

# Making rights a reality:

## Participation in practice and lessons learned in Mozambique



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**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS**

**Livelihood Support Programme (LSP)**

An inter-departmental programme for improving support for enhancing livelihoods of the rural poor.



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Photograph by ORAM Zambezia: Community land rights meeting in Zambezia

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## The Livelihood Support Programme

The Livelihood Support Programme (LSP) evolved from the belief that FAO could have a greater impact on reducing poverty and food insecurity, if its wealth of talent and experience were integrated into a more flexible and demand-responsive team approach.

The LSP works through teams of FAO staff members, who are attracted to specific themes being worked on in a sustainable livelihoods context. These cross-departmental and cross-disciplinary teams act to integrate sustainable livelihoods principles in FAO's work, at headquarters and in the field. These approaches build on experiences within FAO and other development agencies.

The programme is functioning as a testing ground for both team approaches and sustainable livelihoods principles.

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## Access to natural resources sub-programme

Access by the poor to natural resources (land, forests, water, fisheries, pastures, etc.), is essential for sustainable poverty reduction. The livelihoods of rural people without access, or with very limited access to natural resources are vulnerable because they have difficulty in obtaining food, accumulating other assets, and recuperating after natural or market shocks or misfortunes.

The main goal of this sub-programme is to build stakeholder capacity to improve poor people's access to natural resources through the application of sustainable livelihood approaches. The sub-programme is working in the following thematic areas:

1. *Sustainable livelihood approaches in the context of access to different natural resources*
2. *Access to natural resources and making rights real*
3. *Livelihoods and access to natural resources in a rapidly changing world*

This paper addresses why laws have at times not lived up to their promise of benefiting local people in terms of poverty impact and greater local participation in resource management decisions. It is not enough to say that such laws are impractical or too idealistic. In order to help "make rights real", this report attempts to kickstart a systematic approach to monitoring the practical application of new legislation in Mozambique.

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## 1. INTRODUCTION

This paper represents part of an area of work which analyses access to natural resources in Mozambique. An initial paper examined the extent to which Mozambique's recent regulatory changes to natural resource access and management have had their intended effects (LSP Working Paper 17: Norfolk, S. (2004). "Examining access to natural resources and linkages to sustainable livelihoods: a case study of Mozambique"). This paper is complemented by LSP Working Paper 28: Tanner et al. (2006). "Mozambique's legal framework for access to natural resources: The impact of new legal rights and community consultations on local livelihoods".

### *Background*

In the last decade, several important and innovative policies and laws have been passed in Mozambique, designed in part to enhance rural livelihoods by strengthening rights of people – especially the rural poor – to natural resources. The most notable of these are the Land Policy and Law (1997) and the Forestry and Wildlife Policy and Law (1999), all of which contain provisions to protect existing local rights on the one side, and promote local level participation in resource management on the other.

The 1997 Environment Law also explicitly calls for local participation in its implementation, and creates new "diffuse rights" that apply to social groupings and which can be collectively exercised and defended. Key instruments such as the Environmental Impact regulations insist on full consultative processes involving all stakeholders and including local people.

There have been notable "success stories" where these instruments have been used in a way that has genuinely benefited local people. Overall however, it must be said that these cases are limited in number, and that to date these new laws have not lived up to their promise in terms of poverty impact and greater local participation in resource management decisions. These questions take on added significance in Mozambique today, when the newly elected government is developing new strategies for rural development and food security, in which resource management and local participation issues are central areas of concern.

Why is this and what can be done about it? There are many possible answers concerning causes. Some observers point to conceptual weaknesses and ambiguities in the laws themselves. Others emphasise a lack of political will and financial resources to actually implement the laws. Institutional incapacity to implement worthy but impractical social principles is also often cited – if the laws cannot be made to work, then they should be changed or replaced by laws which more closely reflect the real capacity of the country to implement them.

These are no doubt valid observations, and merit serious and sustained attention. But it is equally true to say that they are only valid if sufficient attention has indeed been given to

addressing weaknesses in the capacities of a wide diversity of stakeholders to understand, use and/or administer the new laws. It is quickly evident from field reports and visits to rural areas that the understanding of rights and responsibilities, and what they could mean for their lives, is weak among large segments of the rural population. Intended beneficiaries also lack the skills, tools and confidence to assert their rights or to assess the risks and benefits of different courses of action. Neither of these points however implies that efforts to implement the law should be abandoned – we need to see if understanding can be improved, and skills transferred to those who stand to benefit from the wider implementation of the new legal framework.

Similarly it is evident – from FAO projects training the judiciary, and from evidence coming from other FAO-supported rural development projects – that even those charged with implementing these laws and who are key to their working in practice, *also* have only vague and frequently wrong understandings of how they should be handled in practice.

Judges, administrators, technical staff, extension workers and even civil society organizations, all frequently demonstrate that they do not understand the underlying principles of the new laws, and fall back on conservative approaches when problems arise and conflicts need to be resolved.

In this context it is not enough to simply say that the new laws are impractical or too idealistic, and then argue for a new set to be brought in that current institutional and other implementers feel more comfortable with. These documents contain and give life to fundamental rights which are the basis of equitable and sustainable human development. The challenge then is to examine what has happened since these laws were passed, see if indeed they are having an impact in some areas, and learn from these experiences to “make rights a reality” for a far greater number of Mozambicans.

One problem in this context is that there appears to have been a failure to monitor and assess systematically the use and abuse of the laws, to learn from successes and failures, and to use that learning to make better laws and processes. Addressing these issues would not in itself address deep-seated systemic issues related to power imbalances, poverty and corruption. But creating informed and sustained “demand” for the recognition of rights, and building capacity on the part of government and non-government actors to respond constructively to that demand is a necessary (and often overlooked) part of the struggle.

This report is an attempt to kick-start a more systematic approach to monitoring the practical application of these important new laws, and to draw useful lessons from them. More attention has been paid to these questions in Mozambique than in many countries, but after many years of work – some supported by FAO, a lot carried out with other support or independently – it is still clear that much more can be done to evaluate past experience and use the results to strengthen and consolidate the implementation of these laws as instruments that can attack poverty and enhance governance through effective local participation.



### *The FAO Livelihoods Support Programme (LSP)*

The LSP includes two sub-programmes that have been active in Mozambique for over two years: sub-programme 3.1 deals with *Access to Natural Resources*, while sub-programme 3.2 focuses on *Participation, Policy and Local Governance*. While these sub-programmes are relatively independent, they have been complementing each other in the sense that the emphasis on policy “substance” in the natural resources context is the mirror image of the other sub-programme focus on policy “process.”

A third sub-programme (3.5) focuses on mainstreaming livelihoods approaches into new projects in Mozambique and elsewhere. Lessons learned from concrete examples are part of this process, and Mozambique now has several years of experimenting with community-based and participatory projects and programmes as part of efforts to put the progressive principles of the land and other natural resources laws. The country is therefore an excellent case study, and with a new government now embarking on new strategies for rural development and food security, this is a good moment to take stock of what has been done so far. Sub-programme 3.5 also has a direct interest as it is supporting the formulation of a new cooperation programme for central Mozambique. A stock-taking exercise now can provide important information for incorporating participatory approaches into these new policies and their subsequent implementation strategies.

To this end the LSP has supported three distinct but related sets of activities:

- a review of what has gone before (projects, earlier evaluations of participatory methods in practice, etc)
- field surveys and of particular aspects of participation in practice today, looking at how much local people have really been involved and what its impact has been
- a national level workshop to bring together a wide range of stakeholders, and discuss how effective this approach is, and its impact on a) the lives of local people; and b) the development of new development policies and strategies

This report presents conclusions from these three activities, with two ultimate goals: building improved and more effective participatory approaches into new projects, and influencing key national agendas so that they too make full use of the progressive, pro-poor, and livelihoods enhancing potential of the new legal and policy framework.

## 2. STEPS TOWARD PARTICIPATION

Since the end of the Civil War in 1992, Mozambique has seen a sustained period of economic growth stimulated by a shift to an open market economy, successful macro-economic reforms, and growing internal and external investor confidence in longer term political stability. Endowed with impressive natural resources that in many areas have been completely untapped or left unused for decades, the country offers huge potential returns not just in traditional areas like agriculture and mining, but in the new and aggressively dynamic area of tourism. There is thus soaring interest in land the other natural resources that are on offer, and which at first glance often appear to be completely unused and unoccupied.

Competition for local resources between “outsiders” – investors – and local people is keen in certain areas, and is evident in most of parts of the country where good soils, unspoilt beaches, and a slowly improving road network are making investment attractive. This competition is a significant source of conflict, which in turn weakens efforts to promote investment of all kinds. Dealing with it requires effort from all sides – participation - so that the needs of all those involved can be met to the extent possible.

In the mid-1990s, new policies and laws were developed to regulate land and natural resources access and use. These new laws sought to a) safeguard local rights and use of resources for subsistence purposes, and b) provide a more secure environment in which investment could take place. These apparently contradictory objectives required – explicitly or implicitly – significant degrees of collaboration between the often competing interest groups, and hence a range of “participatory measures” were incorporated into new laws and put into practice through a range of projects and programmes in different sectors.

There have also been several important initiatives to implement community-based projects in the natural resources areas, and to promote local level participation in planning processes and in basic elements of project design and implementation. These include FAO supported projects in the Forest and Wildlife Directorate (DNFFB) that have promoted community management of forest and other resources in several provinces, and strong efforts particularly by the Netherlands and DANIDA to support decentralised planning experiments in Nampula, Gaza and Inhambane (the latter two in the context of a Coastal Planning programme).

The last 5-10 years have therefore seen participatory approaches adopted in a range of community-focused projects (see below). Apart from pilot exercises by the Land Commission however, as part of the development of a Technical Annex to delimit communities, and a CBNRM project in the DNFFB, the public sector has paid little real attention and allocated relatively few resources to this kind of work. Most attempts to work with the participatory elements of the Land Law for example have been set within NGO programmes that see secure local land rights as a critical dimension in their efforts to promote local development.

Strong donor support has also promoted experiments in decentralised planning in Manica and Sofala since the mid-1990s (the PRODER programme) and more recently in Nampula (Projecto GEREN). Efforts to promote a coherent approach to coastal zone planning in the south have also included significant levels of local stakeholder consultation and set the stage for greater local participation in the future.

Before looking at the impact of this movement to date, and how best to move forwards, it is useful to outline the main features of the new laws and the framework they provide for participatory policy making and for participation that “makes rights a reality” – bringing real benefits to local people that enhance their livelihoods and give them a real voice in the development process.

## 2.1 Natural Resources Legislation

Since the mid-1990s, FAO in has been involved in the development of the widely acclaimed 1997 Land Law, the 1999 Forest and Wildlife Law, and the instruments and regulations needed to implement these laws in practice. FAO consultants have also contributed to the development of new environmental legislation. All these new laws contain provisions that recognise and protect existing community and local rights, and promote local participation in natural resources management decisions.

### *The 1997 Land Law*

The Land Law establishes the participatory foundation for subsequent natural resources laws, through recognising local land rights acquired through customary land allocation systems. The law was developed after an intensive research and policy review process, which took into account amongst other things, the reality of extensive and constantly shifting patterns of traditional land use and continuing importance of customary land management through “Regulos” (traditional rulers) and chiefs.

The law was also explicitly developed to promote new rural investment to as a “motor” for development in the countryside. It therefore had to reconcile quite contrasting needs: on the one side, the existence of millions of smallholder farms using a wide range of resources which they have obtained through customary channels; and demand for land from new investors attracted by the shift to a market economy and the prospect of a politically stable country with untapped natural resources.

Such customary land rights are automatically given full status as a State Land Use and Benefit Right, or DUAT to use its Portuguese acronym<sup>1</sup>, *without further need to register or demarcate*. This is done through the device of the “local community”, which includes large numbers of small and larger farms managed through the customary system. As well as facilitating the legal recognition of large numbers of small farms, the “local community” is also treated as single entity for cadastral and surveying purposes,

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<sup>1</sup> Direito de Uso e Aproveitamento de Terra, or DUAT

bypassing the expensive and time consuming challenge of surveying millions of “farms” employing shifting cultivation and using individual and common resources.

Land rights within a local community are managed according to customary law *so long as this does not contradict constitutional principles* such as equal rights and treatment for men and women. The community or individuals who occupy land through customary norms and practices are recognised as title holders of a State-attributed Land Use Right within an area defined by patterns of social organization, land management, historical occupation, and land use (including fallow land, common resources, and land held for future generations).

In a situation where investors want land for a new project, local people need to protect their rights or use them to their advantage to secure a real economic or other return in exchange for giving them up. They can use them in two ways: either to keep the investor out (thus securing their livelihood base), or letting them in but with agreements that can bring in new income or that allow local people to participate in the wider development process as active stakeholders. In this context, *being aware* of the new legal protection offered by the Land Law, *and how to use it in practice*, are key issues.

Participation in the Land Law is also about involvement in other, community-level processes. Article 24 says that local communities *participate* a) in the management of natural resources; b) in the resolution of conflicts; c) in the process of titling; and d) in the identification and definition of the land which they occupy.

The titling process is especially significant, as this requires a consultation procedure through which the State or a new investor seeks community approval of his or her bid to secure a newly awarded Land Use Right over the land they want. Before new rights are given out by the State, the local community must confirm that the land in question is not occupied by anyone else.

Again, being aware of their wider land use rights – even over areas not currently in use - and the implicit power to say “no” to any investor who comes along, is an essential condition for a) protecting their own livelihoods base, for present and future use, and b) being able to influence the way new development takes place, including determining the benefits it might bring them.

### ***The Forest and Wildlife Law***

The Forest and Wildlife Law, which came into effect in December 1999, also contains important provisions for promoting the participation of local people in natural resources use and management. To begin with, exactly the same definition of “Local Community” is used in this legislation, building upon the platform created by the Land Law. Local Communities subsequently are explicitly included in provisions for local consultation when investors and the State want to exploit local forest and wildlife resources. They are also allowed to use these resources for subsistence purposes – for example, for building timber, extracting raw materials and food/medicinal products, and hunting.

Communities are also explicitly included as members of Participatory Management Councils, or COGEPs, which also include other stakeholders such as local government institutions, NGOs and private investors. Communities can exploit resources commercially, but like other users have to request the appropriate licence. This applies for example in areas where local people make charcoal for sale along roadsides.

What the Forest and Wildlife Law does *not* do is give an automatic use right or sense of ownership over resources that are found within an area over which a community has proven and delimited its DUAT, following the process laid out in the Technical Annex of the Land Law Regulations. This has been seen by many as a major weakness in the new package of legislation, breaking the natural sense in which “resources on my land are also my resources”. As a result, it is more difficult to promote “participation” in natural resources management, requiring either special legal instruments or new regulatory instruments that are not yet approved.

This issue was addressed in a national conference on community management in 2004, when a range of views were expressed on how this link between resources and land works in practice. One view expressed at the time was that “while the Land Law facilitates the transfer (by the State) of real rights over land, the Forest Law undermines these [rights] by imposing limits on the use of resources to non-commercial subsistence practices”<sup>2</sup>. An alternative position was also discussed, arguing that possession of a DUAT gives local people significant control over what happens within their area of jurisdiction – firstly the delimitation process establishes their rights over the *land* where the resources are found; secondly, by being able to exclude people from their land they can also exclude them from the resources<sup>3</sup>.

These issues are illustrated in some of the case studies presented in the following chapter, which presents the main findings of the national workshop on participation in practice. For the moment however, it is important to note the strong attempt to build some form of local participation in this legislation. Some degree of late recognition of the inherent rights that local people have over “their resources” is in fact seen in the Regulations to this law, which were developed and approved several years later and after they had been significant debate over this question. In the Regulations, local communities are entitled to receive 20 percent of public revenues generated by commercial activities – logging and trophy hunting – that take place in their area.

How this 20 percent is allocated and used has subsequently become a hotly debated topic in itself, and this constitutes an important area of discussion when considering the material presented below.

### ***The Environment Law***

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<sup>2</sup> Johnstone, Cau e Norfolk (2004): *Forestry Legislation in Mozambique: compliance and the impact on forest communities*. Maputo, IIED/Terrafirma, May 2004.

<sup>3</sup> Tanner, Christopher (2004): *A Relação entre a Posse de Terra e os Recursos Naturais*. Maputo, 3rd National Conference on Community Based Natural Resource Management, 21 July.

The Environment Law also explicitly calls for community participation in natural resources management and in environmental impact assessments (EIA). What is most significant about this new law however is that it creates a series of “diffuse rights” that are held at the level of collective groups – such as a community – and goes beyond participation in the management of natural resources to include community participation *in the elaboration of policies and their respective legislation* (Article 8).

The new law also creates an important window for all citizens by declaring their “right to access to justice” if they consider that their rights conferred by law are violated in any way (Article 21). In this same context, and now speaking of “participation” from the other side of the fence, the law calls for the “Public Ministry” (a kind of oversight function within the Prosecutors General’s Office) to “defend the environmental values protected by this law, without prejudice to the legitimacy of other injured parties”.

As in other countries such as Brazil, new environmental legislation can therefore establish new norms and standards for involving local people in the defence of rights established by law. With reference to the wider debate addressed in this report, a point made in a recent publication on environmental law in Mozambique is also worth noting: *‘For citizens to be able to exercise their environmental rights, the State must go beyond the mere recognition of these rights, and make an effort to create the conditions through which this exercising of rights is possible. This leads to a vision of Public Administration as an open entity, transparent and truly at the service of its citizens.’*<sup>4</sup>

## **2.2 Judicial Training**

FAO has been working with the Centre for Legal and Judicial Training (CFJJ) since mid-2001, to train judges and public prosecutors in the Land Law, Forest and Wildlife Law, and the Environmental Law. The project includes the production and publication of manuals and legal commentaries for each of these laws. Manuals describing how these laws should be implemented have been developed interactively during the courses, and are now available as CFJJ publications.

