Promoting the Use of Land and Natural Resources Laws for Equitable Development

(GCP/MOZ/096/NET)

Mid Term Evaluation

July 2011
Acknowledgements

The MTE acknowledges the kind assistance received from the government ministries and agencies participating in the Project, in particular the Centre for Legal and Judicial Training and the National Directorate for the Promotion of Rural Development. The Team would also like to thank the various non-governmental organisations that set aside time to explain their role in the Project and comment on its performance. The preparation for the Evaluation by the Project’s STA and the support provided to the mission is much appreciated; also the assistance received from the FAO, Netherlands and Norwegian representations.
## Abbreviations

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>CEPAGRI</td>
<td>Centre for Promoting Commercial Agriculture</td>
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<tr>
<td>CFJJ</td>
<td>Legal &amp; Judicial Training Centre <em>Centro de Formação Jurídica e Judiciário</em></td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>DFID</td>
<td>Department for International Development UK</td>
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<td>DINAPOT</td>
<td>National Directorate of Territorial Planning <em>Direcção Nacional de Planeamento e Ordenamento do Territorio</em></td>
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<td>DINAGECA</td>
<td>National Directorate of Geography and Cadastre <em>Direcção Nacional de Geografia e Cadastro</em></td>
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<td>DNPDR</td>
<td>National Directorate for the Promotion of Rural Development <em>Direcção Nacional de Promoção do Desenvolvimento Rural</em></td>
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<td>DNTF</td>
<td>National Directorate of Land &amp; Forestry <em>Direcção Nacional de Terra e Florestas</em></td>
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<td>DPA</td>
<td>Provincial Directorate of Agriculture</td>
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<td>DPCA</td>
<td>Provincial Directorate of Environmental Coordination</td>
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<td>DUAT</td>
<td>Land Use and Benefit Right <em>Direito de Uso e Aproveitamento da Terra</em></td>
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<td>FAOR</td>
<td>Food and Agricultural Organisation Representative</td>
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<td>GIS</td>
<td>Geographical Information System</td>
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<td>HACT</td>
<td>Harmonised Approach to Cash Transfers to implementing partners</td>
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<td>HTSPE/VA</td>
<td>The consortium responsible for the implementation of the MCA contract</td>
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<td>IMLC</td>
<td>Inter-ministerial Land Commission</td>
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<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<td>iTC</td>
<td>Community Land Initiative <em>Iniciativa para Terras Comunitarias</em></td>
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<td>LCF</td>
<td>Land Consultative Forum <em>Fórum de Consulta sobre Terras</em></td>
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<td>LEGN</td>
<td>Development Law Service FAO Rome</td>
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<td>LOA</td>
<td>Letter of Agreement</td>
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<td>LOLE</td>
<td>Law on Local Organs of the State (law No. 8/2003)</td>
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<td>LOT</td>
<td>Territorial Planning Law (law No. 19/2007)</td>
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<td>MAE</td>
<td>Ministry of State Administration <em>Ministério da Administração Estatal</em></td>
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<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<td>MCA</td>
<td>Millennium Challenge Account</td>
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<td>MCC</td>
<td>Millennium Challenge Corporation</td>
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<td>MICOA</td>
<td>Ministry for Environmental Coordination <em>Ministério de Coordenação Ambiental</em></td>
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<td>MINAG</td>
<td>Ministry of Agriculture <em>Ministério de Agricultura</em></td>
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<td>MITUR</td>
<td>Ministry of Tourism</td>
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<td>MPD</td>
<td>Ministry of Planning and Development <em>Ministério de Planificação e Desenvolvimento</em></td>
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<td>MPF</td>
<td>Ministry of Planning &amp; Finance <em>Ministério de Planificação e Finanças</em></td>
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<td>MTE</td>
<td>Mid Term Evaluation</td>
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<td>NL</td>
<td>Netherlands</td>
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<td>NRC</td>
<td>Climate, Energy and Tenure Division FAO Rome</td>
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<td>NRL</td>
<td>Land and Water Division FAO Rome</td>
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<td>OED</td>
<td>Office for Evaluation, FAO, Rome</td>
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<td>ORAM</td>
<td>Association for Rural Mutual Assistance <em>Associação de Ajudas Mútua Rural</em></td>
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<td>PGR</td>
<td>Public Prosecutor’s Office</td>
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<td>RDS</td>
<td>Rural Development Strategy</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<td>SDAE</td>
<td>District Services of Economic Activities <em>Distritais das Actividades Económicas</em></td>
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<td>SNV</td>
<td>Netherlands Development Organisation</td>
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<td>SPFFB</td>
<td>Provincial Services of Forests and Wildlife</td>
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<td>SPGC</td>
<td>Provincial Geographic and Cadastral Services <em>Servico Provincial de Geografia e Cadastro</em></td>
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<td>STA</td>
<td>FAO Senior Technical Advisor</td>
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<td>TRA</td>
<td>Tenure, Rights and Access</td>
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<td>UEM</td>
<td>Eduardo Mondlane University</td>
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<td>UNAC</td>
<td>National Peasants/Small Farmers Union (União Nacional de Camponeses)</td>
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I. Executive Summary

Background

s1. According to Article 11, paragraph (c) of Mozambique’s Constitution, a fundamental objective of the State is the creation of material and spiritual well-being and quality of life for citizens. The land and natural resource policies must therefore seek to achieve this objective. People must benefit concretely through rights over forest, wildlife, water, and other essential resources. The land and natural resource laws provide a basic legal framework for regulating access and for protecting the right of local people to manage and use land and natural resources.

s2. The Land Law of 1997 recognises the acquired land rights of rural communities. It requires that they participate in natural resource management and in the resolution of resource-related conflicts. The Environmental Law 1997 includes important provisions for community participation and the defence of ‘diffuse’ environmental rights that are enjoyed by communities and other social groups as well as by individuals. The Local Government Law 2003 is in line with these laws which allow local governments to manage national resources and share the responsibility with local communities and traditional authorities.

s3. Under the Land Law, local communities who occupy land according to customary practices automatically acquire ‘the right of land use and benefit’. Such rights of land use and benefit are secure, inheritable, and can be transferred to third parties, either internally within the community or to investors through a formal consultation process. After consultation and approval by the community, within which the land requested is located, investors may apply to the government for 50-year leasehold rights.

s4. More than a decade after its promulgation, the Land Law is still very far from being properly implemented. The unlawful alienation of land by the privileged and by local and foreign ‘investors’ is hemming in rural communities and depriving them of access to resources vital to their livelihoods, food security and economic survival.

s5. The FAO Project ‘Promoting the Use of the Land and Natural Resource Laws for equitable Development’ (GCP/MOZ/096/NET) began in April 2009 and has an expiry date of March 2012. It is the most recent FAO project in a series that stretches back to the 1990s and is the fourth which has been assisted by the Kingdom of the Netherlands. It aims to help Government to implement the national land policy and to promote access to investors in land development, without jeopardising the livelihoods of the traditional users and occupiers of the land. Efforts have focussed on the training and capacity development of civil society organisations, officials of national and decentralised agencies, and, most recently, on the officials of investment promotion agencies.

s6. Participants in the training are drawn from civil society organisations involved in land rights advocacy, the provincial cadastral body and decentralized district authorities (judges, magistrates, public prosecutors, police and officials in economic sectors). Training focuses on State policies and laws relating to tenure, rights and access to land.
and natural resources. The current FAO Project extends the district coverage achieved by the preceding project (GCP081) in which the Legal & Judicial Training Centre (CFJJ) of the Ministry of Justice was also the counterpart agency.

s7. The current Project benefits from enhanced training in gender-related aspects of tenure, rights and access to natural resources as a result of the inputs by another project (GCP/MOZ/086/NOR), which began in late 2009 at the CFJJ, with funding from Norway. A second component to the Project (GCP096) is a partnership with the National Directorate for the Promotion of Rural Development (DNPDR) in the Ministry of State Administration (MAE). This is a new undertaking for FAO and the CFJJ. It involves the training of government officials in how the land and natural resource laws can be used to facilitate active community participation in investment processes in ways which protect the land and natural resource rights of communities and enhances their livelihoods.

s8. This component intersects with another project at DNPDR that is funded by the Netherlands and IFAD, to which the Project GCP096 contributes an agreed share of the time of the FAO Technical Adviser. The objective of this collaboration is to promote ‘community-investor partnerships’. The timing of these three projects overlaps but does not exactly coincide (see Figure 2), which raises issues relating to technical support after the end of March 2012 when GCP096 is due to terminate.

s9. Details of each planned Output and Activity of the Project (GCP096) are contained in the Logical Framework (see Appendix 3) and summarised in Figure 5. The CFJJ component has five planned Outputs each with a corresponding Activity. For Outputs 1-3, the target group consists of: (i) paralegals and land administrators; (ii) district-level public sector officials; and (iii) agricultural, rural development, environmental and conservation officials. Output 4 is concerned with the building of M&E capacity in the CFJJ to produce information for incorporation in training activities for the various target groups covered by both project components as well as the CFJJ’s core activity of training judges and magistrates. Output 5 is concerned with the institutional development of the CFJJ and the implementation of a Strategic Development Plan for the Centre, which should provide for the transfer of the Centre’s staff and other costs to the State budget of the Ministry of Justice, or the Centre’s establishment as an autonomous self-financing teaching and research institution overseen by the Ministry.

s10. The DNPDR component has three Outputs and Activities 6-8; participants are drawn mainly from the district level for training in matters relating to land and natural resource laws as they apply to the implementation of the Rural Development Strategy and the formation of community/investor partnerships. The training aims to embrace senior officials in the MAE/DNPDR as well as those working at the district level, especially those involved in the implementation of the IFAD/Netherlands project, with the CFJJ closely involved in the implementation of capacity development.

**Main findings and conclusions**

s11. Project budget: The value of the donor contribution to the Project is USD 2.86 million (FAO 2009). The estimated total expenditure up to the end of 2011 will be USD 2.38 million, leaving a balance of USD 0.46 million for the period January to March 2012. A ‘no cost’ extension of the Project is unlikely to be feasible; any extension would require additional funds.
s12. **Cooperation between partner agencies:** The cooperation between FAO, CFJJ/Ministry of Justice and the DNPDR/Ministry of State Administration has been very good and is expected to continue. In general, the MTE finds that the spirit, if not the letter, of the project agreement has been adhered to by the four signatories, often under difficult circumstances. Analysis of the Project Progress Reports for the past five semesters provides evidence of recurring management and administrative difficulties, which have sapped the energy of all concerned and diverted partners from their professional work.

s13. The MTE recognises that the difficulties faced by the programme (GCP096 and GCP086) have inevitably had knock-on effects in relations with FAOR. These have not been probed by the MTE as it is reported that they are the subject of constructive ongoing discussions between the STAs and FAOR with a view to working out ways in which the parties involved can help each other to speed the flow of work, especially in the expected expansion of the programme.

s14. The complexity of the work attached to GCP/MOZ/096/NET and now GCP/MOZ/086/NOR is very stressful, with many courses, different people and partners, details such as per diems and accommodation and travel to organise, and time spent on administration. The question arises whether more FAOR support could be provided, for example a dedicated administrative/operations officer to handle all this?

s15. **Outputs and Activities:** The CFJJ paralegal training (Activity 1) and district officer training programmes (Activity 2) are reported to be on schedule (see figure 6), but Activity 3, Sector Training for the Republican Police in land and natural resource laws have yet to be undertaken. However, training for MICOA and CEPAGRI and other partner agencies involved in rural development has gone according to plan. The long-awaited paralegal manual, an impressively didactic book focussing on tenure, rights and access to land and natural resources, complete with CD ROM, which will be of assistance in the training of trainers, was finally published in early 2011. This was planned under the preceding project (GCP081).

s16. In the absence of a systematic survey, the impact of the paralegal and district officer training will be difficult to assess. Graduates of the paralegal course raised questions about the lack of formal recognition accorded to trainees working with rural communities on tenure, rights and access issues. In addition to the issue of formal accreditation is that of longer term support to career development. In other countries in the sub-region, such support usually derives from membership of a non-governmental public interest law centre, striving to make laws accessible to the rural poor.

s17. CFJJ activities necessary to deliver Outputs 4 (Baseline Survey) and 5 (Strategic Development Plan) have fallen seriously behind the planned targets, a recurring issue in the STA’s semester progress reports. At the end of 2010, the baseline survey was still pending. The June 2011 progress report concludes that a baseline study of the type originally proposed should be replaced by a simpler impact survey towards the end of the Project, which targets a representative group of participants and a parallel control group, and should be implemented by an outside contractor in order to circumvent the continuing capacity problems in the CFJJ.
The failure to complete and agree the Strategic Development Plan for the development of CFJJ is more serious. However, the problem probably lies more with the proposal that the CFJJ should oversee this task rather than with lack of diligence on the part of the CFJJ or the FAO Project. In the circumstances, it was probably unwise to give the Centre responsibility for overseeing the preparation of the Strategic Development Plan, rather than to a committee overseen by the Minister of Justice, on which the CFJJ staff and donors were represented.

The commencement of the DNPDR component was only slightly delayed by the transfer of the National Directorate from the Ministry of Planning and Development (MPD) to the Ministry of State Administration (MAE). The delivery of the main training activities for the DNPDR component (Activity 6) has been close to that originally planned for year 1 and 2 (see figure 6). To this end, the CFJJ provided most of the training in land and natural resource laws and the Directorate provided lecturers in other aspects, e.g. the Rural Development Strategy and the Investment Law.

Under Activity 7, ‘Technical Assistance to the DNPDR and implementation of the RDS’, the STA has had two main roles; the provision of advice on the implementation of the IFAD-Netherlands funded pilot programme in community/investor partnerships and assistance with the implementation of the RDS using the land and other natural resources laws. The DNPDR has not yet got to the stage of creating pilot partnerships in agriculture, but is expected to do this in the coming semester when the contracting process will begin. So far, the project has identified 10-15 delimited communities in the five target provinces of which five are expected to be short-listed. This will be followed by a formal tendering process to identify investors.

Impact and effects: The Mid-Term Evaluation (MTE) has been conducted at a point nine months before the scheduled end date of the three-year project and focuses not on the project Outcome and Outputs, but on the progress of the planned Activities. Of the eight planned activities, work on Activity 4 the Baseline Survey and Activity 5 the Strategic Development Plan is still pending. However, capacity development has gone ahead on schedule. The MTE finds that the training of paralegals to work with communities in matters relating to land and natural resource laws has the potential for far-reaching, positive, long-term effects on awareness of rights and how they can defend and use them. However, there must be a clear strategy for following up the training of paralegals with a system of accreditation and institutional support.

The MTE finds that the training of district officials in land and natural resource laws also has the potential for sustainable long-term effects. In addition to the encouraging feedback received from participants, field evidence is emerging of the impact of the FAO/CFJJ programme on the attitudes of district officials. The MTE also finds that the programme has endeavoured to address the issues relating to inadequate coverage of gender discrimination in matters of tenure, rights and access that were raised by the previous evaluation in 2007.

By the time the Project finishes at the end of March 2012, some 90 districts will have been covered since 2007 and it will be important for an independent and controlled field survey to be commissioned by the Project to assess the knowledge, attitude and practice of those NGOs and officials who have been exposed to the CFJJ training on land and natural resource laws and those who have not.
s24. It is doubtful whether the CFJJ will continue to provide these types of courses for district officials and paralegals after the current donor funding ends.

**Future directions**

s25. FAO is involved in three existing projects (GCP086, GCP096 and the IFAD/Netherlands Support to Community-Investor Partnerships). None one of these share common time frames, yet several of the projects extending beyond March 2012 depend upon the GCP096 Technical Adviser for technical and management support.

s26. In addition to the above is a recent government request to FAO for advice and assistance with the Land Consultative Forum process, particularly with the organisation and content of the debate on the issues which have been identified by the Council of Ministers as needing clarification by the LCF. It remains to be determined whether this additional work will be the subject of a separate TCP (assuming FAO funds being immediately available) or incorporated in the current work programme of an expanded and extended GCP096, which could harmonise the end dates of the above projects with a view to designing a coherent programme of work.

s27. At the time GCP096 was conceived, important assumptions attached to the achievement of its outcome, outputs and activities were inserted in the logical framework. One assumption at the output level was that the policy environment would remain unchanged. Formally, the policy and laws have not changed, but they may have lost the support of the political leadership and government officials. Last year’s decision to convene meetings of the Land Consultative Forum suggests that a platform is being prepared for a radical revision of policy and legislation. FAO has been invited to assist with the consultative process.

s28. FAO will be in a stronger position to help if it has a coherent plan for providing TRA advice and assistance to Mozambique. Such a plan would be one that takes an integrated view of land administration. Over the last two decades, there has come into existence a most dysfunctional form of land administration which has deep roots in the country’s colonial legacy. The cadastre, formerly under DINAGECA, was originally established to secure land for Europeans by the alienation of African customarily held land. The cadastre survives under DNTF (part of MINAG) is charged with administering the Land Law, but the DNTF only has oversight of the rural cadastre beyond the municipalities and takes little interest in customary land rights.

s29. The administration of the cadastre is quite separate from spatial planning (i.e. land use planning and territorial planning). Spatial planning is driven and implemented under different laws and ministries, each with their own objectives. There is considerable confusion regarding the respective roles of MINAG and the National Directorate for Territorial Planning (DINAPOT) within MICOA, when it comes to deciding which entity is responsible for ‘land use planning’ and/or ‘territorial planning’. The result is that land use plans are drafted without reference to existing land rights and management responsibilities of rural communities and new land concessions are allocated without reference to approved land use plans. The country is covered by a patchwork of cadastral and land use maps of different scales which bear very little relation to each other, or to reality.
s30. FAO will want to help the Government of Mozambique to approach land policy and implementation in Mozambique in a coherent and integrated manner. This would not be difficult, but for the fact that FAO’s own organisation exhibits something of a schism between UNECE-style land administration and land management. In Mozambique, a situation could develop in which NRC, under the FAO/World Bank Cooperative Programme, is advising DNTF on the adoption of an imported system of land registration and taxation, while NRL is taking a broader view and working with CFJJ and DNPDR, linking land governance to rural development in order to resolve issues such as tenure insecurity, poverty and gender discrimination and attract investors to partner communities in the sustainable development of land and natural resources.

s31. Subject to the final approval of FAO’s Draft Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (FAO 2011c), there are expected to be opportunities for implementation of the policy principles in a joint programme of work between FAO and interested country governments. The in-depth experience gained by FAO in Mozambique is expected to be of immense value in building a practical link between the field and the land policy principles set out in the Voluntary Guidelines, especially in countries of sub-Saharan Africa and the Pacific where land relations are complicated by tenure dualism.

**Recommendations**

**To all parties: the Embassy of the Netherlands, FAOR, the Project**

1. The MTE recommends that a nine month extension (1 April to 12 December 2012) be granted to the Project with an additional budget to cover technical assistance, training and research activities, approximately US$ 1.0 million.

