



A study of the development and implementation of strategies for sustainable local land management based on practical experiences

Part 1: Mozambique

Imprint

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List of Abbreviations

ADEL SOFALA	Agência de Desenvolvimento Económico Local da Província de Sofala, local NGO
BMZ	Bundesministerium für Wirtschaftliche Zusammenarbeit und Entwicklung, Federal Ministry of Economic Cooperation and Development
CTC	CTConsulting
DED	Deutscher Entwicklungsdienst, German Development Service
DFID	UK Department for International Development
DUAT	Land Use and Benefit Right
FAO	Food and Agriculture Organization of the United Nations
FSC	Forest Stewardship Council
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit, German Technical Cooperation
MZN	Mozambique Metical (currency of Mozambique)
NGO	Non-governmental organization
ORAM	Rural Association for Mutual Support
PAF	Performance Appraisal Framework
PRODER	Programa de Desenvolvimento Rural, GTZ Programme for Rural Development
RENAMO	Resistência Nacional Moçambicana, opposition party in Mozambique
SPGC	Provincial Services of Geography and Cadastre
TCT	TCT Dalmann, Mozambican forestry company
WWF	World Wildlife Fund

1. Executive Summary

The PRODER-Programme in Mozambique began in the late 1990s supported by the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ, German Technical Cooperation) and ended in 2006. The programme promoted the development of rural communities in Sofala Province. It was also significant for being one of the first programmes with bilateral funding that made full use of the innovative principles and new legal instruments contained in the 1997 Land Law. Other examples are an FAO-sponsored programme to promote natural resource management by the communities, which was executed by the National Directory of Forests or the Zambezia Agricultural Development Project, supported by DFID and ORAM. However, PRODER was the first programme which integrated the land issue in a broader development approach.

All land in Mozambique formally belongs to the state. However, the Constitution recognises peoples' right of access to land, and their right to use it, which is called the Land Use and Benefit Right, or DUAT. It can be acquired through the legal recognition of customary norms and practices. Holders of DUAT titles can be local communities; in this case they must define themselves territorially, identify the areas they occupy and then demarcate and register that land in the Cadastral Atlas. This participatory process is called 'delimitation'.

Although this legal framework is still valid, there is a growing tendency for such traditionally acquired, local rights to be questioned. Pressure comes mainly from national and international investors looking for land, but it may also arise from the state in the form of major state-endorsed or implemented projects, for example in the biofuel industry.

The GTZ-supported community development programme PRODER operated within this legal and political framework, and concentrated its activities on the northern part of Sofala Province, covering a total of five districts. PRODER's approach to promoting community development involved five basic steps. It started by identifying communities using the delimitation methods contained in the Technical Annex of the Land Law Regulations. Once they had been delimited and had elected new community management structures, the communities were then encouraged to carry out an analysis of their needs and wishes for the future ('developing a vision' or *visonagem* as the project calls it in Portuguese), and to plan specific projects and activities intended to achieve this. Such rights-based community development could be pursued through community-based projects and by establishing mutually-beneficial partnerships with private investors. The projects that were ultimately implemented had all been discussed and agreed upon with full community involvement.

A final consolidation phase began when the external support ended and the community was able to carry the process forward on its own. The communities also had to assume their full role in the local representational

bodies that had been created as part of the decentralisation programme, and which have been a significant feature of government policy for several years.

In order to analyse the results and impacts of PRODER's work, the consultancy team carried out fieldwork in five communities in Sofala Province: Canda, Nhambita, Nhango, Matondo and Mangane. The main findings are:

Delimitation process

- All five communities were delimited in accordance with the Land Law Regulations.
- The process increased the communities' knowledge of their territory and its boundaries.
- It improved the management of conflicts, both within and between communities.
- It promoted the sustainable use of land and natural resources.
- It established the existence of DUATs over the communities' lands; people now understand what these rights are, and how they can benefit from them.
- The process has stimulated debate about the existence (or not) of DUATs inside the Gorongosa National Park and other conservation areas where the communities also live.

Development planning, implementation and linkages to district planning

- All communities have prepared a coherent and logical community development plan, including a set of needs and priority projects.
- Two of the communities (Canda and Nhambita) have also developed natural resource management plans, and some have successfully carried out forest inventories.
- All of the communities have succeeded in implementing at least one or two of the priorities identified in their development plan.
- Some of the priority projects have been included in district development planning and were later financed using public funds.

Strengthening community organisation

- A high level of organisational development could be observed in all the communities.
- The structures created during the implementation of PRODER (e.g. committees) still exist and function properly.
- There is good community participation in the local decision making processes: The community participates in the District Development Forums.

Allocation and use of the 20 % of tax revenues

The law of Mozambique states that 20% of taxes from the exploitation of forests and wildlife have to be channelled to the communities living in forested areas and where wildlife activities take place. The same 20% rule was adopted in legislation applied to tourism, which means the Gorongosa National Park is obliged to make state revenue transfers to the communities living in the buffer zone. The findings regarding revenue allocation are:

- Most of the communities have received considerable sums of money, especially when measured by local standards.
- The consultation process is providing an ideal platform to attract investment to community controlled areas in a negotiated and equitable manner, forming important development partnerships.
- The costs associated with administering the transfers (e.g. a bank account in Beira, transaction costs, transport, bank fees etc.) are quite high.
- The PRODER approach – especially the organisational development – has clearly enhanced the acquisition process and minimised the risks inherent in the management of funds by a small group of representatives.
- The funds have been used to finance priority projects identified in the planning process. These included the construction of social infrastructure such as schools and health centres, as well as support for income-generating activities.

It is important to stress the pioneering nature of the work done by PRODER. The participating community of Matondo was among the very first communities nationwide to receive the 20%, which prompted further demands for support from other communities. Without doubt, the PRODER programme proved the validity and usefulness of its approach to local development: starting by respecting the existing local rights, it then supports communities as they acquire the capacity to analyse their own situations and define their own development paths. It demonstrated that land is a fundamental issue, as land rights provide a platform upon which local people can form their own plans and engage in meaningful negotiations with outside parties.

2. Introduction

2.1 Objectives and Expected Output of the Study

Land issues are of great importance for economic and social development, poverty reduction and the governance of natural resources. Many countries must address land tenure and land management strategies with a very high priority, especially in light of current trends, such as:

- population growth in developing countries
- increasing scarcity of land and number of conflicts
- poverty and food crises
- degradation and devastation of vital natural resources
- climate change, etc.

Without doubt, secure property rights to land, effective land use and tenure, and fair conditions of access to land are important preconditions for sustainable rural development and for the conservation and sustainable use of natural resources. On the other hand, the lack of a relevant legal framework could destroy, by jeopardising land as a resource, the livelihoods of many people and endangers important ecosystems such as rain forests. Therefore, land management strategies play an important role in guaranteeing the ecological and economic sustainability of land use practices. This study aims to document and analyse the possible impacts of local land management strategies using examples from two different regions: Mozambique and Brazil.

The chapters on Mozambique will assess lessons learned from the PRODER¹ programme by documenting and analysing PRODER's experiences with the implementation of a legal framework and with assisting the communities to attain a DUAT. It will examine the impact of the programme on the communities themselves in the province of Sofala. As such it will also contribute to the current national debate on land titles and the reform of the legal framework.

The expected output for the Mozambique section includes the followings aspects:

- Executive summary
- Introduction (incl. outline of legal framework in Mozambique) and methodology
- Overview of the implementation as practised in Mozambique (incl. experiences of various NGOs, the Land Fund project and DANIDA)

¹ Programa de Desenvolvimento Rural (PRODER), a rural development programme supported by GTZ on behalf of BMZ.

