



**Community Land Rights Delimitation and Community-Based Natural Resources
Management in Mozambique: Recommendations for an Integrated Agenda**

André Aquino and João Fonseca

Environment and Natural Resources Management Global Practice, World Bank
jmouraetevao@worldbank.org

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Responsible Land Governance: Towards an Evidence Based Approach

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Abstract

While Mozambique has come a long way since the signing of the Rome General Peace Accords in 1992, which ended the country's seventeen-year conflict, many structural land and natural resources challenges persist. One key challenge continues to be the reconciliation of rural poverty reduction efforts and environmental sustainability. Two central issues permeate this overarching challenge: community land tenure regularization and natural resources management. Despite the common inspirations and the positive synergies that would arguably be produced by tackling these issues in an integrated fashion, Mozambique's policies since the late 1990s have dealt with them in a largely disconnected manner. Reintegrating these issues into concerted policies would yield substantial benefits to communities, enabling poverty reduction efforts and more sustainable management of the country's natural resources base. This would entail more strategic implementation of community land rights delimitation in Mozambique, as part of a wider rural development strategy and program that has sustainable natural resources management at its core.

Key Words: land delimitation; Mozambique; natural resources management.



1. Introduction

While Mozambique has come a long way since the signing of the Rome General Peace Accords in 1992, which ended the country's seventeen-year conflict, many land and natural resources challenges remain. One key challenge continues to be the reconciliation of rural poverty reduction efforts and environmental sustainability. Two central issues permeate this overarching challenge: community land tenure regularization and sustainable natural resources management. The importance of these factors is augmented by demographic and market pressures on land and natural resources: the Mozambican population continues to grow at a relatively fast pace (2.76 percent in 2015; World Bank, 2017), while the interests of private investors and the local population, whose rights and livelihoods are undermined by poor governance of land and natural resources, are frequently in conflict. Demand for land in Mozambique has increased rapidly since the 1990s, with the government granting an estimated 2.5 million hectares of land to investors in the form of concessions (TerraFirma, 2013). Community fear of dispossession and displacement is often pervasive in areas where large scale investments are set to take place. As the population continues to grow, and investor interest increases from regions with increasingly scarce land, these pressures and conflicts can be expected to increase. A similar trend can be seen in relation to other natural resources – for instance, the country loses about 140,000 hectares of forests every year, representing an annual deforestation rate of 0.23 percent.¹

Although Mozambique's land legislation recognizes the rights of communities over their traditional land, these rights have not been well mapped and registered. Community land rights delimitation, the basic process by which the boundaries of community tenure over a particular land are established in Mozambique, can strengthen communities' land tenure security. The increased perception of land tenure security, in turn, encourages longer-term decisions over land use, and the adoption of more productive land use practices (Holden et. al., 2013). Hence, land administration and natural resources management are intrinsically linked and should be dealt with as part of an integrated agenda to promote rural development. This has not been the case in Mozambique, where approaches to land issues and natural resources management have been largely fragmented, despite the many Community-Based Natural Resources Management (CBNRM) initiatives promoted over the past two decades. Re-integrating land and natural resources management issues into concerted policies would yield substantial benefits to communities, enabling poverty reduction efforts and more sustainable management of the country's natural resources base.

¹ Figures from the National REDD+ Strategy, from a study by CEAGRE and Winrock (2016), based on global data sets.



This paper argues for a more strategic implementation of community land rights delimitation in Mozambique, as part of a wider rural development strategy that has sustainable natural resources management and increased smallholder income at its core. Community land rights delimitation thus needs to be linked, where possible, to investment opportunities and partners with the required technical and financial resources. CBNRM must be a strategy for the simultaneous promotion of sustainable natural resources management and income generation. However, for it to be effective, it should be promoted only where viable – rather than as a general panacea – balancing rights with obligations and markets.

The timing for this inflexion is strategic. Recent international support to space-oriented approaches to complex land use problems have offered room for re-thinking national-level approaches to land and natural resources management, as well as the financing required for resource-starved developing countries to implement changes in this direction. This is reflected in REDD+ (Reducing Emissions from Deforestation and Forest Degradation) and other climate change mitigation and adaptation initiatives, and is embodied in the so-called integrated landscape management approach – a concept that groups together a range of practices aimed at promoting collaboration among different groups of land managers and stakeholders to achieve the multiple objectives required from a landscape.² At the same, institutional changes in Mozambique, and more particularly the establishment of the Ministry of Land, Environment and Rural Development (MITADER) in January 20015, have offered the policy space needed to break with administrative and sectoral silos, whose success in achieving inclusive poverty reduction has been limited.

This paper provides key arguments supporting this inflexion from a conceptual, historical, and practical perspective. Section 2 discusses basic conceptual linkages between land tenure security, rights delimitation and community-based natural resources management, demonstrating synergies between land tenure regularization and sustainable natural resources management, and providing some empirical corroboration. Section 3 discusses the diverging trajectories of community land rights delimitation and CBNRM, with focus on two key regulations – the 1997 Land Law and the Policy and Strategy on Forests and Wildlife. It then delves into some of the current constraints on community land rights delimitation and CBNRM in Mozambique, based on desk review, unstructured interviews with experts, semi-structured interviews with key informants, case study analysis, and field visits. Section 4 concludes by presenting opportunities linked to an integrated agenda of rural development and sustainable natural resources management.