2. In the event of approval being granted, the MTE recommends a revision of the project’s plan of activities and budget, rescheduling the plan of work over an additional nine months to include the following:

   a. A controlled KAP-type survey to determine the impact of CFJJ training courses over the period 2007-2012 for: (i) district officers and (ii) paralegals and land administration officials;
   
   b. A systematic review of the range of community-investor partnerships planned and operational in a representative number of provinces;
   
   c. Technical and management support to the Project GCP/MOZ/096/NET and to GCP/MOZ/086/NOR and the FAO/IFAD/Netherlands Support to Community-Investor Partnerships;
   
   d. Technical support by the Project to the Ministry of Justice in the preparation of the Strategic Development Plan for the CFJJ;
   
   e. Depending on the outcome of current discussions between FAO, DNTF and the donor, technical support to the Land Consultative Forum to December 2012.

**To the Ministry of Justice**

3. The MTE recommends that, after several years of uncertainty attached to the preparation of the Strategic Development Plan for the CFJJ, the Minister of Justice takes the lead in the process, giving due consideration to the views of stakeholders and previously proposed institutional options, including the CFJJ as a ‘subordinate institution’ and the CFJJ as an ‘autonomous institution’ under the Ministry of Justice (i.e. subordinado or tutelado).
4. The MTE recommends that the Minister applies her mind to the accreditation and institutional support of the CFJJ’s paralegal trainees for work at the community level and the necessary regulatory framework.

**To the Ministry of State Administration and DNPDR**

5. The MTE recommends that the Minister uses her good offices to ensure that the Project’s proposed capacity development seminar for senior officials responsible for decision making and policy formulation goes ahead.

**To FAOR**

6. The MTE recommends that FAOR consider providing a dedicated administrative/operations support officer for FAO’s Mozambique land programme.

**To FAO Rome**

7. The MTE recommends that a meeting is convened by the Assistant Director General (NR) drawing together the relevant officials in NRC and NRL and field staff in Mozambique (GCP/MOZ/096/NET and GCP/MOZ/086/NOR), chaired by the Lead Technical Unit (LEGN), to discuss and agree FAO’s future strategy in support of tenure, rights and access in Mozambique.
II. Introduction

1. The field investigations for the Mid-Term Evaluation (MTE) of the Project (GCP/MOZ/096/NET) ‘Promoting the Use of Land and Natural Resources Laws for Equitable Development’ (hereafter referred to as ‘the Project’) took place in Mozambique during the period 26 May - 7 June 2011. The members of the MTE were: Ms. Alda Manjate (PGR), representing the Government of Mozambique, Ms. Alda Salomão (Environmental Lawyer and independent consultant) assigned by the donor and Mr. Martin Adams (Team Leader, Land Policy Analyst and independent consultant) assigned by OED.

2. In Mozambique, meetings were held, among others, with the Ministry of Justice, the Legal & Judicial Training Centre (CFJJ) and the Ministry of State Administration and the National Directorate for the Promotion of Rural Development (DNPDR). The team also met with the FAO Representation and the responsible programme staff in the Netherlands, Norwegian and Danish embassies. A brief two-day visit was made to Gaza Province to study a successful example of a community/investor partnership.

3. Appendix 1 contains the names of those consulted by the MTE, including the debriefing note, and Appendix 2 contains references to relevant documents. Appendix 3 contains the Logical Framework for the Project and Appendix 4 the Terms of Reference of the Mission.

III. Background and Context

FAO’s past and present involvement in Mozambique’s land sector

4. The FAO has been advising on the development of Mozambique’s National Land Policy and related natural resource laws and their implementation since 1995, when the inter-ministerial Land Commission included FAO technical advisors (see Figure 1).

5. Since 1998, the Netherlands has supported FAO’s work in the land sector and has helped Government with the development and implementation of the national land policy and to find ways of providing space for stakeholders to engage in the process. Central to FAO’s contribution have been efforts to promote access to investors for sharing land and natural resources, without jeopardising the livelihoods of traditional users and occupiers of the land. Over the last decade, support has been given to the training and capacity development of communities, civil society organisations (CSOs), officials of national and decentralised agencies, including the economic sectors, the judiciary and the police.

6. The current FAO Project builds on a preceding project, ‘Decentralised Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level’ (GCP/MOZ/081/NET), which was implemented by the Legal and Judicial Training Centre (CFJJ) of the Ministry of Justice and also funded by the Netherlands.

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This earlier project began in April 2005 and was extended to March 2009 after a favourable mid-term review (FAO 2007).

Figure 1: FAO Support to Land Management and Related Issues in Mozambique 1991-2010

7. In the current Project, the CFJJ has further developed paralegal training for raising awareness at community level of rights acquired in terms of other natural resource laws and how to use and defend these rights, including reinforcing gender and women’s rights (this with a new FAO project at the CFJJ, GCP/MOZ/086/NOR, discussed below). The Project also builds on the previously organised programme of ‘District Officer Seminars’, in which public officers from the executive and judicial branches of the State were trained in basic constitutional and human rights and principles and in the proper application of the new laws relating to land and natural resources.

8. The success of the former project and the need to consolidate and expand its activities led to the formulation of the current Project, ‘Promoting the Use of Land and Natural Resource Laws for Equitable Development’ (GCP/MOZ/096/NET), which began in April 2009 and has an expiry date of 31 March 2012. The focus is on the training of paralegals and district officer training, with a stronger emphasis on promoting economic and social development of rural districts. To this end, the Project includes a second component which aims to link land administration and management more closely with rural development. For this purpose, FAO’s counterpart and executing government body is the National Directorate for Promoting Rural Development (DNPDR), which has been placed under the Ministry of State Administration (MAE) since February 2010.

9. The DNPDR component aims to focus on the economic use of the land and related laws as tools for achieving a model of rural development in which communities participate actively as stakeholders in the planning and implementation of the investment processes so as to protect their rights and enhance their livelihoods. To this end, the awareness of local government and other key officers is raised on how the land law and other laws can be used to bring together a range of partners (i.e. communities, investors, the State and CSOs) in local development initiatives. DNPDR’s is focusing on officials working in different government sectors at central level (MPD, MPF, MITUR and MICOA, MINAG and the DNTF) and those working at provincial and district level. The CFJJ and the
DNPDR cooperate in order to provide the subject matter for the various courses and most of the trainers for this component. The DNPDR provides trainers in areas not covered by the CFJJ, e.g. the Rural Development Strategy (RDS) and the Investment Law (see Figure 2).

10. This component of the Project intersects with another project at DNPDR that is funded by the Netherlands and IFAD, to which the Project contributes an agreed share of CTA time provided under GCP/MOZ/096/NET. The objective of this collaboration is to promote new ‘community-investor partnerships’. Such partnerships, if successful, allow large-scale investment in land while also securing, enhancing and diversifying local livelihoods. Lessons learned will be set out in a manual of guidelines for such partnerships.

11. The Project benefits from enhanced training in gender-related aspects of tenure, rights and access to natural resources as a result of the inputs provided by the project (GCP/MOZ/086/NOR), recently begun at the CFJJ, with funding from Norway. Rather than run separate paralegal and district officer training and capacity building, this aims to reinforce and deepen the treatment of women’s rights in the wider CFJJ programme and to provide direct support to paralegals from women’s NGOs and communities who are working to defend the rights of women over land and natural resources.

Figure 2: FAO Support to Land and related Issues 2009-2014/15

12. As pointed out in the Terms of Reference (see Appendix 4), the synergies between the two CFJJ projects (GCP096 and GCP086) and the IFAD-Netherlands project at DNPDR require that the Mid-Term Evaluation should take into account how the overall FAO-supported programme of activities are performing, rather than adopting a more narrow focus just on the Project, namely GCP096.

**TRA aspects of Mozambique’s land and natural resource laws**

13. According to Article 11, paragraph (c) of Mozambique’s Constitution, a fundamental objective of the State is ‘the creation of material and spiritual well-being and quality of life for citizens’. Land policy must therefore seek to achieve this objective. Simply proving access to land is not enough. People must benefit concretely from this access, for

---

2 ‘Community level legal education and support to help rural women secure and exercise land and resource rights, and address HIV-AIDS related tenure insecurity’
example through rights over forest, wildlife, water, and other resources that are essential to their well-being and quality of life. Thus the Land Use and Benefit Right (Direito de Uso e Aproveitamento da Terra - DUAT) is a constitutional right and local communities are entitled to judicial status arising from their customary land rights. Similarly, an investor seeking land is required to ensure that the investment will contribute to the well-being of affected citizens.

14. The Land Law 1997 recognises the acquired land rights of urban dwellers and rural communities. It specifically requires that rural communities participate in natural resource management and in the resolution of resource-related conflicts. The Environmental Law 1997 includes important provisions for community participation and the defence of newly created, ‘diffuse’ environmental rights that are enjoyed by communities and other social groups as well as by individuals.

15. Under the Land Law 1997, Mozambique elevated all existing customary land claims and other claims acquired by occupation into formal, secure tenure. Registration of these existing land claims is not necessary – land holders have enforceable, secure land rights even without paper documentation of any kind. In particular, under the Land Law, ‘local communities who occupy land according to customary practices’ automatically ‘acquire the right of land use and benefit’. Such rights of land use and benefit are secure, inheritable, and can be transferred to third parties, either internally within the community or to investors through a formal consultation process. Investors may apply to the government for 50-year leasehold rights, after consultation and approval by the community within which the land requested is located. Importantly, the land right is legally the same, regardless of whether it is acquired under customary terms, good faith occupancy, or government concession. One important difference, however, is that rights acquired in this way must be registered, with the result that the national cadastre is heavily weighted in favour of these mainly private sector concessions and pays scant attention to the majority of rights acquired by occupation.

Figure 3: Legislation impacting on land and other natural resources in Mozambique

<table>
<thead>
<tr>
<th>Sectoral Laws</th>
<th>Framework Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>− Land Law, Law 19/97, dated 1st October;</td>
<td>− Environmental Law, Law nr. 20/97 dated 1st October;</td>
</tr>
<tr>
<td>− Forest and Wildlife Law (LFFB), Law nr. 10/99, dated 12th July;</td>
<td>− Territorial Planning Law (LOT), Law nr. 19/2007 dated 18th July;</td>
</tr>
<tr>
<td>− Water Law, Law nr. 16/91, dated 3rd August;</td>
<td>− Tourism Law, Law nr. 4/2004 dated 17th June;</td>
</tr>
<tr>
<td>− Fishery Law, Law nr. 3/90, dated 26th September;</td>
<td>− Investment Law, Law nr. 3/93 dated 24th June;</td>
</tr>
<tr>
<td>− Mining Law, Law nr. 14/2002, dated 26th June;</td>
<td>− Law of Local Bodies of the State (LOLE), Law nr. 8/2003, dated 19th May;</td>
</tr>
</tbody>
</table>

Source: HTSPE/VA 2010

16. Women have equal rights to hold, to access and to derive benefits from land independent of any male relatives, and the law is clear that this principle overrides any contrary customary rules. Second, in regard to individual titles, individual men and women who are members of a local community may request individual titles. The law states that the right of land use and benefit may be transferred by inheritance, without distinction by
gender. However, under Mozambique’s law, there are no state oversight mechanisms to protect citizens against intra-community injustices, no village-level supports to help women enforce their land rights, and no penalties for intra-community discriminatory practices. Such lack of appropriate state oversight, combined with rural communities’ lack of genuine access to state justice forums, has meant that women’s land rights have largely not been adequately protected and enforced.

17. The Forest and Wildlife Law 1999, for the preparation of which FAO also provided assistance, requires local community participation in the management and sustainable use of natural resources. Regulations for the management of Protected Areas are also included. Responsibility for this aspect of implementation is shared between the Ministry of Agriculture (MINAG) and the Ministry of Tourism (MITUR). Both are required to adopt consultative processes at community level; the latter where land occupied by communities overlaps with Protected Areas, including hunting concessions. A law for territorial planning, which reinforces rights as established by the Land Law, was promulgated in 2007 and is the responsibility of the Ministry of Environment (MICOA). FAO also assisted with the elaboration and implementation of this legislation and received extra-budgetary support for the purpose from the Netherlands.

18. The land and natural resource laws provide a basic legal framework for regulating access and for protecting the right of local people to manage and use land and natural resources. This is in line with the Local Government Law 2003, which allows local governments to manage national resources and share the responsibility with local communities and traditional authorities. The policy since 2004 has been to decentralise rural development planning to province, district, sub-district (Administrative Post) and community level. Provincial and District authorities have to prepare their development strategies, adapting national guidelines from the central government to specific provincial and district circumstances and needs. The DNPDR has special responsibilities for promoting the use of natural resources legislation for promoting the equity and growth objectives of Mozambique’s Rural Development Strategy.

**Land policy developments**

19. Since the formulation of the national land and natural resource development policy in the 1990s, Mozambique’s economy has undergone major economic growth, the benefits of which have yet to spread to the bulk of the rural population. Despite government’s efforts with PROAGRI, a multi-donor, sector-wide approach to funding the small-farm sector, rural poverty remains Mozambique’s over-riding problem.

20. In recent years, government policy has favoured the development of large-scale agriculture and the allocation of substantial areas of land for commercial agriculture, including biofuels and forestry. This trend was bolstered by the October 2007 decree which changed the regulations to a key Article 35 in the Land Law of 1997, weakening the acquired rights of small farmers and bringing to a standstill the certification of community land delimitations. Very large land concessions have been granted to foreign investors with minimal consultation with local communities (Cotula et al 2009, Hanlon 2011). The issue of ‘community consultation’ and what constitutes ‘community agreement’ and consent to incoming investors have become highly contentious. Civil Society Organisations (CSOs) are not concerned only about large-scale land alienation by foreigners. Land acquisition by the local elite is an equally serious problem.
21. Today, the Land Law 1997 is still very far from being properly implemented. The budgetary allocation to land administration in Mozambique falls far below that of SADC countries and much of the work involved in the delimitation of community lands has been carried out by NGOs funded by donors through a series of local level projects which have focused on community delimitation as the cornerstone of any subsequent development process. The most recent of these is the Netherlands and DFID-led, multi-donor Community Land Initiative (iCT).

22. Delimitation of community land has not been without controversy, being perceived by some of the political elite as an obstacle to development. Consequently very few public resources have been allocated to it over the years (CTC 2003). Thus even though the law recognises customary land rights, regardless of formal registration processes, concerns about formalising extensive community claims led to changes to Article 35 of the Land Law Regulations in 2007 which were then construed by state officials as signifying that the recognition of community rights was subject to State authorisation.

Indications of changes in the policy environment

23. Such regulatory changes indicate that there are pressures to change the policy environment, which if realised could undermine key assumptions underpinning the implementation of the Project. There are also equally strong forces defending the policy principles of the 1997 Land Law however and on 1 October 2010, the National Directorate of Land and Forests (DNTF) announced that the October 2007 decree, pertaining to the regulations relating to Article 35 of the Land Law, should revert to the former system of provincial endorsement of community certificates.

24. The pressure for change to the current framework continues however, especially from the private sector. On 20 October 2010, the Prime Minister announced that a Land Consultative Forum (LCF) (Fórum de Consulta sobre Terras) would review government’s land policy. The LCF was to have a Consultation Group (Grupo de Consulta) including 15 ministries, municipalities, professional associations, civil society, and interest groups. A smaller working group (Grupo de Reflexão) was to have 16 national directors plus members drawn from the private sector and civil society. The Forum first met in March 2011, headed by the Minister of Agriculture and involving some 200 participants.

25. The Council of Ministers gave the LCF a list of urgent issues to debate, including those relating to community land, women’s land rights; conflicting interpretations of the law; and the adequacy of investment plans. In setting up the Forum, the Council of Ministers stated that the food crisis and the search for land for non-traditional uses such as biofuels, forests, and nature reserves were putting more pressure on land and natural resources.

26. FAO has been requested to provide technical support to the LCF and a draft proposal for a Technical Cooperation Project (TCP) is currently being discussed between the parties involved. This is some twenty years after FAO provided advice to Mozambique’s Technical Secretariat of the Inter-Ministerial Commission for the Revision of Land Legislation (the ‘Land Commission’) (see Figure 1). The resulting process is recognised to have been one of the most participatory policy and law-making processes in the SADC region.
IV. Assessment of Project Objective and Design

Figure 4: Diagrammatic representation of Project Strategy

Com munity paralegal support  DNDP training and technical assistance (RDS implementation)

Better response from different branches of 'the State' and activities integrated within over-arching development programme (RDS)

Participatory Development
With Enhanced
Food Security
And Economic Impacts

Participation by communities in development process

Technical assistance and follow-up:
- specific cases
- research

Community paralegal support  Local RDS extension activity

(Source: FAO (2009) page 27)

27. As stated in the Project Document (FAO 2009 page 27), the Project aims to combine empowerment of local people, with measures to strengthen the response to local development issues from state and civil society actors. Setting the training and seminar programme within a wider set of activities that promote the Rural Development Strategy (RDS), the Project aims to ensure that the CFJJ component can have an impact on the ground and on the way in which rural development and land and natural resource policy intersect within the relevant national policy forums. The CFJJ paralegal training component aims to increase community awareness of land and resource rights and how to use them in practice.

Objective and Justification

28. The Project Outcome for GCP/MOZ/096/NET as specified in the Logical Framework (see Appendix 3), is as follows:

Communities and other stakeholders including private investors making full use of their legal rights over land and natural resources, through an equitable and participatory rural development process using the land and natural resources laws

In assessing whether the planned scope and approach of the Project was justifiable *ex ante*, an assessment is needed of the relevance of the expected objective. On the basis of the argument presented in paragraphs 29-34 below, it is concluded that the project objective was and remains relevant and consistent with the beneficiaries’ requirements, country needs and donor’s policies.

29. In April 2009, neither the Land Law 1997 nor the related natural resource laws were being properly implemented. The State budget had not allocated adequate funding or
deployed sufficient trained personnel to district and provincial offices to conduct and process community and individual land claims. As a result, very little land held by communities had been formally delimited and recorded in the national cadastre. Despite various constitutional assurances, there were no accessible legal mechanisms by which communities could protest government officials’ decisions to cede their land and related natural resources to investors. In these circumstances, continued support by FAO and partner countries to capacity development of paralegals and district officers was perceived to be of great importance.

30. The justification for the **CFJJ component** of the Project (GCP/MOZ/096/NET) lay in the recognition that training of paralegals and district level officials in land and natural resource laws under GCP/MOZ/081/NET was incomplete and it merited further effort.

_The District Officer seminar component extends a tried and tested one-week seminar model to 54 districts not covered in the previous project. These interactive seminars help ‘front line’ officials understand how to use the natural resources laws to promote a participatory model of development of local level that respects local rights while accommodating the needs of investors and the State._ (Project Document GCP/MOZ/096/NET, page 8)

31. In addition, the Project Document envisaged the expansion of training to cover the new Territorial Planning Law and Regulations 2007, which had important implications for participatory planning for RDS implementation. Further, it proposed the training of officials in rural development, agricultural investment and environmental programmes e.g. from MITUR, MICOA and the Centre for Promoting Commercial Agriculture (CEPAGRI) and the new National Police Department for Forests and Environment.

