

Towards community-based forest management of miombo woodlands in Mozambique

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1 Introduction

This case study critically analyses the devolution of management of forests and woodlands to different constituencies in Mozambique, with particular emphasis on how such processes relate to rural poverty alleviation. The shift in locus of control and power over resources is not peculiar to Mozambique. It is related to broader policy developments within the international arena, filtering down to the regional and national levels, with its main thrust being to alleviate poverty. For instance, Fabricius et al. (2004) refer to the developments within the region, and beyond, as a ‘movement’ in which states have given back to ‘communities’ authority to manage resources. They point out that this ‘movement’ has been driven by “democratization of resource management that was ushered in by international conventions around people and natural resources and the realization, by states, of the futility of managing resources without local people engagement”.

But the extent to which communities have gained real power and control over forest and woodland resources in the country has been limited by barriers in various sectors, including those dealing with land policy, governance and political economy. In general, the Mozambican devolution experience can be considered fragmented, largely reflecting a lack of inter-sectoral phasing and sequencing. For instance, whilst recent land policy reforms sought to extend secure land rights through the legitimization of customary ownership, such reforms have not been matched by appropriate changes in forest and wildlife laws, which at present do not accord rights that are as secure as those conferred through land laws. Rights to dispose of valuable forests, trees and wildlife are still retained by the line ministries and not held by the communities who own the land. This review aims to trace how these relationships are evolving.

The Mozambique wildlife and forest policy is the main instrument through which the government is seeking to create space for local community participation in natural resource management. The policy centres on the principle of participation, enunciating that it is important that those who use and benefit more directly from resources participate in the management and planning processes. Local communities are in effect, targeted as the principal actors in the implementation of the policy. Although such policies have spawned a variety of people-centred natural resource management initiatives across a variety of natural resource sectors, most of the pioneering insights are emerging from the wildlife sector. The forestry sector has lagged behind the wildlife sector in relation to devolving authority of resource management to local people (Matose and Kepe, 2006).

The objective of this report was to assess the extent to which community based management of miombo woodlands is contributing to poverty reduction. However, the attempt to achieve this objective was limited by the fact that this initiative was designed as purely a desk study to be based on literature review, and most CBNRM programs have not been subjected to any documented evaluations. The documents available on some CBNRM projects are not detailed and comprehensive enough to provide useful

information such as: the number of households existing in a particular community; social structures; livelihood activities; types of forestry resources and products and their use and market values; and how these resources impinge on the economic wellbeing of the communities. Neither was there baseline data on the basis of which the contribution of various community resource management initiatives could be evaluated. Although the Ministry of Agriculture has a sector specifically created to deal with CBNRM no comprehensive and systematic reports on the impact and current situation of the existing CBNRM initiatives throughout the country exist. Such a situation is a poor reflection on the sector, given the resources being devoted to CBNRM.

The following questions guided the review:

- What learning and adaptation has been witnessed?
- How has participation, democratisation, and increased representation contributed to improved livelihoods for different local people? Is the move towards community based management making any difference?
- What is the way forward on the basis of the insights from experiences and the challenges identified?

The above methodological limitation notwithstanding, this review makes an important contribution by focusing on three aspects that apply to the broader forest-poverty question. The first aspect is the legislative environment and the extent to which it enables CBNRM objectives and principles. Secondly, the report analyzes the disjunction between forest resource policies and land policy. Thirdly, the report considers the underlying tensions between the desires of state agencies to generate revenue from forest resources on land whilst also securing the subsistence values of the resources. Where possible, the analyses in this report are augmented by illustrative information emerging from reviews of CBNRM projects that are currently underway in Mozambique, including: the Ancuabe project in Cabo-Delgado; the Chipange Chetu project in Niassa; the Muchanaglana project in Sanhote, Nampula; the Pindanyanga project in Manica; and, the Derre Morrumbala project in Zambézia.

The review of the progression of Mozambique's move towards community based management is located in the wider debates around CBNRM, as proffered for example by Hulme and Murphree (2001). These authors make the case that there are different trajectories of conservation that have moved away from being state-centric. Where there is full transfer of rights then such a trajectory would be community-based - the state completely devolves resource management to some constellation of local society as 'community'. The case studies that will be reviewed and discussed in this contribution are better characterised as partial community-based. The State has devolved management responsibility but without according local society full property rights over forests and wildlife, especially in cases where the resources have high values. Hulme and Murphree (2001) suggest that three ideas have come to dominate thinking about CBNRM. Firstly, the need to shift conservation away from being state-centric and to see rural Africans in a positive light rather than as degraders of the environment. Secondly, that conserved resources (biodiversity, species or habitats) should be viewed as natural resources to be exploited rather than merely preserved. Thirdly, markets need to play a more active role

in providing incentives for conservation which would lead to resources being more highly valued. These authors suggest that they tried to assess the impact of the policy and institutional changes on the livelihoods of Africans who bore the brunt of ‘fortress conservation’ for many decades. They point out their writing is seeking to shed light on the impact of policy and practice that attempts to ‘redistribute social and political power’ (Hulme and Murphree:5). The current review also attempts to assess how the Mozambican forestry scene has changed in shifting authority towards local communities.

We argue that in order to understand why the state does not transfer ‘full property rights’ over natural resources it is necessary to understand broader governance trends at state level. The state has historically treated local society, especially rural populations, as subjects. Mamdani (1996) makes the point that the colonial tradition of fused power and administrative justice has been carried forward to the post-colonial state. The central state was de-racialised and, largely democratised, but without dismantling the underlying despotic nature of its rural governance structure. Without further reform of the State, the rural populace remains under the grip of an autocratic tribal authority or ruling party officials. And – in the absence of democratisation – development and decentralisation has become a top-down agenda enforced on the people. Anstey (2004) alludes to this development in his analysis of CBNRM in northern Mozambique, by noting the problematic of centralised authority, elite-based decision making and highly bureaucratic administration within the State governance structure. One of the case studies Anstey (2004) reviewed is also included herein.

The rest of the report is organised as follows. The next section provides the context for Mozambique’s miombo woodlands, and how communities manage and use forest resources. Section three then provides the policy and institutional contexts for the management of natural resources especially focusing on the impact of legal reforms in the land and wildlife sectors vis-à-vis the forestry sector. The main part of the report revolves around section four which provides detail about the performance of selected case studies of community-based management. In the final section, some conclusions are drawn and recommendations suggested.

2 The Mozambique context, forest resources and community management and use of forests

2.1 Miombo woodland cover

The geographical location of Mozambique, from 10 to 26° south of the equator, provides a diversity of climates that determine structural and physiognomic differences in vegetation types. Miombo woodlands in Mozambique occur to the north of the Limpopo river and occupy approximately two-thirds of the natural forest area, followed by mopane (MINED, 1986; Bandeira *et al.*, 1994) (Figure 2). MINED (1986) classified miombo into seven different types, based on their leaf-shed pattern and altitude.

Mozambique’s richest woodlands in terms of wood products and biodiversity are the mosaics of semi-deciduous wet forest with miombo woodlands that occur in the coastal region of central Mozambique, south and north of the Zambezi delta (Wild and

Fernandes, 1968; MINED, 1986; Saket, 1994). Other rich areas can be found in the slopes of high mountains mostly in the Chimoio plateau and Gurue (MINED, 1986; Saket, 1994; Wild and Fernandes, 1968) (see Figure 1). In the coastal region of Inhambane and Gaza and a large part of Cabo Delgado and Niassa provinces, miombo woodlands are relatively simple formations with short trees and low tree density. Structurally these are called wooded savannas because of the high grass cover, with low density and small-sized trees (Wild and Fernandes, 1968), and classified tall or short scrub (Saket, 1994).

Because of the structural characteristics of miombo, it constitutes an excellent habitat for a variety of herbivores such as inhacozo (*Kobus ellipsiprymus*), bushbuck (*Tragelaphus scriptus*), eland (*Taurotragus oryx*), sable (*Hippotragus niger*), gondonga (*A. litchensteini*) and carnivores such as lions (*P. leo*), leopards (*P. pardus*). About 80 percent of the large terrestrial mammals of Mozambique are found in miombo woodland. Many other animals, in groups such as insects (including edible worms), reptiles, birds and fish, are associated with miombo (Soto and Siteo, 1994; Hatton *et al.*, 1994; Bandeira *et al.*, 1994).

2.2 Local use of woodland products and household livelihood strategies

The CBNRM projects analyzed in this report were based on six main economic activities using miombo products: charcoal production and sale; building materials harvesting and sales; honey production and sales; fuel wood collection and sales; hand-sawing for timber; and wooden furniture production. The contribution of the forestry sector is invaluable, particularly because much of the population (about 75 percent) live in rural and urban areas where poverty and dependence on forestry resources is high. Rural communities depend exclusively on firewood for cooking, while in urban areas charcoal is the major source of energy for cooking. A study carried out in Beira shows that even in the urban area, where electricity and gas are available, a significant number of inhabitants (50 percent) use charcoal for cooking (Serra and Zolho, 2003).

