to the DINAT which finished in September 2013. During this programme DINAT made significant progress with the introduction of new approaches in the area of land administration. Testing and piloting was done for developing the so-called LIMS (Land information Management System), a national cadastre system managed by DINAT at a national level and at provincial level by SPGCs. It also created a new important body, the consultative forum on land (CFL), which was established for discussing wider governance issues. This was a critical addition as land governance provides the overall management structure, rules and regulations and vision for land use in Mozambique, of which land administration is a crucial function. However, the MCC programme did not focus on organizational capacity building of DINAT, since planning, management and monitoring were all within the MCC/MCA structures. That was the base for the GoM (MINAG/DINAT) to approach the Embassies of Sweden and the Netherlands for financing capacity 2(5)

building support programme that originated GESTERRA project. In 2013 an agreement was signed with MINAG to support DNTF capacity building on land administration management which now was turned DINAT under MITADER after the government recent ministerial restructuring, meaning birth of relation with new agreement partner. Annual reviews are foreseen in the agreement but due to the extended inception phase and the government restructuring, only now the donors' finds now as the right opportuni-

ty to make the review. In addition, the development of new programme such as *Terra Segura* place critical challenges to the programme which make the annual review a crucial for donors to evaluate the progress of GESTERRA.

Evaluation Purpose and Objective

The midterm evaluation is meant to provide the donors and the DINAT with recommendations on how to improve the functioning of the program to ensure a more effective and efficient implementation to reach the desired output and outcome.

The objective of the evaluation are:

- i) Assess progress achieved since the inception (01/11/2013 – 31/12/2015) and six months of the first year of implementation, including an assessment of the quality of progress.
- ii) Make recommendations and identify action points regarding any major issues and problems affecting progress.
- iii) Assess and score the project's progress during the last year against the Outputs in the logframe, including a consideration of Assumptions and Risks, and determine whether and what changes are required;
- iv) Assess progress towards achieving the logframe Outputs and Outcome by the end of the project;
- v) Review the performance of project partners, suppliers or consultants, and of Embassies of Sweden and Netherlands, DINAT and external processes (such as procurement, tranche payments, payroll and asset management);
- vi) Identifying priorities and suggest recommendations for DINAT and co-funding donors for the coming period.

Scope, Evaluation Questions and Criteria

The mission will review the progress of the project against the Outcome and Outputs set out in the GESTERRA approved with the agreement signed in 05 December 2013 and based on the logframe approved as part of the PGO 2015-2017. The review team will check not just progress made against the logframe (or equivalent), but also test the logframe itself: for example, in practice, are the Outputs still the right ones in order to achieve the Outcome, and are the Indicators still the right ones to monitor progress?

The evaluation questions should be the five OECD/DAC evaluation criteria, i.e. the relevance, effectiveness, efficiency, impact and sustainability of the programme up to June 2015. The specific questions are expected to be developed as part of the prepared methodology during the inception phase. 3(5)

Relevance: e.g. are activities and outputs within GESTERRA consistent with the overall goals of the programme and the attainment of its objectives? Are the activities and outputs of GESTERRA consistent with the intended impacts and effects in policy dialogue (preparation, implementation and monitoring of development policies and plans)? What activities worked better (and special attention should be given to CLF in terms of functioning and relevance)?

Efficiency: e.g. how feasible are current management (including finance and procurement) and institutional arrangement including Technical Assistance arrangements? What changes, if any, need to be undertaken to strengthen management and institutional arrangements? How capacity building relationships developed between government, private sector and civil society organisations?

Effectiveness: e.g. to what extent are capacity building objectives likely to be achieved and demonstrated? How women participation has been targeted? To what extent are important results likely to be missed vis-à-vis what is demonstrated? What are the major factors influencing achievement or non-achievement of the objectives?

Impact: e.g. what has happened as a result of GESTERRA support in relation to organisation and structure of the land sector? To what policy change outcomes did the programme contribute e.g. to new programme (*Terra Segura*)? Given its present situation and challenges, what is the likelihood that GESTERRA will contribute to positive impacts?