The CFJJ team also produced compilations of the laws and their implementing instruments, which include related legislation such as Constitutional provisions and articles of the Civil Code. These same national experts are also completing annotated legal commentaries which will provide an important reference for judges and others who need expert opinion on the interpretation and application of these laws in practice.

The training itself did not include non-judicial actors, so its participatory element in this context was minimal. It did however have a potential impact on future participation by local people when exercising their rights, in two senses:

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<sup>4</sup> Serra Jr, Carlos and Fernando Cunha (2004): *Manual do Ambiente*. Maputo, Centro de Formação Jurídica e Judiciária.

- a) firstly, participatory training was used in the courses and improved as the project progressed<sup>5</sup>, with many course participants exposed to this approach for the first time. Interactive discussions on core issues broadened their understanding, including the sociological and political analysis behind the laws, the role of the judiciary in social and economic development, and their role *viz à viz* executive institutions (District Administrations, cadastral services etc) in the civil law context. This in turn could enable them to take a more interactive and participatory approach to their work when they return to service.
- b) Secondly, the participatory principles of the laws themselves are important and need to be fully understood by any judge assessing the correct or incorrect application of, say, the Land Law, in a given situation. These principles were thoroughly discussed, and their implications for assessing if community-held land rights have been properly identified and delimited by and with local people, or if an investor-community consultation has been done according to the law. Other topics included the way participatory institutions created by these laws should function (such as the participatory management councils, or COGEPs).

It is possible then that judicial officers will be more receptive to community issues that come before them in a formal courtroom or investigation. The relevance of legal principles such as co-titling was also discussed in the context of ensuring full and real participation in community-investor consultations (where local people *must* be consulted by their leaders when important land and resource management decisions are made).

### 2.3 Conflict resolution

Article 24 of the Land Law explicitly calls for community participation in conflict resolution. The CFJJ/FAO training project therefore included a component to train community tribunal judges in the basics of the three natural resources laws. With a judicial reform process underway however, the selection and future role of these judges was – and still is – unclear, and it was decided instead to look in more detail at the reality of local participation in conflicts, especially those that involve local people and those from outside, investors and the State.

A study was therefore carried out in 2004, which began with a sample of 165 conflict cases in all the provinces except Tete (included in initial contacts but subsequently left out due to budget constraints). A group of 37 case studies was then chosen for more intensive fieldwork, to understand who was involved in each conflict and the role of the various judicial structures<sup>6</sup>.

The larger sample already pointed to a low level of involvement on the part of the formal judiciary in this kind of case. While the majority of local conflicts – between neighbours

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<sup>5</sup> See Tanner, Christopher (2005): *Study of the Impact of Training Courses for Judges and Prosecutors: 2001-2004*. Matola, CFJJ and FAO Maputo. A report produced under Project GCP/MOZ/069/NET.

<sup>6</sup> Baleira, Sergio, Christopher Tanner et al (2004): *Relatorio Final da Pesquisa sobre os Conflitos de Terra, Ambiente, e Florestas e Fauna Bravia*. Maputo, CFJJ/FAO, Project GCP/MOZ/069/NET

for example – are resolved by local institutions – it was equally clear however that community courts and other traditional conflict mechanisms were also marginalised when dealing with these more complex cases. In other words, while local communities *are* “participating” in conflict resolution, they are only really participating in *their own conflicts*. When it comes to disputes between ordinary rural citizens and the outside world, a very different set of institutions come into play. This was shown far more clearly in the case studies, which revealed the following:

- a) the judiciary is not exercising a significant role in the resolution of conflicts between distinct interest groups such as communities and investors, nor are local or traditional institutions involved in any significant way
- b) when either the judiciary *or the traditional structure* does intervene, it is nearly always to deal with a criminal act that has happened because of the land or natural resource conflict, and *not to deal with the conflict itself*
- c) the Office of the Prosecutor of the Republic (PGR) rarely gets involved, and almost never questions public agencies that are often misapplying the law or not giving due attention to the participatory and mediatory aspects of the legislation
- d) most land and natural resources are instead resolved following administrative channels, which increasingly take on a quasi-judicial role and ultimately take decisions without adequate reference to the laws or basic legal principles (many cases are “resolved” by Commissions created by the Governor, which have no legal or judicial expertise)
- e) administrative structures are however very often compromised between responding to higher level orders to “find land” or facilitate an investment scheme, and trying to respond to local needs (the former nearly always predominating), and as part of the problem should not take part in the ‘conflict resolution’ apart from providing technical information when required
- f) provincial Governors, and the political power they wield, are seen as the ultimate arbiters in this picture, where a long history of centralised political power conditions the way that most people – including the investors – see the relative capacity of the judiciary to intervene and solve their problems
- g) in this context the “judiciary” is seen as an executive sector – the “crime sector” - alongside others like the Cadastral services or the Forest and Wildlife Service, which are seen as being more competent (with the technical knowledge needed) to resolve natural resources cases (where even if the law is being broken and rights put at risk, are not seen as illegal in the same way as a theft or murder)
- h) local people certainly know very little about these laws, but their understanding of what their legal rights are, and how to use them effectively (to gain new income etc) or defend them (to avoid losing land and livelihoods) is even weaker still



These results are extremely significant in the context of “making rights a reality”, especially when it appears that laws like the Land Law are not being applied with full attention to the existence of local rights and the provisions in the laws that require real consultative processes to be put in place and adhered to by executive agencies.

On the other hand, it is evident that for a range of reasons, the judiciary is not (yet) in a position to adequately defend rights that are being put at risk, and to take on more of a policing role in relation to the correct application of laws by these same executive agencies (including local public administrations).

In this context one of the most important instruments developed in the three laws, perhaps with most force in the Land Law but also in the forest and environment context, is the local consultation. It is during the consultation that local people, who in principle should be aware of their rights and how to use or defend them, come into direct contact with others who want their land or natural resources (i.e. the fundamental base of their livelihood and food security). This process is critical for ensuring that local rights are respected, that the long term food security base is not threatened by investors occupying local land, and that local people gain from new investments as active stakeholders with a right to negotiate a price for giving up their land and other resource rights.

The conflict research shows however that the consultation process is poorly carried out, confirming the commonly expressed opinions of NGO workers and others involved in rural development projects. Given the importance of this process for livelihoods and food security, the FAO LSP therefore decided to carry out a separate study that focuses precisely on the consultation process, and its impact – if any – on the economic and social wellbeing of the participating community.

The results of this study were presented at the LSP Workshop on 17 March, and are discussed in detail in the following chapter.

## **2.4 Local level planning and decentralization**

Mozambique is quite far along the road towards a genuine programme of decentralised public administration and community involvement in developing local district plans. This process began in the mid-1990s, with experimental district planning exercises involving local people in Manica Province. Another early experiment in building local participation into district level planning was the PROAREA project supported by UNDP and implemented on a trial basis in Tete Province. All of these cases were implemented through the Ministry of State Administration, but with active partnerships being established also with the Ministry of Planning and Finance and what was then the Institute for Rural Development (INDER)<sup>7</sup>.

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<sup>7</sup> INDER was later incorporated with the Ministry of Agriculture and Rural Development as a National Directorate. In early 2005, as part of changes introduced by the new government, it moved to the newly created Ministry of Development and Planning.

The PROAREA project linked several components together to produce what would in effect be local development plans: training for District Administrators in basic principles of planning; direct support to communities to identify needs and submit requests for micro-projects to the District Administration (lead by a newly trained Administrator); and the placing of a significant local development fund under the charge of the Administrator, to fund approved projects.

Elements of this project were later incorporated into new bilateral programmes that promoted local involvement in establishing priorities and constructing viable district level plans. Major long-term Dutch support has helped Nampula to emerge as one of the most important centres of local level planning involving communities and other stakeholders. GTZ has also supported the longer-term consolidation of local planning models in the provinces of Manica and Sofala.

This process is closely tied into measures that recognise local leaders as legitimate go-betweens, representing their communities on one side, and assisting the implementation of public programmes on the other. Important new legal instruments provide the framework for this to happen. In the first instance, the Municipal Law (Law 2/1997) established that administrative leaders in 33 municipalities (main urban areas) were to be directly elected by the local population. This law replaced an earlier and more progressive piece of legislation approved in late 1994 which was later revoked by the Assembly on the grounds that it had been promulgated before the multi-party elections and was therefore unconstitutional.

Unlike the earlier law, which did not separate rural district towns from their surrounding rural areas and provided for directly elected District Administrators, the 1997 law created a parallel system of elected urban council presidents, and politically appointed District Administrators, with the district town in effect cut off from its rural surroundings. Nevertheless the 1997 law represents a major step forward in both democratisation and local participation.

At the same time the State was moving towards formally recognising an obvious reality of popular life – the local legitimacy and relevance of local leaders in the day-to-day lives of nearly all Mozambicans. An awareness of this reality was central to the Land Law's recognition of customary land management systems, and their formal incorporation into national legislation. Several years later, in a decree of the Council of Ministers (Decree 15/2000), the State formally recognised the role of 'community authorities' as both local leaders, and a kind of administrative auxiliary for state functions such as tax collection and informing people about public programmes.

In the last two years, ceremonies have been held across the country to recognise several hundred traditional leaders as "community leaders", after which they have the right to wear ceremonial uniforms and are formally recognised by the State as having an officially recognised function and status.

The other major piece of legislation dealing with decentralization and local level planning – this time a full law approved by the Assembly of the Republic – is the Law on State Local Government Bodies (Law 8/2003), or LOLE to use its Portuguese acronym. The LOLE defines the functions and organization of government entities at provincial, district, and sub-district level, and “*For the first time ...provides some legislative basis for district governments to engage in the preparation, budgeting and implementation of district development plans*”.<sup>8</sup>

In the context of local participation, the LOLE is also significant because it formally incorporates the sub-district entities of *posto administrativo* and *localidade* into the state administrative structure for the first time and defines their function and role. It also provides for community participation in economic development and planning. Law 8/2003 and Decree 15/2000 together then provide “*the basis for legally institutionalising the interaction between local state organs and civil society groups in the rural and semi-urban areas*”.<sup>9</sup>

The LOLE included elected local assemblies in its earlier versions, but these were taken out during parliamentary debate on the grounds that Decree 15/2000 provided adequate mechanisms for community participation. This omission did however weaken the potential of LOLE as an instrument for participatory local democracy. Some of this lost ground was restored in a later joint-ministerial communication (*Guião for Community Participation*) by the Ministries of Planning and Finance and Agriculture and Rural Development (Boletim da República, Despacho MPF/MAE, 13 de Outubro de 2003). These Guidelines reintroduced “consultative councils” or IPPCs (Instituições de Participação e Consulta Comunitária) at locality, posto, and district level. The overall result is a packet of legislation that can be “*seen as a significant instrument that enables the local bodies of the State to put community participation into practice in the context of district planning. As recognition of civic participation, it goes further than Decree 15/2000, which only confers rights and responsibilities on community authorities*”.<sup>10</sup>

DANIDA has also supported integrated coastal zone planning exercises in the South, implemented through the Gaza Sustainable Development Centre of the Ministry of Environmental Coordination (MICOA). This programme has also built in important elements of stakeholder consultation and participation, down to local level.

In parallel with these experiments, the government has also been pursuing an agenda to decentralize local government, transferring certain powers and limited resources down to district level. This has resulted in important new legislation being approved in 2003, the

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<sup>8</sup> CTC Consulting (2003): *Appraisal of the Potential for a Community Land Registration, Negotiation and Planning Support Programme in Mozambique*. Maputo, UK Department for International Development (DfID), pp 87

<sup>9</sup> Buur, Lars and Helene Maria Kyed (2005): *State Recognition of Traditional Authority in Mozambique*. Nordic Africa Institute, Uppsala, Discussion Paper 25, pp5.

<sup>10</sup> Burr, Lars, Helene Maria Kyed, and João Carlos Trindade (2005): *Uma Avaliação do Decreto 15/2000 sobre a política de descentralização: Experiências e Possibilidades*. Introductory note to a Seminar held at the Centre for Legal and Judicial Training (CFJJ), 12 -13 May 2005, pp2.

Local Government Entities Act, and an imminent major expansion of district level ‘decentralized planning’ with World Bank and bilateral support, in the central provinces.

## 2.5 Community Based Forestry and Natural Resource Management

One of the most active “participatory” or community-based programmes has been the Community Based Natural Resource Management programme implemented with FAO support by the National Directorate for Forests and Wildlife (DNFFB). There had been less than half a dozen projects of this sort until a new project began in DNFFB in the late 1990s, coinciding with the approval of the new Forest and Wildlife Policy in April 1997. From 1997 to 1999, 35 new projects were started in all parts of the country, with community participation as a key ingredient<sup>11</sup>.

DNFFB and FAO were not of course the only players – IUCN and the Ford Foundation were directly involved in groundbreaking new projects in the Tete (Tchuma Tchato) and in Niassa Project (Chipanje Tchetu) in which local people were to derive direct benefits from participating with the state and investors in sports hunting enterprises operating with their areas. Other donors apart from the Dutch (who supported the DNFFB/FAO programme include GTZ (active in Manica Province), UNDP (in Inhambane), WWF (in the Bazaruto Archipelago National Park), Swiss Cooperation (Nampula), the African Development Bank (in Sofala) and the World Bank (with support to transfrontier conservation projects in Manica and Maputo).

Various NGOs have also supported CBNRM projects or been involved in the implementation of the donor-funded programmes, including ORAM (the major national “land” NGO), Helvetas, MOLISV, and producers associations set up in the various project areas.

The “grandfather” of these projects is Tchuma Tchato, which began operation before the big policy advances in land and natural resources. Unlike all the projects that followed, Tchuma Tchato required a special official decree allowing communities to receive a share from the economic returns from resources that are legally the property of the State. All subsequent projects have had the benefit of the progressive legislation reviewed above, in which issues such as the land rights acquired by customary occupation are central to the kind of activity that the communities have engaged in. These projects are therefore important for addressing the central theme of this report, ‘making rights a reality’ in the sense that local people have been able to use their newly recognised rights to generate new income and improve their livelihoods.

Patrick Matakala defines community forest management as “*the control, use and management of forests near to villages by the local communities (the users) for their own*

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<sup>11</sup> Matakala, Patrick and Patrick Mushove (2001): *Arranjos Institucionais para o Maneio Comunitário dos Recursos Naturais (MCRN): Perfis e Análise de 42 Iniciativas de MCRN em Moçambique*. Maputo, Ministry of Agriculture and Rural Development, National Directorate of Forests and Wildlife/FAO Project GCP/MOZ/056/NET.

*benefit and the sustainability of the resources over the long term*"<sup>12</sup>. In his later review of the 42 projects implemented up to 2001, with Patrick Mushove, four principal variables are identified within this context:

- (a) “empowerment”, or in other words, through a process of capacity building, the community must have the authority and responsibility to plan, manage, use and control the natural resources in its territory; this responsibility is granted by the holders of administrative power (the government) and the authority is given by the legal framework of the country;
- (b) participation in decision making and, through this, instead of being compelled to participate or simply consulted, the communities are able to actively participate in decisions that determine the course of actions that in turn affect their needs;
- (c) community management initiatives must begin to generate community benefits in the short term to ensure the motivation of the community, and its interest and involvement in the community management activities in the longer term;
- (d) sustainability in terms of the long term resource base that allows the continual flow of benefits without prejudicing the resource itself or the general environment where the resource is located.<sup>13</sup>

These are important and useful principles to take into account when considering the case studies and research exercises discussed later in this report. Two points stand out in the context of the “making rights a reality” issue: that local people should have full legal authority to participate (which they do, through the Land Law and the other legislation presented above); and that they should not be “compelled to participate or simply consulted”. In other words, “participation” (like “a gender approach”) is about far more than simply having local people (or women) present in the head count of those involved in a given project or activity.

It is important to note that most of these projects originally had clear conservation and sustainable resource management objectives. This is illustrated by the fact that they have been implemented in two distinct contexts: one, where there are abundant resources which need to be managed and the weak state apparatus has no outreach; the other where degradation has set in and the government is concerned to reverse the trend. In both settings, the underlying assumption is that conservation goals – including a form of proxy management by communities on behalf of the State - can be achieved through community involvement, giving local people some kind of stake in the process.

In recent years however the focus has shifted dramatically towards producing concrete socio-economic benefits for local people, through the mechanism of community based

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<sup>12</sup> Matakala, Patrick (1998): *Guião para trabalhadores de campo e investigadores em manejo florestal comunitário*. Maputo, Ministry of Agriculture and Rural Development, National Directorate of Forest and Wildlife, FAO Project GCP/MOZ/956/NET.

<sup>13</sup> Matakala and Mushove (ibid), pp15.

management. The basic idea of “taking better care of things that belong to you” is still there, but attention is now on how to make community management more effective as a way of enhancing local livelihoods. Indeed the livelihoods impact of CBNRM was the central theme of the 3<sup>rd</sup> National Conference on Community Based Management in Maputo in 2004.