Dependence on natural resources represents an opportunity for commercialisation of forest products. Serra and Zolho (2003) found that among the charcoal suppliers to Beira there were more than 1000 small operators who transported 2-4 bags of charcoal per day from a distance of about 30 km on a bicycle. This means an average income of about USD70-140 per month for those families involved in this transportation business. In addition, there are the charcoal makers. The charcoal market is the largest market for forestry products in Mozambican towns. However, other products that are marketed include wood for building materials, medicinal plants and food products.

Many tree species of the miombo woodlands have multiple uses. Some of them are protected by local communities because of their importance in traditional beliefs. Many trees are left in the agriculture fields ("machambas") or simply not cut for firewood because they produce fruits or medicines, or have spiritual values. Some trees are protected it is believed that they "produce water" because they grow in the riverine areas and because it is believed "if you cut them the water source will dry out" (Soto and Siteo,

1994). The use of a variety of forest products by local communities constitutes an 'invisible economy' that reduces expenses in the order of millions of dollars to the government that might otherwise have to import medicines, or produce energy and other forest-based products (Williams, 1993; Nhantumbo and Soto, 1994).

The commercialisation of forest products plays a major role in local economies. Building materials are commercialised as much as firewood is. Other products such as wild foods (including fruits, leaves, meat and honey) are commercialized in local markets in the cities or, by the roadsides. They represent an income to rural people, including women and children. Medicinal plants are prescribed by traditional healers to their clients or sold in urban markets (Nhantumbo and Soto, 1994).

Woodcarving is another important activity, using products from miombo woodlands. Woodcarvers normally live in rural areas and some of these crafts are household utensils such as wooden spoons and pestles that are necessary equipment for rural and suburban (and some urban) households. Other woodcrafts are carvings of different kinds of things used as adornment objects for people in the cities. The most famous woodcrafts of Mozambique are made of *Dalbergia melanoxylon* and *Spirostachys africana*, and are commercialized all over the world.

2.3 Contribution of the forestry sector to poverty reduction

As a recent study commissioned by the USAID office in Mozambique to the Confederation of Mozambican Trade Associations (CTA)¹ confirms, Mozambique has an abundance of natural forests. According to this study, natural forests cover an estimated 20 million hectares, or 24 percent of the total country. Excluding the informal sector, the forestry sector in Mozambique provides direct employment for approximately 200,000 people. It accounts for about 10 percent of industrial production and contributes about 1 percent of GDP. This figure excludes fuelwood, and other timber and non-timber forest products that are directly consumed by the rural population or sold in the informal market. In 2004 exports from the sector amounted to US\$30 million, approximately 2 percent of total export earnings. The sector earns the government of Mozambique approximately US\$6 million per year in royalties on logs harvested.

It is worth highlighting that the figures indicated above include only the forest products and services that enter the formal market. Several products that are handled through the informal markets are not accounted for. For example, it is estimated that the town of Beira consumes more than 5 million bags of charcoal (50 kg each) per year, but of these fewer than 200 000 bags were licensed (Serra and Zolho, 2003). Further examples of products that do not enter formal markets abound. These include building materials, household utensils, food and medicinal plants, which significantly increase the real value of the contribution of the forestry sector.

Royalties and taxes accruing from concessions constitute a source of income for communities. Reimbursement of this dividend is a statutory requirement as per

¹ USAID. 2006. Improving the Competitiveness of the Timber and Wood Sectors in Mozambique.

Ministerial Directive 93/2005, and is pegged at 20% of the licensing rates paid by the forest operator to the state. However, eligibility of communities to benefit from this is not a straightforward matter, as the communities are first required to constitute a representative committee registered in the district administration or administrative post. This committee is tasked with managing funds, including opening a bank account on behalf of the community. The committee is also expected to present reports of activities funded by the income, together with associated accounts of income and expenditure.

The registration requirements for communities to benefit from the above royalties are too stringent and constitute a major bottleneck, restricting communities from accessing benefits from resources that occur in their areas. For example, out of total of seven hundred (700) communities involved in community management project in the whole country, only 37 have formed local committees, whilst a paltry complement of only 17 communities have satisfied all the requirements, with only one having received the statutory 20% royalty. The bottlenecks mainly arise from constraints related to the formation of the committees and openings of community bank accounts (Pear Tree *et al*, 2005).

Although forests are an important facet of the Mozambican economy it is clear that mechanisms put in place for communities to economically benefit from the commercialization of forest resources occurring in their areas are not adequately and effectively delivering on the envisioned benefits. In order to improve contribution of the forestry industry to community poverty reduction, it is recommended that:

- The government, the CTA, the private sector, and NGOs need to do more to promote corporate social responsibility and outline the benefits and responsibilities of investors and communities.
- There is need for fostering formal community-private sector partnerships.
- Community institutions should receive the resources and support so as to secure access to their 20 percent royalties, and so as to be in a position to negotiate and form lasting mutually beneficial partnerships.
- When there are long delays in getting communities incorporated and bank accounts opened, the local government administration at the district level should hold the funds on behalf of the communities;
- Research is needed on alternatives to bank accounts (such as community trust funds), to overcome organizational problems at the community level.
- Adequate time for preparatory discussions and community consultations be allowed during the planning phase of concessions and in doing the simple license agreements.
- The efficacy of the current regimes of royalties in reducing poverty should be reviewed as the royalties seem patently low.

3. General Overview of the Legal and Institutional Framework for Community Participation in Natural Resources Management in Mozambique

In 1997, Mozambique adopted a Policy and Strategy for Management of Wildlife and Forestry, through Cabinet Resolution Number 8/97 of April 1. This document sets some principles for wildlife and forestry management which include: (a) conserving basic resources, including biological diversity; (b) involving people who are dependent on forestry and wildlife resources in the planning and sustainable use of such resources; and (c) ensuring that communities benefit from wildlife resources. Similarly, the Wildlife and Forestry Law adopted in 1999 recommends integrated management of natural resources that ensures effective participation of local communities, associations and the private sector. It furthermore establishes that the involvement of the private sector in natural resource management should aim at furthering local community development. Certain events stand out as epochal in the evolution of community based natural resource management. These include the end of authoritarian systems of governance and the advent of peace ushered in by political settlement under the Rome accords, leading to the crafting of a draft constitution in 1990. A new constitution was to emerge out of this draft in 2004, with land considered as a foundation for CBNRM since the constitution recognized customary rights to land and land management. Sequel developments within the legislative arena that enhanced the shift towards community based management were the enactment of a national Land Law in 1997, and of a Wildlife and Forestry Law in 1999. Although the general thrust of these developments reinforced the evolution of CBNRM, each law had its own enabling and disabling features, which are considered next.

3.1 The constitutional recognition of community rights over natural resources

As in many other African countries, Mozambique's supreme law vests custodianship of land in the state, with the ownership, management and administration of such land devolved to a variety of other stakeholders including agencies of the state, the private sector, and local communities under customary arrangements. The principle of state custodianship is clearly enshrined in the 2004 constitution², a revision of the 1990 constitution, which maintains that natural resources in the soil, sub-soil, internal waters, the territorial sea, the continental shelf and the exclusive economic zone, are state property, with the state determining the conditions for their use by the citizens. Although the constitution vests custodianship of land in the state such custodianship has an enabling effect for rural communities in that the state, through the constitution, recognizes and protects community land rights acquired by inheritance and by virtue of community tradition and peaceful occupancy of such areas. The only exception to this principle applies in relation to areas legally reserved for public interest purposes, as is the case of nature conservation areas, or areas already legally given to another person or entity³.

² Constitution of the Republic of Mozambique.2004. BR No.51, SERIE I, of December 22.

³ Ibid.

The 1990 constitutional setting was seen as containing a pro-poor philosophy and a strong statement of the state's social responsibility towards the rural people who constitute the majority of the Mozambican population (Negrão, 2002). In fact, the role of the state, as indicated by the constitution, was not only to determine the conditions for land use and management but also to prevent the emergence of perverse sets of land rights that create situations of dominance or privilege that jeopardize the majority of the citizens (CRM 1990, Article 47.3).

According to Negrão (2002), the constitutional recognition of community land rights independently from formal titles has provided a high sense of protection to the majority of the rural people for whom land continues to be the only source of subsistence and income. Despite the fact that community land rights did not automatically imply rights for commercial use of land and other natural resources, the recognition of rights represented a major achievement for those who advocated the need of increased security of community tenure rights. This philosophy has also had a great influence on the content of the 1997 Land Law, as will be demonstrated. It is in this context that the conceptual and practical aspects of community management of forest resources are analyzed and the relationship between the state and local communities discussed.

3.2 Legislation for Management of Land (Land Law of 1997)⁴

In September 1995 a new National Land Policy (NLP) based on the 1990 Constitution was approved, establishing a clear rights-based approach to guaranteeing land for the poor. This policy was also a strong development instrument designed to promote new investment in the country (Durang and Turner, 2004). These aspects are summarized in the NLP central mission statement that envisions “safeguarding the diverse rights of the Mozambican people over land and other natural resources, while promoting new investment and the sustainable and equitable use of the resources”⁵.