Sustainability: If positive results are identified as a result of GESTERRA, how likely are they to be sustainable? To what extent the sustainability indicator in the logframe can be maintained? How could be next support improvement on the organisation development and services deliver approach?

Within the framework of the evaluation objective as stated above the evaluation should include the following more specific evaluation questions:

(1) To identify, and illustrate with evidence, the results and lessons with GESTERRA support, as compared to the programme's objectives:

- How and to what extent have the programme contributed to development of systems for land e-Government e.g. LIMS?

(2) To discuss strengths and weaknesses of GESTERRA as well as the reasons behind these:

- What are the major strengths of the organisation and the reasons behind these?
- What are the major weaknesses of the organisation and the reasons behind these?
- What are the prospects for sustainability of the results achieved through GESTERRA support?

(3) To learn if the programme is having the intended outcomes – and if not, why.

(4) To learn if the programme is likely to also produce the expected impacts (and also if the technical assistance arrangement and institutional change from MINAG to MITADER has/had positive or negative influence to the achieved results).

(5) To suggest changes to the functioning of the programme.

(6) To suggest improvements that will make the programme more likely to achieve expected outcomes and impact.

Conclusions and Lessons Learned

The evaluation shall focus its conclusions on the programme current status up to June 2015. On the basis of lessons learned it shall recommend focus areas for improvements.

Approach and Methodology

The identification and assessment of results shall be clearly based on evidence from multiple and independent sources, on the basis of triangulation, in order to enhance the credibility of the evaluation. The methodology should be based on a participatory approach and allow for consultation with the relevant stakeholders of the programme in order to validate findings and conclusions. The process should also include a review of available documentation, such as the programme document logframe or equivalent, progress and financial reports produced covering the review period, minutes of stakeholder meetings, MoU with other stakeholder and consultancy reports. A detailed methodology and work plan shall be proposed by the consultant in the inception report.

Time Schedule

The following time schedule is suggested for the evaluation process:

Activity/Deliverables Timing/date

Inception report with elaborated methodology, and meeting with the Embassies of Sweden and the Netherlands and DINAT 12 Aug 2016
Methodology agreed with the Embassies of Sweden and the Netherlands and DINAT 19 Aug 2016

Data collection 02 Sep 2016

Draft evaluation report presented at DINAT 16 Sep 2016

Final evaluation report, revised according to the Embassies of Sweden and the Netherlands and DINAT comments 30 Sep 2016

Reporting and Communication

Reporting will consist of an inception report, the evaluation report (draft and final) and presentations at the Embassies of Sweden and the Netherlands and DINAT. The final synthesis report shall be written in English and must not exceed 30 pages, excluding annexes. The consultant contracted for this assignment is responsible for ensuring that the final report reflects the OECD/DAC Evaluation Quality Standards, structured and written in good Portuguese and English.

Evaluation Team Qualification

The consultant must have relevant academic education, documented experience of working with and/or reviewing donor support to land administration and governance issues including gender mainstreaming, experience of having conducted at least two similar assignments, and good knowledge of both Portuguese and English.

The evaluators must be independent of the evaluated activities and have no stake in the outcome of the evaluation.

Organisation, Management and Stakeholders

The evaluation will be managed by EoS and conducted in a participatory manner that allows for the main programme partners to comment on both the terms of references and the draft conclusions of the midtermevaluation. It shall be presented by the Embassies of Sweden and the Netherlands and DINAT.

References

1. GESTERRA programme document
2. Annual plans
3. Annual reports
4. MITADER functions
5. Plano Quinquenal do Governo 2015-2019
6. Plano Economico e Social 2015; 2016

5.3 ANNEX TWO: INCEPTION NOTE

ASSESSMENT OF THE SCOPE OF THE EVALUATION

Timframe and objectives to be reviewed

It is understood that the MTR will cover the inception phase of GESTERRA (1/11/2013-31/12/2015) and the initial period of implementation during 2016. Based on initial review of programme documents the team understands that there is unlikely to be a strict division of tasks between inception and implementation phases of GESTERRA as DINAT has been developing and applying its capacities for land administration and management throughout.