² A ‘landscape’ may be defined as “a socio-ecological system that consists of a mosaic of natural and/or human-modified ecosystems, with a characteristic configuration of topography, vegetation, land use, and settlements that is influenced by the ecological, historical, economic and cultural processes and activities of the area” (EcoAgriculture Partners, 2013).



2. Land Tenure Security, Rights Delimitation and Community-Based Natural Resources Management: Unpacking Basic Conceptual Linkages

The perception of increased land tenure security tends to lead to increased investments on land-based assets with longer term rewards due to a perception of reduced risk of loss of land. The positive impacts of land tenure security on investment in rural areas have been documented in a range of countries and regions, including in the African continent (Holden et. al., 2013; Higgins et. al, 2017). The formalization of land ownership rights enables, amongst other things, asserting the physical limits of the rights and its legitimate bearers (i.e. who has right over what). These rights are to be protected by the State, reducing the cost of protection for the individual landholder, and thus freeing up resources that could be invested by the individual in his or her land³.

Asserting the positive relationship between land tenure security and land-based investments does not mean that the formal recognition of rights, for instance by way of formal registration and title issuance, will necessarily lead to increased investments by the landholder. This secondary relationship, and the magnitude of the impact, is affected by the increment in security generated by the formalization intervention, as well as by the availability of investment opportunities (Holden et. al., 2013) and of the resources required to capture them. On the one hand, if the formalization of land rights does not afford the landholder a sense of increased land tenure security due to the perception that the State will not enforce the landholder's legitimate claims over land in the event of a dispute, any change in investment level is improbable. On the other hand, if, despite increased land tenure security, the landholder perceives his resources as being better invested elsewhere or has little resources to invest, significant variations in investment level are equally improbable.

The sustainable management of natural resources is often perceived as yielding long-term benefits, particularly when compared to the immediate rewards enabled by extractive behavior. A landholder is thus more likely to invest in the sustainable management of natural resources when affording higher land tenure security, such as by adopting tree-based crops, agro-forestry or biological and physical land investments

³ Inversely, investments in land can also be strategy for enhancing land tenure security, when individuals attempt to lay claim on a particular land by virtue of owning the investments in the same land (Besley, 1995). This strategy is often associated with visible investments, such as the planting of trees (Deininger and Jin, 2006). In Mozambique, this mechanism is often seen with exotic and fruit trees, as resettlement in such instances implies payments per trees according to well established prices. Interestingly, farmers do not commonly plant native trees to enhance their tenure security, as it is harder to prove that they have done so and there are no established prices.



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with medium to long-term returns. Yirga (n.d.) has found empirical corroboration in Ethiopia, where improved security of land tenure significantly increased the probability and intensity of soil conservation efforts – as measured by stone/soil bund structures – in the highlands of country, while public assistance with sharing initial costs of constructing soil conservation structures and farmers’ education were found to be essential. Holden et al (2008), when studying the impacts of land certification in Ethiopia’s Tigray highlands, estimated the productivity increase due to land certification at about 45 percent.

This relationship between land tenure security and sustainable natural resources management apply both to individual, family and community ownership/user rights. When scarce natural resources are of common use, they may be considered common pool resources. Use of common pool resources tends to result in the “tragedy of the commons” (Hardin, 1968) in the absence of rules that ensure that local resource units withdrawn from the pool are not greater than the optimal economic level of withdrawal. However, “neither the state nor the market [have been] uniformly successful in enabling individuals to sustain long-term, productive use of natural resource systems” (Ostrom, 1990, p.1). Hence, several commentators have argued that the ownership of common pool resources should be clearly assigned to groups of individuals, who should be empowered to protect the resources from outsiders and derive benefits from their use. This would enable breaking away from the ‘tragedy of the commons’. This recognition led to global push for the devolution of rights over natural resources to the communities who traditionally used them, and have propelled initiatives of Community-Based Natural Resources Management⁴ as a strategy for enhancing conservation outcomes while improving rural livelihoods throughout the world⁵.

Despite this push, CBNRM failure has been shown to be considerably more prevalent than success (Kellert et. al, 2000). Additionally, success levels have varied significantly across regions and settings, helping to explain, for instance, why devolution is much more prevalent in Latin America than in other regions of the world (Rights and Resources Initiative, 2012 apud Anderson and Mehta, 2013). Reasons for CBNRM

⁴ Adapting from Anderson and Mehta (2013), CBNRM may be loosely defined as the concerted collaboration by groups of local people regarding the utilization and regulation of natural resources for the generation of benefit streams. The authors discuss other possible and more detailed definitions, which is beyond the scope of this paper. Following the authors, successful CBNRM is defined as having “simultaneous positive results in three areas – nature (environmental management), wealth (economics and revenue generation), and power (local empowerment and good governance). Initiatives that are very successful along one or two dimensions but are unsuccessful on one dimension are usually unsustainable over the long run. These metrics set CBNRM apart from purely growth, or purely conservation efforts, which give particular, if not sole, emphasis, on a single goal. Seeking win-win-win outcomes is sometimes difficult and a challenge for most CBNRM programs” (Anderson and Mehta, 2013, p.3)

⁵ The thrust towards CBNRM started in the 1970s, where conservation efforts, aligned with a much broader movement towards a fairer international economic order, drew on notions of participatory engagement, indigenous knowledge and community needs in pursuit of combined objectives related to social justice, poverty reduction and conservation (Bokensha et al., 1980 apud Dressler et. al, 2010).



failure generally fit three interconnected categories of gaps: (i) inadequate clarification and/or regulation of rights and obligations, (ii) inadequate governance structures leading to poor self-governing systems, and (iii) unavailability of investment opportunities and/or lack of benefits to incentivize long-term investments or to offset the opportunity costs of sustainable use of natural resources.