The enabling effects of the NLP at a broad level (Durang and Turner, 2004) , include:

- Guaranteed access to land for the population as well as for investors
- Guaranteed rights of access to land by women
- Promotion of national and foreign private investment
- The active participation of nationals as partners in private enterprises
- The definition and regulation of basic guidelines for transferring State-allocated land use rights
- The sustainable use of natural resources that guarantees the quality of life for present and future generations

⁴ Law No.19/97, of October 1.

⁵ English formulation by Durang and Turner, 2004.

The enabling effect of the law is also seen to extend down to the grassroots level, privileging communities over land rights and administration. In terms of land rights, the new land law introduced important provisions to secure such rights to the family sector (the smallholder sector), by recognizing customary rights of access and management as being equivalent to the state-allocated land use and benefit rights (DUATs)⁶. In terms of land administration, the law also confers legal validity to the various indigenous systems of transferring and inheriting rights, and recognizing the role of local communities in the prevention and resolution of conflicts.

The law furthermore recognizes the “local community”⁷, as the main entry point to integrating various interests on communal land, recognizing them as constituting “extensive land holding and resource management units reflecting local production and social systems involving a wide range of resources and dynamic patterns of land use” (Negrão 2002, Durang and Turner 2004). Through the local community, local people were given the right and duty to participate in the legalization (demarcation and registration) of new DUATs allocated to investors. A key element in this context is the requirement that investors have to consult local people and secure their approval before they are able to obtain a new DUAT⁸.

Box 1 highlights the challenges to formalising community-based management. The pro-poor legislation has opened doors for local communities, but it could be argued that informal systems are more important than formalised approaches (Norfolk and Tanner, 2006):

⁶ Portuguese acronym to “Direito de Uso e Aproveitamento da Terra”.

⁷ Legal definition provided in Article 1, No.1, of the Land Law.

⁸ Land Law, Article 27

Box 1. Challenges to formalising community-based management

The new resource tenure frameworks developed in the last few years are not being introduced and implemented within an historical and social vacuum. The legacy of an authoritarian past has left deep influences on both rural populations and on the government administration. In the first instance, this means that many citizens have generally low levels of trust in the authorities and may not be willing to take risks or incur the costs of taking up new institutional opportunities. In particular areas, with specific experiences of the more authoritarian side of colonial and post-independence administrations, there are rural societies that have limited internal cohesion and low levels of trust in most forms of authority. In the second instance, it means that the State authorities remain largely managed and staffed by an administrative and technical cadre that has been trained and habituated to top-down management processes. Given the recent legacy of a centralised State, many of the officials still feel more comfortable with the benefit options of old rules and in the old uniform of command and control.

This means that formalisation involves much more than just the mapping and registration of land rights. We believe that the case studies provided show this well. For example, the Chipange Chetu case study reveals how the local social history of this area has tended to promote specific characteristics within the population and the institutions that operate there. These include:

- A reluctance to engage with authority or with rules of either a traditional or an administrative nature.
- A context where the legitimacy for a traditional/customary role in conflict resolution and the functioning of social institutions at village level depends largely on the personality of the chief.
- A general belief that government and its agents are extractive rather than supportive and that outside agents in general may at best be a source of patronage and short-term benefits but have little longer-term commitment.
- A general belief that personalized relationships and informal rules matter more than institutions codified in law. Legislation is the not 'the rules of the game' but part of the game.

It is therefore sad to see exactly this kind of administrative intervention is now undermining the hard work and achievements of the early years of the Chipanje Chetu initiative. Institutional resistance and entrenched attitudes – as well as overly centralised and inefficient decision-making processes – also threatened to derail the Coutada 9 case. This probability has in effect been pushed to the sidelines by the operator and the community simply getting on with their agreement, and by a range of other actors providing moral and other support advocating in favour of this new and important initiative.

The Canhane Community seem to have moved more easily towards a change in attitude and awareness of new opportunities. This may be a function of the close and continual support offered by Helvetas over an extended period of time, which has served to encourage and build trust amongst the community. In its most recent phase, it has also benefited from legal support provided by the ASL Programme, and the CFJJ-FAO technical assistance that has reinforced the rights-based framework that it has been made clear to the investor as 'the' framework within which his access to this prime site will be negotiated.

Conversely, the population in Chipange Chetu probably feel that their initial caution was justified, since the NGOs that assisted initially are now disappearing; ACORD and OPORTUN left in 2004, as a result of financial difficulties, and IUCN withdrew when political tension and elite contestation regarding the hunting operation began. As Mubai *et al* (2006) describe, these withdrawals have come at precisely the moment when the community most needs the lobbying capacity and support that these organisations were able to offer. In their absence, the community institutions have weakened and become vulnerable to manipulation by elite interests.

However, Mozambique has shown the importance of also having the right policy and legal framework in place, especially if it is the result of a broad consultative and participatory process that gives it legitimacy and support in wider society. The framework then provides an 'appropriate space' within which claims can be acknowledged and pursued. The formal and legal *redefinition* of rights and status may come later – i.e. negotiated changes to the framework – through the use of these opportunities and 'appropriate spaces' to test the Land Law implementation in practise and develop any changes empirically.

The process therefore begins with an open and participatory policy and legislative process that results in an imaginative law with a high level of legitimacy, allowing many flexible routes to formalisation, and is followed by the use of this philosophical and legal space (by NGOs, communities, local people and their private sector partners) to pursue new economic initiatives which in themselves bring about formalisation and create the space for the more conventional rights registration as a result of the other activities, not as a condition for them to happen.

Thus Mozambique today is perhaps characterised more by the experiments and initiatives going on in the countryside, with deals and frameworks for resource use being negotiated and benefits beginning to flow to the rural poor, than by any serious moves to systematically implement the more standard formalisation of rights in accordance with the law. The point is that the Land Law and the process leading to its adoption has opened up an important space for formalisation, a space within which the informal rights of the poor are recognised and given a new legitimacy without needing to be strictly defined or forced into a rigid formal context. These rights are beginning to be taken more seriously and are becoming less susceptible to challenge because they have been given a broader legitimacy within the law, rather than as a result of their transformation into a 'formal' rights framework. Nevertheless, this process is taking place within a context of rising demand for land, enclosures, and signs of land concentration in which local rights in many places are not being imaginatively used as described above. Far more efforts and resources are needed to get invisible legal rights on to official maps and records. Our argument does not disguise this need, but rather underlines the fact that registration is just part of a broader package of formalising measures and strategies that can secure tenure for the poor and promote the equitable process of land occupation and use foreseen in the original 1995 Land Policy.

Source: Norfolk and Tanner, (2006:35)

3.3 Legislation for Wildlife and Forestry Management (Wildlife and Forestry Law of 1999)⁹

In addition to the Land Law of 1997, a National Forest and Wildlife Policy was approved in 1998, followed by a revised Forestry and Wildlife Law (FWL) in 1999. Whilst the Land Law is considered largely enabling with regards to community based forest management, the FWL's overall effect is generally considered enabling only in terms of underlying principles but disabling in its implementation requirements. The law is considered potentially enabling in principle for three reasons:

1. It shares the same definition of 'local community' as the land law. Therefore, in legal terms the spatial unit in question should be the same as that covered by the land law DUAT (Durang and Turner, 2004).
2. The requirements for investors to consult the local community when seeking forestry exploitation concessions or hunting licenses¹⁰ implies that communities are the primary stakeholders, potentially wielding greater influence in terms of balance of power over resources in their areas.
3. The FWL provides for integrated and sustainable management of natural resources that ensures effective participation of local communities, local government and associations and the private sector.

Despite these potentially enabling features of the FWL, the government and its branches retain disproportionate powers to define the type and location of resources that communities may manage. These requirements include cumbersome licensing arrangements and management plans required before the licensing. For example, communities must have a hunting license to use wildlife resources for consumptive purposes. Local councils issue such licenses 'in accordance with customary norms and practices'¹¹. Subsistence use of forestry resources is exempt from license requirements but it should be undertaken in respect of local norms and practices. Commercial use of wildlife and forest resources is subject to licensing, with communities and other interested actors must fulfil technical requirements established in the law. Such requirements include, among other things, proof of technical capacity to harvest, transport and process the resources¹². Except for subsistence purposes, holders of land rights must always apply to the government for use of wildlife, forest and other resources existing on their land.

The lack of parity between rights structures accorded through devolution reforms in the land sector on one hand and the forestry and wildlife sector on the other creates a confounding devolution scenario in Mozambique. The overall effect is that the land tenure regime by itself does not clarify the use regime for particular resources occurring

⁹ Law No.10/99, of December 22.

¹⁰ Ibid, Article 26.

¹¹ Ibid. Article 15(3)

¹² Ibid. Article Ibid. Article 15(1)

on such land. Thus, communities that have acquired a land title are not automatically entitled to exploit land and the forest resources on a commercial basis. The forest and wildlife law requires a license and a management plan to grant the use of forest products for commercial purposes. This requirement was imposed as part of the national strategy for the forest sector to contain the rampant use of forest resources that was occurring prior to 1997. The regulatory requirement existing then was based on a one-year simple license that encouraged log-and-leave resource exploitation strategies without long-term commitment to the sustainability of the land or the forest (FAO, 2005). The blanket enforcement of the new licensing requirements severely undermines local communities' access to commercial benefits of such resources because of the stringent and complex licensing requirements that need to be fulfilled before the resources are commercially exploited.

