



PROJECT  
CTV MOZAMBIQUE.

# LEARNING TO INCREASE COMMUNITY LEGAL LITERACY ON LAND RIGHTS AND NATURAL RESOURCE MANAGEMENT IN MOZAMBIQUE



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Photo credit: CTV

# LEARNING TO INCREASE COMMUNITY LEGAL LITERACY ON LAND RIGHTS AND NATURAL RESOURCE MANAGEMENT IN MOZAMBIQUE.

## 1 INTRODUCTION

Centro Terra Viva (CTV) has extensive experience in actions aimed at promoting the defence of communities' rights to land and other natural resources, namely monitoring environmental licensing processes for land-based investments (extractive industry), accompanying resettlement processes, public and community consultations, research and studies in the context of biodiversity protection and conservation, particularly in the areas of conservation, legal assistance and advice, including training programmes. In this sense, CTV's perception of the context and challenges about the management and administration of land and other natural resources is profound, yet there is a need to share the results and strategies used in order to improve and contribute to better land governance in Mozambique.

In fact, in 2021, with the support of the Dutch government, a series of actions began, with an impact at district level, with the main objective of increasing the legal literacy of communities in Mozambique, around land rights and the use of natural resources. This work was carried out as part of the LAND-at-Scale programme, funded by RVO as part of the Dutch Ministry of Foreign Affairs. CTV has managed to implement strategic activities and

achieve important results.



Figure 1. CTV team at Writeshop in Maputo, 2024.

A key component of this project has been the knowledge management coordinated by the KIT Institute<sup>1</sup>, which embarked the project implementers and other key players on a process of analytical reflection that allowed them to look critically at the work carried out, reviewing its methodological paths, strategies, obstacles, and main results, as well as the main lessons learnt.

The analysis of the main results of this process were documented by the project partners themselves during a four-day write shop and resulted in this knowledge document. In this way, the aim is to share experiences and lessons learned with other organisations wishing to implement similar interventions, as well as with the main donors and government authorities, offering specific recommendations to all these actors and generally contributing to the improvement of approaches and strategies.

## 2 THE INTERVENTION AND APPROACH

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Land and natural resource management must be carried out in a participatory and sustainable way, with the involvement of all citizens, including women, at all levels of government, through community and public consultations, community-based natural resource management and administrative decentralisation promoted as a participatory governance mechanism.

From this perspective, to achieve better participatory management, it is essential that the players - in this case, the communities, the government, and even private investors (which have been on the increase recently) - have a basic knowledge of the legal framework for land and other natural resources, as this establishes the rules for managing, using and utilising these resources, highlighting the rights, duties and roles of each of the players.

After some analysis and studies<sup>2</sup>, it has become clear that, among the actors mentioned above, rural communities, where most natural resources are found, have

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<sup>1</sup> KIT Institute is the knowledge management coordinator for the L@S programme and has facilitated the CTV's reflection process throughout the implementation of the project.

<sup>2</sup> Land and Natural Resources in Mozambique: An Analysis of Overlapping Land Use Rights between Local Communities and Economic Enterprises, June 2020.

a low level of literacy in general and particularly legal literacy, which jeopardises their effective participation in the process of managing them.

Therefore, to remedy this shortcoming, the LAND-at-scale project was implemented in 32 districts in Mozambique's 11 provinces, an average of three districts per province, with the main aim of increasing the community's legal awareness and reinforcing the security of land tenure rights, creating capacity at local level to implement and leverage the progressive provisions of the Mozambican legal framework.

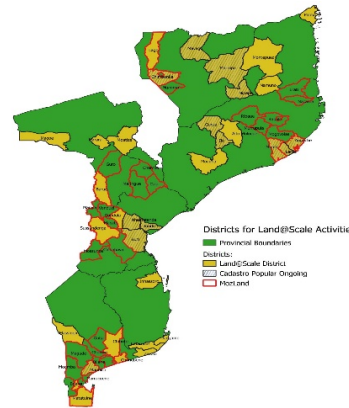


Figure 2. Districts for Land-at-Scale activities.