3. Community Land Tenure Regularization and Community-Based Natural Resources Management in Mozambique

3.1 Introduction to Community Land Tenure Regularization and Community-Based Natural Resources in Mozambique: Common Inspirations and Diverging Trajectories

Both the land and the forests and wildlife legislations were drafted within the context of the structuring of the Mozambican state after the post-independence war. The 1997 Land Law, which codified many aspects envisaged in the 1995 National Land Policy, created the basis for community land delimitation and highlighted the potential role of collective properties in promoting community-level economic development and increasing community participation in decision-making over the use of land and natural resources. Additionally, it enabled the recognition of community rights over the allocation of land to third parties, which was essential for community-investor partnerships, and to share state revenues derived from the use of resources in community or adjacent areas through tax and fees (which, in turn, is reflected in the legislation on forests and conservation areas).

Key to this process was the introduction of what may be called long-term leaseholds, known as *Direitos de Uso e Aproveitamento da Terra* (DUATs), which can be acquired by occupation according to customary practices and norms, uncontested occupation over a period of ten years ('good faith' occupation'), or the award of discretionary concessions by the state. The Mozambican land-related regulatory regime does not allow profitable transfers of land use rights, nor its mortgaging. In any case, considering that the majority of rural Mozambicans have use rights acquired through local customary structures, the law allowed local communities, defined legally through the delimitation process, to hold a collective DUAT, ascertaining the legitimacy of their community claims over tracts of land, and enabling them to hold the State accountable for the protection of these rights. Within the context of the legislation, the process of land rights delimitation was created to identify these communities and the areas they occupy and manage.

The same year in which the Land Law came into force, the Policy and Strategy for the Development of Forests and Wildlife (*Política e Estratégia de Desenvolvimento de Florestas e Fauna Bravia*) was approved. It stipulated the devolution of resources to local communities on the assumption that clarity about



the rights over the use of natural resources would stimulate their sustainable management and create opportunities for income generation.

Two years later, the 1999 Law on Forests and Wildlife came into force, consolidating the principle that the state should share revenues derived from the use of resources in community or adjacent areas through tax and fees with the respective communities. Meanwhile, the CBNRM movement grew in Mozambique on the backbone of a number of particular experiences, including the Tchuma–Tchato and the Chipanje Chetu Programs launched in the second half of the 1990s, inspired by other regional experiences such as Zimbabwe’s CAMPFIRE. By mid 2000s, the then National Directorate of Forests and Wildlife had provided capacity building to provincial and district institutions on CBNRM implementation, and was promoting the use of particular methodologies it had developed with support from partners such as the Food and Agriculture Organization (FAO).

Already in 2002, through the Decree nº12, the Government of Mozambique had set at 20 percent the extent to which the State revenues from fees related to the access and use forest and wildlife resources, as well as to the undertaking of contemplative tourism in parks and national reserves, should be reverted in favor of communities. However, the process for channeling these resources was only established three years later, through the Ministerial Diploma nº 93/2005. Importantly, this Diploma mandated that the local community should be represented by a “management committee” (*comité de gestão*), comprised of “no less than ten members, men and women, who must register, with the district or administrative post, their names, age, number and type of identification document and their respective positions [in the management committee]” [Translated by the Authors].

This management committees came to be known as the Natural Resources Management Committee (*Comité de Gestão de Recursos Naturais – CGRN*). While created initially as the institutional body mandated to represent the community in the receipt and channeling of the so-called 20 percent, the CGRNs progressively took on more expanded mandates related to the management of land and natural resources at community-level. In fact, the establishment of CGRNs became even part of the community land rights delimitation process, under the understanding that this institution would “support [...] the entire community on the management of natural resources [...] [and] lead and support the communities in establishment of sustainable partnerships” (Monteiro, 2015, p.8).



These and other pieces of regulation on land and on forests and wildlife reflected the recognition of the important role of communities⁶ in the country's society, and the idea that the clarification of their rights over land and natural resources would lead to economic development and sustainable use. Moreover, community land and resources rights delimitation were readily shown to be important for Mozambique by the sheer size of land and natural resources under community tenure. Tanner (2016) describes the Mozambican reality as "community land everywhere", emphasizing that, "with the exception of protection zones where DUATs cannot be acquired, and areas where there is no evidence of occupation and use, and where there are already DUATs acquired by formal request, all [rural] land is either 'community land' with existing DUATs acquired by customary norms and practices, or it has a DUAT acquired by 'good faith' occupation (Tanner, 2016, p. 59).