In this evolving context, it is interesting to note some of the other main conclusions from the Matakala/Mushove review:

- a) most projects have been formulated in a non-participatory way, and then expect ‘participation’ on the part of the community
- b) evaluation – done through RRA techniques with the communities – is itself not sufficiently ‘participatory’, and should work with sub-groups in the communities to expose and understand the fault lines and articulation between different interests at community level
- c) in spite of the new laws, the legal framework is still not clear enough in relation to the *authority* given to local institutions and leaders to manage (and police) resource management and all that goes with it
- d) communities need capacity-building and on-the-spot support from extension workers living at local level and who are trained in community development and participatory techniques
- e) the CBNRM approach must be set within a broader strategic view of rural development (talking here specifically of links to functional adult literacy programmes, but other linkages are also equally important)

Overall, the conclusion seems to be that the CBNRM experience has been positive, but can do much more and should be mainstreamed instead of being something on the side of the development process. One phrase stands out in the review paper cited above: “*[there has not been] a genuine devolution of powers and authority for communities to be able to implement the decisions they take. This being so, it can be argued that, up until now, community participation in CBNRM has been paternalist, coercive, and overburdened with rhetoric.*”<sup>14</sup>

These points provide a good background to this report, which in effect brings these findings up to date. Matakala and Mushove make practical recommendations for moving ahead which are also useful to list here as a kind of baseline against which to assess the Workshop and its conclusions:

- a) allowing for the reality that most CBNRM projects will continue to be conceived and designed outside the local context, they should at least build in interactive planning mechanisms that allow for a genuinely participatory review and implementation process once underway

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<sup>14</sup> Matakala and Mushove (ibid), pp39

- b) projects need a kind of acclimatisation or preparatory period during which local people can be informed of what is intended, existing skills and capacity can be evaluated, and the community can take on ownership of the process
- c) giving local leaders and institutions the authority they need should accompany the process of decentralization, with more collaboration between local (traditional) and local (formal administrative) leaders, and with clear decision making powers attributed to communities
- d) lower level local government bodies must be more fully involved, but this must be accompanied by capacity-building that will provide teams able to respond to requests from communities to be legally recognised and empowered, and to provide more appropriate support for CBRNM-type initiatives
- e) experiments in joint-management of conservations areas, involved the State, private sector, and communities, which should take place “on the basis of formal arrangements and partnerships on an equal footing for all partners”.
- f) extension workers must be trained in CBNRM techniques, and in a range of other participatory methods and multidisciplinary areas (rural development, adult education, etc), and should be supported to live and work within communities
- g) community guards and other agents need clear statutory instruments and powers to carry out their work
- h) CBNRM must be seen as contributing to a wider process of rural development, building in activities such as functional adult literacy in order to ensure an increasingly strong community participation as an integral part of the development process

## **2.6 Natural resource access and sustainable livelihoods**

The LSP began its involvement in Mozambique with a mission to examine FAO projects that feature participatory methodology in one form or another. These included the programme of support to the National Land Commission, which resulted in a land law that specifically provides for community participation in land management, and prescribe a detailed participatory methodology through which communities prove and delimit their land rights; the CBNRM programme in Forestry and Wildlife discussed above; and a new project in Manica Province supported by the Belgian Survival Fund (BSF), “*Improved Nutrition and Household Food Security in Manica Province*”, which includes community level activities such as income-generation and diversification initiatives planned and developed with support from District Administrations.

It was later decided to use the Manica project as a vehicle for looking at the impact of participatory approaches on the development of new policy and implementation strategies. The LSP was also concerned to use its limited resources to demonstrate how these various FAO-supported projects, while running relatively independently of one

another, together added up to a package of interventions that could influence the wider policy debates on issues such as rural development and food security.

A report was later commissioned in 2003 entitled *Examining access to natural resources and linkages to sustainable livelihoods: A case study of Mozambique*. This paper analysed the extent to which Mozambique's recent regulatory changes to natural resource access and management have had their intended effect and identifies issues that require further attention.

The paper argued that the ongoing processes of decentralization and the devolution of rights and responsibilities to local communities were revealing tensions in Mozambique, where land and natural resource policy was mixing a powerful role of the state with the need to strengthen community rights. The devolution of rights policy was identified as being driven more by informal 'pilot' and ad hoc approaches than through central level processes.

The paper found that the impact of these new policy approaches was therefore highly uneven and the underlying objectives to the policies were only likely to be achieved through a much more systematic approach to capacity and institution building at local levels. It also identified the need for governance feedback loops and monitoring mechanisms (vital in order to gauge whether current policies and institutions were hitting the target), greater transparency in decision-making processes, stronger and more independent representative organizations in the rural areas and more integration in planning and implementation of natural resource programmes.

Towards the end of 2004, the LSP then commissioned a report that focuses more specifically on participation and policy making in Mozambique. This report looked at several projects and programmes in detail, and analysed the extent to which they have begun to really influence the policy agenda. It is presented in full in the following chapter.

In collaboration with an FAO project at the Centre for Legal and Judicial Training (CFJJ)<sup>15</sup>, the LSP has also been supporting field research into a key aspect of the participatory management of land and natural resource, and its impact on local livelihoods. This is the community-investor consultation when new land rights are requested by outsiders in areas already where local land rights already exist. Through the consultation, communities can either ensure that their land is not taken away, or they can negotiate some kind of package with investor in exchange of ceding their land rights to him or her. Both options are important: the one conserves the livelihood base of the community and holds land for future generations and new agricultural uses as and when credit and other conditions are more favourable; the other provides new resources or social capital that can help to diversity income sources, and bring local people as stakeholders into the new developments going on around them.

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<sup>15</sup> GCP/MOZ/069/NET: *Support to the Judiciary in Implementation of Land, Environment, Forestry and Wildlife Laws*



Poorly implemented consultations were also identified in other field research conducted by the CFJJ/FAO team (see above) as a significant source of conflict in rural areas. This LSP supported research therefore examined how 'participation' is seen by the public services charged with its implementation, and how this can significantly reduce its potential impact, both on livelihoods, and on real community involvement in land and natural resources management. The results of this study are also presented below.

### 3. PARTICIPATION IN POLICY PROCESSES

#### 3.1 Introduction<sup>16</sup>

There are many definitions of *participation*. The most common, used by the World Bank, is “a process through which people, especially the marginalized, influence decisions that affect them”<sup>17</sup>. This contrasts with a process in which decisions are imposed by an external hierarchical agency. The rationale for promoting participation is then to guarantee that community groups have an active role in the decisions that affect their lives, and that governments become more responsible to them.

The phrase “policy processes” refers to the way policies are made. This includes their formulation, implementation, *and* impact monitoring and evaluation<sup>18</sup>. The distinction between “policy” and “implementation” is therefore false: the way in which programmes and projects are implemented, and the approaches adopted to put policies into practice, are part of the “policy process” and have an impact that is as important as the formulation of the laws and policies themselves.

This analysis of “participation in policy processes” starts from these two basic positions and examines several projects and implementing organizations that adopt participatory principles as an integral part of their methodology and discourse on development in general. Several aspects of participation in various policy processes are examined:

- Their impact on the development or implementation of policies;
- Obstacles or facilitators in empowering the poor;
- Positive and negative impacts of policies and programmes amongst the poor;
- The probable conditions in which reform normally occurs

#### *Projects, organizations and activities*

The study area encompassed four main projects. Within these projects, specific activities were identified for more detailed investigation and analysis. Outlines of each project are presented below.

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<sup>16</sup> This review of participation and policy processes was commissioned by the LSP, and brings up to date aspects of the CBNRM review by Matakala and Mushove. See Norfolk, Simon, Janet Assulai and Boaventura Cau (2005): *Analysing Participation in Policy Processes: Experiences in Mozambique*. Maputo, Terra Firma Lda, a report for the LSP FAO Rome.

<sup>17</sup> World Bank (1994): *The World Bank and Participation*. Washington DC, World Bank. pp177.

<sup>18</sup> This view reflects the position defined by Marilee Karl (2002) “*Participatory Policy Reform from a Sustainable Livelihoods Perspective; Review of concepts and practical experiences*”, Livelihood Support Programme (LSP), FAO, August.

## Apoio ao Maneio Comunitário de Florestas e Fauna Bravia (Fase II) UTF/MOZ/0074/MOZ

**Project Description:** Contributes to implementing the PARPA (Action Plan for Reducing Absolute Poverty) (PRSP 2001-2005) through the Forestry and Wildlife component of PROAGRI (agrarian sector programme), carrying on from a previous project (1997-2002) with Dutch funding and FAO technical assistance (GCP/MOZ/056/NET – Apoio ao Maneio Comunitário de Florestas e Fauna Bravia). It promotes local community participation in the utilization, conservation and derivation of benefits from natural resources.

### Specific initiatives investigated:

- Pilot project of Community Forest & Wildlife Management in Monapo
- Community Forest & Wildlife Management in the Forest Reserve of Mecubúri
- Pilot project of Community Forest & Wildlife Management in Goba

### Objectives

- Contribute to the alleviation of rural poverty through the participation of local communities in the management and sustainable use of natural resources.

### Activities

- Improve the institutional framework, policies and legal instruments, so that they favour community participation in the management of forest and wildlife resources
- Apply sustainable and participatory practises in the management of forest and wildlife resources so that there are tangible benefits for local communities
- Define and adopt models of community management of forest and wildlife resources for broader adoption at a national level

## Food Security and Nutrition Project in Manica FAO/GoM/BSF

**Project Description:** The project is being implemented in Chimoio City and Macossa District with funding from the Belgian Survival Fund and FAO technical assistance. It has a Natural Resource Community Management component because 73 percent of Macossa (9,552 km<sup>2</sup>) is official hunting reserves (*coutadas*).

### Initiatives Visited:

- Production of School Gardens (Amílcar Cabral Primary School)
- Orange Tree nursery (Project implemented by ACDIVOCA)
- Livestock production for Widows and Female-headed households in Macossa.
- CBNRM Project in the Hunting Areas (9 e 13) in Macossa.

### Objectives

- Improve nutritional and food security status and reduce absolute poverty in rural and urban areas.

### Activities

- Business training for associations;
- Survey of population groups living inside Hunting Areas
- Participatory surveys into major conflict areas with respect to natural resource use
- Train management committees
- Implement community income-generation micro-projects (carpentry, beekeeping, handicrafts).

### Expected Results

- Sustainable improvements to the food security, nutritional status and livelihoods of vulnerable and food insecure people through integrated actions at a community level and developing institutional capacity at community, district, provincial and national levels.
- Increase the capacity of service providers, NGOs and CBOs to plan, implement, monitor, evaluate and coordinate food security and nutritional interventions based in communities.
- Improve the food security and nutritional status of families through local community participation in sustainable natural resource use and generating and sharing benefits from natural resource exploitation.
- Establish an information system that produces, in a participatory way, the necessary information to monitor progress, to concretise the results of the project and to implement activities.

### **Decentralized Planning and Finance Project: Ministry of Planning and Finance**

**Project Description:** Strategic Development Planning at district level.

#### **Objectives**

- Involve local populations in development planning activities in their areas
- Promote the participation of local populations in local development initiatives

#### **Activities**

- Create district technical committees to coordinate formulation of District Plans
- Meetings to launch the planning processes
- Public meetings regarding planning processes - collecting local views regarding priority issues and solutions
- Collect info and statistics on different economic and social sectors
- Draw cartographic maps - visual aids for planning decisions
- Resume problems and potentialities - view of major local constraints and most urgent problems in terms of local priorities
- Formulate proposal for a development strategy - identify strategic interventions
- Discussions regarding proposed strategies - collect feedback from local civil society regarding district government proposals
- Negotiations - guarantee proposed actions will be supported by local stakeholders
- Incorporate District Economic and Social Plans in the Provincial plans - guarantee that Provincial Sector Directorates have taken into account the district plans in sectoral planning at provincial level

### **ORAM National Programme: Programmes on land and natural resources tenure security in Nampula, Zambézia, and Sofala provinces; and in the southern region.**

**Project Description:** National tenure security project

#### **Objectives**

- Land and natural resource tenure security for peasant men and women;
- Secure and sustainable use of natural resources by rural communities;
- Creation of mechanisms within ORAM to defend legitimate rights of peasant communities.

#### **Activities**

- Disseminate laws regarding land and natural resources
- Delimit community lands
- Increase process of Delimitation of community lands
- Prevent, mediate and resolve land and natural resource use conflicts
- Full access to land and natural resources by women
- Activities regarding the environment and HIV/SIDA
- Implement community development plans based on local fora
- Create cooperative commercialisation enterprises in local communities
- Strengthen peasant associations and organizations

### 3.2 Political power and policy process before intervention

- How were decisions taken?
- Who was included, who was excluded?
- Power relations and dependencies between stakeholders?

#### *Project Analysis*

##### Community Management of Forest and Wildlife Project

Before the project, the control and management of forest and wildlife resources in Goba, Monapo and Mecubúri was entirely the responsibility of the state. The state developed policies on forest and wildlife resources, while the National Department of Forestry and Wildlife (DNFFB) and its provincial services were responsible for implementing them at central and local level. District administrations and administrative posts also contributed to implementation at local level, but power was very centralized.

There was practically no participation of the population in policy development and implementation, with everything being very top down. Traditional organizations which used to manage forests and wildlife, and the customary institutions that legitimized them, were abolished soon after Independence in 1975. Although in some cases these organizations and institutions persisted, their power was eroded and they were not recognised by the state.

Decisions on the use of forest and wildlife resources, such as the concession of licenses for cutting timber, were taken without consulting local people (Myers, 1993). All decisions were taken by the state in the name of the population.

There were three types of power structures in Goba before the project: the president of the Village Council, the local secretary and other functionaries of the FRELIMO party, and the traditional authorities, led by the chief. There were also both traditional chiefs and FRELIMO party representatives in Monapo. In Mecubúri on the other hand, the traditional authorities functioned best, with relatively weak government structures. This situation is explained by the fact that the northern base of RENAMO was located here, and RENAMO recognized traditional authorities and worked closely with them<sup>19</sup>.

##### Food Security & Nutrition project – Manica

Macossa is an area rich in forest and wildlife resources. As in other parts of the country, its population did not participate in the formulation and implementation of policies on forest and wildlife resource use. Even government initiatives to improve local food security and nutrition were the result of one-sided state analyses. For example, before the introduction of the project, the government had promoted a livestock scheme in Macossa which had been designed without any input from the local population.

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<sup>19</sup> Renamo means 'Resistência Nacional Moçambicana', the name of the rebel movement involved in the civil war in Mozambique (1977-1992).

### *Other comments*

The general lack of civil society participation in policy formulation before these projects and programmes began reflects the nature of the state at that time: central planning, with the state supposedly safeguarding local interests. Major changes took place during the 1990s however, with the shift to multiparty democracy and the transition to a full market economy. These changes had their roots in the economic and political crises of the mid-to-late 1980s, including the civil war and a series of natural disasters. In 1986 Mozambique joined the World Bank and IMF and adopted a structural adjustment plan known as the Programme for Economic Rehabilitation (PRE).

A key element of the PRE and its raft of reforms was the requirement for greater popular participation in policy formulation and implementation. This concern was strongly expressed by donors through the 1990s, in key policy contexts such as the development of the Land Policy and other natural resources legislation. NGOs also pushed hard for a greater community voice, and were able to influence the development of the new laws.

The result is that references to “participation” occur frequently in present policies. The PRSP, for example, mentions the word “participation” 37 times in relation to the involvement of community groups, civil society, and the private sector. All the major natural resources laws make frequent reference to the term, and include legally required mechanisms like community consultations that are based in participatory methodology.

Despite Government intentions to introduce change and promote participation in policy formulation and implementation, this is a long process that is far from being implemented in practice. Many senior civil servants and state managers are still heavily influenced by previous approaches, within an administrative and political culture that does not allow change to happen quickly.

### **3.3 Control over resources and incentive structures**

- Who controls what?
- Why do people act in this way?

#### Community Management of Forest and Wildlife Project

While the state theoretically controls forest and wildlife resources, in practice it has not been able to carry out this mandate down to local level and in a systematic way – public resources are just too thinly spread. As a result the laws have frequently been broken or ignored<sup>20</sup>. In all the areas visited, both the local population and outsiders have had open access to forest and wildlife resources. This was even more the case in Mecubúri, where the presence of the state is even weaker for historical reasons. The result was widespread illegal exploitation of forest resources, and the spread of agriculture within the various reserves<sup>21</sup>.

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<sup>20</sup> República de Moçambique (1997).

<sup>21</sup> Kumagwelo (2000).

For local people from Cateia, Mecubúri and Goba, these illegal activities were an integral part of their livelihoods strategy. Not only were state services weak or non-existent, but the lack of any local participation in policy formulation and implementation meant that local people had no real knowledge of the various legal restrictions, or understanding of why they were there in the first place. Their willingness to comply with them was consequently very weak. In Goba and Cateia, the proximity of a ready market for selling forest products was also a catalyst for the intensive exploration of resources<sup>22</sup>

#### Food Security & Nutrition project – Manica

Official hunting reserves, or *coutadas*, make up three quarters of Macossa District. The reserves are controlled by the state which in turn licenses private operators to carry out sports hunting and manage the resources from a conservation point of view. Local communities have always lived inside these areas however, and still claim ancestral and historical rights over the resources within them. These rights were re-established in practice during the many years of civil war and economic stagnation, when commercial hunting virtually disappeared.

Before the project began, NGOs like ORAM had also been disseminating the Land and Forestry & Wildlife laws. As a result the local communities had already begun to feel more like “owners” of the resources, and openly practiced a mixed livelihoods strategy of farming, beekeeping and hunting. The state reasserted its control however, banning what it now declares to be “illegal” hunting by local people, while issuing new hunting licenses to private safari operators

Both the state and some safari operators had little understanding of the rights of local communities inside these areas, and paid little attention to involving them in the new resource management strategy. Local people had no motivation to support it as they felt they had nothing to gain from it. From their point of view, the contradictions were self-evident. They did not understand why long standing practices were now suddenly illegal, and they still felt that they had ancestral rights over the resources. So they continued to clear bush for shifting agriculture and hunt with arms and traps.