For purposes of licensing, the law divides the national forest estate into three categories based on permissible use intensity. These are: (i) areas for intensive forestry, usually those associated with high productivity; (ii) areas with medium forestry productivity, that become candidates for extensive forest use, with a further condition being that such areas can be converted to other land use other than forestry per se, as in the first category; (iii) multiple use areas, where forestry is not the main activity and where interchangeable use of the land is also permissible.

Generally, areas for intensive forestry are used for forest concessions while those with medium productivity are used for simple license (one-year) - specially designed for rural communities and individuals that are willing to extract small quantities of forest resources (up to 500 m³ of timber per year) during a relatively short period of time. Simple licenses may also be located in areas defined for purposes other than forestry, and the trees used for commercial purposes especially when there is need to convert land cover from forest to agriculture or pasture. Apart from the conservation¹³ and forest areas

¹³ The forest and wildlife law establishes three categories of protected area including:

1. National parks, designed purely for the protection of nature and managed by the Department of Conservation Areas of the Ministry of Tourism. No resources may be extracted and no settlements are allowed within this category. Examples of these areas are the Gorongosa National Park and the Zinave National Park, established particularly for wildlife protection.
2. National reserves, which include game and forest reserves, managed by the Department of Forestry and Wildlife of the Ministry of Agriculture and Rural Development. Human settlements and resources extraction may be allowed but restricted by the rules set by the conservation plan. Areas under this category may also be co-managed by other organizations including local communities and NGOs. Examples of these areas include the Niassa Reserve, one of the largest areas established for protection of elephants. There are 13 forest reserves classified within this category. The forest reserves were established to provide timber to state agencies either for building purposes or for furniture (e.g. Licuáti, Mecuburi, Derre and Matibane) or for protection of water catchments (e.g. Moribane, Maronga, Zomba and Mpalwe). Most of the forest reserves do not have a formal management plan and some of them have been invaded by local communities for agriculture (e.g. Mecubúri and Moribane) and by poachers to cut valuable timber (e.g. Licuáti) (Siteo and Enosse, 2003).
3. Community conservation areas with local or cultural interest, managed by local or district authorities. These areas include sacred areas such as the Chirindzene forest, which can also provide medicinal plants and other goods for local communities. Most of these areas are ruled by local beliefs and myths. Traditional leaders may use these areas for agricultural harvesting and rain ceremonies. Access to these areas is granted by the traditional leaders and, in general, rules are strictly followed.

established for forest concessions and logging licenses, there are areas, generally those with low forest productivity, where local communities can make free use of forest resources for subsistence and can also convert these areas to agriculture or pasture without a specific management plan. These areas are among the open-access areas with no specific management regime, but may require a simplified management plan if used for commercial purposes by local community associations.

The Confederation of Mozambique Trade Associations (CTA) reports that there are several ways in which communities can participate and benefit from forest concessions, including as concessionaires, partners to concessions and as simple license holders. Negotiating a concession should fulfil three basic requirements, namely: (i) ensuring proper community consultations before the establishment of forest operations (ii) requirement for community benefits to be clearly spelled out in both simple licenses and concessions (number of jobs created) and (iii) should be part of the contract agreement. The role of the government within the whole set-up is to promote the social responsibility among the partners and to reimburse a complementary contribution of 20 per cent of the royalties accruing from the concessions back to the communities. The major impediments to more meaningful empowerment within this setting includes a balance of bargaining and entrepreneurial power tilted in favour of the private sector and the low proportion of benefits accruing to the communities in the form of employment opportunities as well as state dividends (20%). Thus, though the principal laws are generally enabling with regards to community based forest management, much still has to be done to improve the institutional infrastructure that has been put in place to allow for the implementation of such initiatives. However not all barriers to community based forestry initiatives are of a legal or implementation character alone – history also counts, as it may have a strong conditioning effect on attitudes and mindsets.

3.4 History counts when attitudes matter!

The new resource tenure frameworks developed in the last few years were not introduced in an historical vacuum. The legacy of an authoritarian past has left profound attitudinal imprints on both rural populations and on the government administration. In the first instance, given the often capricious and arbitrary exercise of power under previous undemocratic arrangements, many citizens have generally low levels of trust in the authorities and may not be willing to take risks and challenges associated with taking up opportunities that the new institutional environment offers. Such reluctance is likely to be felt more in areas that suffered more acute experiences of the more authoritarian strands of colonial and post-independence administrations. Furthermore, many edifices of state power largely remain, for example state authorities continue to be managed by an administrative and technical cadre trained and habituated to top-down management processes. Given the recent legacy of a centralized state, many of the officials still feel uncomfortable with new ways of doing business other than the command and control ways they have been used to.

Thus, the institutionalization of community based forest management initiatives takes much more than just the mapping, re-aligning and registering of land rights. History counts when attitudes matter, with more reluctance to engage in democratic systems of resource management in areas that suffered from the non-democratic exercise of power most. For example, the Chipange Chetu case study reveals how the local social history has tended to reinforce high levels of community disengagement from most things to do with the state, as evidenced by:

- A reluctance to engage with authority or with rules of either a traditional or an administrative nature
- A context where the legitimacy for customary or other systems of governance and the functioning of social institutions at village level depends largely on the personality of the chief, and not on the assurance that such institutions collectively render.
- A general belief that government and its agents are extractive rather than supportive and that outside agents in general may at best be a source of patronage and short-term benefits but have little longer-term commitment
- A general belief that personalized relationships and informal rules matter more than institutions codified in law. In other words legislation is not perceived as constituting ‘the rules of the game’ but as part of the game.

Thus, one of the major initial obstacles to institutionalization of community based forestry initiatives in Chipange Chetu was the fact that many of the local people were wary of the real intentions of the project. Anstey (2002) notes that: “...even after eight months of discussion locally and the implementation of a number of activities such as the PRA process, discussion of objectives and controls over outsider use, there was still a general belief that the programme was for the benefit of the Government or individuals in the NGOs and the talk of devolution to local institutions was merely a variation on a historical theme of local disempowerment.”

Hence, institutionalisation of community based forestry management initiatives may require much more than just reforming legislation and putting in place the implementation arrangements. The process transcends the purely legal to the attitudinal and facilitative, including civic education, capacity building, and most importantly perhaps, recognizing that change will be slow and incremental rather than profound. For instance, a recent report on Chipanje Chetu by Mubai *et al*, (2006) showed that it was not until 2001, when payments from the hunting concession were first made to the community groups that they began to feel and exercise any real sense of ownership over the project. In a related case from Coutada 9, benefits had already started flowing to the communities even before the resource management initiative had been formalised. It is equally interesting that in the case of Coutada 9, the resource flows have actually preceded formalisation in the conventional sense, with a series of agreements struck that have as their basis, once again, a careful process of negotiation and trust-building.

An argument is made that the issue of trust is of critical importance given that administrative discretion remains a key element in the implementation of land and resource legislation and that government sector agencies and actors are the main agents of delivery of such discretion. The administrative structure bestowing wide discretionary oversight to state officials in regulating access to land and resources has to be trusted by the citizens if it is to secure the goodwill and cooperation required for community based forest management initiatives to succeed. The poor will continue to be circumspect about occupying spaces opened up by new pro-people reforms for as long as such people do not trust actors seen as drivers of such reforms. Further, anything other than full commitment and engagement by the poor communities will only serve to provide avenues for rent-seeking behaviour by those administering the process, which in turn will tend to favour the politically or economically powerful. This is illustrated by the Chipanje Chetu where entrenched attitudes fed into community reluctance and disengagement within an otherwise already overly centralized and inefficient decision-making process. The overall result was that the operator and the community proceeded with their agreement, at the expense of the regulatory actors. In contrast, the Canhane Community seems to have moved more easily towards a change in attitude and awareness of new opportunities. This may be a function of the close and continual support offered by Helvetas over an extended period of time, which has served to encourage and build trust amongst the community. In its most recent phase, it has also benefited from legal support provided by the ASL Program, and the CFJJ-FAO technical assistance that has reinforced the rights-based framework that it has been made clear to the investor as 'the' framework within which his access to this prime site will be negotiated. A key insight also appears to be that facilitation by third parties, including civil society, is critical for success.

But the contribution of civil society to community based forest management is best considered in relation to sustainability since most civil society interventions suffer from project proclivity. For instance, the NGOs that were facilitating forestry initiatives in Chipanje Chetu, including ACORD and OPORTUN reached their exit stages well before community reluctance to participate in the initiatives had been overcome. However, not all civil society actors withdraw because they have reached the end of their timeframes. IUCN is reported to have left Chipanje Chetu because of the uneasiness associated with elite contestation of hunting licenses within the area. As Mubai et al (2006) describe, these withdrawals have come at precisely the moment when the community most needs the lobbying capacity and support that these organizations were able to offer. In their absence, the community voice has further been weakened and become vulnerable to manipulation by elite interests. In line with Sally Falk Moore's arguments¹⁴, the challenge in the above Mozambican cases is to create 'appropriate space[s] where legitimate claims [can] be acknowledged', instead of opting for the easy way out.