Furthermore, communities were found to be by no means small. As shown by De Wit and Norfolk (2010), about 47 percent of all communities delimited in Mozambique have more than 10,000 ha. These areas contain a variety of resources, including natural forests, wildlife, as well as potential areas for the development of agriculture and other land-based value chains, and can provide significant environmental services such as carbon storage, control of erosion and habitat for biodiversity.

Notwithstanding their common inspirations, practices and policy implementation in the land and forest and wildlife sectors took on largely disconnected trajectories, with a few exceptions, such as the common use of the CGRN⁷. This segregation process was accompanied by a specialization of administrative institutions within the Mozambican state, as well as by development partners' programs, civil society organizations and the multiple fora that emerged for debating these issues throughout the years. This resulted in a disconnect between the delimitation of community land rights and sustainable natural resources management, arguably contributing to the unsustainable management of the latter. In addition, the broader agenda of rural development, whose administrative specialization took the form of the National Directorate of Rural Development Promotion in 2010⁸, has arguably not been adequately considered in land

⁶ In both pieces of legislation, communities, formally designated as Local Communities, are defined as "A grouping of families and individuals, living in a circumscribed territorial area at the level of a locality or below, which has as its objective the safeguarding of common interests through the protection of habitation areas, agricultural areas, whether cultivated or in fallow, forests, sites of socio-cultural importance, grazing lands, water sources and areas for expansion" [Translated by the Authors].

⁷ There is an ongoing debate as to what extent the CGRN is a legitimate representative body of the local community. Also, many criticize the lack of detailed regulations in regards to the structure of the CGRN, which are usually set up as associations. However, these and related discussions fall outside the scope of the present article.

⁸ As part of Mozambique's Ministry of State Administration, later transferred to the Ministry of Planning and Development, and, more recently, to the Ministry of Land, Environment and Rural Development.



delimitation and natural resources management efforts, resulting in initiatives that have limited impact on income generation and poverty reduction.

Overall, community land rights delimitation in Mozambique has been conducted in sporadic fashion, highly dependent on external funding through short-term donor projects, rather than in a systematic character, as a national policy. This not only rendered the individual cost of delimitation higher, but further hindered the possibility of leveraging opportunities linked to natural resources management and other sustainable land-based investments across broader territories.

Community-Based Natural Resources Management Projects have seen a stark downfall since the mid 2000s⁹. Among the key factors contributing to this shift was the limited success of CBNRM experiences envisaged under guise of the Policy and Strategy for the Development of Forests and Wildlife, arguably for two main interlinked reasons: lack of adequate resources for investment, as given the rough living conditions of rural communities, benefits generated were not sufficient to compensate for the costs of sustainable management, which proved to be higher than what it was initially expected; and weak performance of local institutions, often with bad governance dynamics, including elite capture, rent seeking behavior and lack of transparency. CBNRM in Mozambique has not achieved its intended goal up to the present, and has demonstrated to be everything but the silver bullet many hoped it would be.

3.2 Community Land Rights Delimitation in Mozambique: Aspirations and Practice

Community land rights delimitation in Mozambique sometimes put forward as an immediate trigger of increased sustainable investments in land by communities. However, there is little empirical data corroborating this assertion. In addition, community land rights delimitation has been constrained by many factors, including the misperception that delimitation hinders efficient land-based investments and that consultations are enough to guarantee the interests of communities, as well as limited Government commitment to delimitation and the associated low level of resources allocated to these initiatives.

The implementation of community land rights delimitation has been undertaken in a context of increased demand for land, which has surged since the signing of the 1992 Rome Peace Accords. Only between 2004

⁹ Between 1994-2005, the National Directorate of Land and Forests, which included the previous National Directorate of Forests and Wildlife, registered 68 projects, a rapid and significant accomplishment. Since then, the registry has been deactivated, and no national CBNRM conferences, which had been hosted triennially, have been organized. Furthermore, as noted by Brower et al. (2011), the Government's focus has moved from the management of natural resources by communities to the implementation of the Ministerial Diploma no 93/2005. These have not been effectively linked to performance, obfuscating their potential role as inductors of positive behavior.



and 2009, the Government of Mozambique granted land concessions over more than 2.5 million hectares of land, with more than 1 million ha of these going to foreign investors (TerraFirma, 2013). Most of the land has been directed to sizable forestry and agriculture projects. Many hopes of economic development have been deposited in commercial development projects. Regardless of the underlying reasons, many in Mozambique believe that community land rights delimitation prevents commercial investments from taking place by locking up land in the hands of communities. This view is predicated on envisaging the delimited community as an isolated system, offering no possibility of exchange with the outside environment. However, the “open border” approach was envisaged as basic functional element of delimited communities under the 1997 Land Law, allowing outsiders into the community to access and use land and resources if the community permits (Tanner, 2016). The still prevailing perceived dichotomy of “communities vs investors” should be replaced with the view that communities and investors may be partners in ventures that guarantee economic benefits for all concerned parties (Aquino et. al., 2016).