32. The justification for the **DNPDR component** of the Project lay in the recognition of the importance of the RDS strategy and DNPDR’s role in the promotion of rural development and the training of its staff in:

_…. the use of natural resources legislation for promoting the equity and growth objectives of the RDS. The project will also work to support a campaign to promote the best use of underused land resources, focusing on investment and community-investor partnerships and participatory stakeholder approaches to territorial and district development planning. Follow-up technical support will be provided to DNPDR staff when they put their new skills into practice._ (Project Document, page 9)

33. In the same vein, a further component was added to justify the Project, namely to develop:

_…. a working relationship through IFAD-commissioned research into community-investor partnerships, carried out by the FAO-supported CFJJ team. This research will feed into a new DNPDR-IFAD pilot programme to promote new partnerships, starting in 2009. The project will provide technical assistance to DNPDR including case study and backstopping as trial projects are implemented. Note that the Netherlands is also contributing funds through IFAD for these pilots, underlining the synergies between the CFJJ and DNPDR components._ (Project Document, page 9)

34. Accordingly, the Project envisaged workshops with the private sector and other actors to provide practical guidance on how to implement more equitable and participatory rural development, for follow-up technical support to trainees by CFJJ trainers and consultants.
### Project design

**Figure 5: Planned Project Outputs and Activities**

<table>
<thead>
<tr>
<th>CFJJ Component</th>
<th>Activities</th>
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<tbody>
<tr>
<td>Outputs</td>
<td>Activities</td>
</tr>
<tr>
<td>1. Local people know about their land and natural resource rights and how to use them to produce real development impacts.</td>
<td>Develop and implement paralegal training.</td>
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<td>1.1 Improve paralegal course structure and content</td>
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<td>1.2 Run 3 courses for NGOs and Public Sector officers</td>
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<td>1.3 Support 8 courses for NGO and Public Sector officers</td>
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<td>1.4 Involve 45 communities in paralegal programme</td>
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<td>1.5 Produce reports on community issues</td>
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<td>2. District level public sector staff using legal framework for equitable and sustainable development, with more effective judicial intervention.</td>
<td>Develop and implement District Officer seminars.</td>
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<td>2.1 Prepare work plans with sector partners</td>
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<td>2.2 Improve training materials</td>
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<td></td>
<td>2.3 Run 9 District Officer Seminars</td>
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<td>3. Public agricultural, rural development and environmental agencies using legal framework to promote equitable and sustainable development.</td>
<td>Develop and implement targeted sector training.</td>
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<td></td>
<td>3.1 Run courses for Police, Forests and Environment officials</td>
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<td></td>
<td>3.2 Two seminars for CEPAGRI and partners</td>
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<td></td>
<td>3.3 One six-week course for MICOA on LOT 19/2007</td>
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<td>3.4 Two seminars for MITUR conservation staff</td>
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<td>4. Effective monitoring and follow-up technical support programme.</td>
<td>Strengthen M&amp;E, research and publications in both partner agencies.</td>
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<td>4.1 Support consolidation and CFJJ Research Dept.</td>
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<td>4.2 Support development of casework database</td>
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<td>4.3 Support dissemination of project results in S&amp;J</td>
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<td></td>
<td>4.4 Develop RDS M&amp;E plan with DNPDR</td>
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<td>4.5 Work with CFJJ and DNPDR for case follow up</td>
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<td>4.6 TA follow up visits with CFJJ staff, consultants</td>
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<tr>
<td>5. CFJJ with institutional capacity and land and natural resources programme integrated into long-term Strategic Plan and budget.</td>
<td>CFJJ exit strategy Strategic Development Plan (SDP) and budget.</td>
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<td>5.1 Support finalization of SDP</td>
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<td>5.2 Develop mid-term operational plan by Y2</td>
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<td>5.3 Submit yearly budgets to MPF</td>
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<td>5.4 Work with donors to move to common funding</td>
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<td>5.5 Workshops to review SP implementation</td>
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<tr>
<th>DNPDR Component</th>
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<tr>
<td>Outputs</td>
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<tr>
<td>7. Land and natural resources legislation and implementing instruments used as practical tools in RDS implementation.</td>
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<td>8. DNPDR with capacity to carry RDS implementation forward and engage in debates on land and natural resources policy</td>
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Source: based on Logical Framework GCP/MOZ/096/NET

35. The Project Outputs and Activities constitute the means of achieving the overall Project Outcome. The CFJJ component has five planned Outputs each with a corresponding Activity. The DNPDR component has three. Details of each planned Output and Activity are contained in the Logical Framework (see Appendix 3) and summarised in Figure 5.
36. Outputs and Activities 1-3 and 6-8 (see Figure 4) are primarily concerned with capacity development in matters relating to the implementation of laws relating to land and natural resources so as to promote equitable and sustainable rural development. In the case of the CFJJ component, for Outputs 1-3, the target group consists of: (i) paralegals, NGOs and communities; (ii) district-level public sector officials; and (iii) agricultural, rural development, environmental and conservation officials. For this third group, training is also given on the Territorial Planning Law (LOT) 2007.

37. As explained above (paragraphs 14-15) under the Land Law, the land rights of citizens, acquired through customary norms and practices are secure and inheritable. They may know that the law allows the transfer of a portion or whole of their rights to an investor, but neither party may know how to interact for mutual benefit. Under the preceding FAO project a paralegal training programme began to show communities how to use their rights either directly or in partnership with the State to promote equitable development. Under the Project, six CFJJ paralegal courses directly supported by the Project combined with eight supported by other programmes aimed to reach 45 communities (FAO 2009). The seminars are attended primarily by participants recommended by NGOs, but also include a modest number of officials from the provincial cadastral offices (SPGCs).

38. The district officer seminars are attended by the District Administrator, the District Judge, the District Public Prosecutor, the Chief of Police and the District Director of Economic Activities (SDAE), and drawn from districts where the equitable development of land and natural resources is perceived to be problematic. The purpose of the course is two-fold: (i) to ensure that the district officials learn how the laws work; and (ii) that each participant returns to the district fully understanding his or her role in the implementation of the relevant laws.

39. In the case of Outputs and Activities 6-8, participants are to be drawn mainly from the provincial and district level for training in matters relating to land and natural resource laws, as they apply to the RDS Strategy and the formation of community/investor partnerships. The training aims to embrace senior officials in the MAE/DNPDR as well as those working at the district level, especially those involved in the implementation of the IFAD/Netherlands project. It is intended that staff members from the CFJJ are to be closely involved in the implementation of this work, hand-in-hand with the FAO TA.

40. Output 4 is concerned with the building up of a systematic M&E capacity in the CFJJ working with its Research Department/Justice Observatory to develop case studies and conduct surveys to produce information for incorporation in training activities for the various target groups covered by both project components. Output 5 is concerned with the institutional development of the CFJJ and the implementation of the Strategic Development Plan for the Centre.

V. Assessment of Project Implementation, Efficiency and Management

Project budget and expenditure

41. The value of the donor contribution is USD 2.86 million (FAO 2009). Details of the current financial status of GCP/MOZ/096/NET were obtained from the FAO Country Office, Maputo, Mozambique on 07 June 2011, according to which the estimated total expenditure up to the end of 2011 will be USD 2.38 million. This estimate is based upon
the actual expenditure 2009-2010 of USD 1.27 million and the estimated cost of the current annual work plan (AWP) of USD 1.11 million, leaving a balance of USD 0.46 million for the period January to March 2012. A 'no cost' extension of the Project is therefore unlikely to be feasible; any extension would require additional funds.

**Outputs and Activities**

*Figure 6: Actual Project Activities (2009-June 2011)*

<table>
<thead>
<tr>
<th>CFJJ</th>
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<tbody>
<tr>
<td>- Two paralegal courses funded by the project. Other paralegal courses technically supported by the project; one with the Gender and Land project (GCP086); five for the MCA land component; refresher course for higher level paralegals already trained.</td>
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<tr>
<td>- Four district officer seminars conducted</td>
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<tr>
<td>- One course for senior conservation area managers (for Ministry of Tourism) organised</td>
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<tr>
<td>- One five-week course in implementing territorial planning legislation (for the Environmental Coordination Ministry) organised</td>
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<tr>
<td>- Paralegal course structure was revised by CFJJ paralegal trainers and the two CFJJ/FAO project Senior Technical Advisers; the timetable was adjusted to provide more space for new subject areas and an improved gender module; and the field component was redesigned.</td>
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<tr>
<td>- One report was published in the CFJJ journal Society &amp; Justice; other reports under preparation for publication in the journal; and the journal papers are being formatted for the new CFJJ website</td>
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<tr>
<td>- The paralegal course implementation and structure were assessed by the new FAO Chief Technical Adviser (Land and Gender Project), with recommendations incorporated into subsequent courses</td>
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<tr>
<td>- CFJJ 2011 workplan developed and project activities integrated into CFJJ programme</td>
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</table>

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<thead>
<tr>
<th>DNPDR</th>
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<tbody>
<tr>
<td>- One seminar for senior central level staff in Planning and Development and related sector ministries</td>
<td></td>
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<tr>
<td>- One seminar for senior provincial and national directorate level staff (Planning and Development, Finance, Local Development Agencies, etc)</td>
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<tr>
<td>- One seminar for partner organisations (central level staff and technical officers) (Investment Promotion Centre, Centre for Commercial Agriculture, National Directorate in Land, Forestry, Extension, etc)</td>
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<tr>
<td>- Four regional seminars for senior provincial and district government officers overseeing rural development and related activities</td>
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<tr>
<td>- Support to and participation in a National Meeting on Community Land Rights</td>
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<tr>
<td>- Support to the implementation of a Community-Investor Partnership Programme (with IFAD and the Netherlands Embassy): Recruitment of senior national technical advisor (project manager); Field visits to provinces to look at existing partnerships; Launch of project at a National Meeting on 25 March 2011; Creation of Reference Group with TORs and workplan discussed</td>
<td></td>
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<tr>
<td>- Seminar series on key elements of the land and other laws (with CTV, national NGO)</td>
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<tr>
<td>- Technical and discussion inputs to land policy issues in a variety of different contexts (meetings with government, donor meetings, discussion papers, presentations)</td>
<td></td>
</tr>
</tbody>
</table>

Source: GCP/MOZ/096/NET Project Progress Reports and MTE TOR

42. Documentary sources for this section are: FAO Project Progress Reports (FAO 2009a, 2009b, 2010a, 2010b, 2011a) for the past five semesters prepared by FAO’s STA, the TOR for this MTE Appendix 4, and information provided by CFJJ and DNPDR. This information was requested by the MTE to for inclusion in the MTE report using the Project Logframe. The DNPDR response is highlighted in the Logframe in Appendix 3. To date, the report from the CFJJ has yet to be received.

**CFJJ Component**

43. The CFJJ paralegal training (Activity 1) and district officer training programmes (Activity 2) are reported to be on schedule, but Activity 3, Training for the Investment
Promotion Centre, Centre for Commercial Agriculture (CEPAGRI) and other partner agencies involved in rural development have gone according to plan, after being transferred to the DNPDR side of the project (but still implemented by CFJJ trainers). Sector Training for the Republican Police and the MICOA personnel on conservation and land and natural resource laws have fallen behind schedule. One five-week course on the Territorial Planning Law and related legislation has been run for MICOA and to date a follow-up course has not yet been requested. At the inception of the Project, the formation of a ‘Police Department for Environment and Forestry’ was expected, but this department did not materialise and it became difficult to justify and organise a dedicated training course on conservation for the police. The police have apparently now moved ahead with this, and have requested that the CFJJ organise and implement this activity (planning and curriculum development meetings have already taken place).

44. An important aspect of the CFJJ’s Access to Justice Theme is the training of paralegals in land-related laws for work with rural communities. The long-awaited paralegal manual, an impressively didactic publication, complete with CD ROM, which will be of assistance in the training of trainers, was finally published in early 2011.

45. The CFJJ’s Vice Director considers the paralegal training programme to be one of the Centre’s most successful programmes. Preliminary results are believed to be positive, but in the absence of systematic research, the impact of the paralegal training is difficult to assess. In meetings between members of the MTE and NGOs, paralegals raised questions about the lack of formal recognition accorded to trainees who had participated in CFJJ courses. This issue is the subject of ongoing discussions between the CFJJ and the Ministry of Justice, with a view to giving some kind of formal recognition to suitably qualified and competent paralegals working with rural communities.

46. Participants for the project’s paralegal courses are nominated by NGOs, including women’s associations such as Forum Mulher (Women’s Forum), Amudeia Women’s Association and MuGeDe (Women, Gender and Development). The policy for the paralegal courses is to reserve 20% of the places for public sector participants. Although, there have been occasions when the NGOs have felt threatened by the presence of SPGC officials, the resulting interaction between the two categories of participants is believed to contribute to mutual respect and constructive engagement. Paralegal participants vary in terms of their background and level of formal education; most have 10th - 11th grade education. Under discussion is the extent to which trainees can be empowered to build on their two-week theoretical and practical training when they return to the districts, for example by mediating land disputes, formally representing their clients in court, assisting district administrators and helping to protect the rights of communities and individual landholders. In addition to the issue of formal accreditation is that of longer term support to career development. It should be noted that in other countries in the sub-region, such support usually derives from membership of a non-governmental public interest law centre, striving to make laws accessible to the rural poor.

47. CJJJ activities necessary to deliver Outputs 4 and 5 have fallen seriously behind the planned targets. Delays with Output 4, the planning and completion of a baseline survey by the CFJJ, have been referred to regularly in the STA’s progress reports. The progress report for the first semester referred to ongoing discussions on selected indicators (FAO 2009a). The second semester report mentioned the lack of in-house capacity in CFJJ to conduct surveys, the pressure of survey contracts with other clients and the lack of
planning of resource allocation (FAO 2009b). It suggested the postponement of the baseline study to 2010 and the linking of the survey with one for the Women’s Land Rights project (GCP086) and with yet another study of paralegals funded by Danida. At the end of 2010, the baseline survey was still pending. The most recent progress report (FAO 2011a) concluded that a baseline study of the type originally proposed should be replaced by a simpler impact survey towards the end of the Project, which targeted a representative group of participants and a parallel control group, and implemented by an outside contractor in order to circumvent the continuing capacity problems in the CFJJ.

48. For the delivery of Output 5, i.e. ‘the CFJJ with institutional capacity and the land and natural resources programme integrated into long term Strategic Plan and budget’, the key Activity is the finalisation and adoption of the CFJJ’s Strategic Development Plan (SDP) by the Ministry of Justice and the inclusion of CFJJ’s costs in the annual State Budget. A recurring issue in the STA’s project progress reports since June 2009 has been the delay in approving the 5-year Strategic Development Plan, essential for the sustainability of the type of capacity development which the donors have been funding. Until the end of May 2011, it was believed that the SDP, which had been prepared by external consultants in 2009, was awaiting approval in the Ministry of Justice. It has now been revealed that the SDP was never finalised and not formally submitted to the Ministry.

49. Since its inception, the CFJJ has been almost entirely dependent on direct donor funding (off budget and off treasury). Its principal benefactor continues to be Denmark3, which disbursed EUR 872,163 (USD 1.26 million) in 2010 for the centre’s core programme, namely the training of the nation’s magistrates and judges. It has committed EUR 671,550 for 2011. For CFJJ staff working on donor funded projects (including GCP096), basic government salaries have been supplemented by external funds and the continued morale of the CFJJ’s team is closely linked to receiving salary ‘top-ups’4.

50. At a meeting requested by the MTE, hosted by the Norwegian Embassy on 2 June 2011 and attended by a representative from Denmark, one from the Netherlands and by the STA, it was concluded that there was no immediate danger of Denmark’s core funding being withdrawn and that it was likely to continue until 2014. Norwegian funding of GCP/086 is expected to continue until 2013. However, the situation in which a decision on the future of the CFJJ within the Ministry of Justice was recognised as unsustainable and deserving the attention of all the parties. The rejuvenation of work on the long awaited Strategic Development Plan was urgently necessary.

DNPDR

51. The DNPDR component has performed well in spite of the major institutional change nearly a year into the project, when the National Directorate was transferred from the Ministry of Planning and Development to the Ministry of State Administration (MAE). Some minor activities linked to the community-investor partnership process have been held up (see below); and the planned seminars for highest level government officers (Ministers and Governors) are still awaiting a political green light and space in ministerial agendas. However, concerns that the content and direction of the main

3 http://www.odamoz.org.mz/projects/494438
4 USD 1250 per person per month, approximately two thirds of the total salary for each of the 5 government staff working on GCP096
capacity building programme would be questioned did not materialise and MAE has firmly endorsed and supported the programme since then. Thus the delivery of the main training activities for the DNPPD component (Activity 6) is close to that originally planned for years 1 and 2. In fact DNPPD has requested a further round of training in year 3 after the success of the first series of activities. Throughout, the CFJJ provided most of the training in land and natural resource laws and the Directorate provided lecturers in other aspects, e.g. the RDS and the Investment Law.

52. The support to the community-investor partnership programme was however badly affected by the institutional change, and then again by the late approval of the State Budget in 2011 and the subsequent need to re-arrange financial management procedures (the bulk of funding, from the Netherlands, is being disbursed through the public budgetary system and its attendant accounting and payment systems). These problems have now been overcome and the official re-launch of the community-investor partnership project was in March 2011, attended by the Minister. With much of the work a year behind schedule in January 2011, this project will now run from January 2011 to the end of 2013.

53. Under Activity 7, ‘Technical Assistance to the DNPPD, implementing the RDS’, the STA has had three main roles: participating directly in capacity building work via the seminars; providing advice on participatory rural development and RDS implementation using the decentralised resources management mechanisms in the land and other laws (including the implementation of IFAD-Netherlands funded pilot programme in community investor partnerships); and promoting and supporting a stronger DNPPD presence in land management and administration discussions insofar as these relate to rural development issues.

54. The DNPPD has not yet got to the stage of creating pilot partnerships in agriculture, but is expected to do this in the coming semester when the contracting process will begin. So far, the project has identified 10-15 delimited communities in the five target provinces of which five are expected to be short-listed. This will be followed by a formal tendering process to identify investors.