- A review of GTZ's experiences in Sofala with regard to various issues, including:
 - Delimitation, titling and property registration
 - Community consultation
 - Access by the poor to land and to natural resource taxes
 - Promotion of access to land and natural resources by private investors
 - Community rights and representation:
 - Community DUAT and Art. 35 of the Land Law Regulations
 - Environmental impacts and sustainability
 - Administrative practices (incl. identification, bank transfers)
 - Quantifying of projects established with private sector participation, using cash received by the communities
 - Use and impacts of cash inflows into the communities (sustainability of payments without support from NGOs or external actors)
- Analysis of the experiences and lessons learned
- Conclusions.

The study opens with a discussion of the legal and policy framework and its implementation in the wider context of current developments in Mozambique. The results of the project review are then presented and analysed, and conclusions are drawn.

2.2 Methodology

The methodological approach of this study consisted of desktop research (review of reports on land issues, project documentation, legal framework) and field research.

During the field research in Mozambique (July 2009), interviews were held with national and regional stakeholders and GTZ project staff in Maputo and Beira. At provincial level, the team of consultants met the Provincial Director of Environment, the head of the Provincial Services of Geography and Cadastre (SPGC), the Provincial Director of Agriculture, and the Community Natural Resources Management Unit chief. The key players in the PRODER process also included local NGOs. The team of consultants therefore met representatives from the Rural Association for Mutual Support (ORAM), the Sofala agency for economic development, ADEL-Sofala, the German Development Service (DED) and GTZ Sofala. In the project region of Sofala Province, the mission visited five of the 16 communities supported by PRODER:

- Canda, Gorongosa District, 107,057 ha, population 28,000
- Nhambita, Gorongosa, 48,596 ha, population 6,000

- Nhanguo, Gorongosa, 4,884 ha, population 2,410
- Matondo, Cheringoma, 47,789 ha, population 37,300
- Mangane, Caia, 62,234 ha, population 7,873.

In each community, meetings were held with the local leadership and the committees created with support from the PRODER project. Visits included meetings with district authorities (in Gorongosa and Cheringoma) and with private sector representatives operating in some of the communities (Gorongosa National Park, Envirotrade and TCT).

The Mozambique section of the study was carried out with the cooperation of Dr André Calengo, a renowned local expert on land law and rights, and with the support of Berta Rafael, a former GTZ staff member who worked in the project region and also helped as an interpreter for the local languages.

2.3 Knowledge Management and Knowledge Needs

A study to document and analyse the experiences and lessons learned from a project should be regarded as part of a knowledge management strategy. It is worth reviewing some knowledge management guidelines, which also form an important element of the GTZ project management model, 'Capacity Works'.

Knowledge management is not an end in itself. Rather, it is intended to help an institution, a (project) team or a network to perform their functions and duties as well as possible. It is crucially important for organisations that rely on specialised technical skills and management expertise, as these must carry out constant institutional learning processes including the evaluation of lessons learned.

The benefits of an efficient knowledge management system are²:

General Benefits	Benefits for Projects and Programmes
Cost reduction	• Learning from ones own or others' successes and failures • Accelerate and simplify the integration of other stakeholders • Avoid replication and overlapping of work • Use knowledge and technology already developed
Time saving	• Rapidly find information (documents, consultants etc.) • Exchange of experiences and communication between stakeholders • Save time through avoidance of replication and overlapping of work • Use of what already exists 'without reinventing the wheel'
Increase in the quality of work	• Greater impact • Better qualified consultancy services • State of the art solutions

One of the most important steps in knowledge management is to define clearly the existing demand for information as well as the objectives of the knowledge management. Without a clear understanding of the type of information really needed, there is a good chance that studies like this one would disappear rapidly into an office drawer. To avoid such a waste of resources, two basic questions served as a knowledge management guideline for all of the interviews undertaken, thus complementing the orientation provided by the terms of reference for the study:

- What are the relevant 'learning processes' to which the study can contribute?
- What exactly do the stakeholders want to learn from the experiences being studied?

The Mozambican case offers a good example of how to use this approach in practice. According to the stakeholders, GTZ's support could be categorised into four strategic processes at community level:

- Delimitation process
- Local development planning
- Organisational community development
- Implementation of the development plans.

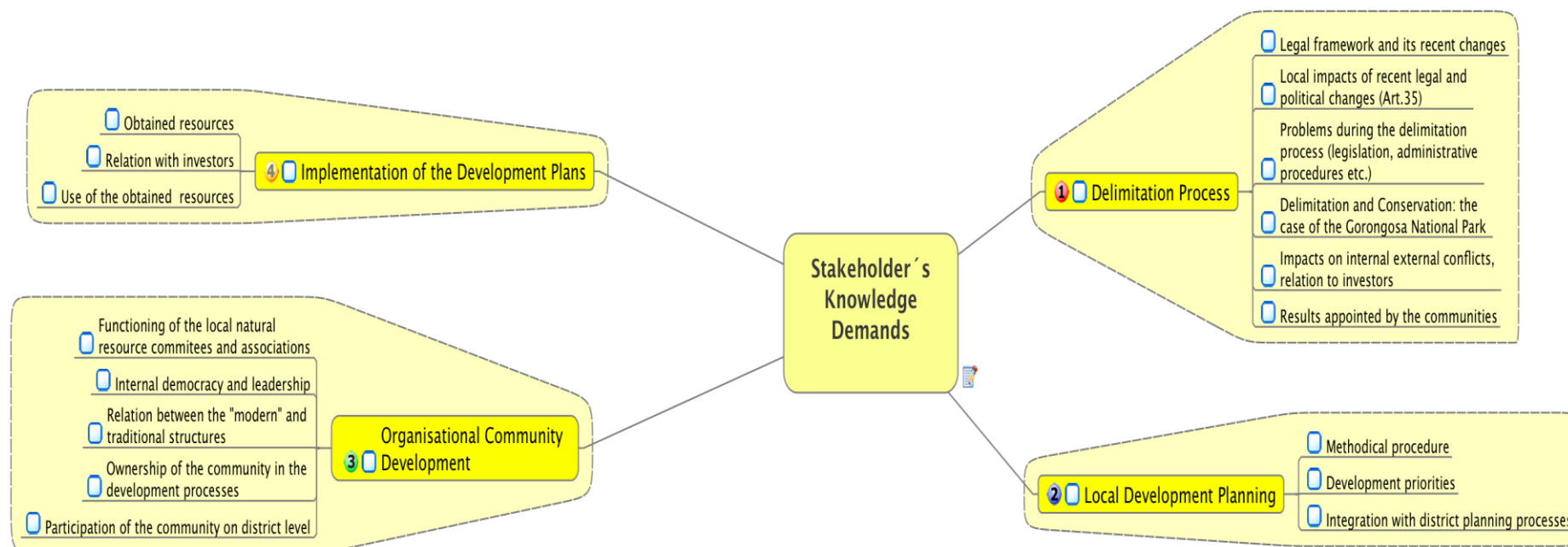
² See GTZ 2007: 6, translation by the author.

The results of these processes which are correlated to knowledge demands are documented in the 'mind map' on page 11. Analysing each of these steps using the two guiding questions quoted above helps to provide all stakeholders with a clear set of lessons learned which can then be fed into the improved implementation of the legal framework and into rural development in the future.

Evidently the way each of these steps is carried out and the consequent impact of each step on successive activities has a strong impact on the final outcome. It is possible, therefore, to assess the overall impact and results of the GTZ-supported community development activities, and to gauge the contribution – or otherwise – of each specific step.

The report will therefore analyse these steps in turn, both as specific activities in their own right, and as parts of the wider process which aims to achieve specific community development results.