Others argue that public consultations would be enough to guarantee the rights of local communities (World Bank, 2010)¹⁰. Despite the progressive framework, practice reveals a lack of meaningful participation by local communities in the consultation process. Participation is often restricted to traditional, male authorities, while the first of the two legally required meetings (see footnote 10) usually does no more than “set the time and date for the main [second] meeting” (Salcedo-La Viña and Morarji, 2016, p.8). As argued by Tanner (2016), non-delimited communities seldom know enough about their rights to defend them against powerful investors frequently backed by the State and have clear ideas about how they use natural resources for their livelihood strategies within their area. Thus, compensations emerging from consultations to non-delimited communities rarely reflect the value of proposed investments or the loss of land and access to resources by local communities (Tanner, 2016).

Commitment by the Government to pursue community delimitation as a way to strengthen community’s rights and tenure security, and increase their capacity to realize benefits from investments, has also been limited. This may be explained by the fact that authorities frequently see delimitations as hindering other investments, believe that the family sector does not use land efficiently, or that it represents a deterioration

¹⁰As per the Ministerial Order 158/2011, two consultations with communities in the area where land has been provisionally allocated to outside investors are required for processing an investor’s DUAT. In fact, this is required as such communities hold a previous DUAT over that area, while often their rights have not been delimited and registered (*invisible land rights*). The first of the two meetings is aimed only at informing about the DUAT application and the proposed project. Thirty days after the first meeting, the time legally required for the community to reflect on the implications of the proposed project, the second meeting can then be held for the community to pronounce whether the land is available for the proposed project. Additional meetings may be held if there is new information to be presented by the investors or the Government to local communities.



of state authority over resource allocation. This reflected in limited allocation of state resources to community delimitations throughout the 2000s, with the agenda being pushed and implemented mainly via civil society organizations financed through aid programs. As shown in table 1 below, only about 915 communities have been delimited in Mozambique so far. In a universe of about 8,000-10,000 communities (Cabral and Norfolk, 2016), this represents about 11 percent¹¹.

Table 1- Community delimitations up to 2014, as compiled by Norfolk and Cabral (2016) based on reports from the National Land Directorate

Province	Area (ha)	# of com.	Average size (ha)
Niassa	2,831,849	154	18,389
Cabo Delgado	623,382	66	9,445
Nampula	1,147,755	145	7,916
Zambézia	4,776,351	223	21,419
Tete	4,030,219	53	76,042
Sofala	4,085,963	62	65,903
Manica	1,366,013	52	26,269
Inhambane	679,292	24	28,304
Gaza	1,466,069	106	13,831
Maputo	211,597	30	7,053
Total	21,218,489	915	23,190

Finally, while the formal recognition of land rights is a foundation for sustainable economic and social development, it is not a sufficient condition for its achievement. The Evaluation of the Mozambique Community Land Use Fund (2013) commissioned by DfID attests that while delimitation may incentivize investment in land, the magnitude of the impact of delimitation programs in Mozambique has been much lower than expected, as resources and knowledge necessary to turn the resource base into sustainable sources of revenue have frequently remained absent¹². In that sense, widespread rural poverty has also been a basic constraint to realizing the benefits of delimitation in Mozambique.

¹¹ It should be noted that there are significant problems with the data, and important contradictions emerge when data from different organizations involved in land delimitation are compared with official Government data.

¹² According to the evaluation, “[w]hile less than 10% of the changes in communities and association land tenure and management structures helped produce immediate investments, field visits in early 2013 (1-3 years after the initial iTC interventions) produced evidence that about half of these changes have positively influenced investments. Most



3.3 Community-Based Natural Resources Management in Mozambique: Aspirations and Practice

Partly a consequence of the emphasis on rights without adequate resources to build community enterprises and effective market linkages – and much like community land rights delimitation –, CBNRM is often portrayed in the literature and attempted in practice as a silver bullet for community development together with sustainable management of natural resources. This has remained so throughout the years in Mozambique despite the limited success achieved by existing CBNRM experiences. Importantly, revenue generation potential of natural resource (such as forests and wildlife areas) vary significantly in Mozambique: forests may be too degraded or host no commercially attractive species to become profitable forest management concessions for timber; attractive locations may be too costly to access for tourism development; marketing costs may make the development of non-timber forest products unviable where only low volumes can be harvested sustainably. CBNRM holds significant potential in Mozambique, but not everywhere, not all the time. In fact, more strategic targeting of support in line with opportunities would make CBNRM more effective.

The narrative and emphasis on rights has been very important for creating awareness about the potential of community-based natural resources management all over the world. In Mozambique, the focus on rights drove the progressive, if not sufficient, land, forests and conservation national legislation and associated regulatory frameworks. However, rights have not been mirrored by obligations, frequently leading to the depletion of resources where the transfer of management over a pool of resources was supposed to enhance their sustainability. This dynamic is made evident in the case studies subsequently described. Reverting this trend would imply recognizing communities' rights and obligations, and holding involved stakeholders accountable. The State must ensure communities' rights to natural resources management are respected, but also monitor and enforce their respective obligations (including those of ensuring sustainable natural resources management). Obligations should not only be enforced by the State, but also by communities themselves and other non-state actors.