Cooperation with counterpart agencies

CFJJ

55. The FAO projects (GCP/MOZ/096/NET and GCP/MOZ/086/NOR) work in close and harmonious relations with the CFJJ. However, at times, the comradely relationship is strongly tested. Since its foundation in 1999, the Centre has been supported by a variety of donors - Denmark, Norway, Ireland, Portugal, the Netherlands and the USA. Donor support included the funding of the establishment of the Centre’s initial infrastructure, research activities and, in the case of the Netherlands, support for training related to new land, natural resource and environmental legislation. The CFJJ is the only higher education body offering post-graduate training in legal issues and it therefore its services tend to be in great demand. In addition to FAO, several other UN agencies have been working with the CFJJ, namely UNDP, UNICEF, IFAD, UNAIDS and UNFPA. As a consequence its small core of staff tends to be over-stretched, although reluctant to turn funds away.
56. The administrative problems of the Centre are compounded by the problems of working with a wide range of donors, each with their own funding and reporting requirements. Reporting of FAO Project expenditure of LOAs has continued to be a constraint to project implementation up to a limit of USD 50,000, with many different kinds of activity and large payments to cover travel, conference and accommodation costs for courses and seminars.

57. Nonetheless, relations between the Minister of Justice, the Centre and the FAO Project remain good. ‘The CFJJ continues to be an excellent and committed partner’ (TOR, page 7). It has responded well to the challenge of supporting the DNPDR activities, most of which take place outside Maputo. It has succeeded in integrating the paralegal and other capacity building elements of the Project into its overall programme and management structure, a key element in the exit strategy under Activity 5. The Project has presented the CFJJ with new challenges that have included building a new management team for what is now the ‘Access to Justice Theme’ of the Centre.

58. Even so, the MTE came to understand that if the support under GCP096 was to finish, it would be difficult for the Centre to continue the training in land and natural resources laws because of the growing pressure on CFJJ to run other courses for which external funds continue to flow.

**DNPDR**

59. The two Project Progress Reports for 2010 expressed concerns about disruption to the Project arising from the transfer of the Directorate from the MPD to the MAE. The MAE is a non-sectoral ministry with wide responsibilities for public administration, decentralisation and oversight of aspects of district and municipal governance and spatial planning in urban and peri-urban areas. Despite the inevitable delays in implementation, the Project has moved quickly to build good relations with the new Minister, who met the MTE and ensured that key managers were made available for meetings. She stressed the importance of moving forward from a project to a national approach to training officials working in different sectors (Planning and Development, Finance, Agriculture, Land and Forestry, Tourism, and Environment) at central, provincial and district level in the relevant policies and laws designed to foster fruitful community/investor and state relationships. The Project has been instrumental in ensuring that DNPDR actively participated in a national meeting convened by DNTF in March 2010 to discuss community land rights and also in recent sessions of the Land Consultative Forum. FAO Project is facilitating the growing partnership between CFJJ and the DNPDR and more active engagement between DNPDR and other key land and natural resources agencies, notably DNTF.

**FAO project management**

60. The implementation and management arrangements for the Project, the inputs from cooperating governments and FAO, the provision for technical support, monitoring and reporting are briefly described in the Project Agreement (FAO 2009). In general, the MTE finds that the spirit, if not the letter, of the agreement has been adhered to by the four signatories under often difficult circumstances. Management and administration issues arising and highlighted in the six-monthly progress reports are listed in Figure 7.
Figure 7: Administration and management issues in progress reports (FAO 2009a etc.)

<table>
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<tr>
<th>Semester 1: 1 January to 30 June 2009</th>
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<tbody>
<tr>
<td>- CFJJ overburdened with a high number of training activities; planning in abeyance pending completion of the Strategic Development Plan (SDP); working relations between CFJJ and DNPDR difficult to develop as the CFJJ team were unavailable for meetings.</td>
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<td>- New HACT funding process stalled; Project has to revert to time-consuming LOAs</td>
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<th>Semester 2: 1 July to 31 December 2009</th>
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<tr>
<td>- CFJJ continues to be heavily overcommitted with constant demands to implement additional courses for the justice sector; lack of integration between the work of the Studies and Research Department (DEI) and the work of the rest of the CFJJ including the Project; no progress with the baseline survey; delays with the preparation of the paralegal manuals; in the absence of planning, difficulties in matching human resources to tasks and vice-versa.</td>
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<th>Semester 3: 1 January to 30 June 2010</th>
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<tr>
<td>- Large distance between the two counterpart agencies causes delays; dysfunctional e-mail; weak financial reporting; non-availability of working space at CFJJ and DNPDR; CFJJ overburdened with training demands; differential pay and conditions partly arises from poor donor coordination; in continued absence of SDP, general lack of planning and budgeting.</td>
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<tr>
<td>- Abortive HACT process causes funding delays; resurrection of LOAs reduces staff time and energy (counterpart agencies are using HACT in their work with other UN Agencies).</td>
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<th>Semester 4: 1 July to 31 December 2010</th>
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<tr>
<td>- CFJJ unable to allocate enough staff time to the paralegal and district seminars. Logistics and admin assistant unable to service both GCP096 and GCP086. Still no progress with the SDP.</td>
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<tr>
<td>- The switch of ministry to MAE results in key staff leaving DNPDR to rejoin MDP; Stakeholders unavailable for coordination meetings; frequent e-mail problems.</td>
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<td>- Delay in arrival of IFAD-Netherlands funds stops work on the community-investor partnership programme and imposes additional constraints on STA’s time</td>
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<tr>
<td>- FAOR personnel overseeing the Project have responsibility for too many other projects; continuing problems with LOA and HACT funding process.</td>
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<th>Semester 5: 1 January to 30 June 2011</th>
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<tr>
<td>- CFJJ unable to allocate sufficient senior staff time to paralegal and district seminars; regular coordination meetings difficult to arrange. DEI also over stretched. Salary top-ups continue to be an issue. FAO was informed that by the Directorate that the SDP issue was unresolved.</td>
</tr>
<tr>
<td>- FAOR staff struggling to meet the needs of the Project; funding through LOAs continues.</td>
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<tr>
<td>- E-mail communications continue to be a problem at DNPDR.</td>
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61. Analysis of the Project Progress Reports for the past five semesters provides evidence of recurring management and administrative difficulties, especially on the CFJJ side, which have sapped the energy of the STA and the Project Staff and diverted them from their professional work. These difficulties were mostly outside the direct control of the Project and include the following:
- matching the project’s planning and implementation workload to the CFJJ’s available human resources in a situation in which its wider commitments are unclear;
- the indeterminate state of the Centre’s commitments also created difficulties in obtaining office space, scheduling meetings between counterpart agencies, integrating the tasks of training, studies and research and the preparation of publications and teaching aids;
- differentials of staff pay and conditions of service within the CFJJ arising from ad hoc arrangements for different donor-funded assignments, resulting in an inevitable loss of staff morale and commitment to the Project.

62. The difficulties encountered by the CFJJ are not infrequent in quasi-state organisations that have been set up with multi-donor support on the periphery of government, in the expectation that they will be absorbed by the relevant ministry or department. Due to perennial governmental ‘budgetary constraints’ such institutions often survive from year-to-year in an indeterminate state, with an inevitable loss of staff morale and direction. In the circumstances, it was probably unwise to give the Centre responsibility for overseeing the preparation of the Strategic Development Plan, rather than to give it to a committee overseen by the Minister of Justice, on which the CFJJ staff and donors were represented.

63. The MTE recognises that the difficulties faced by the Project have inevitably had knock-on effects in its relations with FAOR. These have not been probed by the MTE as it is reported that they are the subject of constructive ongoing discussions between the STA and the FAOR with a view to working out ways in which the parties involved can help each other to speed the flow of work, especially in the expected expansion of the programme.

64. One problem which seems to be particularly challenging relates to replacing LOAs with the HACT system for transferring funds to implementing partners. This issue continued to feature in the six-monthly progress reports without satisfactory resolution. Although a positive development, mentioned in the most recent report, is the raising of the limit of authority of FAOR to US$100,000 for each LOA, which should reduce the administrative burden for the Project.

65. The work attached to GCP/ MOZ/096/NET and now GCP/ MOZ/086/NOR is very stressful (on some occasions traumatic\(^5\)) with such an innovative programme, with many courses, different people and partners, details such as per diems and lodging and travel to organise, and lots of time spent on administration. The question arises whether it is sustainable without more FAOR support. Is there a case for deploying a dedicated administrative/operations officer so as to release STAs for technical assistance work?

**Technical and operational backstopping**

66. Technical backstopping was provided by FAO’s Development Law Service (LEGN) and the Land and Water Division (NRL), which has shared responsibility for backstopping missions during the Project, to assess implementation and provide technical support. The Project Document (FAO 2009) states that ‘through the FAO Rome services, the project will have access to a wide range of supportive normative material and other technical support from ongoing projects around the world’\(^6\).

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\(^5\) For example, a STA having to respond to distress calls from seminar participants held to ransom in a hotel at the other end of the country and threatened with arrest due to non arrival of funds had to hand-carry a cheque to a Maputo bank and fax evidence to the hotel 30 minutes before bank closing time to release the detainees.

\(^6\) The organisational structure of FAO Rome is often difficult to understand without knowing the background to new arrangements and why they have been made. Until 2010, FAO’s land tenure personnel were located within the Land and Water Division (NRL), but that year they were divided between two divisions, NRL and NRC.
A question arises about the extent to which there is effective communication and coordination among the FAO Rome Services that is between the Land and Water Division (NRL) and the Climate, Energy and Tenure Division (NRC) on land-related work in Mozambique. NRC is reported to be currently involved with the FAO/World Bank Cooperative Programme in developing a parallel stream of work involving rural land registration in Mozambique.

VI. Assessment of Results and Effectiveness

Impact and Effects

‘Impact’ refers to the positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended (DAC OECD 2002). An *ex post* evaluation should seek to determine the extent to which planned Outputs attributable to the Project are in place or expected to be in place in the longer term. This Mid-Term Evaluation (MTE) has been conducted at a point nine months before the scheduled end date of the three-year project. The MTE has to focus on the progress of the planned Activities. Of the eight planned activities, Activity 4 the Baseline Survey and Activity 5 the Strategic Development Plan are still pending. Otherwise, capacity development by the CFJJ has gone ahead well and according to plan. The DNPDR activities are now close to the planned schedule, apart from those that are tied to the delayed implementation of the IFAD/Netherlands Project.

The MTE finds that the training of paralegals to work with communities in matters relating to land and natural resource laws has the potential for far-reaching, positive long-term effects, provided there is a clear strategy for following up with a system of accreditation and institutional support. The evaluation of the preceding 3-year project, GCP/MOZ/081/NET (FAO 2007), proposed that the training course for paralegals should be followed-up by CFJJ with quarterly meetings at province level to enhance their long-term effectiveness. This proposal was accepted in principle, but in practice it was beyond the resources of the project. In other countries in the sub region, paralegal activities are often supported by non-governmental public interest law organisations and in association with NGOs involved in land rights advocacy. It is reported that there is an initiative afoot to establish a non-governmental organisation to accredit paralegals working with rural communities in Mozambique and this deserves every encouragement and support.

The MTE also finds that the training of district officials in land and natural resource laws has the potential for far-reaching, positive long term effects. In addition to encouraging feedback received from participants in the CFJJ seminars, field evidence is emerging of the impact of the seminars on district officials. For example, it has been noted that at the DNTF National Meeting on Community Land Rights, which took place in Nampula in March 2010, the contributions made by District Administrators that had taken part in the seminars compared well with those who had not yet had the opportunity (FAO 2010a).

By the time the Project finishes in 2012, some 90 districts will have been covered since 2007. It will be important for an independent field survey to be commissioned by the Project to assess the knowledge, attitude and practice of those NGOs and officials who have been exposed to the CFJJ training on land and natural resource laws and those who
have not. While some resources are available for some form of evaluation in the budget, this raises a question about whether or not there is time and adequate funding for this assessment with the current budget and NTE date (31 March 2012).

72. As noted in the introductory paragraphs of this report, the current Project (GCP096) is in part a continuation of the preceding one, which in turn had links with one before that. If it is too early to assess the Outcome of the current Project, what assessment can be made of the cumulative outcome of FAO’s development assistance over the last decade? For questions posed to the STA by the MTE on this issue and his responses, see Figure 8.

**Figure 8: Impact of community-investor programme and ‘without project’ situation**

**What is the progress with community-investor partnerships in Mozambique resulting from FAO’s initiatives?**

The main progress on specific partnership cases that we have made as a programme to date have been the cases like Covane Lodge and Coutada 9; and support to the African Safari Lodge Foundation where some 6 other eco-tourism enterprises are benefitting from FAO programme support in their early stages (one example is Mandla Wilderness in Niassa, doing a joint investor community conservation area project with community-owned lodges inside the community area etc) There are also other good examples such as Eco Micaia in Manica, where a community lodge has been set up with a UK-based NGO which at this point has a majority shareholding; as the project evolves the community will acquire an increasing share, reversing the ratio; the project is also working with the Mozambique Honey Company (MHC) in Manica, set up by a Dutch businessman and in which community honey associations have a 50 percent stake, to produce market grade honey – the community lodge works with the MHC project as a way to diversify local incomes, to make up for giving up slash and burn in the National Park around the lodge. This is a similar approach to the one we promoted in Coutada 9 via the FAO Food Security project which channelled our legal and policy support to the investor/community. While there are many other examples now of communities and investors trying to work together that have not directly been linked to FAO programme activities, in general the FAO project via the CFJJ has kept alive the idea of partnerships and I believe that the take up of the general idea of working with communities in some way owes a lot to our persistence. The new DNPDR project has not yet got to the stage of creating new pilot partnerships in agriculture, but should get onto this in the coming semester when the contracting process will begin.

**Has the Land Law 19/97 and related legislation and FAO’s support to implementation made any difference to community livelihoods?**

Regarding the ‘without project situation’, I have said in various papers that I believe the Land Law to be a success in relative terms, principally because it brought the whole issue of community rights onto centre stage and to this day, legally everyone has to do a consultation and recognise that local rights do indeed exist. Whether consultations are done badly or not is not relevant in this context – investors are obliged to at least recognise the issue and deal with it in some way. I believe the Law has staved off an even greater land grabbing process in the last ten years than there would have been ‘without project’ – in this context I believe that our steady and under the radar work at the CFJJ has had a quiet but significant impact on local community awareness of rights, how they can defend and use them, etc. There are examples I could quote where the community has stopped processes which would otherwise have negatively affected them. So I would say that on balance the long process of capacity building has created a real national,
(Mozambican civil society and government) base for engaging in the process and dealing with privileged interests. Government is clearly looking for a way to deal with the community issue while promoting investment, and in that context they are looking to the DNPDR programme with some interest.

Chris Tanner, e-mailed response to MTE 08/06/2011

**Sustainability and environmental impact of results**

73. Sustainability is concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn. Projects need to be environmentally as well as financially sustainable (DAC OECD 2002).

74. The interactive participatory methods used by the CFJJ trainers are of a high standard. They are now built on several years’ experience and embody best practice in non-formal adult education. The scope and content of each course is prepared with great care, combining theory with relevant case studies. The seminars, which bring together officials from different professions and districts for training in land and natural resource laws, are expected to be of lasting benefit for participants. Land-related issues are increasingly discussed in Mozambique and graduates of the CFJJ course are expected to be able to contribute positively to the debate. The same arguments apply to the training provided by CFJJ for the DNPDR seminars for district staff and sectoral departments and ministries.

75. The sustainability of the knowledge and skills derived by participants in the paralegal course will depend on the extent to which the course is a step in the development of a career in community service. So much depends on the availability of institutional support and further opportunities for learning beyond the CFJJ seminars. Many of the participants come from land rights NGOs who are expected to become involved in the training of trainers. Access to training materials such as the newly published CFJJ paralegal manual will be important.

76. With regard to the question of financial sustainability, it is doubtful whether the CFJJ will continue to provide these types of courses for district officials and paralegals after the current donor funding ends. The courses are unlikely to survive, unless the Centre is funded through the State budget or alternatively is able to achieve some form of financial as well as administrative autonomy and is then able to mobilise resources and set its own salaries to give the teaching personnel a wage that gives recognition to their skills. The issue is whether the CFJJ should be a ‘subordinate institution’ or an ‘autonomous institution’ under the Ministry of Justice; subordinado or tutelado, i.e. subordinate to or overseen by the Ministry.

77. It is has been proposed by the project TA that the CFJJ moves to institutionalise the paralegal course and run 2-3 courses per year, to which governmental or NGO agencies can send their staff for a set fee. Such a fee would cover the costs of the course and go towards trainer salaries. The MTE has not been able to follow up the viability of this suggestion, but it was pointed out that the CFJJ is running such an exercise for legal professionals in collaboration with a leading law firm in Maputo. Why not do this for paralegal training as well? To this end it is useful to note that during the current Project, most CFJJ paralegal courses have been sponsored by the MCA and iTC as part of their capacity building activities, and other organisations have asked the CFJJ to run courses
for them. This funding is not likely to be available in future, but there does appear to be demand for a continuing paralegal course of some kind.

78. With regard to **environmental sustainability** – the MTE of the previous project (FAO 2007) assessed this aspect and their main findings are reproduced in Figure 9. The current MTE concludes that the environmental situation remains unchanged, except perhaps more urgent as forested land is being rapidly cleared as a result of greatly increased activity by concessionaires.

*Figure 9: Environmental sustainability issues raised by MTE of GCP/MOZ/081/NET*

The CFJJ/project thrust does not include – and correctly so - any analysis of the environmental impact on the natural resource base of the proper application of the NR-related legislation. Moreover, considering the generalised lack of adequate baseline and monitoring data, the MTE had no means to assess this impact at any level. Thus, apart from the little evidence already available, only general hypothesis can be formulated here.

The population in rural Mozambique often lacks the information and knowledge about sustainable natural resources management under increasing population pressure and changing environmental conditions. Under these circumstances, any information and awareness raising action on these topics may have a beneficial effect: for example, it was reported that local committees for Natural Resource Management set-up under delimitation processes had immediate visible effects on the reduction of bush-fires, among others.

It is usually the case that concessions for the use of natural resources end up in heavier and wider exploitation of the resource base, than what was initially granted. If communities have a direct interest in the concession, it is highly likely that recognition of their rights and their empowerment through information and assistance through Paralegals will help to control and reduce illegal extraction.

However, the possibility exists as well that once communities get financial benefits from concessions more systematically, they might allow and even encourage wider extraction, in absence of alternative sustainable livelihoods. In these cases, GoM institutions and their partners will have to play two key roles: i) regulatory function to ensure that concessions do not undermine the resilience of the natural resource base; and ii) development function to improve the sustainable diversification of livelihoods for the rural population.

On the other hand, in the case of community areas overlapping with Protected Areas, if an equitable share of benefits are transferred to the communities from tourism and hunting activities through recognition of their rights, it will be likely that communities themselves will facilitate and enforce a better control and management of the resource. The case of Coutada 9 in Macossa is an encouraging example in this sense.