The programme contributes to preparing the community to intervene in an informed way in the land sector, with a view to widening their access to information and knowledge, especially legal knowledge, to strengthen the security of their land rights and increase their capacity to act as local development agents in partnership with the government and private investors.

## 2.1. Project Inception phase

Due to the scale of the project, both from the point of view of its geographical size, the cultural diversity of the target group and the specific reality of each location, combined with the need to ensure the adoption of a more appropriate and assertive strategy for the successful implementation of the programme, an *Inception Phase* was carried out with the main purpose of perfecting the institutional organisation and partnerships of CTV at local level and strategically defining the methodological paths of training and compiling materials for social preparation and the expansion of legal literacy, including the design of relevant strategies for the project, namely communication and dissemination; monitoring and evaluation; and learning and knowledge sharing.

The process included carrying out a diagnosis of the real situation to assess, among other things, the level of knowledge of communities about rights and duties in accessing and managing land and other natural resources, the existence of community paralegals, forms of community organisation, the level of conflict and land management in communities, the participation of community-based organisations and women in decision-making processes, community forms of defending rights over land and natural resources, and measures for adapting to and mitigating climate change.

The data collected in the communities was systematised in a report "Inception Phase Report", which was presented to the various levels of government, from which observations emerged that led to the readjustment of action strategies, considering where the actions were to be implemented<sup>3</sup>.

### 3 METHODOLOGICAL PATHS AND RESULTS

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#### 3.1 INCREASED LEVEL OF KNOWLEDGE AMONG LOCAL COMMUNITIES ABOUT THEIR RIGHTS AND DUTIES IN ACCESSING AND MANAGING NATURAL RESOURCES

Once the preliminary actions or inception phase had been completed, it was realised that local communities had a low level of knowledge about rights and duties in accessing and managing natural resources. The following actions were developed to overcome this knowledge gap:

- Inclusive capacity building/training (women, young people) on the legal framework for land and other natural resources, participation processes in the governance of land and other natural resources and on climate change and its adaptation and reduction measures. According to local reality.
- Dissemination of legislation on land and other natural resources (using radio programmes at community level, talks, pamphlets, meetings, etc.)<sup>4</sup>;
- Community dialogues (sessions to discuss specific issues of interest to you about land and other natural resources); and

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<sup>3</sup> See the Inception Report and Implementation Plan and Strategy of the Project "Scaling Up Community Legal Literacy, Community Land Rights Certification and Climate Resilience in Mozambique", December 2021.

<sup>4</sup> See Radio soap operas, "Winds of Change" (include date and place)

- Revitalising and training members of natural resource management committees and other forms of community organisation to participate in the management of land and other natural resources.

*Main obstacles and key strategies to overcome them*

The main obstacles faced during the implementation of activities at community level were:

- Misperceptions about the role of CSOs, including CTV, in defending the rights of local communities on the part of district governments (connoted as organisations that aim to destabilise and agitate communities, hindering their development) have caused various constraints, such as the postponement and/or cancellation of some activities that had already been scheduled.
- Essentially theoretical projects linked to advocacy on the rights and duties of communities that apparently don't show immediate tangible results, which lowers expectations and the level of interest and participation of community members; and
- The low level of literacy and the cultural issues that characterise rural communities were barriers to the assimilation of training content.



Figure 3. Project meeting Mocuba, Zambezia. 2024.

To overcome the obstacles identified, a number of actions were strategically carried out, adjusted to the nature of the obstacles:

- Sensitisation of key stakeholders (direct contact with district governments, community leaders to clarify the relevance of the project).
- Involvement of community translators in training.
- Adaptation of the support materials to the community reality as well as the training methodology (accessible language<sup>5</sup>, participatory methods); and
- Replacing impassable communities with others and making planning more flexible according to the challenges encountered.