Knowledge demands according to the main intervention strategies and development processes:



3. Land Policy Principles and Legal Framework

All land in Mozambique formally belongs to the state (Article 109 of the 2004 Constitution of the Republic of Mozambique). However, the constitution recognises the right of all Mozambicans – men and women – to have access to land, and to use it. This right is called the Land Use and Benefit Right, or DUAT in its Portuguese acronym. Most importantly, when new DUATs are being allocated, the constitution requires that existing rights based on a history of occupation must be taken into account.

The DUAT is a private right and once allocated it cannot easily be taken away. It can only be annulled by a formal process initiated by the body that allocates the right in the first place – i.e. the specific executive entity approving the DUAT in the name of the state, according to the provisions of the 1997 Land Law. Such an annulment is only justified if there is clear public interest, and the existing rights holders must also be compensated.

The Constitution (CRM) requires the state legislature to regulate the allocation and administration of DUATs and other land-related processes. Earlier land laws reflected the prevailing political orientation of the day. Today land matters are regulated by the 1997 Land Law, which achieves a compromise between the post-independence, socialist principle of state ownership, and the need for secure private rights and a degree of transferability of rights in a free market system that was formally established in the 1990 Constitution and consolidated by the 2004 revision.

The 1997 Land Law takes as its starting point the National Land Policy of 1995, which is still in force. The policy was developed by the Inter-Ministerial Commission for the Revision of Land Legislation (the 'Land Commission') and sets out a series of key principles in its Clause 17 that are significant for understanding the approach taken by the PRODER programme:

- Guaranteed access to and use of land for the population and investors
- Recognition of customary access and land use rights for resident populations, thus promoting 'social and economic justice in the countryside'
- Guaranteed access to and use of land for women
- Promotion of national and foreign private investment without prejudice to local people and assuring benefits for them and for the public treasury
- Active participation of nationals in private enterprises
- Definition and regulation of basic principles for the transfer of DUATs between citizens and national enterprises, as long as investment has been carried out on the land in question

- Sustainable use of natural resources in such a way as to guarantee the quality of life of future generations.

The policy goes on to detail some key issues (Clauses 23 – 25):

- It is 'necessary to identify the areas occupied (by those with customary rights), whose territories will be demarcated and registered in the Cadastral Atlas'.
- The cadastral identification will establish 'the access rights and management of the local community over a relatively large area'.
- After this cadastral registration 'any other entity or person wanting land must negotiate with the local community, and the local community can then enter as partner in the investment, sharing any profits and benefits that result from that investment'.

These innovative ideas were built into the 1997 Land Law, as well as its implementing instruments, the Land Law Regulations of 1998 and the 2000 Technical Annex to the Regulations, which deals with identifying and delimiting DUATs acquired by communities through customary occupation.

For the purposes of this report, three features of the Land Law stand out. The first is its recognition of 'customary norms and practices' as one of three ways of acquiring the state DUAT. In other words, all customarily acquired rights are legally equivalent to DUATs. Secondly, these rights are managed by a legally defined entity called the 'Local Community', which is also the title-holder of a DUAT in its own right. This collective unit incorporates all the local DUATs allocated and managed by the community and is subject to the principle of 'co-titularity', whereby all community members are co-title holders of the overarching, single community DUAT. As such they have the right to participate in all decisions that affect this DUAT. Thirdly, by virtue of being fully defined in law (see below), and being a title holder in its own right, the Local Community has full legal identity and can enter into contracts with third parties. Fourthly, the Local Community is charged with a range of land and natural resources management tasks, including a) conflict resolution; b) participation in the process of allocating new DUATs to outside parties who want access to local land; and c) determining their own borders (defining the extent of the community-held DUAT).

The mechanism by which communities participate in new DUAT allocation is the 'community consultation', in which an investor is obliged to consult local people to find out if the land he or she wants to use is 'free from occupation'. However, most land is already occupied. In this case the consultation serves to establish the 'terms which govern the partnership between the holders of the DUAT acquired by occupation and the land claimant'.

How the community defines itself is laid out in the Technical Annex to the Land Law Regulations. The methodology detailed in the Annex has two objectives: a) to prove that customarily acquired rights exist, and b) to establish where the limits to these are. It does this by looking at key aspects of local community life, which include land use (production) and land management systems, evidence of historical occupation, and social linkages between households and villages. These features in turn reflect the definition of a 'local community', which appears as Number One of Article One of the Land Law:

'a grouping of families and individuals, living in a circumscribed territory at or below the level of a locality [the lowest public administration unit in Mozambique], which safeguards their common interests through the protection of residential areas, agricultural areas, whether cultivated or in fallow, forests, culturally important sites, pasture, water sources, and areas for expansion.'

The participatory process of *delimitation* allows the community to define itself, based upon its own historical memory and cultural practices, its resource use patterns, its internal management structure, and the common interests of its members. The basic result is a community-produced map, which is then transcribed onto official topographic maps and recorded in the Cadastral Atlas (see diagram below). A Certificate of Delimitation is then produced and given to the community, which proves its already existing DUAT and clearly establishes its limits.

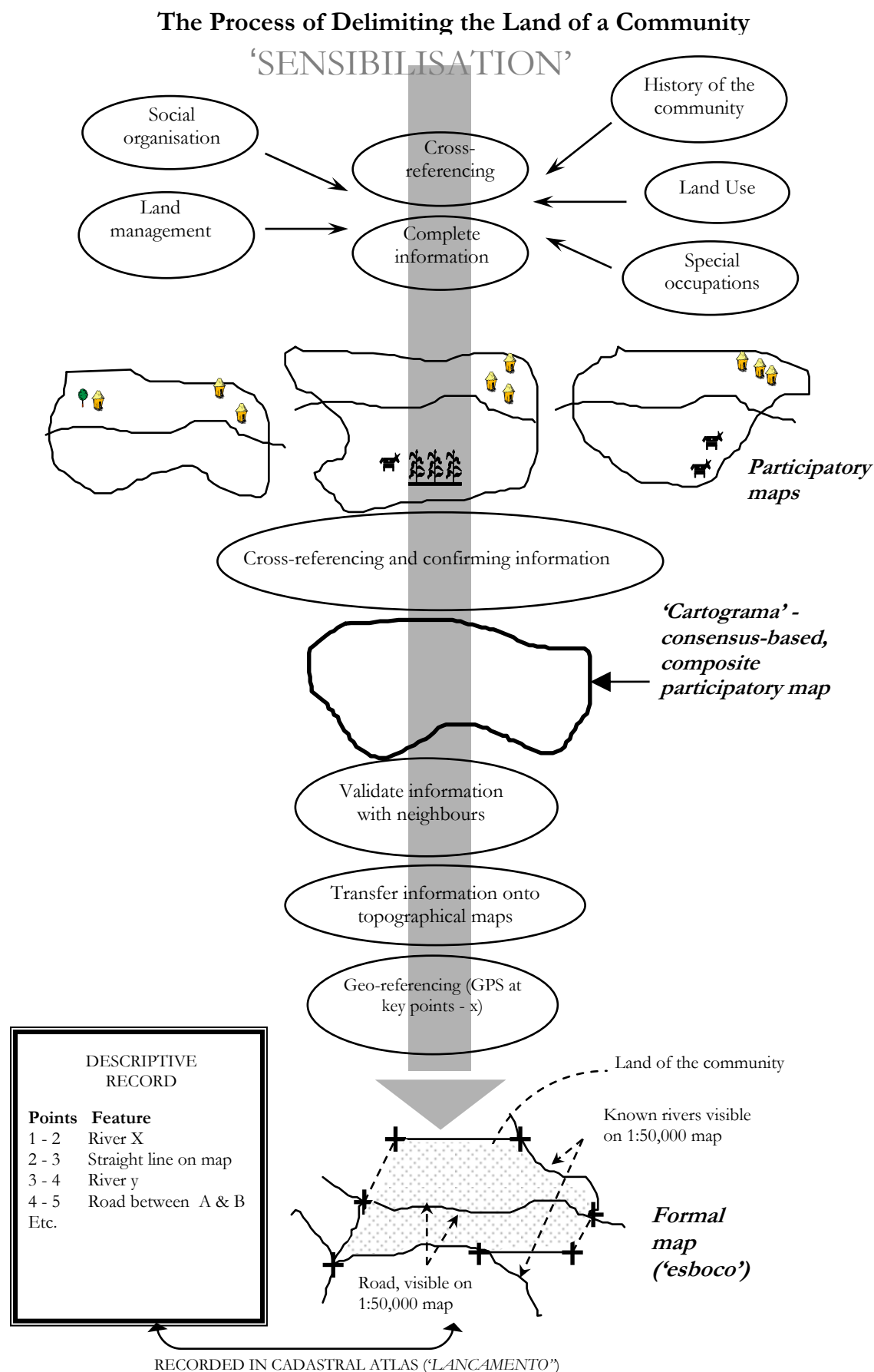
However, delimitation does much more than this. It informs the community about its rights *and how to use them*; it strengthens local community organisation around the key issues of land and resources rights and their potential for development; and it provides the basis for a community-driven land use plan. These effects are almost 'by-products', and are not, of course, explicitly mentioned in the Land Law. As a result, many communities have been delimited without it having much subsequent impact on their development. The delimitation mechanism must therefore be placed explicitly within a development strategy, as an instrument and starting point for this process. This is why the PRODER programme is so interesting and why it is important to learn from it.