In conclusion, there is evidence that proper assessment and monitoring systems of the state of natural resources in Mozambique should be set-up, though this area clearly falls out of CFJJ/Project mandate.
Gender equity in project implementation and results

79. The MTE of the preceding project (GCP/MOZ/081/NET) was critical of the treatment of gender issues. The presence of female participants in the courses was found to be low and insufficient attention was paid to the occurrences of gender discrimination embedded in every day practices within communities and to the differential impact of development on men, women and children resulting from unequal control over land and property. A principal recommendation was for FAO to ‘recruit a full time gender specialist to support mainstreaming of gender issues and analysis in all training and research activities by the CFJJ/Project’ (FAO 2007).

80. In May 2010, after some delay, the STA of GCP086 arrived in Mozambique and work began on integrating the two projects. A new CFJJ course structure was developed for Activities 1 and 2 with a stronger gender and women’s rights component. This was a relatively straightforward process as the two projects were originally conceived together in 2008. In cooperation with women’s organisations (e.g. Forum Mulher, Amudeia and MuGeDe) the training of paralegals pays closer attention to problems relating to women’s access to land. On 26 May 2011, the MTE attended a CFJJ District Officer Course attended by officers drawn from 6 districts (30 participants, 8 of whom were women) when the women’s land rights and gender awareness session was underway. The interactive seminar considered not only the relevant clauses in the Constitution and the Land Law, but also international covenants, family law, the penal code and the law relating to domestic violence. The MTE finds that the current Project has successfully addressed the issues relating to inadequate coverage of gender issues that were raised by the previous evaluation.

Cost-efficiency

81. Efficiency measures the outputs – qualitative and quantitative – in relation to the inputs. It is an economic term which signifies that the aid uses the least costly resources possible in order to achieve the desired results (DAC OECD 2002). No analysis has been made by the MTE of the financial reports of the counterpart agencies, which receive subventions from FAO. However, the MTE has the impression that the Project is managed with a high regard to cost efficiency. On the basis of the evidence available, the Project represents a justifiable use of resources. Efficiency gains are being achieved by the very successful leveraging of the funds and knowledge of partners.

Major factors affecting the Project results

82. The success of the Project is rooted in some 15 years of FAO’s involvements with tenure, rights and access issues in Mozambique. The Project builds on a related project (GCP081) which in turn stemmed from an earlier project (GCP069) (see Figure 1). These factors have been highlighted by FAO as an example of good practice in the context of its support to capacity development (see Figure 10).
Figure 10: Capacity Development Good Practices Mozambique

- Government’s interest in regulating land and natural resource use
- An inclusive and participatory approach - from senior officers to paralegal workers and community members
- Integrating government and civil society officers in activities
- Long-term engagement of Netherlands & FAO
- Identification of national champions: Ministry of Justice (CFJJ) & Ministry of State Administration (DNPDR) actively engaged in capacity development activities
- Design of the capacity development interventions and their integration into CFJJ’s and DNPDR core activities
- Development of a training methodology: legal notes and books, training, field case study research and advocacy

Based on: http://www.fao.org/docs/eims/upload/269270/CB_CaseStudy06_Mozambique.pdf

VII. Future directions for FAO support

83. FAO is involved in three existing projects (GCP086, GCP096 and the IFAD/Netherlands Support to Community-Investor Partnerships). Not one of these activities share common time frames. Several of the projects extending beyond March 2012 clearly depend upon the GCP096 Technical Adviser for technical and management support:

- GCP096 extends until end-March 2012; GCP086 until mid-2013
- FAO Technical Support to DNPDR (GCP096 until end-March 2012);
- The IFAD/Netherlands Community-Investor Partnership Project (CIPP) runs to end-2013 (with FAO TA support to end-March 2012 via GCP096)

84. In addition to the above, there is a government recent request for FAO advice and assistance with the Land Consultative Forum process, particularly with the organisation and content of the debate (e.g. meetings, research and studies, expert advice, etc) on the issues identified by the Council of Ministers as needing clarification by the LCF (see paragraph 26). It remains to be determined whether this additional work will be the subject of a separate TCP (assuming FAO funds being immediately available) or whether it will be incorporated in the work programme of an extended GCP096, which could better synchronise the end dates of the above projects.

85. FAO will be in a stronger position to help if it has a coherent plan for providing advice and assistance on tenure, rights and access to Mozambique. Such a plan should be one that takes an integrated view of land administration, as defined for example in the ‘Framework and Guidelines for Land Policy in Africa’, that is: ‘the structure and processes for the determination, archiving and delivery of land rights, and the systems through which general oversight on the performance of the land sector is managed’ (AUC et al 2009). This is in contrast to the UNECE view of land administration. This is defined more narrowly as ‘the process of determining, recording and disseminating information about ownership, value and use of land’. Land administration is perceived by UNECE as separate from ‘land management’, which is concerned with the management of land from an environmental perspective (UNECE 1996).
86. This discussion is not only about semantics, but is also about development strategy. Over the last two decades in Mozambique there has come into existence a most dysfunctional form of land administration which has deep roots in the country’s colonial legacy. The cadastre, formerly under DINAGECA, was originally established to secure land for Europeans by the alienating African customary land. The cadastral service survives under DNTF, which is charged with administering the Land Law 1997, but with oversight of only the rural cadastre beyond the municipalities.

87. The administration of the cadastre is quite separate from spatial planning (i.e. land use planning and territorial planning). Spatial planning is driven and implemented under different laws and ministries, each with their own objectives. There is considerable confusion regarding the respective roles of MINAG and the National Directorate for Territorial Planning (DINAPOT) within MICOA, when it comes to deciding which entity is responsible for ‘land use planning’ and/or ‘territorial planning’. The result is that land use plans are drafted without reference to existing land rights and land management responsibilities of rural communities and new concessions are allocated without reference to approved land use plans. The country is covered by a patchwork of cadastral and land use maps of different scales which bear little relation to each other, or to reality.

88. FAO will want to help the Government of Mozambique to approach land policy and implementation in Mozambique in a coherent and integrated manner. This would not be difficult, but for the fact that FAO’s own organisation exhibits something of a schism between UNECE-style land administration and land management. In Mozambique, a situation could develop in which FAO, under the FAO/World Bank Cooperative Programme, is advising DNTF on the adoption of an imported system of land registration and taxation, while FAO’s Land and Water Division, through GCP096 and GCP086, are advocating a broader view by working with CFJJ and DNPDR, linking land governance to rural development in order to resolve issues of tenure insecurity, poverty and gender discrimination and attract investors to partner communities.

89. An integrated approach to land administration would be in line with the Framework & Guidelines for African Land Policy:

Structures governing access, control and management of land are as much about the consolidation of democracy as they are about asset stewardship. Linked to this is the need to integrate land administration and management into systems of governance at all levels. Best practice points to the fact that devolution of power over land management and the decentralization of the delivery of land services to local land governance institutions are key considerations if inefficiency and corruption are to be exposed and addressed. This orientation will require readjustments or even fundamental reshaping of economic and political decision making processes (AUC et al 2009, Section 3.1.2).

90. Subject to the final approval of FAO’s Draft Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (FAO 2011c), there are expected to be opportunities for implementation of the policy principles in a joint programme of work between FAO and interested country governments. The in-depth experience gained by FAO in Mozambique is expected to be of immense value in building a practical link between the field and the land policy principles set out in the Voluntary Guidelines, especially in countries of sub-Saharan Africa and the Pacific where land relations are complicated by tenure dualism.
Recommendations

To all parties: the Embassy of the Netherlands, FAOR, the Project

1. The MTE recommends that a nine month extension (1 April to 12 December 2012) be granted to the Project with an additional budget to cover technical assistance, training and research activities, approximately US$ 1.0 million.

2. In the event of approval being granted, the MTE recommends a revision of the project’s plan of activities and budget, rescheduling the plan of work over an additional nine months to include the following:

   a. A controlled KAP-type survey to determine the impact of CFJJ training courses over the period 2007-2012 for: (i) district officers and (ii) paralegals and land administration officials;
   b. A systematic review of the range of community-investor partnerships planned and operational in a representative number of provinces;
   c. Technical and management support to the Project GCP/MOZ/096/NET and to GCP/MOZ/086/NOR and the FAO/IFAD/Netherlands Support to Community-Investor Partnerships;
   d. Technical support by the Project to the Ministry of Justice in the preparation of the Strategic Development Plan for the CFJJ;
   e. Depending on the outcome of current discussions between FAO, DNTF and the donor, technical support to the Land Consultative Forum to December 2012.

To the Ministry of Justice

3. The MTE recommends that, after several years of uncertainty attached to the preparation of the Strategic Development Plan for the CFJJ, the Minister of Justice takes the lead in the process, giving due consideration to the views of stakeholders and previously proposed institutional options, including the CFJJ as a ‘subordinate institution’ and the CFJJ as an ‘autonomous institution’ under the Ministry of Justice (i.e. subordinado or tutelado).

4. The MTE recommends that the Minister applies her mind to the accreditation and institutional support of the CFJJ’s paralegal trainees for work at the community level and the necessary regulatory framework.

To the Ministry of State Administration and DNPDR

5. The MTE recommends that the Minister uses her good offices to ensure that the Project’s proposed capacity development seminar for senior officials responsible for decision making and policy formulation goes ahead.

To FAOR

6. The MTE recommends that FAOR consider providing a dedicated administrative/operations support officer for FAO’s Mozambique land programme.

To FAO Rome

7. The MTE recommends that a meeting is convened by the Assistant Director General (NR) drawing together the relevant officials in NRC and NRL and field staff in Mozambique (GCP/MOZ/096/NET and GCP/MOZ/086/NOR), chaired by the Lead Technical Unit (LEGN), to discuss and agree FAO’s future strategy in support of tenure, rights and access in Mozambique.
## Appendix 1: Consultations with stakeholders including debriefing notes

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<tr>
<th>Person</th>
<th>Organisation</th>
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<tr>
<td>Célia Jordáo</td>
<td>Netherlands Embassy</td>
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<td>26/05/11</td>
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<tr>
<td>Christopher Tanner</td>
<td>FAO</td>
<td>STA (GCP096)</td>
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<td>Marianna Bicchieri</td>
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<td>Joana Gonsalves</td>
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<td>Ligia Mutemba</td>
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<td>Alberto H.J. Nkutumula</td>
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<td>Teresa Mboa</td>
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<td>Saquina Mucavele</td>
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1. Martin Adams
2. Alda Salomao
3. Alda Manjate
4. Christopher Tanner
5. Carlos Serra (CFJJ)
6. Achirafo Abdula (Director-CFJJ)
7. Mariana Bicchieri (CFJJ)
8. Sergio Baleira (CFJJ)
9. Ribeiro Cuna (CFJJ)
10. Emidio Benedito (DNPDR)
11. Inácio Domingos (DNPDR)
12. Dinis Lissave (Director-DNTF)
13. Carla Cuambe (FAO)
14. Margarida da Silva (FAO)
16. Julio Carrilho (MCA)
17. Celia Jordao (Netherlands)
1. OVERVIEW: In broad terms the mission finds that the performance of GCP096 is within acceptable limits, although there are some weak points. Delivery on the main training activities by both the CFJJ and DNDPR sides of the project are at or close to 100 percent of targets; the engagement of participants in the training activities was noted by the evaluators as being particularly ‘impressive’. The sector training activities have slipped a little, with specific reference to the training for the Republican Police and for MICOA; training for the Investment Promotion Centre, Centre for Commercial Agriculture (CEPAGRI) and other partner agencies on the rural development side has however gone to plan.

2. The weakest elements in terms of performance have been the Monitoring and Evaluation component (the required baseline survey was not carried out, apparently due to capacity and programme-space reasons in the CFJJ); and in the area of publications, where the only major product of the project team has been the completion of the Paralegal Manual which was started under the previous project.

3. The Exit Strategy objective has also been compromised by the continuing delay by the CFJJ/MJ to get the new strategic plan approved; raising questions about when the government will take over responsibility for at least a significant share of the CFJJ operational budget (the CFJJ is still hugely dependent upon external funding).

4. DNPDR gave good support to the evaluation and produced their response to the Logical Framework before the evaluation meeting; the CFJJ did not manage this and still need to submit their Logical Framework with performance indicators to the evaluation team in Rome.

5. Going beyond the immediate project issues however, the evaluation stresses and confirms the importance of the Mozambican programme overall. Transfers of its key elements and lessons learned, to Angola, and now to East Timor, underline its potential for addressing complex land and natural resources management issues in other countries.

6. Success factors noted: government is interested in land and NR regulation; the capacity building of executive sectors has been very important; the training together of government and civil society officers has promoted cohesion between different actors, built alliances, and ensure that both side receive the same messages regarding how to interpret and apply the law.

7. The long term engagement of FAO in this process is also noted as a key factor; and the existence of the two ‘national champions’ – CFJJ and now DNPDR/MAE – who have taken the programme and used it to raise and maintain the profile of the participatory, rights based model being promoted by the programme.

8. The evaluator did make the comment that ‘FAO’s job is not complete until integration (of the programme) is complete’, referring again to the need to resolve the issues relating to the strategic plan and ensure the CFJJ is included in the State Budget. The programme is however well recognised as a case study in ‘successful capacity development’ (on the FAO website in fact in this context).

9. ISSUES FOR CONSIDERATION: After this overview Mr Adams raised several points for discussion:
a. Is the CFJJ a public interest law centre or a state institution for training the judiciary (ie there is a discernible conflict between its role (and impact) as a training institution and its ability to subsequently provide follow-up and support to paralegals and others as they work and encounter cases that need their support)?

b. The work is very stressful with such an innovative programme, with many courses, different people and partners, details such as per diems and lodging and travel to organise, and lots of time spent on administration: is this sustainable without FAO support? Is there a need for a dedicated administrative officer to handle all this?

c. The current set of three existing projects and the fourth (TCP) at DNTF soon to begin, do not share common time frames, yet several of the projects due to end in 2013 and 2014 clearly depend upon GCP096 technical and management support: how can FAO continue to provide support to DNPDR and the community-investor partnership programme once GCP096 ends?

10. Mr Adams also noted that the programme has great relevance for the emerging issue of land and resources and property rights in peri-urban and urban areas, where traditional leaders also have important roles and require training.

11. COMMENTS: The opening remark from Eng Joao Carilho (CTA Land Component Coordinator) was that while this programme was ‘attractive’ and had produced results, FAO had distanced itself from the land administration and was not dealing with issues of agriculture and food production; it has not been a strong collaborator with DNTF, the national land and forests directorate. Eng Carilho also made the comment that the paralegals are rarely central to conflict resolution, which is done by other institutions.

12. Celia Jordao (Netherlands Embassy) responded by saying that the major focus on land issues has been and continues to be on governance, and not on land administration per se; there have also been many ‘institutional problems’ that have also meant that the focus on governance has been essential. The area of ‘land administration’ is ‘easy’ in her opinion, by comparison; land management is much more complex than just administrative solutions.

13. Margarida Marques (FAO Assistant Representative) also commented that in addition to the ‘land projects’, FAO has been supporting community based management projects which have also a land component and have received support from the CFJJ/FAO programme; and that in fact FAO has 20 projects with MINAG to enhance food production etc.

14. With reference to the issue of the CFJJ being a public interest centre, she added that the mid term evaluation of the previous project (GCP081) raised similar issues; discussion of whether the CFJJ should maintain its role in the paralegal training at the time resulted in a clear conclusion that, yes, it should: it provides solid legal and institutional basis for the legal interpretations and governance messages that are at the heart of the programme; an NGO giving the same course would not have the authority of a CFJJ in this context.

15. Margarida did acknowledge that the issue of administrative support was ‘delicate’, and that the FAO team could look at how to integrate more effectively.

16. Eng Carilho then commented that the new TCP project should focus its technical assistance on DNTF as a whole and not the Secretariat of the new Land Consultative Forum.

17. Chris Tanner commented that all through the history of the programme attempts were made to work with DINAGECA as it was; and DNTF as it now is. The present programme
has always included SPGC and district land staff in its training; contacts were made with DNTF to provide training which did not materialise; and early meetings before the new Forum was set up resulted in the previous Director asking FAO to provide support. DNTF then asked FAO formally in a December 2010 letter, to provide support to the Secretariat of the new Forum. There is in any case already a technical assistance programme to the land administration being provided through the MCC/MCA framework; FAO should continue its current focus while developing new support for the land process through the Secretariat/DNTF window.

18. Carlos Serra (Vice Director CFJJ) stressed that the programme is a ‘process that has not yet ended’. The CFJJ is looking at a new approach, a new stage, where it would focus on training ‘higher level’ paralegals, with a ‘advance training course’. These people would then go and train key community and other leaders, including the traditional tribunal judges and other key actors. Such paralegals could also assume a greater role in conflict resolution. He foresees that the real impact of the programme will only really be visible 4-5 years from now, as the paralegals and newly trained local government officers put their training into effect and local people begin to respond and use these new resources.

19. Discussion then turned to the role of ‘empowered’ paralegals (referring to the need to have a legal statute and institutional base for them to evolve and grow) in urban areas. Mr Adams stressed the importance of SPGCs and other administrative bodies (and surveyors) understanding the laws, which is why the FAO focus on land governance is so important, linking land administration to the whole question of tenure, poverty alleviation and food security. An opening might be made for getting involved in peri-urban and urban issues; the training of higher level paralegals could then feed into training for traditional leaders etc.

20. Alda Salamao (CTV and a member of the evaluation team) commented on the need to look for other institutions which complement the CFJJ.

21. Sergio Baleira (CFJJ) noted the importance of the issue of establishing a statute for paralegals. Alda Manjate (PGR and a member of the evaluation team), commented that this issue was indeed ever more important, if the paralegals are to carry on their work and be recognised as relevant and legitimate by public sector and local government officers they come into contact with. On this same issue, Director of the CFJJ Dr Achirafao later commented that this will require a law and that there was already a great interest shown by new Associations of Paralegals; but that it needs some support from government to initiate a process that would result in a new law.

22. Margarida Marques also commented that in terms of sustainability, it is important to see just how wide and deep has been the national capacity building process and impact of the programme overall, and also thanks to the consistent financial support of the same donor.

23. Inacio Domingos (DNPDR – Community Investor Partnership programme) noted that the programme has not yet managed to do the seminars with high level government officers, but that there is a proposal to integrate the training programme provided by the CFJJ into the curriculum of the Higher Institute for Public Administration (ISAP), which is apparently attended by senior officers when they take officer, for short intensive training. Carlos Serra responded by saying that there were mandate issues here; ISAP itself should develop this while the CFJJ could certainly respond and provide support. He sees ISAP today as being where the CFJJ was some ten years ago when it was first founded, in terms of capacity and programming.

24. Marianna Bicchieri (FAO CFJJ GCP086) noted that sustainability was an issue discussed at the recent CFJJ Annual Meeting; and that indeed the CFJJ was moving to a more
sustainable programme with its courses for other clients like iTc and the MCA programme.

25. Dr Achirafo made the key observation that the CFJJ is the only higher education agency offering post-graduate training in legal issues, therefore it tends to be heavily overstretched; but he emphasized that there is no contradiction between the training of magistrates (the CFJJ core function) and the complementary programme of paralegal and local government training, and indeed the two programmes mainly use different trainers; he added that in overall terms the FAO programme has provided important support that has benefitted the whole CFJJ programme.