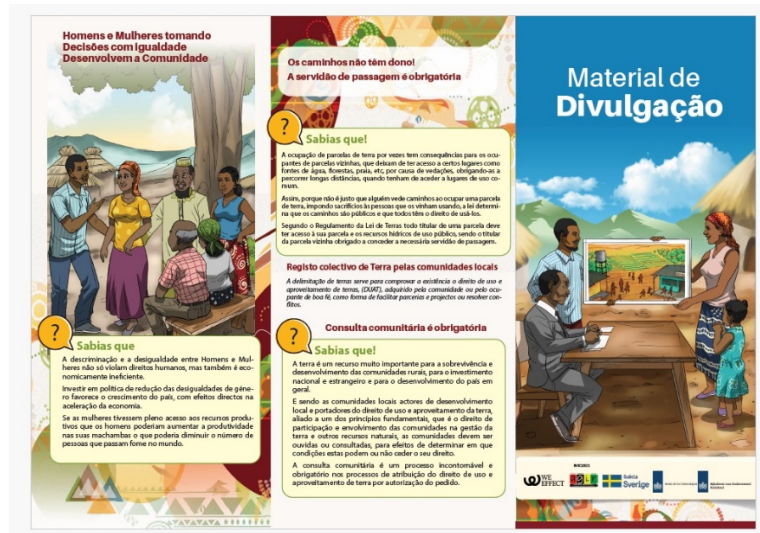


Figure 4. Image from awareness raising material.

The actions carried out have helped to achieve significant changes, such as raising the level of knowledge about rights and duties in the use and management of land and natural resources, for example, taking an active part in District Consultative Council sessions, Community Consultations, negotiating with investors, requesting support or legal assistance from organisations, and submitting complaints and claims in the event of any irregularity or illegality.

<sup>5</sup> Living notes on land and natural resources (with comics), 2021

This strategy has contributed to change because raising awareness among district governments and community leaders has contributed to a new perception of the role of civil society organisations in defending and promoting the rights of local communities, which has allowed them to participate actively in development processes and the rational use of land and other natural resources.

Despite the low level of literacy among communities and other key players in the land sector and the complexity of the legal language of the materials on land and other natural resources, the interventions, with specific linguistic adaptation, allowed local communities to better assimilate the content transmitted in the dissemination and training sessions.

Despite the progress made by communities in understanding their rights and duties over land and other natural resources, there is still resistance from administrative authorities to recognising these rights, due to the bias they assume in defending investments, which are considered priorities and take precedence over any other interests that may be claimed by local communities. In addition, local communities still fear reprisals from the administrative authorities for speaking out in favour of their rights.

### 3.2 PUBLIC INSTITUTIONS (PROCURATORATE, SDAE, SDPI, DISTRICT GOVERNMENT, IPAJ) RESPECT COMMUNITIES' RIGHTS TO LAND AND OTHER NATURAL RESOURCES

Public institutions such as the SDAE, the SDPI, the District Government, the District Attorney's Office, the IPAJ, the PRM, the Notary Services and others have benefited from various project initiatives, such as:

- Specific engagements carried out during the project, which consisted of socialising the project, its objectives, target audience and expected results.
- Training for representatives and technicians from public institutions on the legal framework for land and other natural resources, decentralisation, land governance, planning and land use, resettlement, climate change, and guarantees for private individuals.



- Support for representatives and technicians from public institutions in participating in spaces for debate, reflection, and international conferences on land governance<sup>6</sup>, resettlement and climate change; and
- District dialogues where issues about land and other natural resources of local interest were discussed involving members of the district governments and other relevant actors at district level.

*Main obstacles and key strategies to overcome them*

During the implementation of activities with public institutions, some obstacles were faced:

- Government institutions are more concerned with defending their economic interests, which results in the rights of local communities being disregarded because, in their view, economic investments are a priority for the country's development.