The evolution of community based forest management in Mozambique has shown the importance of also having the right policy and legal framework. In Moore's words the framework provides an 'appropriate space' within which claims can be acknowledged and pursued. Having come up with the framework is key since the formal and legal redefinition of rights and status may always come later through learning-by-doing

14 Cited in Cousins and Claasens (2006)

adjustments that are made to improve practice as policy gets implemented. By their very nature, community based natural resource management initiatives are social learning experiments. The process begins with an open and participatory policy and legislative process that results in an imaginative law with a high level of legitimacy. Such a process accords many flexible routes to formalization, and is best followed by the use of this philosophical and legal space (by NGOs, communities, local people and their private sector partners) to pursue new economic initiatives with emerging experiences being fortified to sustain community gains. Real empowerment does not end with simply adjusting the legal environment per se but through sustained efforts to remove the impediments that may detract from the attainment of more thoroughgoing empowerment.

Thus Mozambique is characterized by the experiments and initiatives in the countryside, with deals and frameworks for resource use being negotiated and benefits beginning to flow to the rural poor, than by any serious moves to systematically implement the more standard formalization of rights in accordance with the law. The point is that the Land Law and the process leading to its adoption has opened up an important space for formalization, a space within which the informal rights of the poor are recognized and given a new legitimacy without needing to be strictly defined or forced into a rigid formal context. These rights are beginning to be taken seriously and are becoming less susceptible to challenge because they have been given a broader legitimacy within the law, rather than because of their transformation into a 'formal' rights framework.

Nevertheless, this process is taking place within a context of rising demand for land, enclosures, and signs of land concentration in which local rights in many places are not being imaginatively used as described above. More efforts and resources are required to get invisible legal rights on to official maps and records. My argument does not disguise this need, but rather underlines the fact that registration is just part of a broader package of formalizing measures and strategies that can secure tenure for the poor and promote the equitable process of land occupation and use foreseen in the original 1995 Land Policy. Box 2 highlights some of the tenurial changes that need to take place to align forest management, timber production in particular, towards community needs in order to reduce poverty through sustainable forest management.

Box 2. How can communities enter the timber business (financial and technological capacities)?

- Improve ways to manage illegal activities, especially community level sanction
- Improve awareness of forest law, policies and regulations
- Analysis of aspects of the different tenure types
- Improving capacity for collaborative management of protected areas
- Developing of approaches to Sustainable Forest Management to include charcoal, wood, NTFPs as part of community management
- Develop opportunities to transfer open access areas to local community management and benefits (plans, capacity)
- Register customary land use rights
- Seek ways to balance sustainable natural resource management and community benefits such as value addition and processing

- Understand the role of customary rules, knowledge and context of present day needs

Source: Siteo, 2006 (FAO Tenure country case study: forthcoming)

4 Community-based management of Miombo Woodlands – Emerging lessons from selected case studies

Many community-based projects were promoted in the 1990s under a variety of objectives that included improving the living standards of rural communities, promoting their participation in decision-making processes and sustainably managing forest ecosystems. This section aims to distil the major lessons emerging from such projects. To achieve this it drew information from five CBNRM projects in the miombo region covering the provinces of Niassa, Nampula, Zambézia and Manica. The main sources for this review were project documents of the specific projects, the general review of CBNRM projects in Mozambique presented at the Third National CBNRM Conference in 2004, and the recent review of the commercial timber and logging sector.

4.1 Project institutional arrangements and sustainability

4.1.1 Ancuabe, Cabo-Delgado

Looking at community management around Ancuabe in Cabo-Delgado, the initiative started in 1999, involving a working group for management of natural resources involving NGOS such as Helvetas, AMA, AMOCASI, the private sector and the provincial government. There was a need to reduce uncontrolled explorations of natural resources in the district and successful experiences such as Tchuma Tchato in Tete and the Gonarezou Park in Zimbabwe provided a good motivation for the materialization of the project. The project is located in the province of Cabo Delgado, District of Ancuabe, in the northern part of Mozambique. It occupies an area of 48734 ha, in the villages of Ngura, Zambezia, Muaja, Miegane, Nonia, Nipataco, Mirangore, Nacololo, Naua and Santo Insidro.

The project implementation started with the creation of a new institution to change the scenario from uncontrolled and individualist exploration of natural resources to a regulated and integrated exploration approach. In this context, a management committee was created, integrating all interest groups, hunters, carpenters, farmers, exploiters of firewood energy, and social groups. The government was also integrated through the provincial forest and wildlife and the district directorate of education.

For the creation of the committee, meetings with different social and interest groups were organized, after which a general meeting to approve the project was also organized. The selection of members for the committee followed a democratic process. Each interest or social group nominated a representative. After that, members of the executive body were elected, namely, the president and vice-president, the secretary and treasurer. To ensure representation, a social group could not occupy two positions simultaneously in the

executive body. The committee responds to the community and also provides general information to the district directorate for agriculture about farms devastation by wild animals.

4.1.2. Chipange Chetu, Niassa

The CHIPANGE CHETU project was created in 1998, in Matchedje and Macaloge , in the Sanga District, occupying an area of 3500 to 4000 km² and with the aim to eliminate furtive hunting, wood smuggling to Tanzania and the use of poison to catch fish. The project also aimed at ensuring the transfer of authority and powers over natural resources to the local community level in order to promote local development through economic,

Traditional authorities controlled the use of natural resources before the project, but this was resulting in a free access to the resources given their weak inspection capacity. The exploration of resources was made in an uncontrolled manner and without limits. To solve this problem a local committee was created and their members trained in forest and fauna legislation, land management legislation, leadership aspects and community inspection. The process was participative and democratic and there was an election of the president, the vice, the secretary and the treasurer. Traditional leaders were given the role of committee advisors and they could not occupy other positions to avoid accumulation of powers. A complementary group was constituted integrating government and non-governmental institutions, namely, Provincial Forestry and Wildlife Services, District Agricultural Directorate, Administration of Sanga, IUCN/WWF, ACORD and OPORTUN with the mission of promoting community training, research and other activities.

4.1.3. Muchanagalane, Sanhote, Nampula

The project started in August, 1997, in the Sanhote/Niviria region of the Monapo District, province of Nampula. It occupies an area of 4.000 hectares. The objective was to reduce illegal woodcutting and to promote improved practices of honey production, coal and vegetables. It involves different groups of interest, including sawyers, carpenters, vegetable growers, charcoal-makers and beekeepers. The Netherlands government and FAO financed the first phase, started in 1997 the government from Mozambique is providing support to the second phase initiated in 2002, through the national program for agricultural development (PROAGRI).

The Muchangalene Association is composed of four committees (Sanhote, Neviria, Mukhunula, Mulapane). Prior to project implementation, traditional authorities controlled the use of natural resources and this was not changed when the project was initiated. Although community committees were created specifically for resources management and for representation of all social groups, traditional leaders are also members of the committees and are always consulted before any decision on the use of natural resources is taken.

Creation of committees followed a participatory approach, and the different social groups were consulted. A president, the vice, secretary, treasurer, juridical and chief of control

chosen by vote, constitute the committee. Besides the management committee and groups of interest, the project implementation involves the participation of, and coordination with, the provincial services of forests and wildlife, district directorate of the agriculture, district administration, and local authorities. The decision-making process involves a series of meetings for consultation with the interested parties, after which the president of the committee decides. Some conflicts happened at the beginning of the project, due to difficulties mainly in understanding the allocation of decision-making powers between the committees and traditional leaders and district authorities. This situation has been clarified and the committee also reports to the district directorate of agriculture.

4.1.4 Pindanyanga, Manica

The project began in January of 1999 as an initiative of the provincial government supported by GTZ. It covers an area of 41 000 ha in the district of Gondola, in the Makhati locality. Its boundaries are the national highway nº1 (East), the Púngue River to the North, by the Massatua and Nhamaware rivers in the west and the Nharissenguere and Nhahurungu rivers in the south. The initial activities of this initiative were very opposed by the community. It was only after the visit that some members of the community made to the program Tchuma Tchato in Tete that a change in attitude was verified.

The support from GTZ just lasted one year at the end of which the provincial directorate of the agriculture took responsibility for the project. In 2000 FAO was integrated in the project and it supported activities of delimitation of the community area, forest inventory, elaboration of the management plan, zoning, training and construction of camps. FAO's assistance finished in 2003 and the project continued with the financing from PROAGRI.

Community authorities in this area consist of traditional leaders (regulos), villager chiefs, Mfumos and auxiliary personnel. The committee created in the project has a president, chief for uncontrolled bushfires, forests chief, secretary, treasurer, consultants and two members of the community to control the committee's activities. The members of the committee and the community agents were chosen, based on requirements such as good behavior, honesty and being a resident of Pindanyanga. Both the community agents and the committee members were recognized by local government authorities. At this moment, of the 12 initially chosen, only 4 continue exercising their activities. The others gave up allegedly for lack of incentives.