The ToR for this review emphasise assessment against the logical framework of the programme. From initial discussions and document review it is understood that, due in part to the major ministerial restructuring that has occurred and also the start of the national Terra Segura programme, significant changes have been made in the de facto results framework of the programme and its institutional structure and linkages. There appears to be a dynamic evolving process underway wherein the programme may be developing beyond the intentions described in the original logframe. It is therefore suggested that analysis of progress emphasise the current, de facto goals of the programme.

The team understands that this relates to the ambitious government targets of Terra Segura, to regularise land titles for five million landholders in five years. This has effectively meant that GESTERRA's capacity development goals, primarily focused at central level, have been pursued at the same time as DINAT has begun to embark on an ambitious implementation agenda. However, the disputed nature of decentralisation policies and delays in implementing some decentralisation plans may have affected the extent to which capacities have been established at sub-national levels. At the time this inception report is being drafted a complete understanding of the relative scope of GESTERRA in relation to implementation of Terra Segura is not fully apparent to the review team. It must be stressed however, that the team's role is that of assessing GESTERRA as a centrally focused capacity development programme and therefore will not involve direct analysis of the extent to which these capacities have already been employed within Terra Segura and in strengthening sub-national structures (apart from possible evidence regarding how capacities are being utilised). Instead, the review team will seek to understand how the stakeholders in the programme have been able to develop capacities 'on-the-job' as Terra Segura is being implemented.

Focus on outputs and relevance

The review team thus judges that the challenging tasks facing DINAT in supporting the implementation of Terra Segura will in many respects provide a 'test' of the relevance of the approach and selected outputs of GESTERRA for enhancing the organisational and human resource capacities, and the institutional environment associated with land related policy formation, that will be necessary in order to meet overall objectives of improved land governance and administration.

Relevance will also need to be judged in relation to the dynamic and rapidly changing context in Mozambique. This includes the creation of new institutional structures and policy frame-

works. It also includes relevance in relation to changes in the broader environmental and political contexts. The latter are very significant for judging the extent to which this programme is aligned with Swedish strategic goals in Mozambique and Sweden's feminist foreign policy that emphasises gender awareness and equity in relation to environmental change and political conflict.

The MTR will address all of the OECD/DAC evaluation criteria but, due to this focus on relevance and outcomes, these will receive primary attention.

RELEVANCE AND EVALUABILITY OF EVALUATION QUESTIONS

Relevance

The evaluation team recognises that the inception phase of GESTERRA was undertaken during a period when major reorganisations were underway in the institutional structures for land governance and administration and that the focus within the evaluation questions must therefore be formative. The team will therefore approach the questions as entry points to draw evidence-based conclusions and provide recommendations for GESTERRA in the future.

Evaluability

The evaluation questions are judged to be largely feasible to evaluate, but with some exceptions largely due to the early stage in implementation. The following are some initial reflections and suggestions regarding the evaluation questions.

Relevance:

Questions from ToRs	Observations
Are activities and outputs within GESTERRA consistent with the overall goals of the programme and the attainment of its objectives?	It is recognised that these goals and objectives are a 'moving target' given the changes that have occurred. The review will address this in relation to current goals of the programme and in relation to Swedish strategic objectives as well. Therefore it is proposed that this question be rephrased as: "Are activities and outputs within GESTERRA consistent with the current overall goals of the programme and the attainment of both programme and Swedish strategic objectives?"
Are the activities and outputs of GESTERRA consistent with the intended impacts and effects in policy dialogue (preparation, implementation and monitoring of development policies and plans)?	This question is understood as referring to relevance in relation to providing appropriate inputs into CLF discussions
What activities worked better (and special attention should be given to CLF in terms of functioning and relevance)?	This question will be addressed under effectiveness

Efficiency:

Questions from ToRs	Observations
How feasible are current management (including fi-	The extent to which the team can make a

nance and procurement) and institutional arrangement including Technical Assistance arrangements?	structured analysis of finance and procurement procedures is limited. It is therefore suggest that this question is rephrased as “How appropriate are current management structures and technical assistance arrangements?”
What changes, if any, need to be undertaken to strengthen management and institutional arrangements?	To be addressed under recommendations
How have capacity building relationships developed between government, private sector and civil society organisations?	To be addressed under effectiveness