As a way of overcoming this obstacle, the rights of communities in relation to land and other natural resources, and the key role in the management of assets and natural resources were emphasised, leading to other complementary or additional training materials.

- Approval of investment projects at central level without observing legal procedures and local realities because there are vested interests on the part of the competent bodies (corruption), combined with a lack of accountability and inefficiency on the part of the administration of justice.

As a way of circumventing this, actions are underway to make prosecutors aware of their responsibility to defend environmental and human rights.

- Mobility of government officials, which interfered with the application of the knowledge acquired for the benefit of the communities, because after the training, the government representative or technician could be transferred. The appointment of more than one focal point by each institution to guarantee continuity of activities appears to be the solution in these cases.

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<sup>6</sup> Report on the Conference on Land and Natural Resource Governance 2023

- The dispersion and diffusion of institutional competences and responsibilities was a barrier because some services were assigned to the Governor of the Province and were later transferred to the responsibility of the State Representation in the Province, creating a certain duplication of services. The path followed was always to contact the two levels of service.

Technicians from district and local governments were appointed to take part in the training of paralegals, to respond to the demands of preventing and resolving conflicts over land and other natural resources. On the other hand, the recognition of paralegals by district governments and their importance in preventing, promoting, and resolving conflicts is beginning to be a reality in many districts.

*The strategies described above have contributed to change because some of the actions of sector members and technicians at various levels of land and other natural resource governance result from a lack of knowledge about the legal framework in this area, so the training was an opportunity to adopt new practices, such as opening space for community members to participate. The inclusion of the bodies of the Provincial Executive Council of the Provincial Secretariat of State was crucial in harmonising the interpretation of laws to defend and promote the rights of local communities.*

Mega-projects are still approved at central level, with limited intervention from other decision-making levels. This stems from the legal imperative that assigns competences for this purpose to the central level of governance.

There is still little monitoring of the fulfilment of promises made by investors.

### 3.3 COMMUNITY MEMBERS PARTICIPATE WITH OWNERSHIP IN COMMUNITY CONSULTATIONS.

One of the findings of the *inception phase* was that local communities participated in community consultations as mere assistants, not playing a role that would allow them to contribute to the projects developed in the areas resulting in direct benefits for them. This finding justified the implementation of activities to change the current scenario.

Several actions were carried out to achieve this result:

- Training on mechanisms for access to land for investment purposes, procedures for holding community consultations (meetings separated by gender, age group: young and old).
- Social preparation of communities (dissemination of the legal framework for land and other natural resources, sharing of the community consultation guide);
- Training for community and district paralegals and members and technicians of the district government on participatory processes in access to and management of land and other natural resources.

*Main obstacles and key strategies to overcome them*

The following obstacles were faced while carrying out the activities relating to the results:

- Resistance from local authorities to meetings with communities, which were mistaken for community agitation. To overcome this obstacle, the team established more meetings and regular contacts with local government authorities to clarify the purpose of meetings with communities. The fieldwork team also included technicians from the district and provincial government institutions;
- Language is still a barrier to conveying technical concepts of the legal framework for land and other natural resources. As a strategy to overcome this difficulty, local translators and paralegals were used, with a high level of education and linguistic-cultural adaptation of the training materials for easy perception. Another tool considered relevant was the production of radio programmes on the community radio stations in the districts involved, as well as a radio soap opera broadcast on the national antenna with



Figure 5. Poster from sensitization Soap opera on land issues

language translation and repetition on the provincial stations.

- Limited resources and time to reach more communities and stakeholders. The team used local partners, platforms of civil society organisations, paralegals.

With the adoption of the above-mentioned measures, local authorities are more receptive to capacity-building initiatives, the social preparation of local communities and are more interested in integrating government technicians into paralegal training programmes. Another noteworthy change is that district governments are now inviting CTV to take part in District Consultative Council sessions.