26. Ribeiro Cuna (CFJJ, responsible for the Access to Justice programme where the paralegal programme is based) underlined that this activity – Access to justice and the ‘legal education of the citizen’ are in fact part of the mandate of the CFJJ, and that therefore there is no contradiction between the paralegal/local government work and the core programme.

27. Sergio Baleira added that one impact of the FAO programme has been to build the capacity of the CFJJ as a centre of reference, which is now involved in a range of land management and other bodies such as the MCA and DNTF committees on key land issues. The CFJJ has grown from being a ‘simple training institution’ to being ‘at the peak of the area of governance’. CFJJ staff provide support and contribute to other institutions such as the MCA, the Consultative Forum on Land, etc.

28. Inacio Domingos underlined that at DNPDR, the project also underlined the twin features of the Rural Development Strategy, linking land and resources administration (the DNTF role) with the whole question of governance and management in the wider sense (the CFJJ link). This gives the programme at DNDPR great potential to influence the way in which issues such as the community-investor partnership programme can evolve in the future. Carlos Serra also observed that there were not that many ‘other actors’ in the early days of the post-war, mid-1990s land process; now there are many, partly due to the capacity building impacts of the FAO-supported programme, and also due to the more complex and growing national economy and society.

29. The FAO Representative closed the meeting thanking all for attending, and adding that FAO was committed to supporting the DNTF/Land Forum process through the new TCP; and that the meeting had provided an excellent opportunity to analyse all the different aspects of the land programme and where FAO should go from here, with its many and diverse partners in and outside government in Mozambique.
Appendix 2: Documents Consulted


OECD DAC (2002) Glossary of Key Terms in Evaluation and Results Based Management.


FAO (2009a) Project Progress Report GCP/MOZ/096/NET 1 January to 30 June 2009

FAO (2009b) Project Progress Report GCP/MOZ/096/NET 1 July to 31 December 2009

FAO (2010a) Project Progress Report GCP/MOZ/096/NET 1 January to 30 June 2010

FAO (2010b) Project Progress Report GCP/MOZ/096/NET 1 July to 31 December 2010

FAO (2011a) Project Progress Report GCP/MOZ/096/NET 1 January to 30 June 2011

FAO (2011b) Terms of Reference for a Mid Term Evaluation of Project GCP/MOZ/096/NET ‘Promoting the Use of Land and Natural Resources Laws for Equitable Development’ (May2011)


**Appendix 3: Logical Framework of GCP/MOZ/096/NET**

<table>
<thead>
<tr>
<th>DESIGN SUMMARY</th>
<th>INDICATORS (TARGET)</th>
<th>DATA SOURCES</th>
<th>ASSUMPTIONS</th>
</tr>
</thead>
</table>
| IMPACT: ENHANCED RURAL INCOMES AND FOOD SECURITY THROUGH EFFECTIVE USE OF LAND & NATURAL RESOURCES LEGISLATION. | • Percentage of children under 5 years who are malnourished. Baseline: 2009 figure Target: Improve by 2 percentage points per year.  
• Percentage of population living in absolute poverty. Baseline: 2009 figure Target: 2 percentage points improvement per year. | National level malnutrition data  
GoM poverty data | Wider programme environment integrates the outcomes of this project in a way that contributes to the overall impact  
Rural Development Strategy implemented and incorporating the CFJJ-FAO approach |

| OUTCOME: Communities and other stakeholders including private investors making full use of their legal rights over land and natural resources | 1. Number of local Communities delimited and registered with Certificates issued. Target: 50 communities per year. Baseline: 2008 data  
3. Number of community-private partnerships. Baseline: 0. Target: 5 per year. | PAF indicator, official DNTF database / annual reports  
CFJJ / FAO research (2005); national level survey repeated at end of project  
Project data and surveys (in collaboration with IFAD) | Rural development enabling environment ensures outputs have maximum impact  
Legal and policy context remains favorable to a rights based approach  
Private investors available and willing to work with local communities  
Full and timely cooperation from participating communities and partners |

<table>
<thead>
<tr>
<th>OUTPUTS</th>
<th>INDICATORS (TARGET)</th>
<th>DATA SOURCES</th>
<th>ASSUMPTIONS</th>
</tr>
</thead>
</table>
| CFJJ Component | 1. Percentage of population that knows about land and other legal rights. Baseline: 2009 survey. Target: 33 percentage point improvement by end Y3  
2. Percentage of communities participating in the project which have used their rights on at least one of five defined ways. Baseline: 2009 survey. Target: 33 percentage point improvement by end Y3 | Baseline survey (short questionnaire) implemented by CFJJ research team  
Baseline survey (short questionnaire) implemented by CFJJ research team | Policy environment unchanged  
Other actors able to support and implement participatory stakeholder model |
<table>
<thead>
<tr>
<th><strong>Output 2</strong>: District level public officers using legal framework for equitable and sustainable development, with more effective judicial intervention</th>
<th>Number of problem cases passing to judiciary instead of staying in administrative channel. Baseline: 0. Target: 10 per year. Percentage of consultations with detailed agreements. Baseline: 0. Target: more than two thirds by end Y3 in project assisted areas</th>
<th>In service semi-structured interviews by CFJJ team Survey of participating districts by CFJJ team</th>
<th>Judiciary present and accessible Judges and prosecutors able to act without political and other interference Judges and prosecutors have resources to visit villages and do outreach work Public sector departments free from political and other interference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output 3</strong>: Public agricultural, rural development and environmental agencies using legal framework to promote equitable and sustainable development</td>
<td>Number of agreements between communities and National Parks. Baseline: 0. Target: 5 per year Number of communities receiving the 20% of forest public revenues. Baseline: 2008 data. Target: 50 additional communities per year.</td>
<td>In service semi-structured interviews DNTF data</td>
<td>Policy environment unchanged All agencies in agreement over approach Trained staff have resources available back in post</td>
</tr>
<tr>
<td><strong>Output 4</strong>: Effective monitoring and follow-up technical support programme</td>
<td>M&amp;E programme of the CFJJ developed. Baseline: 2008, no programme. Target: programme in place by end of Y1 Baseline studies carried out. Baseline: Studies required within context of project. Target: All baselines studies carried out in time.</td>
<td>CFJJ reports Project progress reports</td>
<td>Integration of Research team into CFJJ structure with adequate and continuing budget by end of Y2 Other resources mobilized in context of wider joint donor programming and funding (see Output 7).</td>
</tr>
<tr>
<td><strong>Output 5</strong>: CFJJ with institutional capacity and land and natural resources programme integrated into long term Strategic Plan and budget</td>
<td>CFJJ strategic plan with land and natural resources programme fully integrated. Target: Plan integrated by end Y2 CFJJ budgetary framework in place with resources for paralegal and other activities. Target: Budget developed in Y2 for public funding in Y3 CFJJ professional staff in Natural Resources Programme ‘on –budget’. Baseline: 2009: 0. Target: 100 percent by end Y3</td>
<td>CFJJ reports Progress reports</td>
<td>Strategic Planning review completed successfully All relevant staff integrated into State structure CFJJ able to develop timely annual budgets which are allocated by GoM / MJ</td>
</tr>
<tr>
<td><strong>DNPDR Component</strong></td>
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<tr>
<td><strong>Output 6</strong>: Senior GoM and other actors aware of Constitutional and Rule of Law principles</td>
<td>Knowledge of basic principles of three key laws (land, forest-wildlife, environment). Baseline:</td>
<td>Questionnaires applied before and after seminars</td>
<td>Constitutional and policy environment unchanged</td>
</tr>
</tbody>
</table>
underlying land and other natural resources laws

questionnaire before seminars. Target: improvement by 50 percentage points. Change in position regarding use of laws in development contexts. Target: positive qualitative assessment

Semi-structured interviews with participants 6 months after seminars (applied by CFJJ research team)

Senior officers (Ministers etc) able to take part in seminars (time availability etc)

| Output 7: Land and natural resources legislation and implementing instruments used as practical tools in RDS implementation |
| 1. Percentage of DNPDR staff at central and provincial level making explicit use of land and natural resources laws. Baseline: 0. Target: 80 percent by end Y3 |
| DNPDR reports |
| DNPDR directorate and policy positions do not change over period of project |
| Wider policy environment allows participatory and rights based approach to be implemented |
| 2. Greater public awareness of how to use land law and other laws to bring land into production |
| Interviews with staff by CFJJ research team |
| Awareness survey on basics of using these laws, carried out by CFJJ research team or contractor (before and after campaign, Activity 7) |

| Output 8: DNPDR with capacity to carry RDS implementation forwards and engage in debates on land and resources policy |
| DNPDR officers from province and programmes fully trained in use of land and natural resources laws for development. Baseline: 0. Target: 30 officers trained |
| DNPDR reports |
| Policy context maintains |
| DNPDR Directorate involvement supported by GoM |
| Discussion forums established and functioning |
| Formal integration of DNPDR in key land and resource policy forums. Baseline: 2009: not present in forums. Target: formally part of Land Policy Group by end Y1; included in other groups as created. |
| Progress reports |

| ACTIVITIES |
| Project Start Up: Establish project team and operational base |
| 1. Recruit STA (3 years) |
| 2. Recruit Programme Assistant (3 years) |
| 3. Recruit driver (3 years) |
| 4. Develop funding agreements and workplans with main institutional partners (CFJJ and DNPDR) |
| 5. Purchase and deploy equipment |

| INDICATORS |
| 1. STA. Target: in post by M1 |
| 2. Programme Assistant. Target: in post by M1 |
| 3. Driver. Target: in post by M1 |
| 4. a) Workplan CFJJ. Target: agreed by end M2, first funds disbursed by end M3 |
| 5. Equipment: In service by end M3 |

| DATA SOURCES |
| Six monthly progress report |

| ASSUMPTIONS |
| Counterpart administrations able to administer funding agreements |
| Workplans integrated into CFJJ and DNPDR programmes |
| Effective ordering of equipment and clearance through Customs without difficulty |
### CFJJ Component

#### Activity 1: Develop and implement paralegal training
1. Assess and improve paralegal course structure, including gender and women’s rights issues
2. Carry out 3 Paralegal trainings for NGO and public sector field officers
3. Technical support for 8 additional paralegal trainings for 200 NGO and public sector officers (partner programmes)
4. Ensure involvement of 45 communities in paralegal programme and generate reports on field element of training exercises
5. Produce reports on community issues

<table>
<thead>
<tr>
<th>1. Training package. Target: developed by month</th>
<th>CFJJ pedagogic material</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Number of courses organized with classroom and community fieldwork components. Target: 2 courses in year 1, 1 course in year 2; 20-25 participants per course (30 percent women).</td>
<td>CFJJ paralegal training reports</td>
</tr>
<tr>
<td>3. CFJJ paralegal course programme successfully implemented. Target: 100 percent of agreed commitments carried out</td>
<td>Paralegal reports</td>
</tr>
<tr>
<td>5. Number of reports produced on resolved community issues. Target: 1 per year. Baseline: 2009: 0</td>
<td>CFJJ staff capacity able to undertake courses involving time away from Centre</td>
</tr>
</tbody>
</table>

**Installations and offices ready**

- CFJJ Training Department capacity able to take over course administration and implementation
- Continuing demand for courses
- Communities willing to take part in courses

#### Activity 2: Develop and implement District Officer seminars
1. Prepare workplans with sector partners
2. Upgrade and improve training materials, including gender and women’s rights issues
3. Carry out 9 District Officer Seminars

| 1. Workplan. Target: Developed by end June (2009); end Jan (following years) developed | Project reports |
| 2. New materials. Target: Developed by M6; gender modules included | Partner sector reports |
| 3. Number of District Officer Seminars. Baseline: 0. Target: 3 per year; 30 participants per seminar (20 percent women) | Seminar reports |
| 4. Reports on seminars. Target: one per seminar | CFJJ Training Department capacity able to take over seminar administration and implementation |

**Society and Justice and CFJJ publishing department consolidated and offering secure publication option**

#### Activity 3: Develop and implement targeted sector training
1. Develop and implement courses for Republican Police Dept of Forests and Environment
2. Carry out two seminars for CEPAGRI staff and partners (with DNPDR)
3. Carry out one six-week course for MICOA on

| 1. Workplan with Republican Police Training Directorate. Target: one senior course Y1; one district course Y1; one district course Y2. Baseline: 0 | Partner and project reports |
| 2. Number of seminars with CEPAGRI. One | Seminar reports |

*Continuing favorable policy environment maintains sector interest in CFJJ approach*

**DNPDR willing and able to reinforce its role in land policy and land and resource implementation issues**
Territorial Planning Law
3.4 Two seminars for MITUR conservation areas executive staff
3.5 Assess training materials, including gender and women's rights issues, and compile into training packages for future use
3.6 Normative material produced on this Activity cluster

<table>
<thead>
<tr>
<th>Activity cluster</th>
<th>Normative material</th>
<th>CFJJ Training Department capacity adjusted and built up to take over seminar administration and implementation</th>
<th>CFJJ publishing department able to manage demands (author contracts, layout, design, printing contracts, etc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4</td>
<td>seminar Y1 (20 participants); one seminar Y2 (20 participants). Baseline: 0</td>
<td></td>
<td></td>
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<tr>
<td>3.5</td>
<td>3. MICOA course. Target: course implemented by end of Y1. Baseline: 0</td>
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<tr>
<td>4.</td>
<td>Number of MITUR courses implemented. Target: 2 by end of Y2; 20 participants per course. Baseline: 0</td>
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<tr>
<td>6.</td>
<td>Number of training packages. Target: one for each sector developed in final form by end Y2. Baseline: 0; gender issues incorporated in all courses</td>
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<tr>
<td>6.</td>
<td>Reports on seminars. Target: one per event</td>
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</table>

Activity 4: Strengthen M&E, research and publications in both partners
4.1 Support consolidation of CFJJ Research Dept include capacity to do thematic research contracts for clients and partners dealing with land and NR
4.2 Support further development and practical use of casework database including Observatory
4.3 Support publication dissemination of project results through *Society and Justice*
4.4 Develop and implement M&E plan with DNPD RDS implementation, using participatory approaches and legal tools
4.5 Work with CFJJ and DNPD to identify cases needing TA follow-up
4.6 Carry out follow-up TA visits and produce reports, with CFJJ staff and national consultants

<table>
<thead>
<tr>
<th>Activity 4</th>
<th>CFJJ reports</th>
<th>M&amp;E and Research Department reports</th>
<th>DNPD reports</th>
<th>Other partner reports</th>
<th>Back-to-Office reports</th>
<th>Documents published</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Workplan of CFJJ Research Department developed and Department supported in contract work. Target: workplan developed by end of M3 (2009); and then by Nov each year. Baseline: 0</td>
<td></td>
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<tr>
<td>2.</td>
<td>Database. Target: operational and being used by researchers by end of year 1, and by Justice Observatory by end of year 2. Baseline: 0</td>
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<tr>
<td>3.</td>
<td>Number of articles published in <em>Society and Justice</em>. Target: 2 per year. Baseline: 0</td>
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<tr>
<td>4.</td>
<td>CFJJ M&amp;E Plan. Target: developed and being implemented by 3rd quarter of year 1. Baseline: no plan at beginning of project</td>
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<tr>
<td>5.</td>
<td>Number of cases identified needing TA follow-up. Target: 15 per year. Baseline: 0</td>
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<tr>
<td>6.</td>
<td>Number of cases receiving TA with BTO reports. Target: 15 per year. Baseline: 0</td>
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</table>

Activity 5: CFJJ exit strategy with institution and strategic development plan and budget
5.1 Support finalization of Strategic Plan
5.2 Develop mid-term Operational Plan with project supported elements integrated by end Y2
5.3 Support development and submission of yearly budgets to Min Finance for following year public

<table>
<thead>
<tr>
<th>Activity 5</th>
<th>Consultant report (Strategic Plan)</th>
<th>CFJJ reports</th>
<th>All stakeholders maintain commitment to joint donor funding through budget support mechanisms</th>
<th>GoM funding mechanisms guarantee and facilitate CFJJ funding via e-SISTAF and other mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Approved Strategic Plan. Target: finalized by end 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Mid term Operational Plan. Target: developed by end Y1</td>
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</tr>
<tr>
<td>3.</td>
<td>Annual budgets submitted for MinFin deadlines.</td>
<td></td>
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</tr>
</tbody>
</table>
| funding | Target: submitted on time each year  
4. Measures agreed between donors/CFJJ  
5. TWO workshops implemented (Y2, mid-Y3) | Project progress reports  
Workshop reports | CFJJ budget submissions approved to at least 80 percent level by MJ/MinFin  
Timely disbursement of public funds through year |
| --- | --- | --- | --- |
| 5.4 Work with other donors to move to common funding framework  
5.5 Workshops to discuss plan and implementation progress |  
DNPDR Component |  
Diverse Progress and Activity Reports |  
There IS institutional commitment |
|  
**DNPDR Component** |  
**Activity 6: Seminars for senior GoM, private sector end other actors on Constitutional principles underlying land and NR laws and how these laws can facilitate investment and ‘growth with equity’** |  
Seminars for senior officers responsible for decision making and policy formulation, not yet carried (governors and ministers) due to difficulties finding agenda space. Still possible to do this (1 seminar) by end 2011.  
Seminars for private investors not carried out, due to changes between MPD and MAE and consequent delays in community-investor programme. Still possible to do 1 seminar at least by end 2011 together with this programme.  
Guidelines etc not produced because the seminars did not take place |  
The political environment is still favourable in formal terms, and there is interest in maintaining the CFJJ approach  
Has been difficult to find a moment for senior officials to dedicate the necessary time for 1-2 days for a seminar; recent contacts between civil society and the Presidency, and the success of the regional seminars of this project, have created a window of opportunity this year. |
|  
1. Two seminars for senior government policy and decision makers  
2. Four two-day seminars for private investors on participatory rural development (with DNPDR)  
3. Guidelines and recommendations produced from seminar discussions  
4. Article produced for *Society and Justice* and published on CFJJ website |  
1. Number of seminars for government policy and decision-makers. Target: one by end Y1; one mid-Y2. Baseline: -  
2. Number of seminars for private investors on participatory rural development. Target: four by end of year 2. Baseline: -  
3. Number of guideline documents produced. Target: 1 per seminar series. Baseline  
4. Number of articles published in *Society and Justice* and on CFJJ website. Target: 1 per year. Baseline: - |  
Seminar reports by CFJJ team  
Written comments from participating senior officers  
Written comments from participating private investors  
Published articles |  
Continuing favourable policy environment maintains sector interest in CFJJ approach  
Senior officers able to dedicate time to two-day seminars |
The private sector is willing to consider business partnerships which promote a participatory form of rural development.

There is a possibility of establishing an agreement between the DNDPR, CFJJ and the Higher Institute for Public Administration (ISAP), with a view to including the training package on Land and Natural Resources laws into its curriculum, which targets members of government at various levels.