Effectiveness:

Questions from ToRs	Observations
To what extent are capacity building objectives likely to be achieved and demonstrated?	It is interpreted that the latter part of the question refers to demonstration of capacities in relation to implementation of Terra Segura
How women participation has been targeted?	It is suggested that this question is broken down as follows: • How have women been targeted in capacity development activities? • How has gender been reflected in the issues addressed in the programme? • Have civil society groups representing women had influence over the programme? • Have particular concerns (related to Swedish policy goals) regarding links between land management/administration, gender, conflict and environmental risk been considered in programme design and implementation?
To what extent are important results likely to be missed vis-à-vis what is demonstrated?	Suggest that this question be clarified
What are the major factors influencing achievement or non-achievement of the objectives?	No changes suggested

Impact:

Questions from ToRs	Observations
What has happened as a result of GESTERRA support in relation to organisation and structure of the land sector?	Suggest that this be addressed as a summary of major results
To what policy change outcomes did the programme contribute, e.g. to new programme (Terra Segura)?	No changes suggested
Given its present situation and challenges, what is the likelihood that GESTERRA will contribute to positive impacts?	Suggest that this question is addressed under conclusions and lessons learnt

Sustainability:

Questions from ToRs	Observations
If positive results are identified as a result of	Given the early stage in actual implementa-

GESTERRA, how likely are they to be sustainable?	tion it may be premature to draw evidence based conclusions regarding potential sustainability of results
To what extent the sustainability indicator in the log-frame can be maintained?	It is recommended that this question be re-phrased as: “What are the prevailing assumptions regarding programme sustainability and are they plausible?”
How could be next support improvement on the organisation development and services deliver approach?	To be addressed under recommendations

Additional questions:

Questions from ToRs	Observations
To identify, and illustrate with evidence, the results and lessons with GESTERRA support, as compared to the programme’s objectives: How and to what extent have the programme contributed to development of systems for land e-Government e.g. LIMS?	To be addressed under effectiveness
What are the major strengths of the organisation and the reasons behind these?	To be addressed under conclusions (it is understood that ‘organisation’ refers to structure of GESTERRA)
What are the major weaknesses of the organisation and the reasons behind these?	To be addressed under conclusions
What are the prospects for sustainability of the results achieved through GESTERRA support?	To be addressed under sustainability (as part of the first question under that criteria)
To learn if the programme is having the intended outcomes – and if not, why.	To be addressed under conclusions
To learn if the programme is likely to also produce the expected impacts (and also if the technical assistance arrangement and institutional change from MINAG to MITADER has/had positive or negative influence to the achieved results).	Suggest that this question be focused and rephrased as: “Have the technical assistance arrangement and institutional change from MINAG to MITADER had positive or negative influence to the achieved results?” and be addressed under efficiency
To suggest changes to the functioning of the programme.	To be addressed under recommendations
To suggest improvements that will make the programme more likely to achieve expected outcomes and impact.	To be addressed under recommendations

PROPOSED APPROACH AND METHODOLOGY

Approach

Given the early stage in programme implementation, and the emphasis thus far on specific activities, the focus of the overall approach will be on assessing *actual and potential contributions* of the programme to intended goals and the *capacity* that has been shown to *adapt* the programme to changing conditions and move towards sustainability. This will be done by first revisiting the overall theory of change of the programme and then engaging stakeholders and informed observers in reflecting on these actual and potential contributions and emergent capacities.

Methodology and Preliminary Workplan

The methodology will consist of the following:

1. *Construction and reflection on a theory of change*: The evaluation team will use available documentation to assemble its understanding of the current overall theory of

change of the programme. Due to the short time for the inception period, this theory of change will be rudimentary and used to stimulate DINAT and embassy participants to reflect on and clarify (a) the assumptions regarding how capacities will be developed while simultaneously implementing Terra Segura, (b) intentions regarding how to achieve sustainability, and (c) how the improvements in land management/administration will protect the rights of men, women and youth, enhance environmental management and reduce conflict and food security risks. It is proposed that the review begin on Monday September 26 with a half day workshop for this purpose. This will be followed by interviews with the representatives of the Swedish and Netherlands embassies.