With the integration of district and paralegal platforms, it has been possible to cover more communities over a longer period, at relatively lower costs than initially, which contributes significantly to sustainability.

The strategies were key because the involvement of local government technicians contributed to the assumption of responsibility on the part of local government to prepare local communities in the field of the legal framework for their participation in the management of land and other natural resources. But it also helped to establish more trust in the messages transmitted by CSOs to communities, which are often seen as destabilising.

The inclusion of local organisations and paralegals was important for change in that it helped to give these actors more confidence to take the initiative to accompany community consultations.

Language continues to be an obstacle to the transmission of knowledge within communities.

### 3.4 PARALEGALS INTEGRATED AND ENGAGED IN LOCAL PROCESSES FOR RESOLVING CONFLICTS OVER LAND AND NATURAL RESOURCES

The analysis of the current situation revealed a low level of legal literacy in rural communities throughout the country, which leads to insecurity of land tenure, unsustainable management of natural resources and land conflicts. To recognise this preponderant role, paralegals (who are individuals selected from the community and

trained in elementary questions about the law of land and other natural resources) were used to promote the rights and duties of communities in the management of land and other natural resources.

To gauge the presence of paralegals in the project's implementation sites, a mapping exercise was carried out in 33 districts<sup>7</sup> which showed that there were not many paralegals and, of the few that existed, they were not working because the projects they were involved in had ended, leaving them unable to assist the communities.

Once the people at district and community level had been selected, they were trained in legal literacy as paralegals to promote the sharing and dissemination of legal knowledge about land and other natural resources. In this process, to ensure sustainability, people from the communities were prioritised, as they live in and are closest to them.

#### *Main obstacles and key strategies to overcome them*

- Lack of legislation regulating the figure of the paralegal (especially in land governance/administration and natural resource management), as well as the terms of reference for their role and their actions at different levels (district and community).
- Lack of recognition on the part of some district administrators, jeopardising the work of paralegals.
- Excessive control and unnecessary demands from local authorities.
- Strict protocol for accessing communities or carrying out activities.
- Linguistic difficulties arising from the need to translate technical legal language into the local language.
- Difficulties in selecting people to train as paralegals on the part of local authorities.
- The low level of literacy in the communities makes it difficult to grasp legal knowledge about land and other natural resources.

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<sup>7</sup> See Project Inception Report Inception Report and Implementation Plan and Strategy for the Project "Scaling Up Community Legal Literacy, Community Land Rights Certification and Climate Resilience in Mozambique", December 2021.

- Lack of recognition of the paralegal in some communities.
- Paralegals face significant challenges due to systematic threats from government entities, for example in the Massingir district in Gaza province.

Faced with the above obstacles, *some strategies were used to overcome them and ensure that the result was achieved:*

- During the meetings with local authorities, information was shared about paralegals, making them realise that even though there is no legislation regulating them, their role and actions are not illegal, so they can be recognised, and their work can bring benefits such as reducing conflicts over land caused by a lack of knowledge.
- The sharing of experiences and knowledge from other places where, with legal expertise, it has been possible to achieve beneficial solutions for communities.
- Introducing the paralegals to the local authorities so that they could work in the communities with the knowledge or presence of the leader.
- Use of alternative means of transmitting a message or knowledge (interactive means, theatre plays).
- The selection of community paralegals was also a strategy used, as it is less expensive in terms of travel costs, accommodation and therefore guarantees sustainability, without forgetting the fact that these are people from the communities, who speak the local language and are trusted by the community, facilitating the transmission of knowledge and conflict resolution.
- The wearing of uniforms or badges by paralegals makes it easier for them to be accepted in the community.
- The use of mobile phones facilitates communication, especially with CTV technicians to provide technical assistance.



Figure 6. CTV staff with paralegal Moatize, Tete.