### **3.4 Policy impact: who was affected, who benefited?**

#### Community Management of Forest and Wildlife Project

The local population were affected because they were not given space to participate in the formulation and implementation of policies that affected the basis of their livelihoods. In the long term, the depletion of the resources resulting from illegal and uncontrolled activities would seriously affect the communities through the lack of resources close to their homes and the degradation of the environment in general. The state itself was affected through its loss of potential revenue resulting from the exploitation of the forest and wildlife resources.

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<sup>22</sup> Zacarias (2001); Kumagwelo (2000).

In the case of Mecubúri, the state was equally affected because it did not manage to create a forest reserve. The principal winners in the situation were those individuals, with commercial interests, involved in the illegal exploitation of the forest and wildlife resources, whether from within or outside of the local community groups.

#### Food Security & Nutrition project – Manica

The largest impact of the policies was the clearing of the bush, with uncontrolled setting of fires and the over-exploitation of resources. As with the areas in which the community forestry project was implemented, both local populations and the state were affected.

### **3.5 Potential impact of the organizations/projects on the policy environment?**

- Who and where are the target populations of the project?
- What are their livelihood priorities? (what are the most important resources and what are their livelihood strategies?)
- What policies and institutions are relevant to these priorities?

#### Community Management of Forest and Wildlife Project

The principal project objective was to promote the “participatory management of natural resources by local communities...”<sup>23</sup> In other words, through local popular participation the project would reduce the uncontrolled and illegal exploitation of natural resources. The credibility of local government was also at stake. In the case of Mecubúri for example, as well as conserving the rich local biodiversity of the area

*“the unstated main reason of selecting Mecubúri reserve as the pilot site is to find reasonable solutions for conflict involving local population and wildlife (elephants) that discredited the power of both local government and the Provincial Services of Forests and Wildlife in the eyes of the rural communities”*<sup>24</sup>

Although local people are now recognized as socially and economically heterogeneous, the whole population within a project area is considered as “poor”. Yet clearly there are some who are poorer than others. In the Cateia community for example, the groups of carpenters, sawyers and charcoal-makers that existed before the project were less poor than the rest of the population.

In Cateia and Mecubúri the survival base of the population is agriculture and the multi-faceted exploitation of natural resources. The priority resources of the population are therefore the areas of arable land and forest. In Cateia and Goba in particular, the exploitation and sale of forest products constituted an important livelihood strategy.

#### Food Security & Nutrition project – Manica

In Chimoio District the project is implemented by the Provincial Directorate of Education (DPE) and ACIDI/VOCA. The DPE is implementing school vegetable production with some success, and produce is consumed by the students at the end of each season.

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<sup>23</sup> Mansur, Eduardo (1999:107)

<sup>24</sup> Zacarias (2001:45-46)



ACDI/VOCA supports fruit production (citrus, primarily oranges) and livestock production to raise local incomes by selling local products. Letters of Agreement with the Health Directorate propose distributing food for malnourished women and children and for mothers affected by HIV/SIDA. This component has not yet been implemented however, due to a lack of coordination between the partners.

In Macossa, the government has defined the strategy of the Food Security Project as coordinating stakeholders with relation to local resource management, with a view to giving the community greater access to natural resources and increased benefits from their use. Over 65 percent of the district population lives within the hunting reserves however, where they practice subsistence agriculture, produce honey, collect medicinal plants, forest fruits and edible roots, and hunt. Because these activities are prohibited in hunting reserves, community access to reserve resources has been restricted, leading to conflicts with the state and with the safari operators.

An integrated vision of the food and nutritional security of Macossa families is therefore needed. This could include the sustainable use of existing resources, through agriculture in certain areas, the development of small resource management initiatives (fruit tree nurseries, honey production), handicrafts and other services (carpentry, shifting blacksmiths from trap production to tool production), and even wildlife tourism areas under community control. There is also the question of sharing the 20 percent of taxes levied on commercial activities in the reserves<sup>25</sup>

Meanwhile, more coordination and understanding is required between the stakeholders if local access to natural resources is to improve. This requires negotiated agreements, involvement of local people in the new activities, and training to increase local capacity to understand and practice sustainable management.

### **3.6 Political environment**

- why was there a need to influence the policy environment?
- how are existing policies and institutions helping or hindering target populations?
- what policy and institutional environment is most appropriate for helping people to establish sustainable livelihoods?

#### *Analysis*

##### Community Management of Forest and Wildlife Project

The need to bring local people into policy development arose because of the frequent illegal use of resources and consequent degradation. In Goba, there were also conflicts between users of the forest resources (between members of the community and outsiders), and the population in Mercubúri did not trust state organizations.

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<sup>25</sup> According to Article 102 of the Regulations to the Forest & Wildlife Law, communities get 20 percent of public revenues from commercial forest and wildlife exploitation.

From the late 1990s onwards, policy and institutional reforms have included a new approach to forest and wildlife resource management in which local people participate in the management and sharing of benefits. Many elements are still missing however.

More coordination and understanding is needed between the various stakeholders and community based structures. There has been a proliferation of different structures and institutions, such as development forums and committees to deal with land, forest and wildlife, water, etc. This is undermining efforts to consolidate community organization.

In this context the Forestry and Wildlife Law should be applied in conjunction with other laws like the 1997 Land Law and the decentralization reforms, which all strengthen or create local government and community structures. The powers and responsibilities of the structures created by each law or reform need to be clearly defined, as do the relationships between new community institutions and new decentralized entities.

One major obstacle to implementing the laws is the number of subordinate legislative instruments, and the slowness with which they are being developed. The Forest and Wildlife Law Regulations were only approved in 2002, and several key legal diplomas are still being discussed. These include procedures for channeling the 20 percent of state forest revenues down to local communities, and delegating resource management to communities. These problems raise serious questions about political will and capacity.

There is also a lack of balance between legally-defined procedures, institutional arrangements, and the human, financial and technical resources needed to carry them out. Thus, when forward-looking progressive legislation is on the table, the potential for implementing it should be evaluated in the light of prevailing circumstances and capacities for change<sup>26</sup>.

#### Food Security & Nutrition project – Manica

The marginalization of local communities has always been used to explain the bad management of resources and consequent environmental degradation. Land and forest and wildlife legislation therefore adopted the concept of participatory management with community groups involved in consultation processes and hearings, the resolution of conflicts, participation in monitoring processes and the sharing of benefits.

In Macossa this is still not happening in practice. Decisions are still taken by government, and while there have been meetings to listen to local views, local opinions are not really taken into account. Strategies of resizing, zoning or converting the hunting areas are being discussed, but this process is beyond the understanding of community groups and even some NGO staff, who remain outside the decision-making process.

Nevertheless, in consultations for developing a strategy and harmonizing methodologies for community management, the Provincial Directorate of Tourism has recognised that there are questions that need to be answered:

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<sup>26</sup> Johnstone et al (2004): *Forestry Legislation in Mozambique: compliance and the impact on forest communities*. Maputo, IIED/Terrafirma, May 2004.

- How to involve the communities in the sustainable management of natural resources so that food security is guaranteed?
- What mechanisms are needed to improve community access to natural resources?
- What mechanisms need to be added to guarantee benefits to the communities through the commercial exploitation of natural resources in their areas?
- How can we ensure effective community participation in the management of resources that form the base of their livelihoods?

#### Decentralized Planning & Finance Project

Minorities and marginalized groups do not have ways of making their voices heard. For example the participation of women has been very low in District Community Councils and administrative Post Community Councils<sup>27</sup>. In contrast to the abundant stock of social capital that exists within rural communities, the social capital linking them with other entities is very weak. Community organizations in rural areas have few opportunities to participate in decision-making structures. The links between the population and the state have grown weaker, as has the sensitivity of public decision-making to local concerns and priorities.

#### *Other comments*

Uncontrolled use and degradation of resources was the rule in areas where the community forest and wildlife management project now works. In Goba there were also conflicts between different stakeholders using the forest resources, and in Mecubúri local people did not trust government structures. All this created a need for an environment in which the state and local people could collaborate with a view to promoting a more sustainable use of the resources. This happened within a context in which the legislation covering land and resource access and use was being revised.

In spite of evident progress, a lot still needs to happen to ensure sustainable rural livelihoods. Legal instruments still need to be approved; and with few exceptions, the real benefits to local people of participating in policy development and implementation do not yet outweigh the costs of the restrictions imposed on their previously uncontrolled use of resources. Far greater understanding over resource use is needed between stakeholders, and recent policy and institutional advances need to be balanced with the availability of financial, human and technical resources.

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<sup>27</sup> UNCDF (2000), Matakala and Cavane (2002).

### 3.7 Procedures and mechanisms

- What procedures and mechanisms are necessary for ensuring that reforms have a better chance of taking place?

#### Community Management of Forest and Wildlife Project

On one hand, the project needs to increase the involvement of the communities in sustainable resource management. An immediate need is to ensure that the benefits of this increased participation are actually channelled to the community groups. On the other hand, there is a need to ensure that the benefits derived from resource exploitation are shared more equally amongst members of the community, at the risk of creating groups interested in sustainable management and others with adverse interests.

In fact the incentives for participation may not yet be sufficient to compensate for the costs involved in community organization and involvement, and the restrictions on resource use. In many cases, people are enthusiastic about participating in activities during the life of a project (Kumagwelo, 2000), but the activities that are created do not successfully take the place of project assistance, once the project support ends.

#### Food Security & Nutrition project – Manica

There should be more and better understanding between all stakeholders. FAO should also improve its lobbying and advocacy activities with the government.

#### Decentralized Planning & Finance Project

There is no effective operational manual for community participation which outlines the necessary steps, criteria and procedures. The manual for Consulting Civil Society (Manual 3) is more a set of tools for PRA than a manual of ensuring “community participation”. It does not specify:

- (i) the level at which local preferences should be measured (village, locality, administrative post?),
- (ii) the level of coverage (the whole of a district, only some regions?),
- (iii) the instrument (PRA, public hearings?) and the norms for application,
- (iv) the product and its format (for example, manual 3 does not mention rules for organizing Community Councils, such as composition and when they should be created in relation to the planning process)<sup>28</sup>.

### 3.8 Analysis of methods and strategies used

- What methods and strategies were used to reach objectives?
- What were the steps in the methodology?
- Who was involved in which activities?
- How long did the process take?

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<sup>28</sup> Serrano (2002).

### Community Management of Forest and Wildlife Project

The project has tried to apply each stage of a methodology for community involvement known as IRAPISMU<sup>29</sup>. The project applied a range of different approaches to introduce the idea to the community and to get them to participate in deciding what would be the most efficient way of implementing this approach<sup>30</sup>.

First, there were meetings with the community leaders to present and discuss the idea of introducing the project. After acceptance of this by the community leaders, there were a series of meetings with members of the community to introduce the basic ideas of the project in a general manner. After general acceptance of the need for the project the basis for the other phases of the proposed methodology were laid down.

General characteristics of the community were identified and recognised, with respect to (i) the natural resources in the area; (ii) relations between the community and these resources; (iii) community organization; and (iv) local survival strategies. Using participatory methods, the project helps the community to identify its priority development objectives; carry out a resource inventory of the community area; and develop a management plan for the natural resources.

The project began by promoting resource management through interest groups that *existed before the project*, as well as others created from scratch. In Monapo, the project aimed to improve the way in which the carpentry, charcoal, and firewood collecting groups worked; in Goba, it worked with the charcoal group. New groups included a beekeeping and sewing group in Goba. The objective was to strengthen the advantages of group working, while advocating the rational and controlled use of local resources.

The project helped to re-organize the community so that it could respond better to the development priorities that it had identified. Members of management committees were elected, along with commissions dealing with finance, monitoring and legal issues. The project also assisted with securing greater tenure security through the conducting of land delimitations in order to obtain formal Land Use and Benefit certificates. It also promoted the formation and registration of community associations.

The project provided training in sustainable resource use techniques for the members of the natural resource management committees and the interest groups. Various training approaches were followed: national and international specialists were brought in, and assistance was obtained from NGOs that worked in areas where gaps had been identified.

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<sup>29</sup> IRAPISMU is a proposed methodology for involving community groups in natural resource management. It comes from the seven initial letters of the Portuguese acronym: I (Identification); R (Relation of trust); A (Autodiagnóstico comunitário - community self-diagnosis); P (Participatory Planning); I (Implementation); S (Monitoring & evaluation), M (Multiplication).

<sup>30</sup> For the background to IRAPISMU, see Mansur, Eduardo (1999): *Irapismu – uma proposta metodológica para o envolvimento das comunidades locais*. In Maria da Luz P. Dias; Estevão Filimão e Eduardo Mansur, *Comunidades e Maneio dos Recursos Naturais*. Memórias da 1a Conferência Nacional sobre Maneio Comunitário dos Recursos Naturais, Maputo, Direção Nacional de Florestas e Fauna Bravia, Unidade de Maneio Comunitário. pp107-113.

In Monapo for example, the NGO CLUSA was asked to promote the spirit of working in groups and to administer courses in planning, leadership and accounting.

The project also supported exchange visits with communities involved in similar initiatives inside and outside Mozambique. Technicians and extension workers were trained and these worked with the community groups in areas linked to community natural resource management, etc.

In Goba, the IRAPISM methodology was also followed. The project encouraged the formation of new institutions to manage natural resources. In this way, the association “Ntava Yedzu” (“Our Mountain”) was founded. Each suburb of the village had a group of 10 people, who jointly formed the Management Council of the association. 50 percent of the members of these groups were women and the role of each group was to make the link between the project and the rest of the community.

An important result was the development of a management plan for the Goba area, carried out using participatory methods. Activities which involved members of the community included the diagnosis of problems, resource and wildlife inventories, socio-economic surveys and the identification of local problems and sources of income. The plan establishes the principal management rules for the resources and specifically:

- Objectives of forest management
- Who cuts timber, hunts and collects resources
- What can be cut, hunted and collected
- Where cutting, hunting and collection can take place
- How cutting, hunting and collecting may be conducted
- Quantities
- Periods for cutting, hunting and collection

#### Food Security & Nutrition project – Manica

In Chimoio, the project implementation strategy was to hand execution over to organizations and other entities with a particular vocation in each areas, such as the District Directorate of Health, Education, and ACDI/VOCA.

The objectives in Macossa are still far from being realised, but the strategy of working with other organizations such as ORAM<sup>31</sup> and MAGARIRO is positive because they have roots within the communities. On the other hand, the almost permanent process of negotiation with the government, the number of procedures being followed, and excessive bureaucracy, are all having a negative impact on the execution of the project.

#### Decentralized Planning & Finance Project

Four stages in the planning process have been identified:

- First, the norms and processes that the government applies during the stage of diagnosing local development priorities through contributions from the community;

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<sup>31</sup> The Rural Organization for Mutual Assistance, ORAM, is the leading national NGO working on land and rural development issues.

- Second, the norms and processes that the government uses during the elaboration of the plan in order to translate the community contribution into a District development Plan;
- Third, the norms and processes that the government establishes during the implementation of the plan to elicit the involvement of the community;
- Fourth, the norms and processes that the government implements during the monitoring and evaluation of implementation of the plan in order to permit that the community groups hold the government responsible for execution of the plan.  
(Serrano, 2002)

The traditional chiefs have a history of locating investments near to the villages where they live themselves. The Portuguese encouraged this when the chiefs worked with the colonial regime, and many NGOs report that they have noted this tendency in recent experiments to prioritize local investments. The NGOs have developed ways to counteract this - for example, an initial vote only involving ordinary members of the community, followed by a consultation with the chief in question to find out what he thinks of the result. What is clear is that the opinion of just the chief alone is not always a good indicator of local preferences or the level of local consensus.

#### ORAM Nampula and local community participation

ORAM in Nampula also helps community groups to participate in policy formulation and implementation by building the capacity of local communities. This involves the formation of formal associations and implementation of the community elements of the Land Law (such as the delimitation of community lands and mediation of conflicts).

The principal method used so far has been the organization and implementation of information campaigns about the 1997 Land Law. This is important because it increases local community awareness of land tenure rights recognized and protected by law. When the community then asks for their land to be delimited, ORAM will help them to do this. This also involves helping them to form the group of 9 elected people required by the law, who then oversee land management after the registration of the land, and represent the community in meetings with investors and local authorities. When there is a land conflict, this group should also represent the community, either at locality, administrative post or district level.

One limitation encountered to date is the risk that the so-called “G-9” will become weak or even disappear altogether. In many instances, these groups lose contact with the external agencies that helped to create them and which accompanied them through the delimitation process. Experience has shown that, after the formal registration of the land, these external agents tend to withdraw their support.

Most interest group members also have very low levels of literacy. This is critical when the group has to discuss issues and negotiate with formal entities. In the case of conflict with outsiders, it is often felt that community structures are ill-prepared to defend themselves or participate actively in conflict resolution. There is a debate at national

level about how to ensure that these groups continue to function, but while no national strategy exists, a series of seminars have been developed in Nampula where groups can learn how to mediate conflicts, for example.

ORAM has focused strongly on building the capacity of these groups as part of a strategy that assumes that the new skills and knowledge acquired will later be transmitted to other group members and to the wider community. The other way in which ORAM hopes to have foster increased participation is by forming associations. The ultimate objective of these associations is to develop and support local production activities and thus improve livelihoods. The process involves forming the association, legalizing it, registering its land (through delimitation or demarcation), and publishing statutes in the *Boletim da República* (the official government gazette in which all laws and legal matters have to be published in order to take effect). One major constraint in this case is that many putative community association members do not have identity cards (a legal requirement for membership) and cannot afford to get them.

ORAM Nampula collaborates with public departments like the Provincial Geography and Cadastre Services and local administrations when carrying out land delimitations. For training activities, they collaborate extensively with the *Forum Terra*, an umbrella institution of NGOs and government entities involved in natural resource issues.