3.1 Current Status of Land Law Implementation

It is generally believed that the current policy and legal framework is still valid and relevant for present day conditions in Mozambique. Although much has changed since the mid-1990s, certain basic factors remain the same and underline the need to continue securing local customarily acquired rights as a precursor to promoting rural development.

These factors are:

- The great majority of the rights recognised and regulated by the 1997 law and its regulations remain unrecorded and 'invisible' to outsiders, raising the risk of 'elite capture' and land grabbing by investors, both national and foreign.
- Local people in many areas are still unaware of the rights they hold by law, or if they are aware of them, they do not appreciate how strong these rights are and how to use and defend them in practice.
- Land administration is still fundamentally directed towards meeting the needs of the small minority of land users whose rights are obtained through formal request to the state (i.e. the private sector).
- As in 1995, external demand for land and natural resources is still rising among outsiders to the communities – both national and foreign investors and the state itself, in the form of major projects it endorses or implements.
- The model of participatory development foreseen by the Land Policy (securing local rights while promoting investment through negotiated agreements with local rights holders) still offers an effective way of reconciling competing interests, although it remains relatively unused and is little understood by public land administrators or senior decision makers.



From CTConsulting, *Appraisal of the Potential for a Community Land Registration, Negotiation and Planning Support Programme in Mozambique*, report for DFID Maputo, adapted from *Manual de Delimitacao de Terras das Comunidades*. Maputo, Comissao Interministerial para a Revisao da Legislaçao de Terras (2nd edition, Centre for Juridical and Judicial Training, CFJJ).

These points were confirmed in an assessment carried out for the Netherlands Embassy in late 2007 (André Calengo, Oscar Monteiro and Christopher Tanner 2007), and in the National Conference to Commemorate Ten Years of the Land Law, held in Maputo in October 2007. The question of giving visibility and substance to local acquired rights remains at the centre of the debate, as does the issue of how to promote development using these rights in a constructive way that brings benefits to all sides (as foreseen in the original 1995 policy document). Other well known land experts have also affirmed the basic framework, while calling for measures to promote investment that would allow for a more open land market and some way of using land as collateral for bank lending (Bruce 2007).

The consultancy paper for the Netherlands did also recognise that while the basic package was still valid, some changes were needed, principally to allow a more practical form of transfer of DUATs, and to make the overall package more amenable to the needs of a growing market economy.

As in 1995, however, the most pressing issue today is still the *effective implementation* of the existing package, rather than the need to reform it. There are still very few land administration offices at local (district) level, and even the Provincial Services of Geography and Cadastre remain woefully under-equipped and understaffed for dealing with provinces that have poor roads and are the size of some European countries. Few public resources have been allocated to the community rights aspect of the law (CTC 2003), and most of the approximately 290 delimitations carried out to date have been the result of NGO projects funded by bilateral agencies. The official cadastre remains heavily skewed in favour of formal-application DUATs, which creates an artificial picture of the reality of land occupation in Mozambique³.

3.2 Current Trends

While the government reaffirms its commitment to the 1997 Land Law, the reality is that local rights are under a great deal of pressure from investors of different types. Weak implementation of the law has two key consequences. Firstly, when investors look for land, both local administrators and the official maps give the impression that there is a lot of 'free land' available. Secondly – as demonstrated by strong research and anecdotal evidence – the consultation process between investors and communities is often poorly carried out. Either way, the process usually results in conflict. Consultations are rushed and are usually highly unbalanced; poor and sometimes desperate communities have little real understanding of their rights, and they 'negotiate' with investors who have far more resources and who are accompanied by the District Administrator, who is usually seen as being on the side of the investor (Tanner and Baleira 2005).

³ Simon Norfolk, a Maputo-based land specialist who was recently able to review official land records, confirms this.

This kind of problem will become more frequent and acute as demand for land rises. This can be expected with the emergence of the biofuel industry – for which Sofala Province is a significant target area⁴ – and the arrival, more recently, of foreign countries looking for land on which to grow food for their home populations. Add to this the existing demand for large plantation forestry areas and new eco-tourism ventures, and it is easy to see that local rights are under considerable pressure.

For its part, the Government of Mozambique finds itself in a contradictory situation. On the one hand it insists that no new investments will jeopardise existing food production; in support of this argument, it also asserts that new industrial-scale production – notably of biofuels – must be on 'marginal land' that is not suitable for food production. On the other hand, it is keen to promote large-scale investments to generate national income and create jobs; and most biofuel investors and food-croppers need the best land if their projects are to be viable.

It is clear that some senior government figures believe that communities which have already been delimited have too much land⁵, and that if further delimitations are allowed using the same legal and methodological approach, large areas will be put out of reach of investors. Alongside this, there is continued pressure from the private sector lobby for some kind of market in land rights that will allow them to use their DUAT as collateral for bank credits.

3.3 Zoning and Article 35 of the Land Law Regulations

There are two main elements to the government's response. On the one hand, it has begun a zoning exercise to identify large areas of land that are available for investors (defined as being over 10,000 ha). On the other, it has altered the Land Law Regulations, which now subject community land rights processes to a range of new conditions and approvals. The changes (to Article 35) mean that most delimitations must now include a 'land use plan' of some sort, and must be approved by the Council of Ministers. Data on land delimitations show that the processes have virtually come to a halt since this regulatory change.

New zoning projects are also planned for the Beira Corridor area, to identify existing patterns of land use and occupation, again with the intention of facilitating private investment projects.

⁴ See for example, *Correio de Manhã*, No 3137, 20 August 2009: *Aprovado projecto de biocombustíveis no Centro*, article announcing approval of two new land concessions in Sofala Province, of 15.000 and 18.920 hectares. There are other similar requests underway.

⁵ See the website Portal do Governo: www.portaldogoverno.gov.mz

3.4 Partnerships and Resolution 70/2008

A partnership is defined as an agreement between two or more entities that come together to pursue a common objective. In a partnership it is important that the role and responsibility of each partner is clearly defined, and that benefits and risks are well divided.