### 3.5 MARGINALISED GROUPS (WOMEN AND YOUNG PEOPLE) PARTICIPATE IN DECISION-MAKING MEANS/PROCESSES

Women and young people are systematically marginalised due to socio-cultural and traditional issues in rural areas, as women's participation is prevented simply because they are women. In patrilineal systems, as is the case in southern Mozambique, when women divorce/separate from their husbands, widows, the husband's relatives, including the husband himself, make decisions about household matters without involving the woman.

To remedy this situation, various awareness-raising activities have been carried out for these groups, including talks, training and community or district dialogues on the need to include women and young people in decision-making. The awareness-raising process should not only be limited to marginalised groups; local authorities have also been sensitised.

#### *Main obstacles and key strategies to overcome*

- The rural custom that argues that women should not have the right to use and enjoy the land.
- Cultural and religious issues in certain regions of the country, where women and young people do not participate in community sessions due to the supremacy of men.
- A patrilineal lineage that exalts the supremacy of men as the only ones with the power to decide.
- Low level of knowledge of the law, especially the right to equality, which is a right enshrined in the constitution.

Faced with these difficulties, some strategies were employed to move forward, such as:

- In some places, experiences were shared about the role of women and young people, and the fact that they saw women giving talks and actively participating in conflict resolution shows that it is possible to have these groups in decision-making circles.
- With capacity building on both sides, district governments and communities, it was possible to open space in district consultative councils and community meetings.



Figure 7. Dialogue on land issues with civil society, government, paralegals and community leaders. Nampula, 2024.



## 4 MAIN LESSONS LEARNT

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### 4.1 INSTITUTIONAL ENGAGEMENT FROM THE START AND THROUGHOUT THE PROJECT CYCLE

CTV should continue to carry out institutional engagement prior to project implementation, as it contributes to better organisation or design of the implementation methodology, thus clarifying the terms and conditions of the project and not creating expectations that are out of step with reality. In this process, constant communication with local authorities should be prioritised, with the aim of dispelling any misconceptions.

CTV must be aware that the ease of working with local authorities is conditional on encouraging the actions of these entities at district level, and to this end it must maintain constant communication with these entities, seek to solve specific problems of local governments, such as bearing the costs of logistics in the Consultative Councils.

In addition, CTV must map the actors and see which are the allies and which are the resisters, and then work with the resisters to seek their engagement.

### 4.2 PARALEGALS' ROLE

The paralegal occupies a privileged position between the formal authorities and the community courts in land matters. This is since the courts are based on laws, but also do not disregard customary law, the premises of which vary from place to place, but are dominated by paralegals. Therefore, we must continue to advocate for their status to be recognised by the Ministry of Justice and Religious Affairs as a national association, with branches in the provinces, districts, and communities.

CTV should also produce the necessary information to clarify the role and scope of the paralegal's work, in particular the Terms of Reference, badges, and other relevant information, including a website.

- a. *Connection with IPAJ and the Public Prosecutor's Office*

CTV recognises that the connection between paralegals and IPAJ and the Public Prosecutor's Office (the Office for the Protection of Diffuse and Collective Rights) will create conditions for greater follow-up of conflicts in the courts, but it also opens space for constant training on the legal framework for land.

Although they are still few, there are already informal connections between paralegals and the prosecutor's office that are proving effective and can be replicated elsewhere in the country.

b. *Managing Expectations (community level)*

CTV recognises that it is important to clarify the terms and conditions applicable to the project and the work of paralegals so that there are no excessive expectations.

Clarification can be achieved through regular meetings and the creation of focal points.

c. *Incentives for women*

CTV recognises that it must continue to encourage the participation of more women, creating conditions that make it possible and easier for them to take part in paralegal training sessions, as it has been noted that when women lead talks and work in the communities there is more acceptance and adherence from community members.

To make this easier, we need to emphasise help with mobility during training sessions, identify timetables that don't clash with other relevant tasks for women in the communities, and create support networks to help with childcare during training sessions. Work should also be done to sensitise husbands and local leaders to the role and importance of the work of women paralegals in the communities.