#### The Provincial Service of Geography and Cadastre in Nampula

The Nampula Provincial Geography and Cadastre Service (SPGC) has been promoting local participation in the granting of new land use rights to private investors, under the terms of Article 24 of the Land Law. Before this law was introduced, the participation of local people in land rights administration was very weak, and the state often gave out new rights over land which was already being used, causing many conflicts.

The SPGC have been encouraging participation in the consultation process which is an integral part of the process to grant new land rights. They have also been supporting the delimitation of community lands, and community participation in the resolution of conflicts linked to land administration. Their approach is to hold meetings with local community groups to discuss particular issues until acceptable decisions are reached.

Factors specific to Nampula explain this level of commitment to community participation by the SPGC. The Land Campaign activities of the late 1990s created a favourable environment for the increased participation of local communities, and in Nampula this work has been carried on by an active Land Forum with which the SPGC has good relations. Nampula also has one of the more enlightened SPGC chiefs in this context, who participated in Land Commission training on community aspects of the Land Law and delimitation before he became service chief.

Participation in meetings tends to depend on a variety of factors. The most important is the level of interest of the community in the particular piece of land under discussion, and the time of day meetings are held (meetings held in the afternoon are much better attended than those held in the morning, largely because people tend to work in their



fields in the morning). This local community participation in land administration is particularly important for local livelihoods, which are highly dependent upon agriculture and the continued and secure access to natural resources.

SPGC support to these principles means that today, community members in Nampula *will* defend their interests if threatened by the state or investors, and people are less afraid to speak out at meetings on land matters. Rather than provoking more conflicts however, this growing local confidence and ability to engage with public structures and external interests is resulting in *fewer* conflicts.

### **3.9 Opportunities and constraints**

- What opportunities and constraints were encountered?
- What are the principal obstacles to diminish or remove?

#### Community Management of Forest and Wildlife Project

The project made full use of the fact new legislation on land and natural resources access and use was being developed at the time it began. Those responsible for these new laws were advocating greater local participation in the management and control of these resources, and policy-makers were theoretically in search of approaches that were more bottom-up than top-down.

At local level, the fact that groups were already working together in specific areas (carpentry, charcoal production) provided a base through which the project could begin to promote and improve sustainable natural resource management.

The principal obstacles encountered were in relation to the limited capacity of community groups in terms of the skills required to manage resources. In Monapo, the approach adopted was to improve the functional literacy of community members, and support capacity-building within the community.

The forest of Narini in Monapo constituted a basis for subsistence activities, not only for the local community in Cateia but also for many individuals from neighbouring communities. Individuals from outside the district also derived benefits from this forest resource. A similar situation existed in Goba, where there were even conflicts between the inhabitants of the area and itinerant charcoal-makers<sup>32</sup>.

The monitoring and prevention of the illegal use of resources was therefore a large challenge in both places. Both projects trained local community guards to work together with state guards. There was still a lot of illegal resource use however. In Monapo, the area defined in the management plan as a reserve area is still being used by people from neighbouring communities and other unknown persons, and the local community claim that when they apprehend these people and report them, no penalties are applied by the state authorities.

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<sup>32</sup> Kumagwelo (2000).

Another limitation in Monapo for the various interest groups is the competition they face from illegal vendors in the markets of Nampula. The groups in Monapo feel aggrieved because they have to compete against people who do not pay exploitation licences.

The project also attempted to implement the IRAPISMu methodology in Mercubúri. In this context, interest groups were formed for bamboo, beekeeping, mushrooms, vegetable production, guinea-fowl production and carpentry<sup>33</sup>. One of the principal difficulties has been gaining access to markets for the various products. In general terms, the dialogue between state and local inhabitants has improved.

In Goba, with the exception of the charcoal production group and the theatre group engaged in disseminating information, all the groups that were formed have ceased to function. According to those interviewed, beekeeping was not viable because most of the flower-producing trees had been cut down before the project began, the charcoal resources have been depleted (the only remaining resources are within the area defined as a reserve area in the management plan, and the group now exploits resources outside the community), and the sewing group has machines but no market for its products. The carpentry group has ended but one carpenter continues to work alone.

#### Food Security & Nutrition project – Manica

With the shift to a market economy in 1990 and the end of the civil war in 1992, private investment began to grow rapidly, and previously moribund or inaccessible areas became the focus of new investor interest. As the notion of the paternalistic state also began to crumble, people began to realize that they had to organize themselves in order to generate their own incomes. The project of creating Association-Companies has had a positive impact because there is a general feeling that working together is more profitable - “to be united is to be strong”.

The CBNRM project in Macossa relies upon a legal framework that creates important opportunities for local communities. It is also in a district with huge forest and wildlife potential that they could use, but they are constrained by the continuing lack of definition by government of the status of hunting reserves 9 and 13.

The Provincial Directorate of Tourism should meanwhile be able to facilitate dialogue between the various stakeholders. The private sector is willing to collaborate and to share the benefits, and the communities are very interested in participating in the management of the resources. What is evident however is the exercise of power by the state *viz à viz* other stakeholders. For example, FAO and ORAM proposed delimiting the communities inside the reserves, to create a legal for agreements between community and investors over working together and sharing in the benefits from commercial use of resources. This was opposed by the government side who argued that it would require re-zoning or conversion of the reserve areas.

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<sup>33</sup> Foloma and Zacarias (2004).

### Decentralized Planning & Finance Project

A major obstacle blocking the involvement of people in decentralized planning is the fact that committees are still created from the top down. The lack of clear and transparent criteria for the bottom-up selection of members of district and administrative post level committees also means that it is unlikely that all community representatives will be invited to participate:

*“[A] District Administrator who does not get on well with certain traditional chiefs, for personal or political reasons, could perhaps not invite them. According to the mid-term evaluation [of the project], “overwhelmingly the selection is done in a top-down manner by the district administrators”*<sup>34</sup>

Also, those who do participate do not necessarily have a mandate from those that they purport to represent:

*“For example, the chiefs or heads of villages - whose presence guarantees a territorial coverage - do not have to hold consultation meetings with their constituencies before arriving at the community council meetings”*<sup>35</sup>

And further, the role played by the community authorities under the auspices of Decree 15/2000 raise serious doubts in relation to their capacity to truly represent the interests of the population. This observation was again made by Serrano:

*“The most controversial aspect of this decree is the fact that the community authorities are also tax collectors. The collection of taxes is quintessentially a government activity. Those that collect taxes, even if they are a private entity, are doing so in representation of the government. It is confusing, therefore, to mix with the role of being a civil society representative that of being a representative of the government in respect to tax collection. This ambiguity of roles could lead to conflicts of interest.”*<sup>36</sup>

In his study, Serrano found that there was still a very fragile culture of democracy in Mozambique generally and in the rural areas of the country in particular. It is not part of the political culture of the country for poor people to criticise, question or demand that government officials account to them for their activities. He adds that this is because the government is intolerant of divergent opinions.

Although there is a lot of focus on involving people in the consultation and planning process, when it comes to executing the plans, everything is done at provincial level. Tenders for executing identified activities are done at provincial level, such that even the monitoring officers come from the province and no local people are involved. This leads to a lack of information, even though we are supposed to be dealing with transparent processes. To justify excluding local people from the execution of the plans, the state relies on technical arguments related to a lack of local knowledge and capacity.

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<sup>34</sup> Serrano (ibid) pp30.

<sup>35</sup> Serrano (ibid) pp30.

<sup>36</sup> Serrano (ibid) pp16.

The consultation and the benefits from it do not balance. There is a lack of equilibrium between the two points, even though community organization needs a certain level of incentives. *“To participate in the process of planning is good, but not enough. The process of developing District Development Plans is a long one, during which the interest of the population can vacillate”*.<sup>37</sup>

The report on participation in the Decentralized Planning process mentions two things that help community groups to maintain interest in participating: “Technical Assistance” and “Tangible results”. The first has to do with the attitudes of state functionaries or those within NGOs when they give advice and immediate help in addition to simply listening to the problems and preoccupations of the communities. The second is the reason why many participatory planning initiatives have components and funds available for community micro-projects, that can be completed and have an immediate impact.

### **3.10 Impact of policies**

- What was the impact in terms of policy content?
- What was the impact of the policies on the balance of power in this environment?

#### Community Management of Forest and Wildlife Project

After the project in Monapo, poorer groups within the community seem to have become poorer and richer members have got richer. This is because the project focused on interest groups, which are often made up of individuals who have some experience of exploiting, processing and marketing forest resources. Most individuals in these groups also come from the richer segments of the community. As Zacarias states:

*“The tendency has been to avoid working with ‘unknown’ interest groups that do not have any previous experience in running an income-generating activity based on natural resources. Groups such as honey producers/bee keepers, women, wild mushroom collectors, farmers and others are deliberately avoided for fear of getting undesired results”*.<sup>38</sup>

According to those interviewed one of the reasons for this attitude is that a lot of time and other scarce resources are needed to achieve results with inexperienced groups. Donor institutions need good results early in project implementation to justify continuing assistance. In terms of who participates (rich or poor), Zacarias found that more than 70 percent of the members of project decision-making bodies in Monapo (community councils) were also members of the most powerful interest groups. The benefits from the activities of these interest groups were distributed amongst themselves, and those who were not part of the groups (largely the poorer members of the community) were left out.

This raises serious questions about the sustainability of these initiatives, since those who are excluded also feel that they have some ownership of the resources. Will they also be

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<sup>37</sup> Serrano (ibid) pp40.

<sup>38</sup> Zacarias (2001:37)

motivated to use the resources in a sustainable way when they are not benefiting from any profits generated from the businesses?

Even the chief of Monapo (régulo Cateia) was concerned about the way benefits resulting from the initiative are shared. He stated that he personally had contributed in various ways to implementing the project since it was launched, but had not enjoyed any of the benefits since he was not a member of an interest groups. The committee members argued that they gave something to the chief whenever they could, in recognition of his contribution, but the chief is apparently not satisfied with his share.

It should also be recognised that the relationship between the state and community guards has improved substantially since the project began. In Monapo, the community - through its interest groups - has asked for state licenses for the commercial use of resources, and has also been active in apprehending those who are breaking the law and channelling these cases to the appropriate legal or administrative entity.

#### Food Security & Nutrition project – Manica

There is little to measure in terms of impact. There is however a noticeable community empowerment in terms of increased knowledge of their rights. Government is also more aware of the need to take measures to allow and guarantee participatory management of resources in a real sense. This is clear in the minutes of several formal meetings held in Chimoio and in Macossa, where all stakeholders have had a chance to contribute.

### **3.11 Critical factors**

- Why did strategies function or not?
- What were the critical factors for success?
- What was the impact of the leadership, ideas, elites and social organization of the target populations?
- Which “agents of change” were identified?

#### *Project Analysis*

##### Community Management of Forest and Wildlife Project

There has been progress in Monapo, albeit with difficulties. Some parts of the project are functioning, others not. The community (via interest groups) has managed to acquire formal licenses to exploit the resources and intends to keep doing this. While those groups that existed before the project are still operating, albeit with some difficulties, the other groups that were introduced by the project have virtually disappeared. An aspect which may negatively affect the success of the project is the lack of real benefits for those who feel some ownership over the resources; it appears that those who benefit most from the project are members of the interest groups, and they that have the greatest incentive for implementing the management plan.

Another factor which may be behind the fragile participation of non-group community members is the fact that the principal priorities of the community are not adequately

taken into account. These were not included in the project priorities<sup>39</sup> either because they were too difficult to incorporate, or because they conflicted with project objectives. The project did, however, attempt to influence other actors (NGOs and district administrative authorities) to build these community priorities into their programmes.

The generation of real benefits for the people involved in the project appears to be one of the most important agents of change. The members of the interest groups are motivated *because they benefit from the process*. The money invested by the project and the training and orientation efforts are other important elements. A combination of difficulties has dictated the weakness of the some initiatives in Goba. The lack of an appropriate environment for some income-generating activities and the failure to date to attract tourists to the area are probably the most important.

#### Food Security & Nutrition project – Manica

The Manica Project has two food security components and the CBNRM component which is also set within a broad food security framework. A big problem with the food security components has been the difficulties involved in reaching a common understanding with project partners, leading to non-implementation of some agreements.

In the CBNRM component, there is an attempt to provide opportunities for community level engagement, but the holding of very technical discussions at this level has on occasion squandered opportunities for real engagement and led to delays in definitive decisions.

#### ***Other comments***

There are two critical aspects in terms of the quality and level of participation in development processes in rural areas: the type and quality of social capital that exists in a community; and the quality and extent of democratic culture at a local level.

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<sup>39</sup> Zacarias (2001).

## 4. THE WORKSHOP

To discuss the conclusions from these studies and allow other projects and programmes to show how participation is working in practice, the LSP supported a workshop with the theme “*Abordagens Participativas na Formulação de Políticas, a Segurança Alimentar e o Exercício dos Direitos das Comunidades sobre os Recursos Naturais*”<sup>40</sup>.

The more than 100 participants ranged from senior policy makers and programme managers, judges and senior officials from the justice sector, field project managers, and local community representatives. All have been involved in participatory projects, or are considering the use of participatory methods in new or existing activities. A Discussion Document set out the following objectives:

- investigate the reality of the implementation of the community context of the Land Law and the Forest and Wildlife Law, where the central objectives are to:
  - guarantee secure access to natural resources by communities
  - promote local participation in resources management and conflict resolution
  - secure new resources through consultations, to improve local livelihoods
- investigate the reality of participation in various programmes that integrate this approach into their working and implementation methodology
- identify those aspects of the political environment that need to be addressed in order to bring about a more effective form of participation and to ensure more concrete results in the context of the local economy and livelihoods
- analyse and summarise the lessons learned from the projects and processes discussed, and present recommendations for improving the way in which a) new policies are designed; and b) new projects and programmes are formulated.

### 4.1 Opening remarks

Dr Fernando Cunha of the CFJJ underlined the importance of the event for “reflecting on the level of effectiveness of the rights attributed [by the new natural resources laws], the level of conflict between different interest groups, and their capacity to resolve these conflicts”. In this sense it was also a kind of monitoring and evaluation exercise, looking at “the efficacy of the laws in force and the response of various institutions when called upon by third parties or when the law itself demands a response”<sup>41</sup>.

The role of the judiciary in food security – perhaps not immediately obvious to many participants – was referred to by Mr Peter Vantor, FAO Representative in Mozambique,

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<sup>40</sup> “Participatory Approaches in the Formulation of Policies, Food Security and the Exercising of Community Rights over Natural Resources”. Maputo, 17 – 18 March 2005

<sup>41</sup> Speaking on behalf of Dr João Carlos Trindade, Director of the CFJJ

who said that “The CFJJ knows the roots of conflict in Mozambique, and has experience from the judicial perspective [to help in] the fight against poverty and food insecurity.

Senior LSP officers from FAO Rome also underlined the legal context of the issues addressed by the workshop: many countries have new laws that give new rights to people that should enable them to achieve more secure livelihoods and be at the centre of the development process; but this is not always enough. Good intentions in legal and policy documents are all very well, but do not automatically mean that people know how to use them to make rights a reality in practice.

These remarks set the stage for the workshop, as an exercise to investigate the nuts and bolts of participation in concrete situations – are local people more involved, it producing more income, more food? - while also addressing the wider legal and political issues of citizens’ rights not being respected, or where citizens themselves are unable to use their rights to end their poverty and achieve greater food security.

## 4.2 LSP research exercises

During the first day of the meeting, the results of 4 field studies were presented. One of these is a report specially commissioned by the LSP and carried out by a consulting firm in Maputo<sup>42</sup>. The other three make up an integrated field programme that began under an earlier FAO project at the CFJJ with a study of land and natural resources conflicts, and continued with support from the LSP to look in more detail at the livelihoods impact of specific participatory processes built into the new legislation<sup>43</sup>.

The two main LSP-supported reports are already presented in full in preceding chapters, and it is not necessary to go over them again here. The conflict study carried out in 2004 was also part of this presentation however, and also has some important lessons regarding local participation at the sharp end of “making rights a reality”, when local rights are threatened and conflicts with investors and others need to be resolved.

This study looked specifically at what it calls the “interface between worlds”, where typically local people and outsiders (the State, investors) come together to discuss how the latter can gain access to the resources of the former.

On one side of this interface is the local level, where customary institutions and lower level entities like community tribunals deal with the vast majority of small scale conflicts (for example between neighbours, disputes over *machamba* borders, cattle eating another

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<sup>42</sup> *Participation in Policy Proceses*. Terra Firma Lda, Maputo. Presented by Dra Janete Assulai and Eng Boaventura Cau.

<sup>43</sup> *Pesquisa sobre os Conflitos de Terra, Ambiente e Florestas e Recursos Naturais*; The Impact of Community – Investor Consultations; *Aspectos de género e o Impacto do HIV/SIDA sobre os direitos das mulheres e das crianças no acesso a terra e recursos naturais*. CFJJ/FAO. The conflict study was presented by Dr Sergio Baleira, sociologist and CFJJ/FAO National Team Coordinator; the consultation study was presented by Dr Chris Tanner, sociologist and CFJJ/FAO Senior Technical Advisor; and initial results of the gender/HIV research were presented by Dra Sonia Seuane, sociologist funded in collaboration with UNAIDS.



person's crops, inheritance issues, etc). In this context all parties to the conflict understand the mechanisms that are used, and the rules that are applied.

At the other end of the interface, in the urbanized world of the State and the investor, disputes also take place between people who share an understanding of the mechanisms and procedures used: courts, lawyers, arbitration, pursuing claims or defending interests through recourse to the formal legal structure of the modern state.

In between – in the interface – these two worlds come together, and often collide. Neither side understands the perspective and the rationality that the other brings to the issue at hand (for example, a local community might be protesting that an investor has fenced off a traditional right-of-way). Each uses arguments that have their basis in their respective worlds. Each calls upon the services of a range of specialists, who in turn bring very different skills and assumptions to bear upon the problem.