2. *Extracting individual contribution stories and alternative explanations for contribution:* In the afternoon of September 26 and if necessary continuing on September 27-28 the team will begin focal group interviews, e.g., with men and women, with the three technical departments at DINAT. Further focal group interviews will be undertaken with technical assistance staff and with other key stakeholders to obtain different perspectives on the results of the programme and views regarding contributions and external factors impinging on changes in land management/administrative practice. On September 27 individual interviews will be undertaken with DINAT leadership and officers responsible for M&E and management of land conflicts, embassy programme officers and other key stakeholders.
3. *Obtaining outside perspectives on the changes underway and the relevance of GESTERRA:* The team will interview a selected group of informed observers (primarily from the CLF) to obtain alternative perspectives on changes underway in land management/administration. If need be, some interviews may be undertaken by skype after the main field mission September 26-30.
4. *'Reality check' at provincial level:* If logistics allow, on Thursday September 29 the team will visit one or two provinces to analyse the challenges that exist in rolling out new systems at sub-national level and (if relevant) the contributions made by GESTERRA.
5. *Revisiting and revising the theory of change:* On Friday September 30 the team will have two workshops. In the morning the team will debrief with representatives of the embassies of Sweden and the Netherlands, discussing preliminary findings. In the afternoon the team will meet with DINAT to debrief, discuss and verify preliminary findings.
6. *Follow-up interviews and report drafting:* The team will meet in the morning of October to prepare an outline of the MTR report. During the week of October 2-7 the team will conduct any follow-up interviews deemed necessary and draft the report.
7. *Feedback and finalisation:* The draft MTR report will be submitted on October 9. Feedback will be expected by October 14th, after which the report will be finalised and submitted on October 21.

LIMITATIONS

GESTERRA includes a large range of activities and intended outputs. During the brief period of fieldwork the team will not be able to trace all planned outputs. Furthermore, the detailed activity and output reporting undertaken by DINAT and the technical assistance is judged by the team to provide considerable and high quality monitoring data. The MTR will, as noted

above, focus on synthesising the overall relevance and effectiveness of the programme and will highlight key results that can best provide a basis for informing DINAT, the embassies of Sweden and the Netherlands and other relevant stakeholders regarding future directions. The MTR is intended as a formative exercise that will be primarily undertaken in a manner intended to provide lessons and recommendations for adapting programme design, modalities and foci to address strategic need.

EVALUATION MATRIX

Revised questions	Indicators to be used in Evaluation	Sources	Availability and Reliability of Data /comments
Relevance			
Are activities and outputs within GESTERRA consistent with the current overall goals of the programme and the attainment of both programme and Swedish strategic objectives?	Claims of relevance by stakeholders and observers as judged against theory of change and policy documents	Interviews and policy documents	The extent to which stakeholders are aware of Swedish policy objectives is uncertain
Are the activities and outputs of GESTERRA consistent with the intended impacts and effects in policy dialogue (preparation, implementation and monitoring of development policies and plans)?	Claims of relevance by stakeholders and observers as judged against theory of change and policy documents	Interviews and policy documents	A comprehensive overview of the full dimensions of the policy dialogue regarding land issues and decentralisation may not be possible in the timeframe of this MTR
Impact and outcomes			
To what policy change outcomes did the programme contribute, e.g. to new programme (Terra Segura)?	Tracing of contributions through theory of change	Interviews and policy documents	Given the strong emphasis on implementing Terra Segura it may be difficult to discern separate contributions from GESTERRA
Effectiveness			
What activities worked better (and special attention should be given to CLF in terms of functioning and relevance)?	Structured analysis of examples of results	Interviews, minutes from CLF meetings	The CLF engages stakeholders from a broad range of sectors and the review team may have insufficient time to obtain a representative sample of their views
How have capacity building relationships developed between government, private sector and civil society organisations?	Numbers of trainees and capacity development engagements in different categories Perspectives on relationships among different categories	Reporting, interviews with stakeholders and informed observers	The review team may have insufficient time to obtain a representative sample of the views of private sector and civil society organisations
To what extent are capacity building objectives likely to be achieved and demonstrated?	Examples of how capacities are being used in implementation of Terra Segura	Reporting and interviews	Challenges in the decentralisation process are expected to be a major determining factor in application of the capacities that have been developed
-How have women been targeted in capacity devel-	Numbers of participants in different capacity develop-	Reporting and interviews	The focus of this question is likely to be on the extent to