In Mozambique, attention is increasingly turning to this kind of arrangement in order to allow large investors to gain access to land in a way that is equitable (brings benefits to local people) and sustainable (does not damage the environment and is economically and socially viable). In rural areas, a partnership is likely to be a contract through which a person or other entity is obliged to cede use of a rural property to another, for a specific or indeterminate period. This might or might not include any infrastructure on the property, used for agriculture, livestock rearing or for any other economic activity.

A community is entitled to use its natural resources to generate economic benefits and to support local development, and it can choose to do this through partnerships if it wants. One of the advantages offered by the 1997 Land Law is the scope it allows for the formation of partnerships between the private sector and smallholder farmers or local communities in rural areas.

Article 27 of the Land Law Regulations says that if the process of community consultation establishes that 'there are rights over the area required (by the investor), the opinion issued (by the District Administrator accompanying the process) should include the terms that will regulate the partnership between the title holders of the DUAT acquired by occupation (the community) and the person or entity asking for the land'.

Partnerships are also mentioned in the Forest and Wildlife Regulations, in Article 38. Taking its cue from the Land Law principle, if acquired DUATs exist covering an area for which a forestry concession is being sought, then the local administrative body and the investor must establish the terms of a possible partnership. The question then is how these partnerships are created, and what type of support the communities need for the partnerships to generate real benefits for local people.

Rights of use over both land and natural resources are established by customary practices which are in turn recognised by law. The partnership enjoyed by a private sector entity could be in the form of a concession contract (endorsed by the community consultation) with the state, or through an agreement arranged directly with the community as the titleholder of the DUAT.

A community holding a DUAT can enter into a partnership but if it does not know the value of the arrangement, it will be at a disadvantage in the negotiation process. Communities are normally represented by their leaders and their helpers, including *Regulos* and other traditional leaders (although this is not legally

mandatory). They may also have set up land or water committees, or other interest groups, church councils and so on, that can also represent them.

On the other side, the private investor is represented by individuals or a firm that might be involved in the exploitation of natural resources. These representatives have a dominant role in mobilising financial resources, promoting business opportunities, and facilitating access to markets, and they can also play a key role in stimulating and educating the local population to collaborate in the conservation of the local natural resources.

The partnership agreements are formalised in the minutes of the community consultations, in which the investor might undertake a social commitment to improve the lives of the local community, or accept responsibility for any resettlement that might be required. An agreement signed to cede any part of a local DUAT should also reflect conditions of participation in the proposed activity negotiated by the community (usually involving land and investment). These details must be put in writing and subjected to confirmation by a public notary.

In general, communities are simply not ready to negotiate or establish advantageous partnerships. They need support to acquire negotiating skills, to know what their rights are under the prevailing legislation, and what they can do with them in practice.

The government is seeking a common understanding of what types of partnership might possibly arise from the negotiation processes. This involves clarifying the responsibilities of each side (financial, facilitation, social support etc.), the benefits accruing to each, and the distribution of opportunities and risks. These points are given some substance in the Resolution 70/2008 – Procedures for Presenting and Evaluating Investment Proposals that Involve Areas of Land above 10,000 Hectares. This legal instrument anticipates that proposed projects have a positive social and economic impact, such as the creation of employment, building of health centres or flour mills, the provision of drinking water, improved road access, and so on.

The investor's proposal is explicitly required to include:

- The minutes of the community consultation
- The terms of its partnership with the holders of DUATs acquired by occupation on the land identified by the investor⁶.

⁶ Part C, Lines C and G.

3.5 Land Rights Inside Conservation Areas and National Parks

Under Mozambican legislation, there are different categories of conservation and conservation-related area (Forest and Wildlife Law no. 10/99, dated 7 July 1999). These include national parks and national reserves, which are regarded as super-protected areas. Strictly speaking, the law states that no DUATs are allowed inside national parks and national reserves, which implies that local communities within these areas should be resettled outside them. In other special conservation areas, such as Game Farms (*Fazenda do Bravio*), Game Reserves (*Contadas oficiais*) and Community Conservation Areas, DUATs are allowed and populations should not necessarily be removed from them. This interpretation also applies to the so-called 'Forest Concessions' regulated by Article 25 of Law 10/99. In practice, most conservation areas do contain resident populations, which present park administrators with a complex challenge. The PRODER programme has delimited communities living within park borders, as part of its wider programme to promote a rights-based and participatory development process that can include relationships between local people and outside parties (in this case, the state itself as 'owner' and manager of the public domain areas).

It is important to note, therefore, that the kind of process supported by PRODER has now become more difficult – indeed almost impossible – to implement, as official opinion has hardened regarding the use of delimitation inside these areas. Nevertheless, the following discussion will show that delimitation still has much to offer as a *methodology* and as a mechanism for generating consensus-based, participatory development models, even if it is no longer intended to affirm and record community held DUATs in public domain areas.

4. Project Region: The Province of Sofala

Map 1: Sofala Province within Mozambique

The Province of Sofala is one of 11 provinces in the Republic of Mozambique, and is located in the central part of the country (see Map 1). Its northern border is the River Zambezi, on the other side of which are the provinces of Tete and Zambezia, while to the south is the Save River and the province of Inhambane. In the west, Sofala is bordered by Manica Province, and in the east by the Indian Ocean. The province has a total land area of 68,018 km² and a population of 1,654,163, resulting in a population density of 27.4 per km² (2007 Census⁷). The majority of Mozambicans still live in rural areas (70%) and Sofala is no exception.

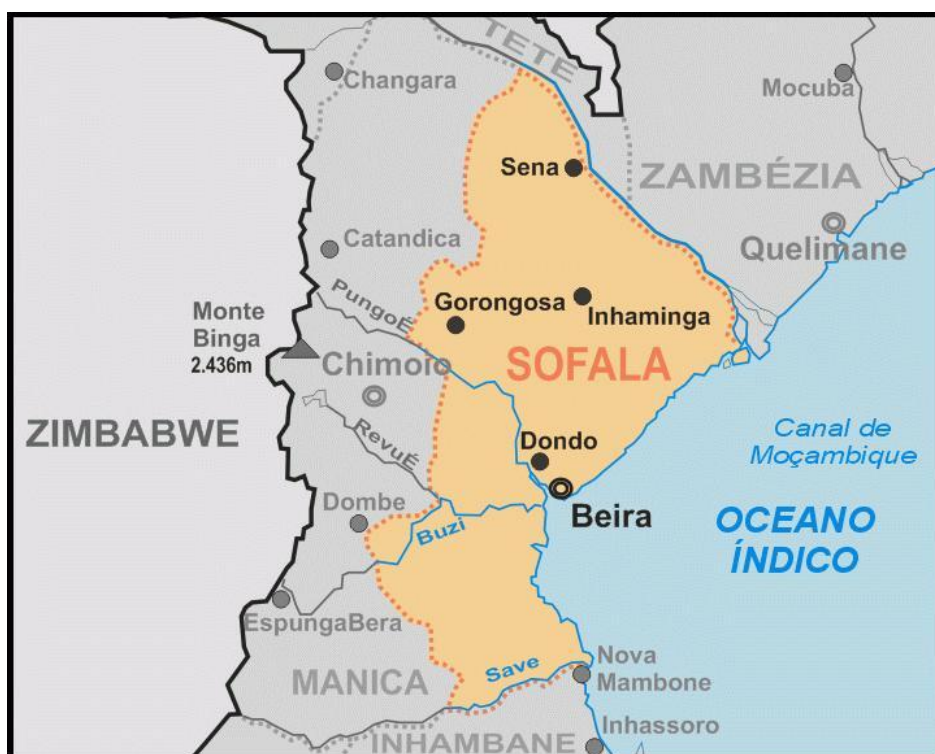
Administratively the province is divided into the 12 districts of Machanga, Buzi, Chibabava, Nhamatanda, Dondo, Gorongosa, Maringue, Caia, Cheringoma, Marromeu, Muanza and Chemba, as well as the provincial capital city, Beira, which has a special status. Beira is situated on the coast at the estuary of the Pungué River.