Earlier work carried out by the CFJJ/FAO project identified a kind of institutional vacuum in this interface area, with few institutions clearly mandated to resolve these kinds of disputes<sup>44</sup>. With the intention of understanding the roles of the various entities and individuals involved in these so-called “heterogeneous conflicts”, a research exercise was carried out that began with a selective sample of 165 land and natural resources conflicts, and then focused in on a subset of 37 specific cases.

The main findings of this study in relation to the involvement of the formal judicial bodies and the predominant role of the politico-administrative system are outlined above. From the point of view of the participation question, the study also shows conclusively that while local people evidently participate in conflicts, they do *not participate in conflict resolution*, at least when it comes to the more complex disputes between themselves and outsiders seeking to take over their land and use their resources.

This observation requires some qualification however. Other research into the “plurality of justice” in Mozambique does show that communities participate in conflict resolution, almost to the exclusion of all other interventions, in the great majority of cases<sup>45</sup>. To this extent, it would be correct to say that ‘community participation’ in conflict resolution is alive and well in Mozambique, carried out through traditional and local level leaders and institutions that are only now being fully recognized by the State<sup>46</sup>.

In a way that is very similar to the Land Law recognition of the role of customary land management systems, this would imply that the new legal framework now being

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<sup>44</sup> Negrão, José, João Donato, Telma Mbeve, Sandra Bulha, João Carlos Trindade, André Cristiano José, Joaquim Fumo e Ambrósio Cuahela (2002): *O Papel dos Tribunais Comunitários na Prevenção e Resolução de Conflitos de Terras e Outros*. Maputo, Centro de Formação Jurídica e Judiciária (CFJJ) e Cruzeiro do Sul, Projecto FAO/GCP/MOZ/069/NET.

<sup>45</sup> Santos, Boaventura dos, João Carlos Trindade et al (2002): *Conflito e Transformação Social: Uma Paisagem das Justiças em Moçambique*. Maputo, Eduardo Mondlane University, Centre of African Studies, and University of Coimbra, Centre of Social Studies.

<sup>46</sup> See the discussion above on the decentralization process.

developed for the judiciary with direct support from the CFJJ Research Department, should formally incorporate these mechanisms into the judicial system of the country. “Participation” would then become the rule rather than the exception in the day-to-day functioning of the Mozambican conflict resolution system.

From the specific point of view of this report however, with its focus on local livelihoods and “making rights a reality”, local participation in conflict *resolution* is not only very rare, but is ineffective to the extent that local rights are often overlooked and key assets are put at risk that are critical to local production and livelihoods strategies.

Community tribunals rarely intervene in these complex cases, where the resources and future livelihoods choices of local people are at stake. As for traditional leaders, when they do get involved, they play more of a representational role than a direct role in the *resolution* of the actual problem. The impression is of local people who may know a lot about their rights in the customary context of day-to-day village life, but who know very little about the rights they have under the new natural resources laws. And they have even less of an idea about how to defend these rights – which they may well feel instinctively, when nearby land is occupied and fenced in by a stranger – except by resorting to vandalism or protesting to administrative and political structures that are often compromised and perceived to be on the side of the investor.

Given that these laws were designed to ‘secure the rights of the Mozambican people over land and natural resources’<sup>47</sup>, this apparent inability to defend these rights and play a full role in resolving conflicts that threaten livelihoods strategies underlines the *lack of effective participation* in this key area of resource management.

In conflicts where local livelihoods are at risk, local people are not “participating” except by taking their complaints to administrative structures that are either unable to handle the case, or are unable or unwilling to decide in their favour. They are therefore failing “to make [their new Land Law] rights a reality”, both because they are failing to protect the resources they need to live on, or engage with other economic agents in a way that avoids conflict and instead promotes a more constructive development scenario.

This rather bleak conclusion can however be balanced by positive trends revealed in the study. Local people are increasingly “participating” in the sense that they are presenting concerns and complaints to local administrations, and are succeeding in getting a response from the provincial political hierarchy. In some cases local leaders successfully exploit the radio and press to raise awareness of community complaints; in others local communities participate with the public sector to resolve issues such as illegal forest burning and wildlife management that do not involve conflicts with outside interests.

The activities of NGOs like ORAM, the major “land” NGO in Mozambique, are also having an impact and helping local people to become more aware of their rights under

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<sup>47</sup> National Land Policy, September 1995, Section Four, Clause 18.

law, and the need to present a well argued and forceful defense of these rights when they are threatened.

Finally, the case studies presented in the Workshop underline the importance of changing the attitudes and upgrading the skills of administrators and others who, as Matakala puts it, “grant the responsibility [to the community] to plan, manage, use and control the natural resources in its territory”. With less resistance and more understanding on this side, community “participation” will be easier and more effective. This is particularly important in the case of the judiciary, where training in the new laws, and a greater awareness of their role as upholders of the law (as opposed to simply passing judgements on crimes), can result in communities being empowered and more able to defend their interests in the formal arena of courts and public institutions.

### 4.3 Case studies

These presentations were followed by 5 case studies of projects that follow a community based participatory management approach in their design and implementation. Once again, while the general issue under discussion is the effectiveness or otherwise of participatory approaches in terms of local livelihoods and policy making, the specific focus area of all these projects is the management of natural resources. The five projects are:

- The Canhane Community Eco-tourism Project
- The Chipanje Chetu Programme
- The PRODER programme in Sofala
- Community Management of Natural Resources: the GEREN project in Nampula
- Large-scale Reforestation Project, Niassa

The case studies were presented in succession, to provide a panorama of the different situations and experiences. The idea was to show the “big picture” of community participation in Mozambique up to the present moment. Participants were asked to note the common points and trends, as well as aspects of each case that might explain its success or failure in relation to livelihoods impact and policy processes.

They were also asked to focus on practical questions about the people involved: Who are the main actors (stakeholders)? Who controls what (power relations and resources)? Why do they behave the way they do (incentives, motives, pressure, prejudices, etc)? What is the decision making process (power relations again)? Who is *included* in activities that determine resource access, in decision making, and in the development of plans and policies? And who is *excluded* from these activities and processes?

Together with case studies in the previous presentations, these cases make up a total of 12 projects that give a wide-angle view of participation in 18 districts in 7 provinces<sup>48</sup>, covering all three regions of Mozambique (North, Centre and South). They therefore present a good overall impression of what is happening, both in geographic terms and in

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<sup>48</sup> Niassa, Nampula, Zambézia, Sofala, Manica, Gaza and Maputo.

relation to different activities and objectives within the overall context of community level involvement and participation.

### ***Project objectives***

The general philosophy of these projects fits within the strategic vision of the Government with respect to reducing absolute poverty, and include initiatives such as:

- improvements in the living conditions of the rural population
- promoting the participation of local communities in the management of natural resources
- participation of local communities in planning and local development processes
- sustainable exploitation of natural resources
- making people aware of their rights and how to use them/defend them

For participatory natural resource management projects linked to the subsistence of local communities, and which constitute the basis of family livelihoods, community and social development, concrete areas of intervention include:

- Decentralised local planning and finance;
- Civic education;
- Advocacy and defence of rights;
- Agriculture;
- Livestock;
- Tourism;
- Land rights delimitation; and
- Reforestation.

### ***Methodologies used in project implementation***

Carrying out viability studies to develop projects that deal with the participation of local communities in natural resources management (the Niassa Reforestation Project, the Community Based Natural Resources Management Programme in Nampula - GEREN, etc.) can indicate what lessons should be learned through the implementation of earlier projects and which results – positive and negative - should be taken into account.

Providing local communities with information about projects and explaining the projects to them, and where possible promoting joint design and development with them, has been an extremely important aspect and condition for the success of initiatives.

## A SAMPLE OF INITIATIVES AND INTERVENTIONS THAT INVOLVE COMMUNITY PARTICIPATION IN THE MANAGEMENT OF NATURAL RESOURCES

PROVINCE	DISTRICT	PROJECTS	INITIATIVES
NATIONAL		Decentralized Planning and Finance Project (MPF)	<ul style="list-style-type: none"> <li>▪ Involve Local Communities in local planning activities and development initiatives</li> </ul>
MAPUTO	Goba	Support to Community Based Forest and Wildlife Management (Phase II)	<ul style="list-style-type: none"> <li>▪ Pilot Project in Community Management of Forests and Wildlife</li> </ul>
GAZA	Massingir	Community Management of Natural Resources – Partnership between Helvetas Canhane Community	<ul style="list-style-type: none"> <li>▪ Promotion of Community Tourism</li> </ul>
MANICA		Food Security and Nutrition Project in Manica	<ul style="list-style-type: none"> <li>▪ Production of School Gardens (Amilcar Cabral Primary School)</li> <li>▪ Plantation of orange trees (project implemented by ACDIVOCA)</li> </ul>
	Macossa	Food Security and Nutrition Project in Manica	<ul style="list-style-type: none"> <li>▪ Raising animals for widows and female-headed in Macossa</li> <li>▪ CBNRM Project in hunting areas (Coutadas 9 and 13) in Macossa</li> </ul>
SOFALA, ZAMBÉZIA, NAMPULA, ZONA SUL		ORAM National Programme: Land and Natural Resources Security Programmes in the Provinces of Nampula, Zambézia, Sofala and the Southern Zone	<ul style="list-style-type: none"> <li>▪ Security of land and natural resources rights for men and women small farmers</li> <li>▪ Secure and sustainable use of natural resources by local communities</li> <li>▪ Creating mechanisms to defend the legitimacy of peasant community rights</li> </ul>
	Caia, Maringue, Inhaminga, Gorongoza, Muanza, Nhamatanda	Community participation in local development: the PRODER/Sofala experience	<ul style="list-style-type: none"> <li>▪ Involve local communities in local planning activities and in local development initiatives</li> </ul>
NAMPULA	Mecuburi	Support to Community Management of Forests and Wildlife (Phase II)	<ul style="list-style-type: none"> <li>▪ Community Management of Forests and Wildlife in the Mecuburi Forest Reserve</li> </ul>
	Monapo	Support to Community Management of Forests and Wildlife (Phase II)	<ul style="list-style-type: none"> <li>▪ Community Management of Forests and Wildlife in Monapo</li> </ul>
	Memba, Nacaroa, Nacala-Velha	Programme of Community Based Natural Resource Management	<ul style="list-style-type: none"> <li>▪ Community Management of Natural Resources</li> <li>▪ Participatory planning</li> </ul>
NIASSA	Sanga	Chipanje Chetu Programme	<ul style="list-style-type: none"> <li>▪ Community Management of Natural Resources</li> </ul>
	Sanga, Muembe, Lichinga	Niassa Reforestation Project – Community Delimitation	<ul style="list-style-type: none"> <li>▪ Delimitation of community land</li> <li>▪ Implementation of reforestation project</li> </ul>

### *Natural resources participatory management structures*

Participatory community-based natural resources management has aspects of social engineering when it comes to setting up networks of local bodies that can guarantee the intervention of the different sectors that include local communities, the State, the private sector and civil society.

In this stage, which can be seen as the first step in the introduction of the philosophy of participation as an instrument to promote the well-being and livelihoods of local people, the character of the participatory natural resources management networks is highly mixed, insofar as it involves four main groups of actors: members of local communities, State entities, interest groups (which can be, and normally are, private sector actors from outside the community), and civil society organizations that are implementing some kind of activity or project.

#### Local participatory natural resources management networks

The structure of the Chipanje Chetu Programme – a participatory natural resources and wildlife management Project in Sanga District, Niassa Province – is a good example. It is composed of:

- Community Management Council: Representatives of 5 local community committees. Responsible for *natural resources management* and establishing mechanisms for equitable sharing of benefits and obligations
- Local Community Committees (5): Members of the community local chosen. Responsible for *representing the community* at the level of local town or locality and *ensuring the implementation of activities* in their respective areas of influence
- Interest Groups: Made up of individuals with interests in common. They function to *coordinate and promote income-generating activities* in the midst of the community, based upon the sustainable use of natural resources
- Supervision Group: Community and State inspectors, who have the task of *educating and ensuring that local resources are used in accordance with the laws and the area management plan.*
- Collaborative Group: Provincial and district governmental institutions, representatives of the communities, NGOs working in the area. Their task is to strategically *advise and guide* the programme
- Support Group: SPFFB, IUCN and others, with the function of *financially and technically supporting the project.*
- Private Sector: Authorized operators with the purpose of *promoting and developing sustainable income generating activities.*

This 'social engineering' which has been presented as essential for these processes of promoting local community participation was criticised by some participants in the meeting, who argued that a series of institutions were being created at local level that

have nothing to do with local models of social organization and can actually hamper community participation.

Others also thought however that what was at issue was a process which hopefully will be able to show useful alternative models of social organization which can guarantee that communities will participate in the management of natural resources when faced by growing demand by outside interests.

#### Forms of local community participation

Although the forms of local community participation in the community management initiatives can vary in relation to the type of initiatives being implemented, we can identify at least two methods that have been common to all:

- Joint designing and development of programmes – This methodology has as its principal objective the participation of local community members at all stages of the project, by investing the “top-down” model which has dominated the public administration and management since the first years of independence.
- Establishing partnerships – This form of promoting the participation of local communities in the management of natural resources demands organizational restructuring at local level, insofar as local bodies are set up to facilitate dialogues between the different partners. The Chipanje Cheto Project referred to above is one example that shows the implications of this approach for local community social structures.

#### *SWOT analysis of the case study projects*

##### Strengths

- There is growing and widespread acceptance of social participation as a central feature of natural resources management. Evidence for this trend is seen in current national policies, official programmes, and in current national legislation.
- Communities are tending to support these projects and initiatives.
- Communities are interested in knowing how they should participate.
- Communities are aware that they are located in privileged areas in relation to the quantity and quality of land
- The legislation in force favours local communities
- Communities are aware of and worried about controlling and managing natural resources

##### Weaknesses

- Some participants still express a lack of confidence in relation to projects and partnerships that involve external interests
- Local people have presented doubts about the benefits of these projects for communities.
- Local people have natural expectations in relation to the immediate benefits to be generated by these projects.
- The awareness of some communities that they are located in privilege areas in relation to the quantity and quality of land and other natural resources can also generate a resistance to working with projects.

- Many of the activities proposed the projects, for example tourism, do not fit with the culture of the community, and a period of familiarization is therefore necessary.
- Language is sometimes an obstacle to effective communication.

### Challenges and Opportunities

#### *Natural Resources Rights*

- The delimitation of community land rights and the elaboration and approval of participatory community management plans for natural resources is one of the fundamental steps needed to obtain a right of possession over natural resources.

Communities with a DUAT, Natural Resources Management Plans, etc, are considered to be better able to manage their own destinies (development) and establish more advantageous agreements, thereby obtaining better returns.

#### *Other Challenges*

There is still a list of less complex future activities to be carried out:

- The identification of income generating activities that include the greatest possible number of families (bee-keeping, horticulture, handicrafts ...), so that participation and improvements in living conditions can be more inclusive.
- The intensification of adult literacy programmes in the communities
- Training for local level personnel.
- Involvement of schools in the production of handicrafts.
- Etc.

### Constraints

Based on the various case studies presented, it is possible to identify several constraints identified during the implementation of these projects, at the level of local networks for participatory natural resources management, and which still hinder the efforts to promote the greater participation of this sector of society in local development plans. These constraints are as follows:

- The weak recognition of the communities and their own structures
- Conflicts of interest over possession of land and natural resources
- The level of schooling and education, which in practice results in the inadequate knowledge of laws and legal rights, and in a weak capacity to negotiate with private investors
- Insufficient financial resources
- The persistence of 'top-down' management models
- Inadequate monitoring and evaluation of the use of the receipts (income) generated
- Poor collaboration between local administrative authorities
- The lack of markets for goods produced by Interest Groups
- There is still a lack of confidence amongst local communities in relation to the State, which implies a need for a political environment better suited to this kind of relationship
- A failure to honour agreements on the part of investors



#### 4.4 Working groups

After the case study discussion, four working groups were formed to discuss the four themes presented below. The discussion of these themes by the working groups clearly reflected the experiences shared by all in the first part of the workshop, while underlining the activities needed that can guide future projects in the area of participatory natural resources management:

- Group 1: How to make rights over resources and participation into an instrument for improving the lives and well-being of local people?
- Group 2: How can we measure participation?
- Group 3: Is participation enough? What is the role of the State?
- Group 4: Who represents the communities?

#### *How to make natural resources rights and participation into instruments for improving local livelihoods?*

The analysis of this theme identified four categories of opportunity which can make local community participation in natural resources management possible:

- Community consultations;
- The registration of rights and of negotiations;
- Planning processes;
- Autonomous and independent activities.

#### Community consultations

During these events, which the study of land and natural resources conflicts considers to be one of the most crucial for avoiding misunderstandings between communities and investors, concrete activities were identified that can make the participation of community members into an effective instrument: raising awareness of rights and duties; and the active involvement of community members and local structures (community tribunals) by promoting dialogue between all concerned.

It was recommended and underlined that the consultations should adhere to the legislation that regulates them, in terms of their organization, who should take part, preliminary discussions, etc.

#### Registering rights and negotiations

In line with the Land Law, the recording of the process of negotiation between an investor and a local community has the weight of a legal agreement, on the basis of which either side can demand the honouring of the commitments in their entirety.

Alongside this observation, other challenges were recognised as essential for developing activities in which community members must participate: capacity building of the communities themselves, the delimitation of community land rights, and the creation of land inspection and supervision.