opment activities? -How has gender been reflected in the issues addressed in the programme? -Have civil society groups representing women had influence over the programme? -Have particular concerns (related to Swedish policy goals) regarding links between land management/administration, gender, conflict and environmental risk been considered in programme design and implementation?	ment activities Extent to which gender features in plans and training materials Reported engagements with relevant civil society organisations Examples of influence Extent to which contextual factors are highlighted in programme design and implementation		which gender has been mainstreamed in all aspects of the programme
What are the major factors influencing achievement or non-achievement of the objectives?	Synthesis of overall findings	Overall data	Strong emphasis will be given to analysis of the broader contextual factors
To identify, and illustrate with evidence, the results and lessons with GESTERA support, as compared to the programme's objectives: How and to what extent have the programme contributed to development of systems for land e-Government e.g. LIMS?	Examples of contributions towards results	Reporting and interviews	The team will focus on selected examples that can illustrate the results and lessons
Efficiency			
How appropriate are current management structures and technical assistance arrangements?	Judgements of different stakeholder in relation to both capacity development goals and contributions towards Terra Segura targets	Interviews	May be trade-offs between capacity development and operational objectives
Have the technical assistance arrangement and institutional change from MINAG to MITADER had positive or negative influence to the achieved results?	Examples and judgements by stakeholders	Interviews	Issues related to the trade-offs between developing capacities and being drawn into operational roles are expected to be important
Sustainability			
If positive results are identified as a result of GESTERA, how likely are they to be sustainable?	Analyses of results in relation to theory of change	Interviews	Given the early stage in actual implementation it may be premature to draw evidence based conclusions regarding potential sustainability of results
What are the prevailing assumptions regarding programme sustainability and are they plausible?	Analyses of results in relation to theory of change	Interviews	May be trade-offs between sustainability emerging from capacity development and immediate operational objectives

5.4 ANNEX THREE: PERSONS INTERVIEWED

	Name	Position	Institution/ Organisation
1	Mr.Simão Pedro Joaquim	National Director	DINAT/MITADER
2	Ms. Crimilde Manjate	Chief of Department/Cadastre	DINAT/MITADER
3	Mr.Lázaro Matlava	Chief of Department/ Geographic Reference	DINAT/MITADER
4	Ms.Teresinha Pascoal	Chief of Department/ IT	DINAT/MITADER
5	Ms.Lavinia Becharde	Chief of Sub- Department/DUAT procedures	DINAT/MITADER
6	Ms.Odete Mugumela	Chief of Sub- Department/Land Conflict Management	DINAT/MITADER
7	Mr.Daniel Queface	Chief of Sub- Department/.....	DINAT/MITADER
8	Mr.Sérgio Covane	Chief of Sub- Department/Monitoring	DINAT/MITADER
9	Ms.Marcela Nhassope	Senior Technician/Gender focal point	DINAT/MITADER
10	Mr.Jacinto Tualufo,	Senior Technician	DINAT/MITADER
11	Mr.Mário Rui,	Resident TA (Verde Azul)	DINAT/MITADER
12	Mr.Magorombane Manhique	Resident TA (Verde Azul)	DINAT/MITADER
13	Mr. Almeirim Carvalho	Resident TA (Verde Azul)	DINAT/MITADER
14	Mr.Jão Machava	Provincial Chief	SPGC Gaza province
15	Mr. Cristiano Mubai	Service provider to Gesterra/Terra Segura	Top Map, Lda
16	Mr.José Jacques	Chief of Department/Cadastre	SPGC Gaza province
17	Domingos Siteo	District Technician for Chibuto District and Manjacaze District	SPGC Gaza province
18	Mr. Fabião Kuboia Siteo	Community Leader/Secretário do Bairro	Nwamuza Community, Malehice, Gaza province
19	Mr. Kemal Vaz	Partner/Director	Verde Azul
20	Mr. Arlindo Djedje,	National Director	DI- NOTER/MITADER
21	Mr. Lucas Cumbeza	Senior Technician	DI- NOTER/MITADER
22	Ms.Mónica Branks	Partner	Verde Azul
23	Mr.José Murta	Partner/Director	EXI
24	Ms.Marisa Balas	Partner	EXI
25	Ms.Alda Salomao	Senior Adviser	CTV
26	Mr.Issufo Tancar	Programme Officer	CTV
27	Mr.Simon Norfolk	Partner/Director	Terra Firma, Lda
28	Ms. Saquina Mucavele	National Co-ordinator	Women, Gender and Development (MUGEDE) and National Rural Women