However, as alluded to in section 2, irrespective of resource security, it is unlikely that communities will undertake investments with long term reward, as is the case for sustainable natural resources management,

of these investments were small, made by local people; about half of them failed to produce immediate profits. About a third of investments agreements are with private investors; these have generally succeeded. Individuals have responded to incentives to invest provided by the community and association land tenure arrangements. Communities need more and longer lasting assistance to invest wisely” (Effective Development Group, 2013).



if investment resources are very limited or not available. Thus, rights must be balanced with markets, referring loosely to economic conditions required for the successful implementation of CBNRM initiatives. This includes not only financial viability, but everything else that is needed to achieve it in each case – ranging from access to credit and existence of output markets in the case of goods (i.e. timber, non-timber forest products) to adequate knowledge of customer profiles in the case of service-based ventures (i.e. community-managed eco-tourism) or willing buyers and sellers in the case of payments for ecosystem services. Better balancing of markets and rights in strategies, policies and interventions related to CBNRM would entail prioritization of efforts where the risk-benefit ratio is close to optimal, clarity in rights and obligations to communities and other involved stakeholders, and more sustainable structures of incentives¹³. As exemplified by the case studies analysis, experiences of devolution of rights over natural resources in Mozambique are similar to land delimitation ones in that they frequently have not properly considered the conditions needed for communities to undertake sustainable economic use of devolved resources.

3.3.1 CBNRM Case Studies: Muzo Community Forest Concession and Mulela Wildlife Community Hunting Area¹⁴

Muzo Community Forest Concession

The Muzo Community Forest Concession is in the border of Maganja da Costa and Mocubela districts, Zambezia province. ACODEMUZO (Muzo Community Association, *Associação Comunitária de Muzo*), as representative of the four Muzo communities (Aliua, Muzo, Mualama, Muedebo), received authorization in October 29, 2013 to explore the Forest Concession¹⁵ by Ministerial Order of the Minister of Agriculture.

¹³ Risks related to additional emphasis on markets, including for instance in the promotion of partnerships between private sector companies and communities where the distribution of resources and knowledge is very unequal, could be mitigated by clearly identifying rights and obligations of both parties and ensuring them.

¹⁴ The case studies were undertaken within the context of a World Bank-supported policy-oriented research project on land and community-based natural resources management in Mozambique coordinated by this paper's authors. Other contributors included Anabela Fernandez, Isilda Nhandumbo and Raúl Varela. While contributors played an important role in the compilation of primary data and descriptive information on the CBNRM cases presented, the views expressed here are the responsibility of the authors.

¹⁵ Based on a first forest inventory conducted in 2011, the Muzo Forest Concession's management plan, reportedly revised in 2014, indicated that the following timber species could be found in the concession: *Swartzia madagarencis* (*pau ferro*), *Pseudolachnostylis maprouneifolia* (Mussossa), *Afzelia quanzensis* (*Chanfuta*), *Milletia stuhlmanni* (*jambirre*), *Pterocarpus angolensis* (*umbila*), *Brachystegia bohemmi* (*Mutacata*), *Albizia versicolor* (*Mucuratebo*), *Khaya nyasica* (*Mbawa*), *Burkea Africana* (*Mucarala*), and *Combretum imberbe* (*Mondzo*). The concession's annual allowable cut was established at 5,461 m³ for all commercial species, and 603 m³ for the most processed species - *chanfuta* and *umbila*. The sawmill had an installed capacity of 4 m³/day, while it was found to process no more than 1.5 m³/day during the visits undertaken to the concession. Much of the wood processed in Muzo was found no come from the Association's cutting area, but from local customers looking to process their logs. In other words, ACODEMUZO provided sawmilling services to third parties as an additional source of revenue. It was unclear



The concession was aimed at generating benefits to the four participating communities through sustainable timber exploration. The SDAE (District Services of Economic Activities, *Serviços Distritais de Atividades Económicas*) issued them a license (October 7, 2013) for the establishment of a sawmill, which was considered essential for adding value to their timber and ensuring that larger benefits stayed in the communities.

This process was funded by the European Union, within the context of the project entitled Sustainable Community-Based Management and Good Governance of Forests (*Gestão Comunitária Sustentável e Boa Governação de Florestas*), launched in 2010. Besides Muzo, the project also involved Nipiode – the first community forest concession of Mozambique –, and it engaged Justiça Ambiental and ORAM as local partners, and, to a lesser extent, Oxfam in the provision of some strategic orientation. Interviewees, however, emphasized the role of ORAM, which supported the community through all the steps required in the formalization of the concession, including community organization, compliance with legislation and generation of required documentation, training in various areas of community management, purchase of a tractor and sawmill, and subsequent implementation of the initial exploration activities, including wood processing.

A key structural challenge observed was the apparent conflict of interest within ACODEMUZO, which operated as the natural resources management committee of the area, hence representing community interests – through transparency and accountability mechanisms in decision making – and as an enterprise management entity. The accumulation of these two roles facilitated elite capture and disenfranchised the rest of the community. For instance, it was found that the ACODEMUZO natural resources management committee had never requested the ACODEMUZO enterprise management entity to report to communities on the performance of the concession regarding, for example, timber volume harvested, contracts on services to third parties, revenue generated and its use, and illegal logging.