#### Planning processes

Including local communities in the process of development planning is an initiative that already has a history of a decade or more, through various pilot projects in different parts of the country. Currently, the official position of the government in the

wider process of legal reform and administrative decentralization is tending to extend this process to include a district level vision of the Economic and Social Plan – the major planning instrument of Mozambique – and its respective budgetary needs. In this context the most immediate challenges identified by the working group were:

- How can communities, executing officers and other partners be more involved in the design of projects?
- How can a clear vision be defined for rural development projects?
- How can the local community be involved in the formulation of a forward looking vision of future development?
- How can local communities be more involved in decision making?

To overcome these challenges, a strategy was recommended that includes using the Land Law as an integral part of the decentralized planning process, so that district plans can be based upon the vision of the future that the law is able to give the communities.

#### Autonomous and independent activities

The development of some autonomous activities by the local communities can be important for promoting the practice of participation and the exercising of rights that favour their development and livelihoods.

These initiatives face challenges such as the possible unsustainability of an activity in terms of its cost-benefit ratio, the lack of initial start-up capital, and some obstacles to the formalizing and legalizing of activities.

#### ***How to measure and evaluate participation***

One of the most important questions for any social intervention Project is without doubt the evaluation of the impact of the Project. In the case of promoting greater community participation in natural resources management, this evaluation can be complicated by the fact that participation itself can result in a lack of clarity and by the fact that it is not possible to establish a direct relationship between participation and the results of the project intervention

The working group identified two main phases where participation must take place, that can be called “the pillars of participation”: in the process of community consultation; and in the implementation of the natural resource management project.

#### Community consultations

In this phase of participation it is important to understand how the consultation process is going in both qualitative and quantitative terms, as a means of guaranteeing that the principle of co-titularity of the Land Use and Benefit Right (DUAT) is being observed amongst members of local communities.

In quantitative terms it is necessary to determine what percentage of the population is present, and by category (gender, age etc), at each moment in the consultation; and the number meetings carried out.

In qualitative terms the types and form of participation are important (direct, indirect, passive, active, contemplative, voluntary, involuntary, dedicated, interested, etc.. This

should also be assessed for each social category in the local community (children, young people, women, the elderly, leaders, etc).

An evaluation of the quality of participation is also important for preventing situations where the local community is merely informed about the proposed project(s) and consulted about decisions already taken by others involved in the process. This guarantees that the local communities are able to exercise negotiating power and influence decisions relating to the projects, in their capacity as rights holders, as persons affected, and as beneficiaries.

#### Implementation of the project and management of the natural resources

In this phase the participation of the local communities must be measured and evaluated for all stages of the Project process: Project identification, implementation, and monitoring and evaluation.

- a) Identification: at this stage it is essential to see whether or not the local community participated in the consultation process and in the development of the Project proposal; if their rights and desires were taken into account and included in the proposal; and if approval of the proposal depended upon the participation of the community as an interested party.
- b) Implementation: in this phase, the measuring and evaluating of community participation must take into account the number of direct and indirect beneficiaries in each social category, the involvement of community members in Project activities, the level of organization of the community in relation to the Project (responsibilities and tasks allocated and coordinated), and the control over and use of incomes derived from the Project by the community.
- c) Monitoring and Evaluation: bearing in mind the empowerment of the local communities and the local sustainability of the Project(s), it is important that the members of the local communities participate actively in the monitoring and evaluation of their own projects.

It is therefore essential to also evaluate the extent to which local communities have been involved in the design of M&E systems, in the implementation of these systems, and in the dissemination of subsequent results.

#### ***Is participation sufficient? What is the role of the State?***

Studies of the history of nation states are currently characterized by a recognition of the incapacity of the State to manage all types of activity, and the delegation to civil society of an important role of social assistance to the most needy members of society.

This position is debated on the one side by those who criticise the ever decreasing assistance role of the State, and those who defend the need to institutionalize an increasingly active role for extra-statal bodies.

In Mozambique, this process of greater involvement and opening up is marked by the implementation of administrative decentralization policies by the State which,

strategically, translate into a greater participation on the part of all parts of society in the definition and execution of their own development plans.

The thinking of the group that considered this theme focused principally on the definition of the role of the State in this historical context. While not leaving aside the limitations that prevent the State from assuming so many responsibilities, the group work resulted in the principle that the participation of local communities in the management of natural resources and in other areas should not dispense with the intervention of the State, in the following ways:

- Regulation of society to guarantee the more inclusive participation of all citizens, children, women, and men, in line with the principles of democracy and justice, establishing mechanisms to create new structures such as Councils or local development committees;
- Providing effective mechanisms to respond to situations of impasse in the management of natural resources, especially between communities and investors;
- Inspection and monitoring;
- Over the long term, promote the training and education of citizens at all levels and in all geographic areas, in a way that creates a sustainable capacity for national level development.

The working group also suggested that at the level of society or the communities, it is important to have a social emancipation that can create the necessary demand for the State to observe and fulfill its responsibilities.

### ***Who represents the communities?***

It is important to note that the role and legal nature of the local community as defined in the Land Law and repeated in the Forest and Wildlife Law continues to be misunderstood by both the public and policy makers alike, including those who are legally trained and work closely with community related issues. This has led to them being seen as public entities, with their representatives therefore defined and regulated by new legislation in the form of Decree 15/2000.

These 'local authorities' carry out a range of functions for the State as well however, and many have already been formally recognized by the State in ceremonies conducted in the last two years. In the public domain, these figures act as a bridge between the State administrative structure and their respective communities at local level. With official symbols and roles that include collecting taxes, it is possible however that they will be increasingly compromised as effective representatives of local opinions and interests.

By comparison, in the Land Law context, the legal concept of 'local community' is recognised as a collective, private law entity, and not as a part of the administrative or political structure of the State.

This means that, in light of the Land Law, within the context of the principle of co-title holder of the DUAT, local communities can appoint a person or a group of people as their legal representatives and not necessarily those leaders recognised in the context of the political and administrative structure.

For practical and effective purposes of local community participation in natural resources management, community representatives may play an extremely important role in the community consultation processes, negotiation of the projects with the investors, management of bank accounts, etc...

Despite this freedom in the choice of representation, which according to legal definition is granted to the local communities, it is frequently clearly shown that the secular hierarchical leadership structures at local level are in fact functional, with these traditional leaderships normally occupying places of importance in the community representation processes.

However, depending on the number of local community members, these structures may be more or less effective in the representation process, as far as democratic principles are concerned, when taking the issue of local community members' actual participation into consideration.

The views presented by the work group responsible for this task took all of these factors into consideration. Generally speaking, the group presented its concise observations on who represents the local communities and how these are, or should be represented. In the opinion of the work group:

- Community representatives should be a part of the community in question, democratically elected by a majority of co-title holders, in the proportion of one representative per every 15 families.
- These elections should be held regularly every three years, and should also be recorded in notarised minutes.
- The agreement (minutes) should appoint up to three people from amongst those elected for bank representation.
- In the case of awarding a DUAT, a meeting should be held with a mandatory convocation of all title-holders, particularly those that will be directly affected. The decision shall be taken by a majority vote of those present.

#### **4.5 Conclusions**

The case studies suggest that some approaches and activities are more effective and are more easily introduced at community level than others.

##### ***What works?***

The case of the PRODER project, in Sofala, presents a representative and fairly systematised list of the successful activities within the scope of the initiative on Community Participation in Local Development:

- Civic education (LT (Land Law), LFFB (Forest and Wildlife Law), rights and responsibilities)
- Community inspectors
- Interest groups and small community projects

- Communication and conflict resolution at local level (head of PA, Traditional Leader (Chief), CGRN (Natural Resource Management Committee),...)
- Awareness building amongst community representatives
- Participative planning (in the case of some sectors. E.g.: DDA)
- Increase/ facilitation of public investment in these communities

***What does not work?***

Likewise, it was also possible to identify a set of aspects that are not effectively carried out at local level. Amongst these are:

- Law enforcement
- Community Consultation Process (State-private-community)
- Community funds (channelling 20% of the concession fees back to the community, channelling 50% back to the community rangers, ...)
- Efficient and transparent financial management within the community
- Conflict resolution mechanisms (traditional leaders-CGRN (Natural Resource Management Committee), community-private,...)

In general, as can be seen, the list of aspects that have not been successful within the local communities relate to those activities that require relatively complex skills and a minimum degree of training, as well as a phase of adaptation to, or assimilation of the new models of social organisation

***Cost effectiveness and viability***

Overall, it was considered that initiatives promoting community participation in natural resources management as a local development strategy are extremely important and that their continuation should be encouraged.

However, the issue of project viability was strongly questioned in as much as the initiatives presented up to now are unable to demonstrate their sustainability through a cost-benefit analysis.

In a project like Chipanje Chetu, executed in a region with a proven level of tremendous wealth in terms of forest and wildlife resources, amounts of US\$ 30,000 per year, even if they reflect an increase in relation to previous years, represent something like US\$ 6,000 per year per community involved in the natural resource management project.

In purely arithmetic terms, it is said that for an estimated local population of 2,600 members, including children, women and men, there is an annual rounded-off income of US\$ 10.00 per person.

In another case study presented at the meeting, there is a similar situation in terms of the cost-benefit ratio. This community natural resource management project, centred on the exploitation of tourism in the Massingir district, in Gaza Province, involves a partnership between Helvetas (NGO) and the Canhane community, and the investment to date has guaranteed a profit of approximately US\$ 6,000.00 in six months. That amount was used to encourage other subsistence and small income-generating activities within the community.

Once again, from a mathematical point of view, considering an estimated 1,000 inhabitants, members of that community, the annual income per person is only US\$ 12.00 .

Although it is understood that the reapplication of income may bring more substantial gains thinking of the community as a whole and not of community members individually, it is questionable whether the investment, which was certainly greater than the total revenue, can be justified in terms of the results achieved and whether those results are in line with the vision relating to local development and, more specifically, to the livelihood of the community members.

Some arguments on this issue relate to whether the actual benefits for the local communities should also be analysed in terms of direct non-material gains, such as raising awareness amongst community members with regard to the laws and their rights, security in relation to ownership of the natural resources in terms of their management by the local communities, learning about alternative forms of organisation at local level and establishing partnerships, knowledge on the sustainable exploitation of natural resources and environmental conservation, professionalizing local community members in project-related areas of activity, etc...

However, it is possible to more clearly identify some aspects that may be considered beneficial to the local communities and that are therefore linked to the development and improvement of the livelihoods of rural households:

- Capacity building for local communities in natural resource management and environmental matters;
- Capacity building for local communities in planning matters;
- Establishing partnership models for local communities;
- Local community participation in local level decision-making forums;
- Greater participation by women in community matters;
- Security in the ownership of natural resources through the delimitation of local community lands and awarding DUATs as guarantees for future investments;
- Establishing and training Community Management Committees;
- Training of community rangers;
- Training of local technicians in participatory matters and community encouragement (enlivenment);
- Small investments in income-generating activities;
- Creating employment opportunities for local communities;
- Local communities' views on the sustainable use of natural resources;

The general opinion of the participants in the meeting is that, considering the still unsustainable cost-benefit ratio, there is still much to be done for the well-being of the communities to truly become a reality.

### *The impact of these projects on community livelihoods*

Promoting local community participation in natural resource management is still presented as a process that must be improved.

In real terms, usufruct of the benefits by members of the local communities may be considered to be long term in terms of the day-to-day well-being of the population.

People are becoming more aware of their rights, have greater perception of new forms of social organisation to face current, and perhaps future problems, etc., but these aspects have not yet been transformed into an effective improvement in local living conditions.

The problems raised above in relation to the sustainability of the projects and initiatives represent concrete evidence that it is still too early to be able to rely on the profitability of investment to improve the well-being of the local community members.

In addition to what can be seen directly from the analysis of the case studies presented, the opinions of the participants in the meeting suggest conclusively that:

- The concept of participation is new and not yet fully understood, giving rise to some confusion between the notions of participation and community consultation;
- The legal framework is complex, and still needs to be disseminated, and the systematic application of the legislation needs to be enforced;
- Effective participatory natural resource management requires an integrated application of the existing laws;
- The community capacity building process is slow and expensive (requires availability of time, and human and financial resources);
- It is difficult to measure the short-term difference in impact between a participatory and non-participatory process;
- The efficacy of the processes still depends much more on the people than on the system or institutions;
- The learning process for the exploitation of tourism and other activities not traditionally carried out in the local environment will take some time to produce the desired effects (more than 3 years);
- It is necessary to work as closely as possible with the local structures (District Administration, DDA, DDCIT, ...) in order to gain their trust and collaboration;
- Regular communication with the community is vital for community participation;
- Even though there is significant openness for community participation in natural resource management, guaranteed by current national policies, official programmes and existing legislation, this participation is still not evident.
- Although in certain areas some private operators have control over part of the natural resources, with the information dissemination process local communities are beginning to feel more confident of their control over the natural resources.



- Community participation in natural resource management processes still shows clear signs of being unsustainable / unfeasible if analysed solely in terms of the cost-benefit ratio.
- Despite the existing wide range of projects and initiatives, with different timeframes, spaces and types of activities, it can be said that, in general, community participation in natural resource management is still not producing effects on the common well-being of the local communities.

#### **4.6 Recommendations of participants**

The final part of the meeting gave room for an open discussion in plenary, of the conclusions and recommendations suggested by the two days of presentations and exchange of ideas. The central question was how the workshop had helped to identify ways how to move ahead and ensure that participation in Mozambique can be more effective and have a greater impact on the lives of ordinary people. The following list presents all the suggestions made by workshop participants, without any implied order of preference:

- Train paralegals to follow-up the consultation process and land-related problems.
- Government support to the communities.
- Provide continuity to community land delimitation.
- All projects (copy of report) should be designed with community participation.
- Conclusions from the workshop should be submitted to the relevant bodies for decision-making purposes.
- Create a provincial forum, at Provincial level, to act as interlocutor (community/ Government/ NGOs/ civil society, etc.). For example, the workshop group.
- Identify cases whenever reference is made to community consultations and conflicts.
- In view of the lack of knowledge, it is important to create a new version of the Land Campaign.
- Define the role of the Justice sector.
- Review Human Resources and promote capacity building in order to be able to meet the demands.
- Environmental Impact Evaluation Decree guarantees participation; therefore, there should be capacity building focusing on the Environmental Impact Evaluation Decree.
- Training focusing on the people from the community itself.
- Introduce information in school curricula.

One idea that also came out with force in the workshop and merits special mention is that of trying to create and put into effect an experimental plan for civic education. This would include:

- As a first step: selecting some schools in some provinces (preferably those where new programmes are to be implemented) and establishing contacts with local

teachers to discuss the content and methodologies most appropriate for local cultures and regions

- As a second step: open a dialogue with the Ministry of Education to discuss the incorporation of certain themes in the school curricula, linked to land issues, natural resources use, the rights conferred by various laws and how to use and defend them, etc
- Finally, support the production of audio-visual material with the dual objective of training paralegals and carrying out training and courses in schools.

#### 4.7 Conclusions and closing remarks

The most important outcome of the meeting was a general endorsement of the participatory approach being adopted in the wide range of projects and programmes that were presented to the workshop. Notwithstanding key issues such as the cost-benefit aspects of this kind of approach, the general feeling was that it was worth continuing with this approach, with renewed efforts and learning from lessons learned.

It is necessary in this context to intensify the use and development of participatory methods and objectives in new activities and programmes. The objective needs to be more focused and activities managed with greater rigour and efficiency to ensure not only that communities ‘participate’, particularly in the area of natural resources management, but that this participation also results in tangible improvements in local livelihoods for all members of local communities.

The meeting did serve however to identify factors that obstruct a more effective participation, even where participation is built into projects and is a key objective:

- A lack of clarity and information about projects when these are presented to communities
- The costs and benefits for each side of a participatory arrangement are not clear during the consultation process
- The experience and history of the population are elements that are often ignored in participatory processes, with the community always losing out
- Basic educational policies at community level are inadequate, particularly as were there is only weak command of the national language
- Not letting women and young people participate in decision making within the communities (for example in natural resources management, and especially during contacts and discussions with external actors such as investors and state officials)

When working at community level, with the intention of promoting a participatory approach and involving local people in decision making that both reflects their needs and allows them to support other objectives (such as a proposed investment project), it is therefore advisable to consider the following strategies:

1. Stress the need for ‘**sensibilização**’ (information provision, raising awareness) as a continuing process → reinforce this through detailed and up-to-date information

2. Make time to **listen to local people** → accept that taking on new ideas is something that never quick and rarely fits into time and work plans
3. Include **real wants and needs** at the negotiating table → listen to proposals and discuss all possibilities within a shared planning process
4. Negotiation → requires real and legitimate local representation of the community as whole (interest groups, women, young people) → this presupposes legal support for contracts.
5. On the side of the government and the investors → take along and provide **clear information, prioritise the need to raise understanding and tell people what is happening**, and present **clear and tangible benefits**.
6. Continuity → this is fundamental, including the **outlining and implementation of steps** that will result in changes to livelihoods and food security, as a core goal of organised, local development.

It is also necessary to:

- Establish effective inspection mechanisms for natural resource exploitation activities (training and equipment for inspectors);
- Ensure that the different actors are more involved in the natural resource management and planning processes;
- Promote more partnerships with local community involvement, based on their status as DUAT title-holders and with some inherent and consequent rights over the natural resources of the areas covered by the DUAT;
- Develop the communities in an integrated manner, promoting safer models of social organisation to deal with current and future needs;
- Taking into consideration the general trend of creating hybrid local level government and community structures to operationally participatory natural resource management, apply the different laws and policies on natural resource exploitation in an integrated manner, within the context of the legal reform and the decentralisation process, in order to achieve clarity in the definition of the different powers and institutions to be created within the communities;
- Promote greater coordination and understanding of their different roles, between the various state and other entities involved in community management and other participatory programmes, with a view to achieving greater efficiency:
  - Reduce the time it takes to get new activities off the ground
  - Cut the bureaucracy that hinders implementation
  - Clarify grey areas where differences of opinion over legal and other concepts may be causing hold-ups and blocking effective participation and partnerships (by dialogue and testing things in practice).