### 4.3 ESTABLISHING PARTNERSHIPS WITH OTHER SIMILAR PROJECTS

Given the importance of capitalising on synergies between the various related projects being implemented in the same region to ensure complementarity, sustainability and maximisation of results, avoiding duplication of effort.

This lesson learned is for the implementer (Terra Viva Centre), insofar as it is up to CTV.

For future interventions, it is necessary for the CTV to survey internal projects implemented in the same region, potential partners who are implementing similar projects in the same area, as well as local government to jointly define activities, establish plans and specific intervention sites and areas, coordination mechanisms, harmonisation of approaches and exit strategies.

### 4.4 CTV'S LEVEL OF PREPAREDNESS

The level of preparation of the CTV, especially in the initial phase, was important/decisive/determining for the subsequent phases and should therefore be adopted as a strategy in all projects of this nature, including the *booster*.

This lesson learnt is for the implementer (CTV), in that it is up to them to prepare and present the project to the different implementing partners, government and local communities, to avoid expectations that go beyond the scope and conditions of the project.

To improve its actions, CTV should, among other things, carry out a diagnosis to assess the current situation of the beneficiaries, the location, and the initiatives underway and, if successful, focus its intervention on a more limited geographical area. It is also necessary to train technicians in the most appropriate methods for each social reality (low level of education) of the communities benefiting from the initiative, which requires designing and analysing existing material to adapt it to the target group and context.

#### 4.5 CONSOLIDATION OF PROJECT ACTIONS OR RESULTS

The fact that the projects implemented are of short duration, which does not allow for systematic monitoring, is a challenge for their effectiveness in the community, as it is noticeable that the end of their actions coincides with the end of the project.

This lesson learnt is aimed at the CTV, the donor, the implementing partners, and the local beneficiary communities.

The first actions should be consolidation to create a base, namely engagement with local authorities, civil society and other local influencers, selection and training of paralegals, creation of forums for dialogue on land and other natural resources.

#### 4.6 ROLE OF THE NETHERLANDS EMBASSY

The CTV recognises the importance of the Embassy's work and the facilities it can create in the implementation of activities by having continuous monitoring and a stronger presence. In this regard, the CTV should be proactive and promote more informal meetings with the Embassy, sharing reports and all relevant information, creating conditions so that in the event of difficulties it can turn to the Embassy to facilitate interaction between it and government authorities from ministerial to local level, also complementing other interventions with funds from the Dutch government.

### 5 CONCLUSIONS

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The results that have been achieved have contributed to strengthening security of tenure over land and other natural resources, to the extent that there are communities with a deeper knowledge of their rights and duties, including the legal processes and procedures for participation in land and natural resource management. As a result, there has been a greater demand for:

(1) legal assistance from communities, including an increase in cases or complaints to justice administration institutions, land and natural resources administration and management services, such as SDPI, SDAE and district governments,

(2) training on land and other natural resources,

It was also verified:

(a) frequent demands for greater rigour in community consultations.

(b) a government that is more open and committed to listening and following up not only in cases of conflict, but also in identifying strategies or approaches that contribute to the outcome of a process, in a participatory way, for example, in the case of resettlement, communities, paralegals and the government find solutions to move forward with the restitution of livelihoods, considering the reality of the communities concerned.

With the engagement of communities and the intervention of paralegals, communities not only know their rights and duties, but also quickly turn to the justice institutions that interact with these paralegals, such as IPAJ, community courts and others. Some paralegals have been asked by traditional leaders and community courts to reflect together on the challenges and resolution of causes related to land and natural resources that occur in the districts.

In addition to the paralegals, the component of communication and liaison with district governments and other public and private actors has brought greater awareness and openness to promote and protect the rights of communities to land and natural resources.

 <p>Ministry of Foreign Affairs of the Netherlands</p>	 <p>Netherlands Enterprise Agency</p>
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