The humid tropical climate has two seasons: rainy between December and March and dry for much of the remaining time. Several large rivers border or pass through the province, including the Zambezi, Pungué, Buzi, Gorongosa and Save rivers (see Map 2). Average annual rainfall is around 1,000 mm, and average temperatures range between 24°C and 26°C. Except for the fertile fluvial soils along the rivers, soil fertility is low, with sandy red soils in most other parts of the province. Vegetation is characterised by open miombo forest, with humid semi-deciduous forest and dry deciduous forest.



⁷ See www.ine.gov.mz/censo2007/censo2007/rp/q4

Map 2: Map of Sofala Province, showing rivers and main towns



Source: Institute of Geography and Cadastre (2001)

Sofala is one of the most important provinces in the country, both politically and economically. Some 8.06% of the population of Mozambique live in the province, and its capital, Beira, is the country's second largest city and an important port. The region also has a certain political significance. In the north especially, in the area of the Zambezi flood plain, rich soils have been the focus of competition between indigenous communities and kingdoms. This has historically been a centre of opposition to the south and more recently was the support base for the opposition party RENAMO. Empowering local communities here therefore takes on a special significance in the wider political context.

Sofala is also an economically strategic province, as the Beira Corridor providing transport links to the landlocked neighbouring countries of Zimbabwe, Zambia and Malawi passes through it. The area therefore plays a huge part in regional development.

Sofala's specific economic and social characteristics have a number of consequences for its communities' land rights. Firstly, it shares with Manica to the east the distinction of having the rail and road link to Zimbabwe passing through it. This vital transport link also stimulates demand for land in the province. Once the economy of Zimbabwe picks up, the transport corridor will become a powerful engine of growth. Securing local rights in the face of increasing demand for land in the province will then become very important. Secondly, the province is rich in forest resources, which have been subject to uncontrolled exploitation in recent years. Local communities have played little part in this process, having to stand by while 'their' trees

were taken away by a range of national and foreign interests with varying levels of legality in terms of licences and state approval. Again, communities with stronger rights over the land on which these resources are found are better placed to negotiate with logging companies, and engage in community-based supervision and policing of illegal practices. In this way, they should be able to share in the economic returns from forest exploitation, and thus acquire a direct stake in the conservation of these resources. Thirdly, Sofala has one of the biggest and oldest national parks in Mozambique, the Gorongosa National Park. The park is itself encircled by a series of *contadas*, or official hunting areas. All of these areas are either fully or partially protected areas, as defined in the Land Laws and the Forest and Wildlife Laws, and today it is no longer possible to acquire state land use rights (DUAT) inside them⁸. The national park and the *contadas* are nonetheless home to many thousands of people living in rural communities with longstanding historical rights. All conservation areas are under the management of the Ministry of Tourism, for whom the question of how to deal with resident populations has been a problem for many years.

However, the forest and wildlife areas represent a huge economic potential, with rising demand for forestry licences (either simple licences or concessions) and for wildlife activities such as sports hunting in the *contadas* or tourism in the conservation areas. Apart from the Gorongosa National Park, Sofala also includes the Marromeu Reserve, which occupies a large area around the Zambezi River estuary.

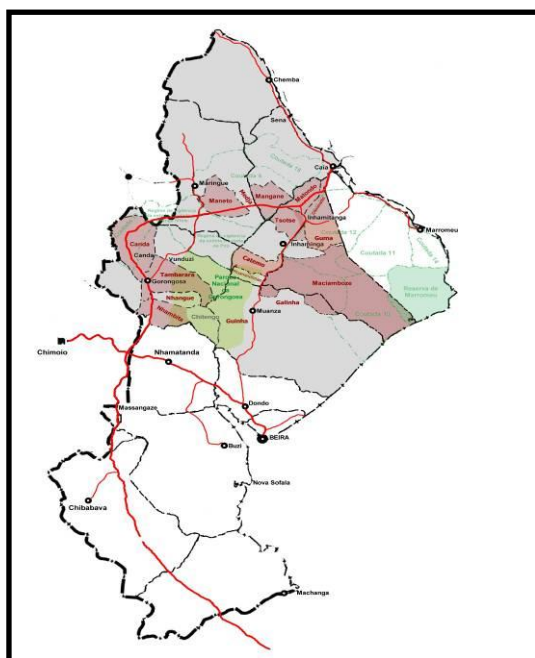
Outside the forest and conservation areas the agricultural potential of the province is easily capable of supporting its population and generating valuable surpluses. Apart from food crops like vegetables and cereals, the province produces sugar, cotton, sesame, and maize (which are grown for local consumption as well as for market). The great challenge of the future, however, is uncontrolled burning, which often destroys forests and soil quality, and costs both human and animal lives.

All of these resources offer major opportunities for generating new incomes for local people and investors alike, as well as tax revenues for the state. Effective ways of dealing with local people, using the kind of approach promoted by the PRODER project, can then have an important effect not only on local incomes, but also on the resolution of complex policy and development challenges in a way that can bring a wide range of benefits for all those involved.

The PRODER community development programme focused on the northern part of the province (see Map 3), including five districts covering some 47.7% of its area, and home to 22.3% of its population. The objective of the programme was to build the capacity of local communities so that they can take responsibility for their own development, using the rights bestowed upon them by the Land, Forest and Wildlife laws. These rights are reinforced by the Local Government Law, which promotes good governance through the involvement of even the most marginalised groups in decision-making.

⁸ In an earlier phase DUATs were acquired by communities within the Parks borders (see chapter 5.8)

Map 3: Sofala Province, showing the districts covered by PRODER



Most of the districts involved in the project were grouped around the Gorongosa National Park, namely Gorongosa, Maringue, Caia, Cheringoma and Muanza. In 1995, PRODER began its food security activities in Gorongosa District before expanding into Cheringoma District. Eventually, by 2005, it reached all the northern districts. This integrated plan included the creation of district strategic development plans with community participation.

Gorongosa District, with its centre in Gorongosa town, covers 7,659 km² and has a population of 117,129. It borders Macossa District in the west and Gondola District in the southwest (both in Manica Province),

Nhamatanda District in the south, and the districts of Muanza and Cheringoma in the east. A large part of the district extends into the national park, and it also includes Gorongosa Mountain, which is very important as the catchment area for the main rivers that feed the park and sustain agriculture in the whole district.

Maringue District has 75,135 inhabitants and covers 5,085 km², with Chemba District to the north, Macossa in the west, Gorongosa in the south, Cheringoma to the southwest and Caia in the east. It has large forested areas with logging concessions and other concessions for hunting in the *contadas*. The district is also a large producer of cotton.

The District of Caia in the north of the province is bordered by Chemba to the northwest, Maringue to the west, Cheringoma in the south and southeast, and Marromeu and Mopeia (Zambezia Province) in the east. It has a population of 115,328 and an area of 3,477 km². The district has great potential forestry, as with the concessions in Maringue, and is partly occupied by *Contada* No 6.