**Activity 7: Technical Assistance to the National Directorate for Promoting Rural Development (DNPDR), implementing the Rural Development Strategy (RDS)**

7.1 Provide senior TA support to DNPDR, with a focus on:
- supporting the implementation of IFAD-Netherlands funded pilot programme in community investor partnerships
- implementation of RDS Objective Two using land and natural resources laws as essential and practical tools
- implementation of resource, and justice/governance RDS objectives RDS
- developing and supporting Activity 9

7.2 Develop and launch information campaign on need to bring land into production and how to use legislative and other instruments to do this

7.3 Support publication and dissemination of reports etc through DNPDR journal *Rural*

| Activity 7: Technical Assistance to the National Directorate for Promoting Rural Development (DNPDR), implementing the Rural Development Strategy (RDS) | 1. Workplan regarding all elements of the TA with DNPDR. Target: agreed by end M3. Baseline:- | Progress reports |
| | 2. Workplan for information campaign with partners. Target: developed by end M9 (end 2009). Baseline:- | DNPDR reports |
| | 3. Information campaign. Target: started by M11 (early 2010). | Workplan documents |
| | 4. Number of articles published in DNPDR journal *Rural*. Target: one per year. Baseline: - | Partner documents (IFAD) |
| | | KAP surveys |
| | | Media and miscellaneous sources of information and feedback |
| | | Published articles |

Current leadership of DNPDR maintained

No major change in policy direction

RDS implementation fully supported by Government
| **AVALIACAO 2011**(responses by DNPDR) | DNPDR was supported in the planning of work plans and all activities developed by the programme. Recruitment process carried out to recruit staff for the ‘Community-Investor Partnership Programme’. Implementation had been delayed by the shift from MPD to MAE, and late approval of the State Budget in 2011. This project had its effective start in January 2011 with official launch in March 2011 attended by the Minister of State Administration (MAE) Information on the use of legislative instruments in the context of the Community-Investor programme is expected (delayed by the late start) The Information Bulletin of the DNPDR with reports on project activities is currently being prepared for publication | Draft of the Information Bulletin, and diverse Progress and other reports The leadership of DNPDR changed when the ministries changed, but the programme has continued without major changes and indeed the Minister of State Administration has confirmed the ministry’s support for the project. There has been no significant policy change, although a debate is soon to take place about land and community based natural resources management in the context of the recently created Consultative Forum on Land, in which the DNPDR is an official member. DNPDR has the mandate and support of the Government to implement the Rural Development Strategy (RDS). This is an inspiring document which aims to mobilize all rural development actors, created by the Government in 2007 to contribute to policies and planning instruments with a pro-poor and rural transformation perspective, and to effect a change in the pattern of wealth. |

<p>| <strong>Activity 8: Capacity building of DNPDR to carry RDS implementation forwards and engage in debates on land and resources policy</strong> | 1. Guidelines document for promoting and implementing partnerships between communities and investors. Target: draft produced by end year 1, final version finished by mid Y2. Baseline: - 2. Number of provincial and district level DNPDR staff trained in participatory rural development and use of the Land and other resources laws in this context (implemented by the CFJJ) Target: 30 by end of project. Baseline: - 3. In service follow-up by STA and central level staff. Target: 5 follow-up visits per year. Baseline:- | Guideline document published DNPDR reports Training report BTO reports from follow-up visits Progress reports Policy forum reports As above |</p>
<table>
<thead>
<tr>
<th>8.5 Support the implementation of DNPDR workshops and conferences on the RDS, with a specific focus on resources issues and the participatory stakeholder model for rural development</th>
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<tbody>
<tr>
<td>8.6 Support DNDPR in national land and natural resources policy discussions</td>
</tr>
<tr>
<td>8.7 Support DNDPR as it works with other stakeholders and develops a stronger coordinating and leadership role in RDS implementation</td>
</tr>
<tr>
<td>8.8 Support the development and implementation of new policy and other instruments that result from the policy discussion process</td>
</tr>
<tr>
<td>4. Number of research studies in collaboration with university departments. Target: two studies started by Y2. Baseline: -</td>
</tr>
<tr>
<td>5. Number of DNPDR national workshops on RDS implementation using participatory rural development and rights-based approaches. Target: one per year. Baseline: -</td>
</tr>
<tr>
<td>6. Number of national forums to which DNPDR is invited. Target: member of Land Policy Group by end Y1; part of new groups as created in Y2 and Y3. Baseline: -</td>
</tr>
<tr>
<td>7. Number of new policy and legislative instruments including DNPDR inputs. Target: If new instruments developed, DNPDR participating in all discussions.</td>
</tr>
</tbody>
</table>

**AVALIACAO 2011(responses by DNPDR)**

It was not possible to begin producing the guidelines for promoting partnerships between communities and investors due to the delay in implementing this programme (change from MPD to MAE, late Govt Budget in 2011 etc)

3 Seminars carried out in 2009: 24 senior officers at National Director and Department Head level; and 22 officers from departments which work with promoting investment and support private sector investment (CPI, CEPAGRI, Local Development Agencies - ADELs); and 35 provincial technical staff (overall total: 81 and 9 women).

3 Regional Seminars in 2010: (South, Centre and North) totalling 115 technical staff from Provincial level (Rural Development Delegates, SPGCs, Rural Extension, Forestry, Tourism, Environment, Local Government; 16 of the participants were women.

1 of 3 Regional Seminars (2011) carried out: (Southern region) 41 technical officers (7 women) from provincial, district and sub-district level

**Progress Reports**

Report from the Launch National Meeting for the Community Investor Partnership project

DNPDR reports

Partners documents (Netherlands, IFAD)

Reports from the events carried out

The change in leadership and of ministry had a significant impact on the carrying out of activities in the context of the community-investor partnership programme, but not on the activities of the programme supported directly by FAO, neither in terms of content nor in focus.

Harmonious and constructive institutional collaboration is growing between DNPDR, DNTF, CFJJ and other partners, and improving as the project moves along

DNPDR is indicated as the institution to coordinate with DNTF in the case of any need to develop new or alter existing legal instruments and regulations about land.
NOTE: This is an additional activity integrated at the request of MAE to extend the capacity building programme. More seminars will be carried out by end 2011.

The Community-Investor Partnership project began in earnest in March 2011 with the national conference opened by and attended through the day by the Minister of MAE. It attended by 114 invited participants from central, provincial and district governments, private sector investors, banking sector representatives, service providers, cooperation agencies and civil society partners.

Seven Public Debates about Land and Natural Resources issues were carried out in collaboration with the NGO Centro Terra Viva (CTV), on specific aspects of land law implementation. These debates will be published in collaboration with the CFJJ (under way now) with project support.

In the context of the growing link between the DNPDR and DNTF, 2 other national conferences were carried out with project support:

- Community Land Rights Conference (Nampula, March 2010)
- Community-based Natural Resources Management Conference (Maputo, March 2011)

Research: the Community-Investor partnership programme will commission research in community natural resources management areas to look at how land rights and opportunities for new investors to use local land intersect and create new commercial opportunities (links to the UEM Masters programme in Rural Development and others)
The activities of the project have reinforced the application of the Rural Development Strategy in other sectors, and the key role of the Land and other Natural Resources laws in its implementation (with particular reference to the conferences cited above).

DNPDR is a member of the recently created Consultative Forum on Land. The Forum was only established in October 2010, and thus this result was a year late in being achieved (by end of Y2, not Y1). DNPDR is already preparing, with project support, to fully participate in Forum activities.

Changes to Article 27 of the Land Law Regulations were made in 2011, by a working group from MAE and DNTF, but without direct involvement of the DNPDR/FAO Project.
Appendix 4: Terms of Reference

Terms of Reference for a Mid Term Evaluation of Project GCP/MOZ/096/NET
“Promoting the Use of Land and Natural Resources Laws for Equitable Development”

Background

This project follows on from an earlier training and capacity building project with the Centre for Juridical and Judicial Training (CFJJ) of the Ministry of Justice, Government of Mozambique, also funded by the Kingdom of the Netherlands and implemented with FAO technical support. This earlier project (GCP/MOZ/081/NET. “Decentralised Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level”), began in April 2005 and was extended ultimately to March 2009 after a favourable mid-term review in February 2007.

During this period the CFJJ developed an innovative package of paralegal training, for raising awareness at community level of rights acquired under progressive land and other natural resources legislation, and how to use and defend these rights; and a programme of what became called ‘District Officer Seminars’, in public officers from executive and judicial branches of the State at district level are trained in basic Constitutional and human rights principles, and the correct application of the new laws.

The success of GCP081 and the evident need to consolidate and expand its activities lead to the formulation of a new project, GCP096, which began in April 2009. At the time of preparing for the Mid Term Review, it has a NTE date of 31 March 2012.

The current project builds upon activities and methodologies developed between 2005 and 2009. The focus is on the paralegal and district officer training package, with a far stronger emphasis on promoting the economic and social development impact of the overall programme. To this end, GCP096 also includes a second counterpart and executing government body, the National Directorate for Promoting Rural Development (DNDPR).

The DNPDR component underlines the use of the land and other laws as tools for achieving a model of rural development in which communities participate actively as stakeholders in local planning and investment processes. For this to happen, local government and other key officers need to be aware of how the new land and other laws can be used as practical tools to create a development model which integrates a wide range of actors (communities, investors, the State) as partners in local development initiatives. The target audience consists of officials working in different government sectors at central, provincial and district level (Planning and Development, Finance, Agriculture, Land and Forestry, Tourism, Environment).

Both counterpart institutions work together, with the CFJJ providing course content and most of the trainers for the DNPDR activities. For their part, the DNPDR provides trainers in areas not covered by the CFJJ, like the Rural Development Strategy (RDS) and the Investment Law.

This part of the project intersects with another project at DNPDR funded by the Netherlands and IFAD, to which GCP096 contributes an agreed share of TA time. The objective of this collaboration is to promote new ‘community-investor partnerships’. Such partnerships, if
successful, should allow large scale investment in land while also securing, enhancing and diversifying local livelihoods. Lessons learned will be set out in a new Guidelines manual.

Activities in the earlier 2005-09 programme, such as exchange visits with Brazilian judicial institutions, and the case study research programme, receive relatively little direct support. Indeed the project has an explicit ‘exit strategy’ mandate, to hand over implementation almost entirely to the partners and support the integration of activities into the main CFJJ core programme, with future support coming through government budgetary mechanisms.

At the same time, a new FAO-supported project has begun at the CFJJ, with funding from the Kingdom of Norway, to focus attention on the gender issue and the rights of women over land and natural resources. Rather than run separate paralegal and district officer activities, this ‘Gender and Land’ project will reinforce and deepen the treatment of gender and womens rights in the wider CFJJ programme, and will also provide direct support to paralegals from womens NGOs and communities who are working to defend the rights of women over land and resources. The synergies between the two CFJJ projects and the IFAD-Netherlands project at DNPR suggest that the Mid Term Evaluation should take into account how the overall programme is performing, rather than adopting a more narrow focus just on GCP096 activities.

**Project Impact**

The project will contribute to the enhancement of incomes and food security amongst the rural population of Mozambique through the effective use of land and natural resources legislation.

It will help communities and other stakeholders including private investors to make full use of their legal rights over land and natural resources, through an equitable and participatory rural development process using the land and natural resources laws.

It will do this by addressing issues from two directions: from the bottom up, ensuring that communities and other stakeholders make full use of their legal rights over land and natural resources, however acquired; and from local government down, upgrading the awareness of key public sector officers of basic in various branches of the State, including the judiciary, are better prepared to support a more equitable and sustainable development process using tools provided by land and natural resources laws.

**Objectives**

The project will contribute to ensuring that the land and resource rights of local people (the basis of their livelihoods) are secured at a time of rising demand for local resources from investors and other State-backed projects (such as new conservation initiative and development zones); and promote constructive relationships and agreement between local people and investors to generate growth and put unused resources into production.

It will raise awareness amongst rural communities of how they can use their rights over land and resources, and how they can defend these rights in different contexts. By so doing the project will improve their security of tenure and the food security of their families, and open doors to new opportunities for income diversification and socio-economic development.
By placing the land and resources laws within the wider context of the RDS, the project will help to maximize the economic and social impact of these instruments in a practical development context.

**Outcome and Outputs**

**Outcome:** Communities and other stakeholders including private investors making full use of their legal rights over land and natural resources, through an equitable and participatory rural development process using the land and natural resources laws.

**Outputs**

**CFJJ Component**

- Local people know about their land and natural resource rights and how to use them to produce real development impacts;
- District level public sector staff using legal framework for equitable and sustainable development, with more effective judicial intervention.
- Public agricultural, rural development and environmental agencies using legal framework to promote equitable and sustainable development.
- Effective monitoring and follow-up technical support programme.
- CFJJ with institutional capacity and land and natural resources programme integrated into long-term Strategic Plan and budget.

**DNPDR Component**

- Senior Government of Mozambique, private sector and other actors aware of Constitutional principles underlying land and natural resources laws, and how these laws can facilitate investment and “growth with equity”.
- Land and natural resources legislation and implementing instruments used as practical tools in RDS implementation.
- DNPDR with capacity to carry RDS implementation forwards and engage in debates on land and resources policy.

**Activities**

Certain activities are common to both sides of the project (CFJJ and DNPDR). Others are specifically directed at one or the other of these two main counterparts. Target performance indicators are shown in the Logical Framework (see Project Document).

Project Start Up: Establish project team and operational base
1. Recruit STA (three years).
2. Recruit national Programme Assistant (three years).
3. Recruit driver (three years).
4. Develop funding agreements and work plans with main institutional partners (CFJJ and DNPDR).
5. Purchase and deploy equipment.
CFJJ Component

Activity 1: Support implementation of paralegal training
1.1 Assess paralegal course structure and material and improve where necessary.
1.2 Carry out three Paralegal trainings for a total of 75 NGO and public sector field officers.
1.3 Technical support for eight additional paralegal trainings for 200 NGO and public sector officers, funded by partner programmes (Community Land Initiative, Millennium Challenge Account).
1.4 Ensure involvement of 45 communities in trainings and generate reports on field element of the training exercises.
1.5 Produce reports and normative articles (published in the CFJJ journal *Society and Justice*, developed by the earlier FAO-Netherlands Programme).

Activity 2: Support implementation of District Officer seminars
2.1 Agree seminar timetable with partner ministries and judiciary.
2.2 Upgrade and improve training materials.
2.3 Carry out nine District Officer Seminars for a total of 324 officers from 54 districts.
2.4 Produce normative articles.

Activity 3: Support development and implementation of targeted sector training
3.1 Develop and implement courses for National Police Department of Forests and Environment:
   - one x one week course for senior (central level, provincial heads);
   - two x one week courses for 25 district officers appointed to this department.
3.2 Two x one week seminars for CEPAGRI staff and partners (in collaboration with DNPDR).
3.3 One x six week course for provincial and district level MICOA staff on Territorial Planning Law.
3.4 Two x one week seminars for MITUR Conservation and National Park executive staff.
3.5 Assess training materials and compile into training packages for future use.

Activity 4: Strengthen M&E, research and publications in both partners
4.1 Support consolidation of CFJJ Research Department, including its capacity to undertake thematic research contracts for clients and partners dealing with land and natural resources issues.
4.2 Support further development and practical use of casework database at the CFJJ created under previous projects, also to be used for the new Justice Observatory.
4.3 Support publication dissemination of project supported results through the new CFJJ journal *Society and Justice* (established by earlier FAO project).
4.4 Support development of M&E plan together with DNPDR to track RDS implementation, with specific reference to participatory approaches using land law and other administrative/legal tools.
4.5 Work with CFJJ and the DNPDR to identify cases needing technical assistance follow-up.
4.6 Carry out follow-up technical assistance with CFJJ staff and/or national consultants.
Activity 5: Exit strategy from CFJJ with institutional/strategic development plan and budget
5.1 Support CFJJ to finalize its medium-term Strategic Plan.
5.2 Support CFJJ to develop mid-term operational plan based on Strategic Plan, with project supported elements integrated into civil service and budgets.
5.3 Support development and submission of annual budgets to Ministry of Finance for the following year.
5.4 Work with other CFJJ donors to move to common funding framework.
5.5 Workshops to discuss plan and implementation progress.

DNPDR Component

Activity 6: Seminars for senior Government of Mozambique officers and private investors on Constitutional principles underpinning land and other natural resources laws and how they can facilitate investment and “growth with equity” 7
6.1 Two short seminars for senior government policy and decision-makers (in collaboration with CFJJ).
6.2 Four X two-day seminars for private sector investors on participatory rural development using land and NR laws in cooperation with community rights holders (in collaboration with CFJJ).
6.3 Guidelines and recommendations produced from seminar discussions.
6.4 Articles for Society and Justice and published on CFJJ website and DNPDR journal Rural.

Activity 7: Technical Assistance to the National Directorate for Promoting Rural Development (DNPDR), implementing the Rural Development Strategy (RDS)
7.1 Provide senior TA support to DNPDR, with a focus on the following areas of work:
  • supporting the implementation of IFAD-Netherlands funded pilot programme in community investor partnerships;
  • implementation of the Rural Development Strategy (RDS) using land and other natural resources laws as essential and practical tools (Objective Two);
  • implementation of other resource, and justice/governance objectives of the RDS
  • developing and support Activity 9;
  • promote a stronger partnership around the theme of land tenure security, rural development and food security, with civil society and other donors.
7.2 Develop and launch information campaign on need to bring land into production and how to use existing legislative and other instruments to do this.
7.3 Support publication and dissemination of reports and other documentation through DNDPR journal Rural.

Activity 8: Capacity building of DNPDR to carry RDS implementation forward and engage in debates on land and resources policy
8.1 Develop Guidelines document for promoting and implementing partnerships between communities and investors.
8.2 Train provincial and district level DNPDR staff in participatory rural development and the use of the Land and other resources laws in this context (implemented by the CFJJ).
8.3 In-service follow-up of trained DNDPDR staff by STA and CFJJ staff.

7 These seminars will also be used to promote a stronger partnership with CSOs and donors on the theme of land tenure security and development.
8.4 Advise on research exercises to be undertaken by partners (CFJJ, universities, etc.) and assess/follow up on results.
8.5 Support the implementation of DNPDR workshops and conferences on the RDS, with a specific focus on resources issues and the participatory stakeholder model for rural development.
8.6 Support DNDPR in national land and natural resources policy discussions.
8.7 Support DNDPR as it works with other stakeholders and develops a stronger coordinating and leadership role in RDS implementation.
8.8 Support the development and implementation of new policy and other instruments that result from the policy discussion process (with inputs from the CFJJ).