Mulela Wildlife Community Hunting Area

Established by the Decree No. 43/2013, the Mulela Wildlife Hunting Area (Coutada Comunitária de Mulela, henceforth Coutada) is in the buffer zone of the Gilé National Reserve, covering an area of 774 km² between the Pebane and Gilé districts in Zambezia province. While there are no settlements within its

whether the Association took precautions to ensure that the third-party wood processed in the concession was legally extracted.



boundaries, four communities (Nanepa and Namarrua in Pebane, and Impaca/Ratata and Nacuruku in Gilé) are located around the area, with a population of about 8,600 people. The hunting concession was expected to be leased by the communities to a private sector sports hunting operator.

Created in 2011/2012, the NOKALANO Community Association (NOKALANO) became the organization responsible for leading the management of the area adjudicated by the Government. According to the management plan developed by The International Foundation for Wildlife Management (IGF Foundation), NOKALANO should manage the area together with a private operator. Given that the wildlife resources of the Coutada and the Gilé National Reserve are part of the same ecosystem, frequent interaction with Reserve's administration was deemed key. Additionally, the Coutada's management plan recommended that two members of their management unit participated in the management council of Gilé National Reserve. The Coutada's management unit would be responsible for, among other tasks: ensuring the conservation and sustainable use of natural resources, especially wildlife resources, preparing annual business plans; establishing hunting quota proposals¹⁶ and providing the necessary documentation to Mozambique's National Administration of Conservation Areas (ANAC); and defining, in collaboration with local communities, the for the use of revenue derived from sports hunting activities.

The NOKALANO association comprised representatives from all four communities participating the Coutada, including the presidents of the Natural Resources Management Committees (CGNRs) of each of the communities. While this constitutes an important step towards building accountability and transparent decision-making, there was limited information flowing to and from each of the communities and NOKALANO itself. As of the time this article was written, the process of operationalization of this Coutada had not yet been completed, as the Government had not yet issued the document required for the communities to be able to enter agreements with private operators to explore the area. Thus, the community had not yet benefited from the right of economic use of the resources incompletely adjudicated.

¹⁶ The annual hunting quota of the Coutada presented in the management plan includes the following species and numbers: 1 *Loxodonta africana* (elephant), 1 *Panthera pardus* (leopard), 2 *Larvatus potamochoerus* (bushpig), 2 *Africanus phacochoerus* (warthog) 2 *Tragelaphus strepsiceros* (kudu), 2 *Sylvicapra grimmia* (common duiker), 2 *Ellipsiprymnus kobus* (Waterbuck), 2 *Hippotragus niger* (sable antelope), 2 *Arundinum redunca* (common reedbuck), 2 *Tragelaphus scriptus* (bushbuck) and 2 *Papio cynocephalus* (yellow baboon). Their commercial potential amounts to an annual net revenue estimated at more than USD 20,000 for the communities. Other benefits would include job creation, both as part of tourism activities linked to hunting as well as through the projects developed by the communities based on revenue generated.



Case Studies Analytical Summary

On the one hand, the cases of Muzo and Mulela represent experiences of devolution of different high-value resources to local communities at very different stages of implementation. While the Muzo communities, represented by ACODEMUZO, formally retain the right to explore the forest concession while facing challenges in its operationalization, the Mulela communities have only a “demonstration of intent” of devolution of wildlife resources management in the awarded area, given that its exploration without partnerships with private operators is not deemed viable. On the other hand, they shed light on constraints that are arguably typical of CBNRM in Mozambique.

First, formalizing devolved rights over high-value natural resources and completing their adjudication requires a long and far from straightforward process. It is unclear why ANAC has not yet proceeded with the legal documents authorizing the Coutada to establish partnerships with private operators. The apparent reluctance in finalizing the resource adjudication could point to differences between the legislation, rhetoric and practice. This should be analyzed in light of the fact that it took many years before Muzo obtained the concession rights, achieved only after substantial effort and continued pressure from ORAM and *Justiça Ambiental*, the key partners involved in the EU-funded project. This seems to go hand in hand with the question that many CBNRM proponents in Mozambique have put forward time and time again: is there real political will to devolve rights over the management of resources to communities in Mozambique considering the existing political economy and its overall misaligned with the interests of communities? Similarly, the analysis conducted indicates that unless clear partnerships are identified and the Association is strengthened, the risk of failure in devolving the resources management rights is high.

Financial sustainability is not being achieved. In Muzo, significant sawmill capacity is underutilized, and most of the wood produced in the concession was reportedly sold as logs, the sawmill being used mostly by third parties. Reportedly because of mismanagement, the concession could not generate enough savings for timely repair and maintenance of the sawmill, which led to it being inoperative for significant periods of time, with added time related to the fact that key equipment pieces needed to be procured from provincial capitals. While nothing can be said about the financial sustainability of operations in Mulela, given that they have not yet started, it is fair to say business management and market knowledge was generally missing, which could later lead to very asymmetric partnerships with private sector operators and limited generation of benefits to participating communities.

Furthermore, local institutions are not functioning well, and elite capture is clear in both cases. Information, decision-making and power were concentrated with the heads of key stakeholders in both cases – in Muzo,



with the president and treasurer of ACODEMUZO, in Mulela with the president of NOKALANO and the Natural Resources Management Committees of the four involved communities. There was no transparency about decision-making, and limited accountability. In the case of Muzo, communities' members, including members of ACODEMUZO, weren't sure about the benefits generated through activities of the concession, even less so about how these were distributed. While the communities are yet to reap significant economic benefits from the Coutada, it seems likely that an unfair and not transparent distribution of benefits will ensue.