4.1.5. Derre-Morrumbala, Zambezia.

This project was initiated in 1998 by a local NGO (Associação Comunitária de Defesa e Saneamento do Meio Ambiente da Zambézia - ACODEMAZA) funded by the Finish Government, which provided financial and technical support. It was created with the purpose of promoting improved use of forest resources, through zoning and sustainable management of valuable resources, of guaranteeing community access to forest benefits and of promoting local tourism in the area. It operates in the buffer zone of the Derre National Reserve as there was a potential to involve local communities in improved agricultural practices, crop production, primary processing and commercialization of non wooden forest products and carpentry activities.

The project aimed also at solving conflicts between local communities and external people who used to extract forest products, including a product used by communities to manufacture coffins and which was becoming difficult to obtain because of excessive tree cutting for commercial purposes by loggers. On the other hand, communities were also unhappy because all revenues derived from forest exploitation were channeled exclusively to the state without any benefits to local people. Lack of information about new loggers, lack of wood for local processing by communities and lack of animal protein due to excessive hunting were other reasons for conflicts. ACODEMAZA decided to intervene to revert the situation and propose the creation of a reserve but this initiative was not well received because none of their members resided in the area and their activities were based in the provincial capital city of Quelimane. As a way of solving this constraint, in 1999 32 residents and non-residents of Dere decided to form a local organization named Associação Comunitária de Defesa e Saneamento do Meio Ambiente de Dere -ACODEMADE).

It was only after ACODEMADE's creation that communities started to organize themselves and form committees for resources conservation which allowed them a better control of the use of their resources. After verifying the improvements produced by the project agencies from the provincial government become involved in 2001 in the financing of certain community activities and in the monitoring of resources use. They also made informal promises of various benefits for the communities which, however, were never materialized. Disillusioned, communities started pressuring government agencies to keep their promises which resulted in their withdrawal from the area.

Five types of institutions were involved in the management of the project, namely traditional leaders, neighbourhood representatives, religious leaders, conservation committees and local government. Traditional healers are also involved as counsellors of traditional leaders. The Dere resources management committee involves five communities each one represented by two members democratically chosen. Apart from these members, each community has selected six scouts to participate in monitoring activities.

In this section, we have therefore analysed how various projects started because it has serious implications on sustainability, internalization of ownership and control, responsibility assumption and when financial/technical support should start and end. In general, these projects were promoted by non-government organizations, which provided the initial technical and financial assistance, this being particularly so for Acuabe, Sanhote and Dere. However, in other instances – including the Chipange Chetu and Pindanyanga cases - the projects were promoted by government agencies, especially the provincial services for forests and wildlife (SPFFB). Support from donors and the government is always good whilst it lasts but the problem is that, more often than not, such support does not last long. Thus, despite initial promises emerging lessons highlight the fragility of projects given that their initial successes were externally induced processes without concerted efforts to empower local actors to take charge of driving such processes on their own. The Sanhote project provides a good example of this.

4.2 Fine tuning the procedural and implementation aspects of CBNRM

While the legal framework is considered favourable to local community participation in natural resources management (CTA 2006), constraints remain at the level of interpretation and implementation. For example, the wildlife and forestry law was approved in 1999 and foresees the delegation of State powers to the local communities for natural resources management. However, there is no complementary generic law on the distribution of delegated powers and how local authorities and communities feature, neither is there a complementary set of procedural steps of powers so devolve through FWL will be implemented. The overall effect is that CBNRM projects have largely been implemented behind a backdrop of procedural uncertainty, with progress being achieved depending on the willingness of the government agent that happens to be in charge at a certain time and place. A great deal of discretionary decisions, both political and technical, are placed on the government with the overall result being that state authorities at central, provincial and local level still wield disproportionate discretionary power over the process of State authorities (central, provincial and/or local) continue to influence the process of establishment and operation of CBNRM projects. As is shown in the Ancuabe, Sanhote and the Tchuma Tchato projects, government agents maintain enormous influence and authority in regulating access to resources thereby marginalizing customary institutions whilst prejudicing local people's customary rights over the benefits of their resources (Matakala and Mushove, 2001).

The largest challenge for the State is the need to complete the legal framework, with particular attention to procedural aspects, and to guarantee a more professional and transparent attitude over natural resource jurisdiction from its agents at all the levels, particularly at the provincial and district levels. Also of particular importance, is the need to move forward with the decentralization of certain powers related to natural resources management as urged by the recent constitutional review.

4.2.1. Ancuabe, Cabo-Delgado

The project is currently called Rural Development Program for Ancube, the alteration happened in 2003, motivated by the change in the approach by Helvetas, principal sponsor. The new approach gives emphases to agricultural production and commercialization, and to food security issues. Management of natural resources is seen as component of the food security program. The program develops training on water and soil conservation, uncontrolled bushfires and land law dissemination. Carpenters interest groups are organized in associations in each community and they choose their areas of performance in coordination with the SPFFB and previously existing operators.

One constraint faced by the project has to do with the damages caused by elephants. The program is conducting training in techniques to drive away the elephants and promote block farming in order to concentrate community efforts. There are also bushfires as a way of driving elephants away. The AMA association is negotiating funds with DANIDA to cover the reduction in sponsorship by Helvetas, expected in 2007

4.2.2. Chipange Chetu, Niassa

The project activities have been paralysed since 2003, due to conflicts with potential operators interested in the area. overlapping authority between a traditional queen and the local committee as resulted in different treatment external investors and in internal conflicts within the community that have led to the government decision that a reorganization phase should be undertaken. This reorganization is apparently still ongoing, sponsored by the Irish cooperation. A community consultation is foreseen for determining continuation of project activities. Recommendations produced by a team that made a field visit to the project defend the transformation of the project into community hunting area (coutada) for the practice of synergetic tourism, where communities could intervene as entrepreneurs. However, this suggestion was not approved by the SPFFB, which preferred its transformation into a wildlife farm (fazendas do bravio), a legal mechanisms seen as a more open and accessible model for community participation. When the conflict arose, the process of acquisition of DUAT was well advanced and the local committee had already produced its by-laws.

4.2.3. Muchanagalane, Sanhote, Nampula

The project is currently facing a lot of sustainability problems. Access to financial resources continues to be a great constraint for the project. The project does no longer count with direct support from FAO. This support ended in 2002, when FAO shifted its technical support from the CBNRM project to support technicians of the government provincial unit for community-based management. Since then, the project is facing difficulties supposedly because the government does not place much importance to CBNRM initiatives and project implementation was much easier in the first phase when funds from donors were available (Zacarias, *pers. comm*).

4.2.4. Pindanyanga, Manica

There is very scarce information on the present stage of the project's execution. However, some constraints were pointed out as having hindered project implementation which included conflicts between the traditional leaders and the representatives of neighbourhoods, lack of communication with the provincial government agencies of agriculture and forestry and wildlife, difficulties of means of transportation to remove apprehended products obtained illegally, lack of equipment for the community agents and lack of coordination among institutions.

4.2.5. Derre-Morrumbala, Zambezia

With the withdrawal of the government agencies that used participate in resources monitoring, the community, who has currently 39 scouts, assumed full responsibility for this task. Although communities could not get assistance of the government to produce a management plan and no annual inventories are performed, resource use and exploitation is made in the areas indicated by the committee after approval by the community.

At the moment the project has applied for a concession for forestry exploitation which will allow it to enter into partnerships with private operators upon payment of a fee in favour of the communities in accordance with the payment plan adopted by the project. A constraint faced by the project at the moment is the fact that the carpentries created

through the project are now paralyzed due to lack of raw materials for their operations. Access to these materials is pending approval of the concession application.

4.3 The issue of institutional choice in CBNRM projects

The issue of institutional choice is central to CBNRM, with appropriate decisions having to be made on whether to use the public domain of elected representatives operating within decentralized arenas or whether to build on existing customary forms – or to meld the best of both worlds. In general, CBNRM projects in Mozambique have entailed the establishment of new institutions without necessarily evaluating the need and relevance of such institutions vis a vis the existing ones. In some cases conflicts emerged with the creation of new institutions, as traditional authorities felt that their positions and powers were being taken away. On the other hand, the new institutions faced difficulties in imposing their authority to communities that hitherto were used to free access to natural resources, with such communities naturally showing resistance to the new models of resources use and management.

Furthermore, the new institutions, particularly elected committees at the community level showed institutional fragilities, including limited coordinative capacity and impaired authority to negotiate and deal with the government and private operators, as the Derre and Pindanyanga projects demonstrate. Neither do such communities have capacity to impose their authority over traditional leaders who are the leaders ordinarily already in place within such settings. For example, some traditional leaders have been involved in illegal actions. The animosity between the committees and traditional leaders often sees the former clandestinely embarking on destabilization activities including conniving with timber operators to sell timber illegally harvested from concession areas. And such activities tend to be prevalent in areas where there are delays in disbursing the 20 per cent dividend of concession benefit. Such practices are reportedly prevalent in some projects, including those in Zambezia, Cabo Delgado, and Manica (CTA, 2006).