Overview of implementation to date
Activities carried out
Since it began in April 2009, the project has successfully carried out activities within the context of its core objectives. These include:

CFJJ

1. Two paralegal courses funded by the project
2. Other paralegal courses technically supported by the project:
   1. One with the Gender and Land project (GCP086)
   2. Five for the MCA land component
   3. Refresher course for higher level paralegals already trained
3. Four district officer seminars
4. One course for senior conservation area managers (for Ministry of Tourism)
5. One five week course in implementing territorial planning legislation (for the Environmental Coordination Ministry)
6. Paralegal course structure was revised by CFJJ paralegal trainers and the two CFJJ/FAO project Senior Technical Advisers; the timetable was adjusted to provide more space for new subject areas and an improved gender module; and the field component was redesigned.
7. One report was published in the CFJJ journal Society & Justice; other reports are under preparation for publication in the same journal; and the journal papers are being formatted to be placed on the new CFJJ website
8. The paralegal course implementation and structure were assessed by the new FAO Chief Technical Adviser (Land and Gender Project) after she arrived, with recommendations incorporated into subsequent courses
9. The draft CFJJ Strategic Plan has been discussed by the CFJJ and FAO team. A meeting between the project backstopping team, the CFJJ Project Coordinator, and the Minister of Justice established that final version of the Strategic Plan should be submitted to the Council of Ministers as soon as possible in 2011
10. CFJJ 2011 workplan is now developed and project activities integrated into CFJJ programme

DNPDR

11. One seminar for senior central level staff in Planning and Development and related sector ministries
12. One seminar for senior provincial and national directorate level staff (Planning and Development, Finance, Local Development Agencies, etc)

13. One seminar for partner organisations (central level staff and technical officers) (Investment Promotion Centre, Centre for Commercial Agriculture, National Directorate in Land, Forestry, Extension, etc)

14. Three regional seminars for senior provincial and district government officers overseeing rural development and related activities

15. Support to and participation in a National Meeting on Community Land Rights

16. Support to the implementation of a Community-Investor Partnership Programme (with IFAD and the Netherlands Embassy)
   - Recruitment of senior national technical advisor (project manager)
   - Field visits to provinces to look at existing partnerships
   - Launch of project at a National Meeting on 25 March 2011
   - Creation of Reference Group with TORs and workplan discussed

17. Seminar series on key elements of the land and other laws (with CTV, national NGO)

18. Technical and discussion inputs to land policy issues in a variety of different contexts (meetings with government, donor meetings, discussion papers, presentations)

**Impact of activities**

In the absence of a systematic impact evaluation it is difficult to assess the performance of the project in terms of impact of activities. However, immediate feedback from participants in the various courses, and the continuing engagement and response of partner organisations, underlines the fact that all the activities have been well received and are valued by those who take part in them.

Efforts to organise a M&E programme that can provide a clearer picture of this aspect of implementation have to date not been successful. Lack of progress on this front is explained by a range of institutional and capacity reasons which are discussed below.

**Implementation constraints and issues**

While the project is broadly on target in relation to its stated objectives and activities, it has also been affected by problems with both counterparts, and within FAO itself. These are summarised below.

**CFJJ**

The CFJJ continues to be an excellent and committed partner. While the Centre continues to implement a large and demanding programme of activities in other areas of its programme, it has succeeded in integrating the paralegal and other capacity building elements into its overall programme and management structure. This is a key element in the exit strategy being promoted by the project under its Activity 5, and has presented the CFJJ with new challenges that have included building a new management team for what is now the ‘Access to Justice’ theme area of the CFJJ Training Department. The Centre has also responded well to the challenge of supporting the DNPDR activities, most of which take place outside Maputo.

Achieving this has not been easy, as the CFJJ has not enjoyed significant increases in its human and financial capacity to implement its ever expanding programme. It has clearly faced capacity problems as it has implemented project activities, and during the course of
2010, it became clear that the paralegal programme was in danger of losing its reputation for quality and focus. Capacity and management issues have also affected the ability of the Studies and Research Department to undertake key activities such as the M & E exercise which is an integral part of the project; and some training activities have also not been implemented (notably the training for the Republican Police Department of Environment and Forestry.

Administrative weakness is still apparent, with reporting on LOAs again proving to be a significant obstacle to efficient implementation. Internal communication between departments is weak, and a range of personnel issues have undermined morale. These include the looming prospect of FAO support for salaries and other costs being withdrawn early 2011, as part of the agreed exit strategy under Activity 5. The CFJJ has appealed to FAO and the donor for this support to be extended.

The inability of the Centre to resolve many of its core management and leadership issues has certainly affected project implementation, but the institution responds well to constructive criticism and is poised to undertake a demanding 2011 programme to put the programme back on track. A key question remains the approval of the Strategic Plan, without which it will be difficult to support a move away from direct project support and towards a programme that is more sustainable, funded mainly by resources coming through the State budget.

During a recent FAO backstopping mission the Minister of Justice indicated that the Plan will be approved by first quarter 2011. The project is now being asked to extend its existing level of support through 2011 to ensure that the Centre can move to implement the Plan without adverse effects on its present staffing and professional capacity. With provisional donor agreement, by April 2011, the project is close to a decision to extend support through to 2012, subject to the CFJJ presenting an adequate justification in terms of sustainability and strategic plan requirements.

**DNPDR**

The National Directorate has been an excellent partner throughout the project, but especially in 2010 has suffered from institutional and other issues that have affected its capacity to fully implement the agreed programme. The series of seminars and discussion forums under Activity 8 has been implemented with effective organisational and management inputs from the counterpart side; this key project objective is now complete although normative papers on this process have not yet been published. DNPDR is now doing this (April 2011). The activities have had a clear impact on the thinking and attitudes of all senior and other officials who have taken part, and complement the CFJJ based programme, especially the District Seminar series.

DNPDR is asking to extend this regional seminar programme to include lower level district government officers, underlining the value it gives to the capacity building impact of this activity for promoting local development plans and a more participatory approach to rural development under Objectives Two and Five of the national Rural Development Strategy (RDS).

Responding to this request will require a significant budget revision, and it is likely that it can only be achieved by switching resources away from activities such as publishing and even the
M&E exercise. A review of the budget to provide resources for this extension to Activity 8 should be ready by the time the mid-term review takes place. The Review Team should look at the resource implications and make appropriate recommendations regarding future support.

In early 2011 the DNDPR was moved from the Ministry of Planning and Development (MPD), to the Ministry of State Administration (MAE). This move appears to be mainly related to the role of DNPDR in implementing the Government District Development Fund, which places MTS 7 million a year in each district to support local development initiatives. This politically high-profile programme does in fact fit well with the participatory development approach of the project supported ‘Land and Natural Resources Programme’ within DNPDR.

The plan to extend the FAO supported programme in 2011 also underlines how the shift from MPD to MAE has not significantly affected the programme in terms of technical content and objectives. The impact of the move has instead been at the level of institutional capacity and morale. The National Director was changed shortly after the move, and the key Project Coordinator also left (both transferred back to MPD). Staff morale was especially hit by reduced salaries as certain subsidies available in MPD were removed, and key staff left. Government has clearly confirmed that it wants the project to continue in its present trajectory. So far the prospects for 2011 are good. Where there have been significant problems is in the IFAD-Netherlands funded Community-Investor Partnership (CIP) Programme which the project is tasked to support with TA. Funding for this has come through public budget, and has been seriously held up by a) a very late public budget approval process and b) administrative changes due to the change from MPD to MAE. The result is that implementation is one year late. Significant GCP096 TA time has been spent during the year to maintain some element of forward momentum through the year. By April 2011 however the Senior National TA to the CIP Programme had finally been appointed, funds were in place, and the project was formally launched at a successful National Meeting on 25 March.

Technical and operational linkages between GCP096 and this project are very clear, and it is evident that the focus issue of partnerships is emerging as a key element of future policy discussion, not only in Mozambique but in other partner countries and in FAO itself. Continuing and perhaps redefined FAO technical support to this project as it is implemented through to the end of 2013 is essential, and the review team should consider how this is to be achieved in the present context of GCP096 and its current end-date of 31 March 2012.

**FAO**

The local FAO office has provided constant and committed support to the project. There have been some difficulties in implementation on the FAO side however, a key issue being the failure to implement the HACT funding model in 2010. Implementing the HACT was a condition required by the donor, and a practical necessity too for facilitating a more effective and smoother implementation of activities. Within the Activity 5 exit strategy perspective as well, the shift to HACT is fundamental, as it develops a full sense of national execution and should build national capacity to assume the overall programme in the longer term.

The administrative process to implement HACT has begun in early 2011, involving initial approvals etc at the level of FAO Rome. Meanwhile implementation continues through a series of LOAs, involving a constant round of agreement formulation and reporting for each
activity in the programme. These LOAs have also been limited in size to the US$50,000 ceiling on the personal authority of the FAO Representative. Activities are being implemented, but the LOA-based approach is far from ideal for a complex programme with high monthly costs as well, and requires large amounts of staff time and energy to implement.

While any Mid Term Review must necessarily focus on project implementation, and is not the place to address internal FAO procedures and policy issues, it is nevertheless important to look at this project in the context of its being a ‘HACT pilot’ for FAO, and what the implications and lessons learned to date are for both the successful completion of GCP096, and longer term FAO project support in Mozambique and elsewhere.

**Gender**

GCP096 has included gender issues in all of its training activities, with a small but focused module on the question of gender itself, and the question of women’s rights over land and how these can be strengthened and protected. This module is accepted to be necessary but not sufficient however, in the context of a growing appreciation of the weakens of women’s rights and the continuing dominance of cultural and institutional practices that are prejudicial to the basic rights of women (and by extension, the children they support).

To address these concerns, a new FAO project funded by the Kingdom of Norway (GCP086) has started in 2010, at the CFJJ. This project is designed to complement and integrate with the existing CFJJ programme supported by GCP096, but also brings in specific new activities that involve more focused fieldwork and stronger operational partnerships both with the CFJJ and partner NGOs. To some extent this is introducing a contrary dynamic to the exit strategy process being promoted under GCP096, and will also extend FAO support to the CFJJ for a year beyond the current NTE date of GCP096. The arrival of GCP086 has already provided a considerable boost to the treatment of gender and womens rights issues in the overall programme and is expected to correct the weaknesses in the current programme.

**The Mid Term**

**Purpose of the Evaluation**

As the project enters its final year, the evaluation will assess progress towards the declared objectives of the project, and the relevance of the project and its activities in the current context of equitable and sustainable development and good governance in Mozambique.

As GCP096 is definitely the final direct project input to the CFJJ, the evaluation should look clearly at the question of sustainability of supported activities, within the context of the explicit CFJJ exit strategy (Activity 5); and the longer term strategic plan and future support needs of this important institution. This should include setting the evaluation within a wider assessment of medium term support planned or being considered by other cooperation partners.

The review should also look closely at the impact of capacity building at DNPDR and engagement in political debates on the current land policy and law (Activity 8). As it stands now, the project will end it what is likely to be a critical time for land and natural resources policy development in Mozambique, with the newly created National Land Consultative Forum beginning its work in 2011. FAO has approached the Land and Forestry Directorate at
the Ministry of Agriculture to explore the possibility of providing TA to this key discussion forum, and the Review Team should look at GCP096 both within this wider context (its current and potential impact through 2011 and early 2012); and as a platform for new FAO involvement in the future (perhaps still with the CFJJ as a partner but in a different programming and funding context).

The project is also providing critical TA support to the community-investor partnership programme at DNPDR, where the IFAD-Netherlands project will run through to end-2013. It is important to consider at this stage how FAO can continue this support beyond the present end-date of GCP096.

The project is also the culmination of ten years of FAO-Netherlands support through the CFJJ. It is important that this experience is not simply left behind, and that lesson learned and the capacity that has been built up is constructively used in some way. The Review Team should consider what has in fact been learned and acquired, and how best this might be used – both by Mozambique and by FAO – in the future.

Scope of the Evaluation

While the Evaluation should take into account the original project objectives and activities, it should also take into account changes that have occurred since it was designed and the relevance of the project and its objectives to development priorities and needs in Mozambique today. The following aspects will be taken into account:

- clarity, and realism of the project's development and immediate objectives, including specification of targets and identification of beneficiaries and prospects for sustainability.
- quality, clarity and adequacy of project design including:
- clarity and logical consistency between, inputs, activities, outputs and progress towards achievement of objectives (quality, quantity and time-frame);
- realism and clarity when specifying prior obligations and prerequisites (assumptions and risks);
- realism and clarity of external institutional relationships, and in the managerial and institutional framework for implementation and the work plan;
- likely cost-effectiveness of the project design;
- the actual cost-effectiveness of the project (see definition in Annex 1);
- any other matter the Evaluation will consider useful and pertinent.

On the administrative side the team should look at:

- efficiency and adequacy of project implementation including: availability of funds as compared with budget for both the donor and national component;
- the quality and timeliness of input delivery by both FAO and the Government;
- managerial and work efficiency;
- implementation difficulties;
- adequacy of monitoring and reporting;
- the extent of national support and commitment and
- the quality and quantity of administrative and technical support by FAO.
The report will include a full and systematic assessment of outputs produced to date (quantity and quality as compared with workplan and progress towards achieving the immediate objectives). The mission will especially review, the status and quality of work on:

- paralegal training and related community level work
- the District Officer seminars
- the DNPDR capacity building and regional training seminars

In relation to gender and the rights of women over land and resources, the Review Team must look at the specific strengths and weaknesses of the project; but also consider the potential impact of the new project (GCP086) and the way in which it is able to build upon and extend the achievements of the programme developed by FAO-Netherlands since 2005 and now in its final phase under GCP096. Some recommendations would be welcome regarding how to continue to support the integration of a strong gender dimension in the programmes of CFJJ and the DNPDR (as well as other partners).

The M&E programme requires specific attention by the Review Team, with an assessment of current difficulties supporting recommendations about how to proceed in the final year of the project, and how to ensure better M&E performance in future project design.

With regard to the prospects for the beneficiaries (government and NGO staff, and communities covered by the project) and the host institution sustaining project results after the termination of the project. The mission should examine in particular:

- The response to and demand for the kind of activities being developed by CFJJ
- The socio-political and technical context of beneficiary activities and whether longer term follow-up is needed or advised
- The innovative nature of the programme being developed by the host institution with project support
- The way in which the project has complemented other activities and programmes (in the specific context of rural development activities outside the host institutions)
- The prospects for these synergies to be maximised after the termination of the project
- Potential effects of the project on GoM land and resources policy; decentralization policy and wider development strategies.

Based on the above analysis the mission will draw specific conclusions and make proposals for any necessary further action by Government and/or FAO/donor to ensure sustainable development and the full use of the achievements and outputs of this project. This assessment will include any need for additional assistance and activities of the project prior to its completion.

Note that any proposal for further assistance should include clear specification of objectives and the major suggested outputs and inputs.

The mission will also draw attention to any lessons of general interest, within the immediate sectoral context of the host institution programme, and the wider rural development and food security context of the FAO programme in Mozambique. The mission will also consider the implications of this programme at a more normative level including the possibility of applying lessons learned and involving Mozambican partner institutions in regional and other programmes that are addressing similar issues.
**Composition of the Mission**

The mission will include team members with the following areas of expertise and skills:

- Evaluation of training and participatory development programmes;
- Technical knowledge in development law;
- Legal literacy and the role and integration of customary norms and practices in the modern day policy and legal context;
- Implementation of land and natural resources laws;
- Institutional context of rural development and land and resources administration in Mozambique;
- Community development issues;
- Participatory training approaches;
- Gender issues in the rural development and natural resources context;
- Rural development.

Mission members should be independent and have no previous direct involvement with the project either with regard to its formulation, implementation or backstopping. Tentatively, mission member profiles will be as follows:

**Team leader (international):** degree level specialist with experience of evaluating training and participatory development programmes, in the context of implementing land and natural resources legislation and policy in practical development situations; familiarity with judicial and legal questions in a development context; technical background in development law or some other related social science discipline, including rural development and community level issues; at least eight years of professional experience, including team leader experience in project and programme evaluation.

**Team member (national):** degree level specialist with experience of the implementation of land and natural resources laws, including the institutional context of rural development and land and resources administration in Mozambique. The national team member must have practical experience of community development issues, and be familiar with participatory training approaches. Familiarity with the justice sector and legal procedures in Mozambique is also required. Technical background in law, rural development, or related discipline, with at least four years of senior level experience.

At least one member of the team should have specialist or significant additional experience and expertise in gender issues. Specific experience of the problems faced by rural women in accessing and using land and natural resources is important in the context of this project.

**Timetable and Itinerary of the Mission**

The Evaluation Team will assemble in Maputo, with initial travel arrangements planned so that the team can have briefing meetings at the FAO Representation on the morning of 26 May 2011, and will then meet with the CFJJ and DNPDR in a joint meeting. Separate meetings with each counterpart can be arranged as and when required. The outline tentative itinerary will be as follows:

26-27 May: Team assembles at FAO for initial briefing and to meet the STA and National Coordinators (morning)
Team meets with the Host Institution Directorates for briefing and to discuss workplan (afternoon)

28 May-3 June: Evaluation work including field visits to communities and provincial level NGOs, District Administrations and District judicial officers involved in the project; Provincial government departments involved in the DNDPR programme.

4-5 June Report writing

6-7 June: Discussion of preliminary findings and recommendations

8 June: Departure

12 June: Circulation of draft report for comments

30 June Delivery of final report

Consultations

The mission will maintain close liaison with the Representatives of the donor and FAO and the concerned national agencies, as well as with national and international project staff. Although the mission should feel free to discuss with the authorities concerned anything relevant to its assignment, it is not authorized to make any commitments on behalf of the Government, the donor, or FAO.

Reporting

The mission is fully responsible for its independent report which may not necessarily reflect the views of the Government, the donor or FAO. The report will be written in conformity with the headings shown in Annex 1. The report will be completed, to the extent possible, in the country and the findings and recommendations fully discussed with all concerned parties and wherever possible consensus achieved. The mission will also complete the FAO Project Evaluation Questionnaire. The mission leader bears responsibility for finalization of the report, which will be submitted to FAO within two weeks of mission completion. FAO will submit the report to Government(s) and donor together with its comments.
Annex 1: Outline of the Project Evaluation Report

I. Executive Summary (Main Findings and Recommendations)

II. Introduction

III. Background and Context

IV. Assessment of Project Objectives and Design
   A. Justification
   B. Objectives
   C. Project Design

V. Assessment of Project Implementation, Efficiency and Management
   A. Project Budget and Expenditure
   B. Activities and Outputs
   C. Government Support
   D. Project Management
   E. Technical and Operational Backstopping

VI. Assessment of Results and Effectiveness
   A. Effects and Impact
   B. Sustainability and Environmental Impact of Results
   C. Gender Equity in Project Implementation and Results
   D. Cost-effectiveness
   E. Major Factors Affecting the Project Results

VII. Conclusions and Recommendations
   A. Conclusions
   B. Recommendations

VIII. Lessons Learned

Annexes
1. Terms of Reference
2. List of places visited and key persons met by the mission
3. List of documents and other reference materials consulted by the mission