			Movement (MNMR)
29	Mr.Nito Matavele	Programme Officer	Swedish Embassy
30	Ms.Célia Jordão	Programe Officer	Netherland Embassy
31	Mr.Ernesto Sechene	Programme Officer	Netherland Embassy
32	Mr.Maurício Sulila	Senior National Officer for Governance and Gen- der Focal Point	Swiss Development Cooperation (SDC)
33	Emídio de Oliveira	Executive Director	ITC- F (Community Land Initiatiave Foun- dation)
34	Pedro Arlindo	Agriculture Economist Specialist	World Bank

5.6 ANNEX FOUR: DOCUMENTS REVIEWED

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22. World Bank/FAO (2011) Policy Note: Rural Land Taxation in Mozambique (May)

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5.7 ANNEX FIVE: MOZAMBIKAN LAND ADMINISTRATION AND MANAGEMENT IN AN INTERNATIONAL PERSPECTIVE

In the past it was argued that individual land titling as an entry point to security of tenure was not really a priority, especially because it is costly and a long term exercise that is administratively challenging and politically sensitive. In more recent years, economic theory and mega-deals of land acquisition in Africa, together with concerns over food security and rights to land by the poor and women, have pushed the issue of land rights to the forefront of the development agenda. Today, the importance of good land governance for sustainable economic development and social justice has become a priority for development cooperation. The major frameworks for these initiatives are summarised below.

Land Policy in Africa

In 2006 the African Union, in collaboration with the African Development Bank and the UN Economic Commission for Africa, initiated a process to develop a framework and guidelines for land policy reform in Africa with a view to strengthening land rights, enhancing productivity and securing livelihoods. The initial outcome was a *Declaration on Land Issues and Challenges in Africa* signed by heads of state of the African Union in July 2009. This declaration committed governments to prioritise the implementation of land policies and strategies. In 2010, the declaration was followed up with a substantive *Framework and Guidelines on Land Policy in Africa* which recognises the centrality of land in development.

The World Bank's Land Governance Assessment Framework

In 2012, the World Bank published *The Land Governance Assessment Framework*, a diagnostic and monitoring tool that was tested in a number of countries, including Ethiopia and Tanzania, and lately to Malawi and Mozambique. The Framework identifies land governance challenges using five broad thematic areas for crafting well-designed land policy interventions. It also underlines the importance of good land governance in terms of the quality of institutional arrangements, adherence to the rule of law, reducing transaction costs, fair access to resources, accountability, and the importance of land governance for economic growth. The Framework emphasises that:

- Those with secure land rights are more likely to invest their full effort into making long-term improvements to land and producing benefits for the broader economy.
- Well-defined property rights can be transferred between individuals through rentals and sales, and between different land uses, thereby improving the allocation of land.
- With secure rights, landowners are more willing to rent out their land, enabling them to engage in higher productivity urban employment to facilitate structural change.
- Efficient land administration systems reduce costs for small enterprises and entrepreneurs wanting to transform good ideas into economically viable enterprises.
- Easily transferable land rights can be used as collateral, giving access to credit at

- reduced cost to provide capital for enterprising small farmers and entrepreneurs.
- Properly functioning land institutions enable simple and efficient land taxes (rates) to raise funds for decentralised, accountable and effective local government.