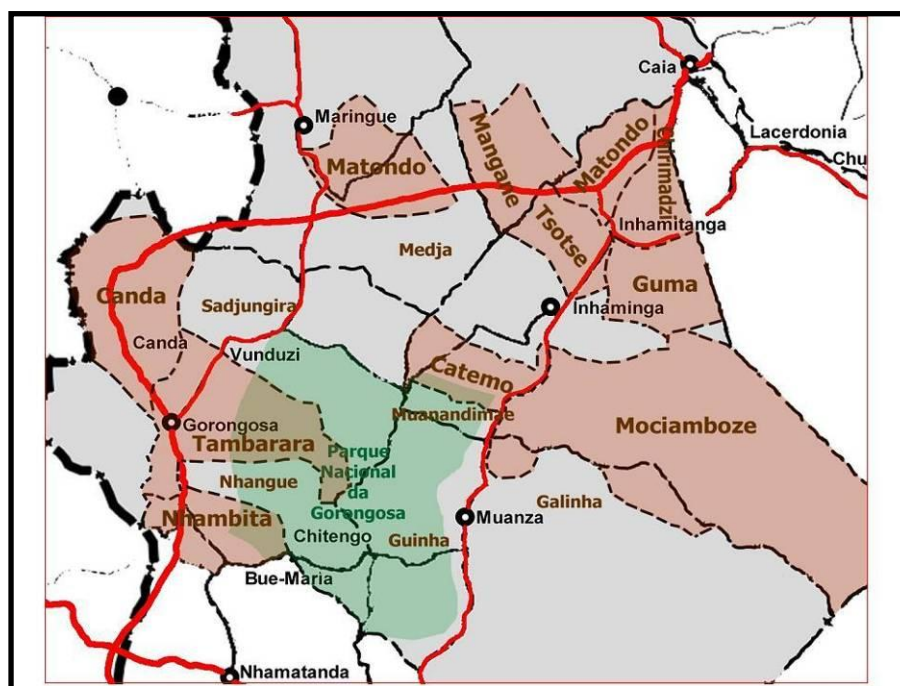
Cheringoma District lies to the south of Caia, with Maringue and Gorongosa to the west, Muanza to the south, Marromeu to the east and the Indian Ocean to the southeast. It also extends into the Gorongosa National Park and has large forested areas, *contadas* and game farms. It has roughly 34,093 inhabitants and covers 8,739 km².

The District of Muanza has around 25,225 inhabitants and an area of 5,731 km². It is bordered to the north by Cheringoma, to the northwest by Chibabava, and the west by Gorongosa, with Dondo to the south and the Indian Ocean in the east. Agriculture in Muanza is poor, but like its neighbours it also reaches into the National Park, and has forestry concessions, *contadas*, and game farms.

The population of these five districts (some 370,000) are mostly peasant farmers, who live off the land and its natural resources, practising dry-land agriculture with mainly family labour. Some of them – in Cheringoma and Caia, for example – are vulnerable to natural disasters like floods.

Due to their accessibility and because of the existence of the forestry and *contada* concessions as well as the proximity of the national park with its buffer zones, these people were chosen to participate in the community development process, which sought to safeguard the security of their land tenure and their rights to the natural resources. It did this by using existing legislation to reduce conflicts and promote a sustainable form of community development. The result was the delimitation of 16 local communities (five in Gorongosa District, two in Maringue District, one in the District of Caia, seven in Cheringoma and one in Muanza) between 2001 and 2007. These were the communities of Canda, Nhambita, Tambarara, Nhanguo, and Sadjungira in Gorongosa, Maneto and Medja in Maringue, Mangane in Caia, Matondo, Tsotse, Cherimadzi, Guma, Mazamba, Maciamboza and Muanandimai in Cheringoma, and Galinha in Muanza (see Map 4).

Map 4: Communities delimited with GTZ support



In total, the delimited area in Sofala Province covers more than 1,600,000 hectares.

5. Results and Findings from the Fieldwork

5.1 Proder's Methodological Approach

The PRODER project in Mozambique ran from the mid 1990s until 2006, as a programme to promote the development of local communities in Sofala Province, using their own resources and their own capacity to organise and administer their development agenda. The programme worked with many partners, but principally with ORAM (the Rural Association for Mutual Support), a national level NGO with delegations in most provinces including Sofala. ORAM has a strong record in delimitation and Land Law related work, and formed a natural implementing partner for the programme.

PRODER is also significant for being one of the first major bilaterally-funded programmes to make full use of the innovative principles and new legal instruments provided by the 1997 Land Law. Amongst these are the full legal recognition of customarily acquired land rights, and the concept of the 'local community' as an entity that allocates and manages local rights according to 'customary norms and practices'. Other examples are an FAO-sponsored programme to promote natural resource management by the communities, executed by the National Directory of Forests, or the Zambezia Agricultural Development Project supported by DFID and ORAM. PRODER however, was the first programme which integrated the land issue in a broader development approach.

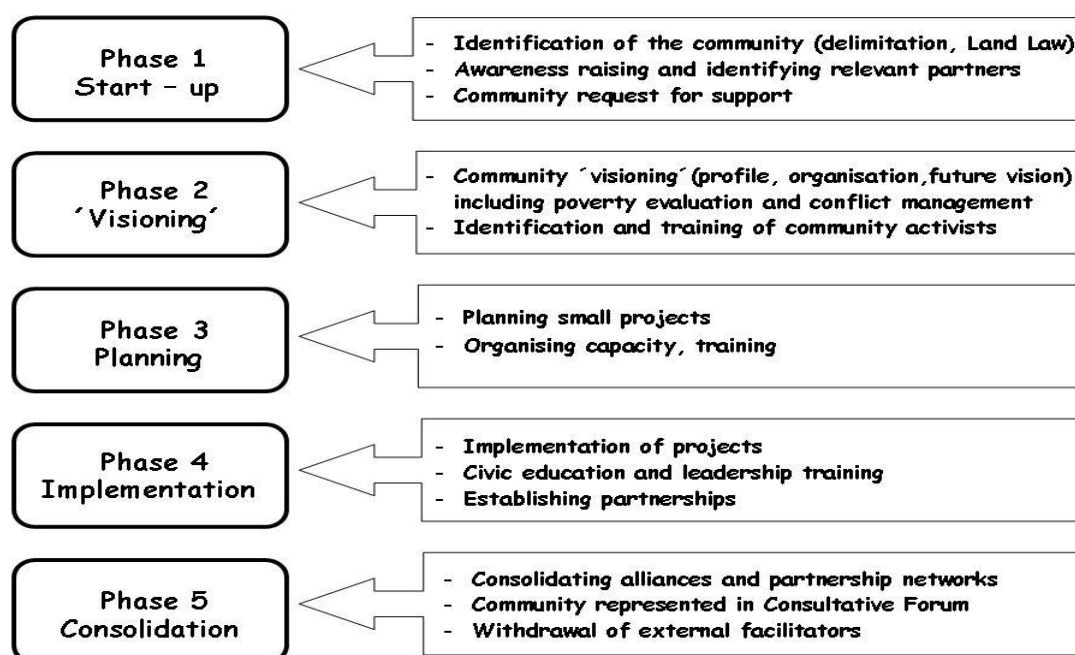
The main objective of the programme read: 'Qualitatively and quantitatively adequate public services are available for the local population of selected districts of the Sofala Province.' The programme was implemented through four components, which included the elaboration and implementation of development plans, decentralisation, agricultural production and conservation of natural resources and disaster risk reduction. The project also contributed with policy advice and donor coordination at a national level.

In a more operational sense, the overall objective of the project, which was seen as a body of external support interacting with the target communities, is summarised in the following quotation taken from the CD-ROM 'Fortalecimento das Comunidades Locais':

'[...] to take the community to the point where it is able to organise itself, administer itself collectively and identify its potentials, problems and limitations on development, and to implement activities with its own resources and with the possibility of establishing partnerships with other development actors (Government, NGOs, private sector...) to reach a common vision or objectives. The communities take responsibility for their own development and become active actors in local development'.

PRODER elaborated a community development model, which uses appropriate instruments to promote the sustainability of the generated results and impacts⁹. Community development is seen as a continuous cycle of reflection, vision, planning and implementation, organised in five steps, as shown in the diagram below.