#### Closing remarks

One of the features that came out strongly was the need to work more interactively with the Decentralization Programme, where case studies showed the important

impact that this programme is having through new forms of participation and the empowering a range of local people alongside the more traditional leaderships recognized in the Decree 15/2000 context.

The workshop also succeeded by having the issue of participation and “making rights a reality” looked at from a wide range of perspectives: central and local governments, the private sector, communities and development agencies.

The workshop also showed that just having rights is not enough – they have to be used and defended, and they must also be monitored and evaluated. This applies to rights attributed in legislation like the Land Law, and to issues such as gender equality and impact of HIV/AIDS. Rights open doors and widen choices and options for improving livelihoods, but the workshop discussions have shown clearly that to obtain real benefits from these rights:

- local communities and local people need to have a clear understanding of the advantages that these rights can bring
- it is necessary to compare the benefits gained by exercising rights, and to give people the skills and capacity to use them, to negotiate, to make agreements, to *participate* as stakeholders

In this context the “right to negotiate” is a key element of the process, and requires a greater political and social awareness on the part of both local community members, private sector actors, and state officers and institutions. The role of public entities to inform people about their rights, and to coordinate the ways in which these are used in practice, is an aspect that came out strongly in the meeting.

The meeting overall underlined the fact that while the results of different exercises in participatory policy making and community participation were varied, “making rights a reality” is a lengthy process that requires continuing commitment.

For the CFJJ, Dr João Carlos Trindade, Director, emphasized how the work of the Centre and the judiciary in general can and will contribute to the three themes that ran through the workshop:

**Participation:** The CFJJ is an institution that, in addition to being responsible for the training of future magistrates and others, has an important research component. The Centre was entrusted with preparing a Class Action Law, which is currently with the legal system. This new law will give groups of citizens the legal right and the means to take legal action against the State if they feel their rights are being violated. He gave the example of the recent case where the State approved the extraction of treasures by a private firm from historical wrecks, which were subsequently sold at auction for very high sums provoking widespread public condemnation. Those who opposed this activity had no other option other than to use the press and media to publicise the case, arguing that the treasure was part of the national heritage. With this new law, it will be possible to take the State to court over such actions. Groups of citizens – local communities – will also be able to use this new law to defend their rights and take action against the State if they feel that their rights are being trampled on by the incorrect application of laws by state bodies.

**Conflict Resolution:** The Centre and FAO technical assistance contemplated carrying out capacity building for community court (tribunal) members. The State needs to make a comprehensive political decision on these courts, and within this context the Centre will submit a draft Law on justice sector reform. The proposal presupposes that the State does not have the capacity to guarantee legal rights so that all citizens are able to resolve their conflicts. With the new organic structure, it is hoped that access to justice will become easier, and once again, citizens whose rights are ignored may have new options to defend themselves and “make their rights a reality”.

**Livelihood and food security:** The CFJJ, while being an institution focusing more on the training of magistrates and legal matters, has an important role to play within the context of the food security and livelihoods of local people. The workshop clearly showed the importance of the contribution of the justice sector, well formed and aware of its role in the defence of rights, including the right to participation, the actual use of the rights established by progressive laws, which to this day have not yet been comprehensively and correctly implemented.

Dr. Trindade stated that the new Government defined justice sector issues as a priority. In this context, the CFJJ is willing and ready to become involved with all entities requiring support, and the Centre’s doors are always open for this purpose.

## 5. DISCUSSION

What lessons have we learned, positive and negative, about how to make natural resource rights a positive factor in the livelihoods of the rural poor? What has worked and why in helping people better utilize their rights? What has failed and why? What have we learned about the design of participatory processes? What if anything have we learned that would lead us to re-examine some of the premises of the reforms that took place in the late 90's? What needs to happen now?

The first thing to say is that much goodwill and much effort has been expended in Mozambique to make participatory approaches work. The overall impression is that the projects discussed above are having an impact. While progress is far from linear, with many pitfalls and even steps backwards in some cases, the general trend where these projects are being implemented is for local people to begin engaging with the outside world with more and more confidence, and with increasing effect.

The paper presented by the CFJJ/FAO team shows the other side of the question. In the case of land and natural resources conflicts, there is almost no capacity at all amongst communities to use existing legal structures to defend their rights, either against private sector interests or state bodies that are misapplying the laws or taking sides with outside interests. Knowledge of the Land Law is strongest where NGOs have carried on where the Land Campaign of the late 1990s left off. But even here, it is evident that the understanding of what their rights really are – as *rights*, something tangible and defensible in a court or other public forum – is still very weak. Moreover, they know virtually nothing about how to put a case together, and take it to the judicial structures that are – in principle at least – independent from the administrative agencies that are often part of the original conflict problem.

All of this together points to the huge importance of continuing with projects and programmes that promote the participation of ordinary citizens in the development of policies and the implementation of development initiatives. These policies and projects deeply affect their lives, often to the extent of threatening the very basis of their livelihoods strategies. An inability to participate from the start, and thus become more like pieces on a chessboard than citizens with rights, can have serious livelihoods consequences, or cut local people out of sharing in the real benefits of a well structured and collectively negotiated agreement.

Two examples illustrate these two alternatives well. One is the situation of communities in the areas inside and near to the new Limpopo International Park, which form one of the case studies of the CFJJ/FAO research study. 'Participation' basically meant being brought together to meet high level officials and politicians and being told what was going to happen to them; communities were then asked to collaborate with the State in the implementation of this programme, little realising that part of this collaboration involved agreeing to being moved off their land inside the park.

The other example is the Macossa Coutada 9 case presented in the Workshop (in one of the working groups), where an investor has worked patiently with local people to find a *modus vivendi* that will allow him to carry out his commercial exploitation of

local wildlife while also achieving conservation goals, and the community to benefit directly as stakeholders in this enterprise (through a share in the economic returns, not just the 20 percent tax levied on the investor), and through a longer term training and capacity building programme supported by the investor and public entities (with FAO support).

What is important to recognise however is that it is only through participation – or in other words, practical experience, *doing things* - that people will acquire the practical experience and the confidence to go against what Serrano, quoted in the Terra Firma paper, describes as a political culture in which poor people do not criticise, question or demand that government officials account to them for their activities.

Nevertheless, while Mozambican laws governing natural resource management and decision-making now stress local participation, and a new process of decentralization is underway, it is evident that a favourable legal framework does not translate automatically into the effective participation of the target group. Moreover, the reality is that entrenched attitudes and institutional cultures in many places across the country, from top to bottom, do not favour real and effective participation. In this context, some of the most important lessons are presented below.

***New approaches, old thinking: the burden of history***

- Sometimes the use of language about participation at policy level can hide important and complex social and historical factors. A greater awareness of this context is essential for understanding the challenges involved in the design and implementation of participatory processes.
- Mozambique has a long history of hierarchical and non-participatory government, from colonial times through Independence and up to the mid-1990s at least. This long history still has a significant impact on the choices people make when they think of new models of governance, and it certainly affects the way many people think when they *implement* policies, even if these policies are explicitly designed to involve local people.
- Particularly in rural areas, many state officials still have outdated views and ways of thinking, or are obliged to respond to political superiors higher up instead of to the demands of a “participating public”. Other officials may actually disagree with participatory reforms and find many ways to block them in practice. Higher up still, those who are responsible for policy formulation and have the hierarchical power to guide government actions, may be fearful of processes that would devolve this power to lower levels, and again find ways to block either the policy development process, or its effective implementation in practice.
- Change is therefore slow, such as in the case of formulating legal diplomas for Forest and Wildlife Law implementation), or the community aspects of new legislation are simply ignored or bypassed by other priorities (such as issuing new private land rights instead of delimiting community rights)<sup>49</sup>

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<sup>49</sup> See CTC Consulting (2003): *Appraisal of the Potential for a Community Land Registration*,

### *Capacities and skills*

- It is not only a lack of political will that stops state officials using participatory approaches; often they simply lack the necessary know-how, skills and experience. This is true even with NGO workers, with huge differences between the life experiences of those now growing up in the cities and those with a rural upbringing. This creates difficulties in communication between those responsible for facilitating participation in practice, who are mostly from urban areas, and the participants themselves.
- Far more training and support in participatory methods and planning is needed for management and other entities involved in carrying out programmes and administering resources. A systematized and institutionalized political network at local levels needs to be created in a way that is sustainable and replicable.
- Local people themselves have to be trained to participate more, and to be made more aware of their rights *viz à viz* the whole range of state and other institutions that administer and interfere with their lives. This is clear in the CFJJ/FAO conflict study discussed above, where local knowledge about how to use the judiciary and stand up for local rights is even weaker than their knowledge of the new laws on land and natural resources

### *Motives, benefits and incentives*

- There is still a big gap in understanding between community groups and the state, which culminates in many top-down decisions and a lack of response to real demands made by the community. So long as community groups are unable to influence policy at higher levels (district and province), they will encounter difficulties in the management of resources in their areas.
- For example, the inadequate treatment by the state of illegal forest operators identified and reported by local people in Monapo could lead to a weakening of the resolve of community guards. The inability of the state to control unlicensed operators undermines interest groups, who face unfair competition when selling their products in the markets of Nampula.
- It is important for CBNRM initiatives to provide real benefits for *all* who feel that they have some ownership and interest over local resources, so that they have a greater incentive to participate. For example, interest group members in Monapo are more active because they benefit much more than the rest of the population.

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*Negotiation and Planning Support Programme in Mozambique.* Maputo, UK Department for International Development (DfID). Declared policy on fast-tracking requests for new private investor land rights and the meager public resources allocated to community aspects of Land Law implementation clearly indicate a kind of institutional dampening of participatory principles.



### ***Involvement from the beginning***

- The weak participation of community groups in the conception and planning of projects creates a gap in ownership over the initiatives at a later stage. This often results in failure and, in the particular case of natural resource management, in the unsustainable use of resources, putting present and future generations at risk.
- The promotion of sustainable resource use through existing local initiatives appears to have a greater chance of success. As the Monapo case shows, interest groups that existed before the project are the ones that continue to operate today.

### ***Socio-economic differentiation and cohesion***

- There are signs that the approach adopted by the Community Management of Forest and Wildlife Project can result in the poor getting poorer and the rich getting richer. The approach of identifying and assisting interest groups is a non-inclusive practise which gives one group greater control over the natural resources in question, and excludes others not only from the benefits of new activities, but also from the traditional they enjoyed as part of their established livelihoods strategy.
- Communities are often treated as homogenous, with common interests identified through consensual processes. In reality it is possible that only the most visible and powerful participate in these processes and obtain benefits. Projects that espouse ‘participation’ and focus on the role of these new leaders can then in fact be sowing the seeds for new local elites to emerge, and the *de facto* freezing of deeper and wider forms of local participation in the longer term.
- In Monapo for example, more than 70 percent of the members of the committees belonged to the most powerful interest groups<sup>50</sup>. The benefits of the project resulting from the activities developed by these interest groups were distributed amongst this group, and those that did not belong (principally the poorer members of the community) were left out.
- The group-based approach also tends to undermine the collective action that is important for community level natural resource management. Some community members who feel that they are also owners or co-managers of the resources are marginalized in favour of interest group members. Even Chiefs are affected: the chief of Cateia has participated in meetings and discussions since the start of the Monapo initiative, but feels excluded from any benefits because he is not an interest group member. This could be the way most people feel.

### ***Concepts and understandings***

- Concepts such as “community”, or even “village”, can be problematic when they are used in policies without a common understanding of what they mean amongst those responsible for implementation.

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<sup>50</sup> Zacarias (2001)

- Even the term “participation” is poorly understood and often misapplied, especially by senior level administrators and managers who feel that informing local people about what is happening and asking for their support is “participation in practice”.
- The “local community” in many policies does not always exist in concrete form, and a “local community” in one – for example the Land Law - cannot be assumed to be same as a “local community” in another. The Land Law allows a community to identify itself using participatory techniques, but this results in a private land rights holding unit that is not the same as the more generalized sociological “local community” referred to in decentralization legislation such as Decree 15/2000.
- Without a clear view of what “the community” is and who represents it, participatory policies could have a negative impact, particularly for the poorer and marginalized groups. In the definition of “participation” is a process that facilitates and negotiates the identification of priorities between different groups and stakeholders at local level. These groups will have different perspectives and a well-facilitated process could assist in reaching consensus and in resolving conflicts, both existing and potential.
- Sometimes, according to traditional norms and practises, neighbouring communities will have rights to natural resources that are within the area of a community involved in a NR management project. The introduction of the project could have the effect of excluding these users from the resources, who may even be encouraged to sabotage the initiative. For example, in Monapo, members from the neighbouring community of Cateia have been using the identified forest reserve area, alleging that they also had use rights within that area.

### ***Inclusion, democracy and transparency***

The Decentralized Planning & Finance Project has identified six characteristics of community organizations that need to exist for there to be a chance of real participation. According to this analysis the community institutions need to be:

- **Broad and Inclusive.** All citizens have an opportunity to participate, and attention is particularly paid to the participation of less-favoured groups (poorer members, women, etc)
- **Democratic.** All members have the same opportunity to express their opinion and there are rules in place that make this effective.
- **Autonomous.** Only the members of an organization take decisions on the basis of their best judgment. Outside stakeholders do not interfere to manipulate decisions for their own advantage.
- **Internally Responsible.** There are norms in place for representatives to inform and explain to the members how they have been exercising their functions and for the members to sanction or reward the representatives.

- **Accountable.** Representatives are given a certain level of authority to represent members and decisions they take in this regard are respected.
- **Sustainable and institutionalized.** Citizens see their organizations as a legitimate way to express their views rather than just a way to obtain benefits.

### ***Information***

- Transparency and communication are inter-related. An effective communication strategy, on its own, will not necessarily result in increased responsibility if there are no clear norms for decision-making and giving out information (Serrano, 2002).
- Transparent norms for taking decisions and divulging information need an effective communication strategy that permits the local population to demand the compliance with these norms and act on the basis of the information they receive.
- A well-defined system is needed to provide stakeholders with information to help them implement their initiative. In Goba for example, after the transfer of the overall project into the ambit of PROAGRI, the lack of information on funds left the community and its structures with the sense of having been abandoned.

As a final comment it is important to accept that it is also not enough to assume the development impact of a specific course of action, no matter how participatory and no matter how attractive the project designer and manager think it might be to local people. We who design “participatory projects” do not come from the communities that will live with them and their impact long after the project has gone. It is very easy to assume, for example, the local people will immediately warm to a new community eco-tourism lodge in their midst, built with full local participation and bringing tangible benefits, but which has very little to do with the underlying culture of the local people and the way that *they* relate to and work with their environment.

Local people do have to know their rights and assume these with greater force to “make their rights a reality”, but they also need to be able to use these rights in ways that meet *their needs, and which are appealing to them*, not just to satisfy some externally imposed view of what is good for the community.

It is also essential to be bold, and experiment when uncertainty blocks decision making and action. While the Land Law may not explicitly say that communities can use the consultation to secure real economic benefits by trying a form of land or rights lease in which they retain their rights and gain a rental income over the long term, it does not say that they *cannot* do this. What is not prohibited is allowed. Try it. If people respond, make it work and repeat it elsewhere. This is perhaps the most important lesson from the Coutada 9 case.

In this context it is essential that the current reality of participation is changed dramatically, on the back of substantial efforts to make people aware of their rights, *and what they can with them, both defensively to protect existing livelihoods, and pro-actively to diversify and strengthen their livelihoods strategies.*

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## Further information about the LSP

The Livelihood Support Programme (LSP) works through the following sub-programmes:

### **Improving people's access to natural resources**

Access of the poor to natural assets is essential for sustainable poverty reduction. The livelihoods of rural people with limited or no access to natural resources are vulnerable because they have difficulty in obtaining food, accumulating assets, and recuperating after shocks or misfortunes.

### **Participation, Policy and Local Governance**

Local people, especially the poor, often have weak or indirect influence on policies that affect their livelihoods. Policies developed at the central level are often not responsive to local needs and may not enable access of the rural poor to needed assets and services.

### **Livelihoods diversification and enterprise development**

Diversification can assist households to insulate themselves from environmental and economic shocks, trends and seasonality – in effect, to be less vulnerable. Livelihoods diversification is complex, and strategies can include enterprise development.

### **Natural resource conflict management**

Resource conflicts are often about access to and control over natural assets that are fundamental to the livelihoods of many poor people. Therefore, the shocks caused by these conflicts can increase the vulnerability of the poor.

### **Institutional learning**

The institutional learning sub-programme has been set up to ensure that lessons learned from cross-departmental, cross-sectoral team work, and the application of sustainable livelihoods approaches, are identified, analysed and evaluated for feedback into the programme.

### **Capacity building**

The capacity building sub-programme functions as a service-provider to the overall programme, by building a training programme that responds to the emerging needs and priorities identified through the work of the other sub-programmes.

### **People-centred approaches in different cultural contexts**

A critical review and comparison of different recent development approaches used in different development contexts is being conducted, drawing on experience at the strategic and field levels in different sectors and regions.

### **Mainstreaming sustainable livelihoods approaches in the field**

FAO designs resource management projects worth more than US\$1.5 billion per year. Since smallholder agriculture continues to be the main livelihood source for most of the world's poor, if some of these projects could be improved, the potential impact could be substantial.

### **Sustainable Livelihoods Referral and Response Facility**

A Referral and Response Facility has been established to respond to the increasing number of requests from within FAO for assistance on integrating sustainable livelihood and people-centred approaches into both new and existing programmes and activities.

For further information on the Livelihood Support Programme,  
contact the programme coordinator:  
Email: [LSP@fao.org](mailto:LSP@fao.org)

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