Partly as a consequence, environmental sustainability was also not being accomplished. Muzo not only did not implement its management plan, whose updating would likely lead to significant changes, but also faced severe threats from illegal timber extractors. These threats were also found to be present in Mulela, where economic incentives towards sustainable management are even less clear than in Muzo, given that NOKALANO cannot derive significant benefits from the existing resources before they can formally engage private operators.

Overall, the picture derived from the cases studies was not encouraging. Moreover, the provision of basic services, such as health, sanitation and education, was limited, posing challenges to the continued functioning of local institutions in both cases. External input does not change these elements rapidly. When those do not exist at minimum levels, giving means of commercial exploration of resources, be it through formal adjudication of resources or support in acquiring appropriate technologies (e.g. tractor and sawmill in the case of Muzo), may result in more rapid depletion of the natural resources base.

The case for a better balance between rights and markets, coupled with a better structure of incentives and enforced obligations is evident in both instances. Obligations pertaining to aspects such as the implementation of the management plan and payment of appropriate taxes were never enforced. Additionally, market and business knowledge, as well as the linked incentives for the sustainable management of natural resources, were found to be missing.

4. The Way Forward: Re-integrating Community Land Rights Delimitation and Community-Based Natural Resources Management

A more strategic implementation of community land rights delimitation in Mozambique, as part of a wider rural development strategy that has sustainable natural resources management at its core, could go a long way in reconciling poverty reduction and environmental sustainability efforts. This would entail shifting



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land rights delimitation from an inwards, protection-focused tool, to a more holistic tool that provides security against external threats while explicitly seeking concrete benefits for local communities. It would also entail implementing land delimitation systematically – rather than as a reaction to sparsely distributed land conflicts – across large landscapes that could be prioritized based on pressure on land and natural resources, as well as on opportunities for sustainable investment.

In turn, this would significantly reduce implementation costs, while increasing the impact of community delimitation beyond the community delimitation certificate, encompassing improved community land use plans and development agendas. This systematic approach would enable more comprehensive consideration of opportunities at landscape level, and specification of areas for investment in different activities (such as agriculture, forestry, livestock, mining, tourism, and others). This systematic process would also make it easier to match communities with interested investors, as initially intended by the open border approach of the 1997 Land Law. A program of “honest brokerage” could be supported to further assist in matching communities and interested investors, which could also be attracted through other possible fiscal incentives.

CBRNM would be supported as a natural extension of this delimitation-based rural development process, where high-value, marketable resources exist *in tandem* with willing communities. On the one hand, this requires limiting the geographic focus of CBRNM, recognizing that it does not represent the solution to every community in the country. As discussed, revenue generation potential of natural resources varies significantly in Mozambique: forests may be too degraded, or lack commercially attractive species to become profitable for timber concessions; attractive locations may be too costly to access for tourism development; marketing costs may make the development of non-timber forest products unviable where only low volumes can be harvested sustainably. On the other hand, this shift requires re-broadening the scope of CBRNM initiatives in the country, which have become wrongfully equated in the past decade with the implementation of the Ministerial Diploma n°93/2005.

Considering the limited success of the 20 percent income transfer under the Ministerial Diploma, the Government of Mozambique should test other approaches to resource transfers, including performance-based mechanisms based on the alignment between good natural resources management and reward level. More generally, rights need to be better balanced with obligations, and involved stakeholders must be held accountable. The State must ensure that communities’ rights to natural resources management are respected, while also monitoring and enforcing their respective obligations (including for ensuring sustainability). Obligations should not only be enforced by the State, but also by communities themselves and other non-



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state actors. New uses for information and communication technologies could be explored to reduce the transaction costs of monitoring and enforcing natural resources management-related obligations.

The described shift would require adequately equipped institutions, as well as financial resources, to fill communities' resource gaps. The creation of MITADER in January 2015, bringing together land, environment, forests and other natural resources under the same Ministry, has provided a platform for improving the coordination of these sectors under the objective of promoting what has been often termed by the Ministry's authorities as "sustainable and integrated rural development." This is a significant, yet not sufficient, step in the direction of much needed integration.

Communities require long-term, predictable assistance with capacity building and financial resources, which is not easily provided via project-based assistance. A programmatic approach would involve provision of accessible financing, as well as technical assistance in areas such as business plan preparation and implementation, as well as more technical, value chain-specific areas (e.g. processing of natural oils from non-timber forest products).

The National Sustainable Development Fund (NSDF), recently established under MITADER through the Decree n°6/2016 of the Council of Ministers, could play an important role in providing long-term support to communities, but it would require the development of instruments for the effective disbursement and monitoring of funds. This would facilitate NSDF's access to international climate finance, including emissions reductions payments, to invest in integrated landscape management initiatives, bridging current budgetary gaps.

Altogether, these recommendations could present the foundation for a broad, long-term integrated policy, supported by adequate resources and institutions. While these recommendations have focused on the Government, their implementation should also steer the application of funding and efforts by the private sector, development partners, and non-governmental organizations, leading to poverty reduction and positive impacts on the natural resources base through an integrated landscape management approach.



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