Strong property rights are very important for women, especially regarding cases of inheritance and divorce.

The LGAF for Mozambique was completed in May 2016, but its findings, contained in a 268 page report, have not been widely publicised, and few respondents had heard of the study, including the World Bank representative. It is particularly notable that this document has yet to be disseminated to members of LCF to deliberate on its findings and decide which recommendations, especially regarding the transferability of land, should be proposed for incorporation into Mozambique's legal, policy and institutional framework for land administration and land management.

FAO Voluntary Guidelines

The FAO initiated a process in 2009 that ended with the endorsement of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* by the UN Committee on World Food Security (CFS) in May, 2012. While the overarching goal is food security within the context of human rights and sustainable social and economic development, States are also encouraged to facilitate fair and transparent sale and lease markets. Furthermore, it calls for transparent and simple registration and transfer procedures to encourage the participation of the poor and vulnerable in these land markets.

The Guidelines set out internationally accepted principles and practices and a framework for countries to develop their own policies, legislation and programmes for responsible land governance. The founding principles call for respecting and safeguarding people's peaceful enjoyment and productive use of their legitimate tenure rights. Under the Guidelines, States should make access to land equitable, protect people from forced evictions, and ensure that no one is subject to discrimination, whether through the law, policies or practices. They also seek to prevent disputes and provide access to justice when tenure rights are infringed. Regarding implementation, responsible land governance includes the principles of non-discrimination, gender equity and justice, the rule of law, transparency and accountability.

The Voluntary Guidelines have not received much traction in either the debates on responsible land governance in Mozambique, or the implementation of land administration and land management programmes in the country. CTV, a CSO, uses the Voluntary Guidelines to provide legal advice on forming community partnerships. It would seem appropriate that these Guidelines be widely disseminated within the land sector and discussed by the LCF and its Reflective Group. Specific issues that resonate with land Mozambique's land governance objectives, and which are particularly relevant to land administration and management, could be incorporated into community methodologies and processes of consultation, social preparation, land use planning, delimitation and titling.

EU's Land Governance Programme in Africa

The EU has recognised that land governance is particularly challenging for small-holder farmers who struggle to gain recognition for their communal land and agricultural investments. Setting up a clear legislative framework for land registration and governance is crucial to empower people with secure rights. Such rights provide people with a stake in the future that can move a nation forward and transform natural assets into wealth.

With this in mind, the EU launched its programme of *Land Governance in Africa* under its Food Security Thematic Programme of its 11th EDF (2014 -2020). The aim is to strengthen land governance in 10 sub-Saharan countries within the *Framework and Guidelines on Land Policy in Africa* and by applying the *Voluntary Guidelines on Responsible Governance of Tenure of Land*. The aim of these programmes is to strengthen farmers' rights of access and ownership to encourage investment for sustainable agriculture and food security. Although Malawi and Swaziland are currently the only countries in southern Africa involved in the EU land governance programme, Mozambique could position itself to be included in the EU's 12th EDF land governance programme for Africa.



Midterm Review of GESTERRA Capacity Building Programme on Land Management and Administration within DINAT

The purpose of this mid-term review is to provide the donors and the National Land Directorate of Mozambique (DINAT) with recommendations on how to improve the functioning of the Capacity Building Programme on Land Management and Administration (GESTERRA). Given the early stage in programme implementation, methods for this focused on assessing potential contributions of the programme to intended goals and the capacity that has been developed to adapt the programme to changing conditions. The Review found that the overall Theory of change is largely consistent with Mozambican, Dutch and Swedish policy goals. The programme had a challenging start and effectiveness has thus not been assessed against its original objectives. Strong commitments to land administration in the Terra Segura have contributed to that structures are in place and actors have been mobilised, which shows promise for future development. There are plausible assumptions about paths to sustainability for GESTERRA's outcomes in the long-term, but these assumptions are dependent on mid-term actions to define clearer roles and more realistic judgements. Worth noting is also the strong commitment to gender equality.

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