4.4 Resource value and benefit sharing arrangements

The perception that there is potential of gaining tangible benefits from a community resources management project constitutes a critical factor. In most instances it is this factor that determines the motivation for a community to participate in a collective management initiative which in some cases imposes restrictions on their access to, and use of resources. But not all the projects have the propensity of generating significant economic benefits. For instance, most of the community forest management initiatives are located in low vegetation productivity zones that are designated for multiple uses. Resources usually extracted from such areas include low value non timber forest products that do not generate significant economic benefits to the potential beneficiaries. In contrast the projects based on the exploitation of the wildlife, such as the one in Tchuma Tchato, tend to result in larger monetary benefits, with much of the revenue accruing from safari hunting and tourism operations (Nhatumbo et al, 2004).

According to the CTA report most communities involved in CBNRM projects in Mozambique access less benefits than they are entitled to, with such benefits often arriving late. Both government and private operators fail to deliver benefits to the

communities, partly because of the superficial nature of consultations, the absence of an enforceable contract between the communities and operators, and because of logistical problems. The uncertainty of benefits undermines community motivation to participate in CBNRM projects. When they do arrive, most of the monetary benefits are allocated to community projects, including the construction of schools, hospitals, roads, grinding mills, water sources, etc. Wherever it occurred, this mode of distributing benefits was reported to register significant increases in the level of resultant support given by the benefiting communities (CTA, 2006). Each of the case study experiences in relation to the issue of benefits and rights accruing to communities are highlighted below.

4.4.1. Ancuabe, Cabo-Delgado

Members of the committee were trained in matters related to the relevant legislation for management of natural resources, a good deal of knowledge has been shared on forest and wildlife law, land law, fisheries law, and the environment law. This fact is seen as a great gain for conservation as the community is gaining awareness about the particular importance of certain precious and/or rare species and pays more attention to hunting seasons by interrupting their hunting activities when it is necessary.

The interaction between members of the committee, government and private sector is good. The private sector is the major protagonist of training opportunities for community members, particularly on inspection matters. On the other hand, community members are employed in privately owned operations. This project brought tangible and intangibles benefits for the local community. Tangible benefits included the construction of a school, an accommodation camping for tourists in Ungura and a fountain of drinking water, all infrastructures that contribute to poverty reduction. Intangible benefits consist in the knowledge that the community acquired in terms of natural resources management and concerned legislation.

Individual benefits have also been received namely credit packages in the form of livestock and oleaginous seeds for women, fishing equipment, manual wood processing equipment and bush meat, depending on the economic area of interest that a person was involved. The benefits distribution method was defined by the interests groups and by the SPFFB.

The management committee have the mandate to decide about participation in resources management, but it has to consult the local community before taking a decision. Requests for exploration of natural resources by interest groups are submitted at the locality level, than go to the village chief and lastly to the committee. Private sector applications are submitted to the committee, which decides after consulting the local community.

The power to allocate, transfer and revoke natural resources use rights belongs to the government through the provincial services of geography and cadastre but the committee and the courts are involved in conflict resolution.

4.4.2. Chipange Chetu, Niassa

As a result of the training that different NGO's have provided in the area, local communities acquired a good level of legislation knowledge. Current benefits of the project implementation consist in the production and sale of honey and sawed wood, construction of access roads and health clinics. These roads facilitate communications with areas that were inaccessible before. Furthermore, there is now some openness in the market, and local products can be exchanged internally and in other zones. On the other hand, the community has already received payments resulting from the different activities of the project in the value of 6180 USD in 2001 and 31000 USD in 2004.

Economic benefits from sport fishing, game shooting, etc, were also expected for 2005. At the end of each year of activities each community involved must present a report indicating the application of the allocated revenues. The project has undertaken a zoning of the areas with abundance of resources. The contents of the management plan were defined in a participative way involving the community and the technicians of SPFFB. The decisions on participation in resources management are entrusted to the management committee, which is facilitated by SPFFB.

4.4.3. Muchanagalane, Sanhote, Nampula

The members of the committee were trained in matters related to legislation governing natural resources management, especially forests and wildlife, land and environment, and have the mission to disseminate that knowledge to the general community. The project has also resulted in benefits in institutional organization and capacity building. Training in financial management and in environmental law enforcement, increase of awareness about the need for conservation of resources, organization of interest groups, delimitation and legalization of the community area and the elaboration of a local management plan, are some of the examples. The vegetable growers group received support in instruments such as sprinklers and hoes. The carpenters have a license for wood exploration and a joint bank account. They pay an annual fee for the license to the district government and have been also able to build furniture to local schools. The carpenters' interest group does manual processing of the wood and has been able to place their products in the local market, in the city of Nampula. Distribution of benefits is decided within the group of interest and the level of satisfaction is considered good. It is important to highlight the high level of community awareness in relation to good practices of resources management. Since the project started, community members have denounced several incidents of illegal activities.

4.4.4. Pindanyanga, Manica

The community possesses DUAT with the registration no. 3/2001. This legal instrument allows that any operator interested in the area may obtain the community's acceptance ratified by the committee, which is then submitted to the local administration and the provincial services of forests and wildlife for knowledge. After this process, the interested party negotiates with government authorities which establish an exploration tax from which 20 per cent are deducted in favor of the community. In order to exercise the right to receive this benefit, the community celebrated a contract with the Inchope Wooden Company. This arrangement had to be terminated allegedly due to

incompatibility of the machinery used by the company with resources conservation. There was another operator in the community area, named Pita Mujeque Alfredo to whom the community demanded the construction of health clinic, two classrooms and inspection services in Xindahuma. Since the year 2005, the community benefits from 234,00Mtn/m³ of wood and 2,00Mtn/bag of charcoal, besides the 20% foreseen in the forests and wildlife legislation. However, these benefits were not yet channelled to the community. The first two amounts are collected locally and they finance the activities of the management committee.

Since 2001 the community was licensed for exploration of forest resources, namely for charcoal production, bamboo and wood collection and commercialization.

Six members of the committee are subscribers of bank accounts and management is done with support from the local administration that evaluates and approves the use of the money.

The use of traditional practices of honey production, the furtive huntig, the bush devastation, and death threats to community agents constitute the main constraints in the development of the project. The transgressors they are imposed punishments that vary from the construction of houses, cleaning, improvement of the infra structures of the camp, confiscation and sale of the apprehended products.

4.4.5. Derre-Morrumbala, Zambezia

One of the decisions taken by the project was to create a nature reserve. As a result of this, no forest exploitation is allowed in the reserve area. While it is considered too early to evaluate project results, some improvements have already occurred. For example, as a result of the project, communities have recovered their forests base and improved their access to the forest product used for producing coffins. Access to firewood also became much easier and closer to community residences.

With the assistance of ORAM and FONGZA, community members were exposed to information related to environmental legislation which improved their understanding of conservation objectives and benefits. 37 ponds for fish production were created. The fish is destined for consumption and for reproduction. The largest expectation of community members was opportunities of employment based provided by private loggers.

There are interest groups of carpentry and honey production. Some groups received training and basic tools from the Finish Sustainable Forest Management project. The local government has exercised pressure for all the carpenters in order for them to join the association however there is uncertainty among the group with regard to the benefits that may result from their involvement. The group of interest of beekeepers were being trained in construction of beehives using local material, honey collection and primary processing to ensure good quality.

Commercial agriculture (cotton and sunflower) is promoted by AGRIMO, a local private company. As it constitutes an opportunity for the development of the local economy development, it also represent a threat to the of natural resources base, since the

expansion of the agricultural areas means the destruction of the forest. Many farmers don't stick to the cotton cultivation and sunflower due to the low prices practiced that does not compensate the undertaken effort.

4.5 The role of the private sector and private-community partnerships

As indicated earlier, Mozambique's natural resource laws and policies envision sustainable management and economic development. Such laws specifically provide for investment in the natural resource sector in order to promote economic development. One approach that has been advanced by these policies and laws is the establishment of partnerships between local communities and state agencies and the private sector. However, such partnerships are still to effectively take root with competition between local people and outsiders over land and natural resources still quite prevalent (Durang and Turner 2004). And in areas where such partnerships have evolved, particularly in the area of forest concessions, the spirit of genuine co-equal partnership is still to evolve with the current balance of power generally favoring private investors, and political, economic or other elites. This tends to be the case because In another assessment existing laws have no clear provisions with recommendations for action for both the state and investors to promote local development and poverty alleviation through sustainable use of natural resources and benefit sharing. Also absent from the laws and regulations are procedural provisions that establish the legal weight and value of community consultation processes and there are no principles or guidelines for informing partnership agreements between communities and private investors (Salomão, 2004).

An assessment made in the tourism, forestry and wildlife sectors on impact of private-community partnerships showed that¹⁵:

1. There is a generalized failure from the part of the government to enforce existing laws and regulations regarding community rights to land and other natural resources, and failure to monitor private sector compliance with prescribed procedures for community consultation and, especially, compliance with commitments assumed in the partnership agreements.
2. There is a clear bias on the part of the government to protect private sector interests at the expense of community rights and interests. This is a cause of major concern among rural communities and has led to community distrust of the government and hostility towards the private sector.
3. So far, the "agreements" resulting from consultation processes undertaken by government agencies and the private sector reflect a great deal of manipulation and are generally not respected as legally binding instruments either by the government nor by the private sector itself. The current setting is therefore potentially a breeding ground for rent capture by powerful and influential actors within state agencies and the private sector.

¹⁵ Análise das Concessões Existentes nas Àreas de Conservação Transfronteiriças. 2004. MITUR/DINAC/GACTF.

4. The government still has not put in place an unambiguous supporting policy that espouses clear-cut principles of partnership, with the effect being the prevalent clashes that occur between communities and the private sector.

The opacity of contracts as they currently evolve is best illustrated by the example of Pindanyanga project where the community, with much fanfare, celebrated contracts with Inchope Woods and with the operator Pita Mujuque Alfredo. However, there are no details of the provisions of these contracts nor of their real impact as required by the law. Most of the partnership contracts are only restricted to issues pertaining to the recruitment of local labor force for the companies operating in community areas. And cynically, most private investors claim that the 20% fee deduction in favor of communities is their own contribution and not the statutory requirement that it is (CTA, 2006).

recommendations continue to be made that formal business partnership contracts between communities and the private sector be encouraged, the playing field over which such partnerships are fostered needs to be levelled. Communities should have more meaningful equity in such ventures if they are to be effectively motivated. More egalitarian contracts are likely to reduce the presently prevalent misunderstandings and thus reduce business risk while at the same time building a long-term symbiotic relationship (CTA, 2006);

4.6 The role of NGOs and donors

Civil society organizations have played an important role in promoting CBNRM objectives as well as the objectives of the poverty reduction action plan. They have made a fundamental difference by supporting local communities in the exercise of their rights, with initiatives that include legal awareness, technical assistance for community land delimitation and land rights certification, assistance in negotiations with government and private operators, and fundraising. Their involvement and contribution has resulted in their formal recognition as key partners in natural resources management. The law recognizes the role for NGOs participation in the local councils for participatory management (COGEP).

Donor support has determined not only the existence but also the continuity of many projects. This support played a fundamental role in the initial phases, but many projects failed to identify and strengthen internal sources of financial resources, thus weakening their sustainability basis. Projects that were not able to secure financial support after the withdrawal of their initial supporter have ceased to exist, with an apt example being the Ancuabe project.

5 Conclusions and recommendations

Although the legal regime for CBNRM can be seen as progressive, a major outstanding problem relates to its implementation (Nhantumbo et al., 2002) where it remains vague on pertinent aspects of community involvement, including the extent of community rights, powers and benefits in relation to those of other stakeholders (Salomão, 2002). There also are still gaps and obscurities that seriously undermine any possibility of

meaningful implementation of the provisions already approved and these gaps mainly relate to a lack of the legal and procedural mechanisms to promote community conservation (Anstey, 2001; Salomão 2002). The existence of such gaps sees many projects being implemented on an ad-hoc basis.

A list of common recommendations to further improve the enabling environment for community participation in forestry resources management have been made by several researchers (Anstey, 2001; Nhantumbo, 2002; Salomão, 2004; Serra, 2004; Calengo, 2004, Durang and Turner 2004). For purposes of brevity these are listed in abbreviated format below:

1. Need to expand the scope of community land rights to include other resources and promote their use for commercial purposes;
2. Need to clarify substantive community decision-making powers in CBNRM areas;
3. Need to define the powers and limits of State intervention in areas where natural resource management powers have been delegated to local communities;
4. Need of clear guidelines for private sector (corporate) social and environmental responsibility in CBNRM areas, including guidelines for community-private sector partnerships;
5. Need to institutionalize and support CBNRM as a rural development mechanism.

Whilst the above recommendations relate to the enabling environment at broader levels, other generic lessons and recommendations pertain to levels closer to the ground as projects get implemented. For instance Nhantumbo and Duncan (2003) offer a generic set of instructive lessons on what needs to be done to make CBNRM projects more effective including:

1. There is need for support for the establishment of management committees,
2. There is need for the development of guidelines for negotiation and agreement models between the private sector and communities,
3. Mechanisms for periodical monitoring of agreements need to be in place
4. Guidelines for accountability of the committees managing financial resources on behalf of communities need to be in place.

There have also been a number of specific recommendations, pertaining to particular projects. For instance, an evaluation done for the Tchuma Tchato Program, a community-based wildlife management program initiated in 1995 in the north-western province of Tete, provides useful insights and lessons which include:

1. The programme should actively support communities in requesting and acquiring long-term leases over the land and rights over resources. The shift towards community proprietorship over land and resources and the shift in project implementation towards community capacity building and facilitation are the two factors most likely to move the programme forward.

2. There is a need for greater support to the establishment of effective and accountable community institutions that are representative of local residents and responsive to their needs.
3. The programme faces some key issues of sustainability. It needs to see how it can rationalize its staffing structure, cut costs and become more efficient. Where possible, existing staff should be absorbed into the private sector or government.
4. The programme needs to develop a management structure that can provide the necessary technical support and supervision to the field. More attention needs to be given to developing the technical capacity of project and government personnel in CBNRM projects.
5. The programme needs to make a considerable shift in mode of implementation from conservation education and control of activities and decisions by project staff towards light touch community empowerment and facilitation. Where appropriate, external expertise needs to be engaged to help effect this shift and to mentor project staff.
6. Project activities need to be more oriented towards community capacity building so that project inputs can be reduced as communities begin to run their own affairs. Approaches such as the participatory resource assessments and land use planning carried out in Chintopho Ward should be further developed and applied.

It is hard to assess the extent to which community based natural resource Management (CBNRM) experiences in Mozambique have effectively responded to the dual objective and expectations associated with community participation in natural resources management. That is, the promotion of natural resources conservation with the participation of local people and, the promotion of local socio-economic development through sustainable use of the local resources. A number of aspects are yet to be tackled within the Mozambican legal framework in order for CBNRM to be visible, used and formalized as an institutional mechanism for promotion of rural development.

Regarding the legal gaps, in an analysis of the progress in the adoption of effective policies and laws related to natural resources management and relevant for community conservation from 1990 to 1998, Anstey (2001) concluded that the central feature of the policy and legal developments was the lack of capacity to deliver an “enabling environment” (i.e. legal mechanisms which would promote community conservation). In our opinion, this is still true especially with regard to regulations on community participation in natural resources conservation, as many projects are being implemented on ad-hoc basis.

On the other hand, the practice shows that CBNRM experiences must be better assessed and documented so that the lessons learned so far can be more systematic and used to improve the processes. It has been indicated that community activities and uses of forest products and other natural resources are not included in the official reports. They are not documented so their contribution to the national economy is not evaluated and formally recognised. CBNRM is still an informal activity deserving a lot of attention and promotion. It has also been pointed out that government agents maintain a heavy hand

over CBNRM projects and the Tchuma Tchato and Chipange Tchetu projects provide examples of what needs to be attended to in this regard.

In returning to the broader issues raised at the beginning of this report, it is necessary to situate where Mozambique is in effecting community based forest management around miombo woodlands. First, has the management of Miombo woodlands moved away from state-centred management towards community-based as suggested by Hulme and Murphree (2001) and Fabricius, *et al.*, (2004)? Whereas the policy and legal statutes have provided the overall framework of moving away from state-centric conservation, the evidence from the different case studies across the country point to a number of challenges still being faced in stimulating community-based management. The issue of devolving costs by the state while retaining benefits appears to be apply here, in the sense that communities are striving to manage resources without access to the high value timber. Perhaps a much bigger challenge lies in the lack of capacity by communities as projects were initiated by external agencies that withdrew before there was sufficient adaptive capacity to take over management of resources. All the same, it could be argued here that with sufficient benefits accruing to communities, beyond the 20 per cent that is burdened by administrative state bureaucracy, communities could derive sufficient value from resources to develop their own capacities to handle concessions and other complexities of resource utilisation by the broader markets.

The last challenge brings us to the second issue about the governance framework: state-society relationships as they pertain to rural communities. This is the issue where Mamdani's thesis perhaps provides some explanation as to why there is a disjuncture between democratic sounding policies within the land and forest laws, and practices as felt by communities striving to derive more benefits from woodland resources around them. Remnants of the bifurcated state are at play here through the factors that Anstey (2004) pointed out in relation to the Mozambican governance system. These are 'limited local democracy and dispersal of power within the system, centralised authority or elite based decision making and a highly bureaucratic administration' (Anstey, 2004: 190). The locus of power has historically lay with the centre, with the peripheral communities not being part of the governance system. Now with the new dispensation, as promulgated in the recent statutes, time is needed to change the attitude of state and other bureaucrats, so as to devolve power to rural communities in order for them to manage and benefit more from resources around them.

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