The starting point is the identification of communities using the delimitation methods described in the Technical Annex of the Land Law Regulations. An important instrument for the delimitation process is the



realization of a participatory rapid rural appraisal to generate a community profile that is illustrated using thematic maps. These include, for example, the physical extent of the territory, land use patterns, and the distribution of infrastructure and population in the different villages. Other interesting instruments used include the historical community development line, which helps visualise changes, for instance, in land use, economic structure or population development, and the matrix of natural resource use by different population segments (men, women, poor, rich, young and old).

The next step is to develop a vision (visionagem = 'visioning' in Portuguese). This involves the conduction of a SWOT analysis (strengths, weaknesses, opportunities and threats) of economic, political and territorial aspects. Another element is the evaluation of poverty levels in the different villages of the community. Using a 'vision matrix' during a workshop, the community responds to the following questions:

- Where have we come from?
- Where are we now?
- Where are we going? (Probable future)
- Where do we want to go? (Desired future)

⁹ See also the GTZ internal concept paper: Estudo de Caso: Delimitação de terras comunitárias – Comunidade de Canda (without a date reference).

The answers can be expressed in maps, such as a community map of the desired future. Finally the community filters out the development aspects, areas and topics which have the highest priority.

The next step consists of elaborating an action or development plan, the objectives of which correspond with the identified development priorities, and in which all activities, responsibilities and projects are defined. The plan also shows which projects can be executed by the community itself, and which will require external support.

The projects, which have been identified, discussed and prioritised with full community involvement, are then implemented. To obtain the necessary financial resources the communities have various options:

- Mobilise their own resources to some extent
- Use their allocated 20% of tax revenues
- Integrate their development projects in district planning and obtain public financial and logistic support
- Find other partners (NGOs, enterprises and investors, other donor projects) willing to support them.

As it was striving for sustainability, PRODER's approach did not include any direct financing for community projects. Instead, it aimed to strengthen the communities' capacity to execute their development plans using resources that are always available, such as district funding, or the 20% of tax revenues local communities receive from tourism or the exploitation of forests and wildlife. Nevertheless PRODER also played an important role in linking the communities with other partners (e.g. the German Embassy, which financed the construction of a school in Nhambita).

A final phase, consolidation, begins when external support ends, and a community is able to carry on the process on its own. The community must assume a full role in local representational bodies which were created as part of the government's decentralisation programme, and have been a significant feature of policy for several years.

Another strategic element in the PRODER approach to community development was the promotion of organisational and capacity development. The objectives here were:

- to strengthen communities' self management and autonomy
- to develop management capacities to meet the growing and increasingly complex tasks, such as planning, project and financial management
- to strengthen problem-solving skills and the capacity for self-teaching so that communities can adapt themselves to a more complex environment that is constantly changing.

Organisational aspects were therefore important to the process of profiling the community, and a systematic analysis of the organisational structures, cooperation and internal or external conflicts was carried out.

Furthermore, PRODER supported the communities with the creation and consolidation of new organisational structures, such as the Committee for the Management of Natural Resources, or associations with the necessary legal status for entering certain contracts. It also helped introduce development facilitators, community animators and environmental supervisors. Moreover, PRODER included a substantial training programme that covered the following areas:

- Financial management
- Management of associations and cooperatives
- Land laws
- Conflict management
- District planning.

Evidently, as the project has now closed, it was not possible to observe the PRODER team in action. However, all the meetings held at local level and the assessment of the available material, show that it paid meticulous and consistent attention to the need for a fully participatory process in which activities are explained, carried out, and thereafter discussed by all concerned. A series of training exercises was carried out with each community to facilitate each step in the five-step model described above. The communities themselves selected the people to be trained as facilitators, and the process was duly carried out. Project staff maintained the correct balance between direct intervention and facilitation, resulting in tangible capacity building successes, and real community ownership of the process. A large number of participatory techniques, games, icebreakers and other visual aids were used. The diagrams used by the project offer excellent models for other projects seeking to apply the same techniques and discuss similar issues.

At various points along the way the results were thoroughly analysed in workshops with the full participation of community representatives and project staff (a total of 16 workshops were held). These had the purpose of monitoring progress and learning from the experiences, with conclusions and findings fed back into the implementation process. Specific workshops were held to map out the steps ahead, with clear lines of action and responsibilities vested in specific people or entities (community leaders, facilitators, ORAM, local government officers, project staff etc.). This enhanced the *process* of implementing the five-steps and kept up the momentum.

Other points that arose at the meetings and in the fieldwork are presented below, indicating where things did not always go according to plan. The implications of these problems are also assessed, in the overall context

of a project that clearly did all it could to apply the selected methodology and to pursue its vision through to the end.

In the current context of pressure on land and a government development model that clearly favours large-scale agribusinesses of various sorts, the PRODER approach has to answer some hard questions:

- Firstly, is it a valid model for promoting local level, community development in a sustainable and inclusive way?
- Has it had a real impact on local livelihoods, incomes and food security?
- Does it offer a way for communities and investors to work together and thus address the apparently contradictory agenda of securing local rights while promoting growth through private investment?
- Lastly, in relation to the all-important fifth step above, have the communities achieved and maintained the level of sustainability and independence that was a key project outcome? And what are the factors that determine the response to this question?

The study of the experiences and lessons learned from PRODER will examine each of these steps and arrive at a response to the last question. Lessons are drawn from each step, and the ways in which these have contributed to or detracted from the final outcome. Conclusions are then presented for policy makers about the potential use of this approach in Mozambique or elsewhere. The conclusions might call into question the long-term feasibility and wider application of the PRODER model in Mozambique, not because of any technical problem with the approach but rather due to the political direction and 'development path' being pursued by the current government.

The importance of PRODER in this context is then emphasised as a means of influencing the emerging policy debate, underlining the continuing relevance of the current policy and legal framework as an effective mechanism for empowering local people and alleviating poverty.

5.2 The Delimitation Process

All of the five communities visited have undergone delimitation, with certificates issued by the Provincial Services of Geography and Cadastre (SPGC), in accordance with the provisions of the Technical Annex to the Land Law Regulations. It is important to explain what this means. Firstly, delimitation and the subsequent issuing of a certificate do *not in any sense* allocate or approve a DUAT – the community held DUAT *already exists, being acquired by dint of occupation*, using the 'local community' definition discussed above. What the process *does do* is:

- Prove the existence of the community-held right
- Establish the boundaries of that right.

Secondly, delimitation literally ‘puts the community on the map’, i.e. its DUAT, which was previously invisible and only locally known, becomes visible to all other actors in a way that then facilitates all subsequent processes – incoming investment, local planning, community-based resource management, the allocation and management of tax revenues, etc.

The team of consultants confirmed that the project adhered fully to the methodology contained in the Technical Annex. In practice this means:

- An adequate awareness-raising exercise was carried out before the process began (this is essential for communities to understand why the delimitation is necessary and thus fully support it).
- The delimitation itself was genuinely participatory, with the full involvement of the whole community and neighbouring communities, in each case.
- The delimitation process had since been devolved back to the communities, which had assumed ownership over the process and its results (committee, maps, certificate etc.).

It was clear that the delimitation process achieved a fundamental impact in each community, in terms of how local people saw and managed their land resources:

- It greatly increased their knowledge about their own territory and its limits.
- It improved the management of conflicts within and between communities.
- It promoted the sustainable use of land and natural resources.
- It established the existence of the DUAT for each community's territory; people are now aware of what this right is and what they can do with it.
- The process has stimulated debate about whether or not DUATs exist inside the Gorongosa National Park and other conservation areas where the communities also live.

Looking at the five-step development model shown in the diagram above, it is evident that the delimitations also served the key objective of identifying the community and giving it legal form and substance. It awakened desire on the part of the communities for the technical assistance which PRODER was offering. This was a critical first step without which the subsequent planning and development process would have been far more difficult.

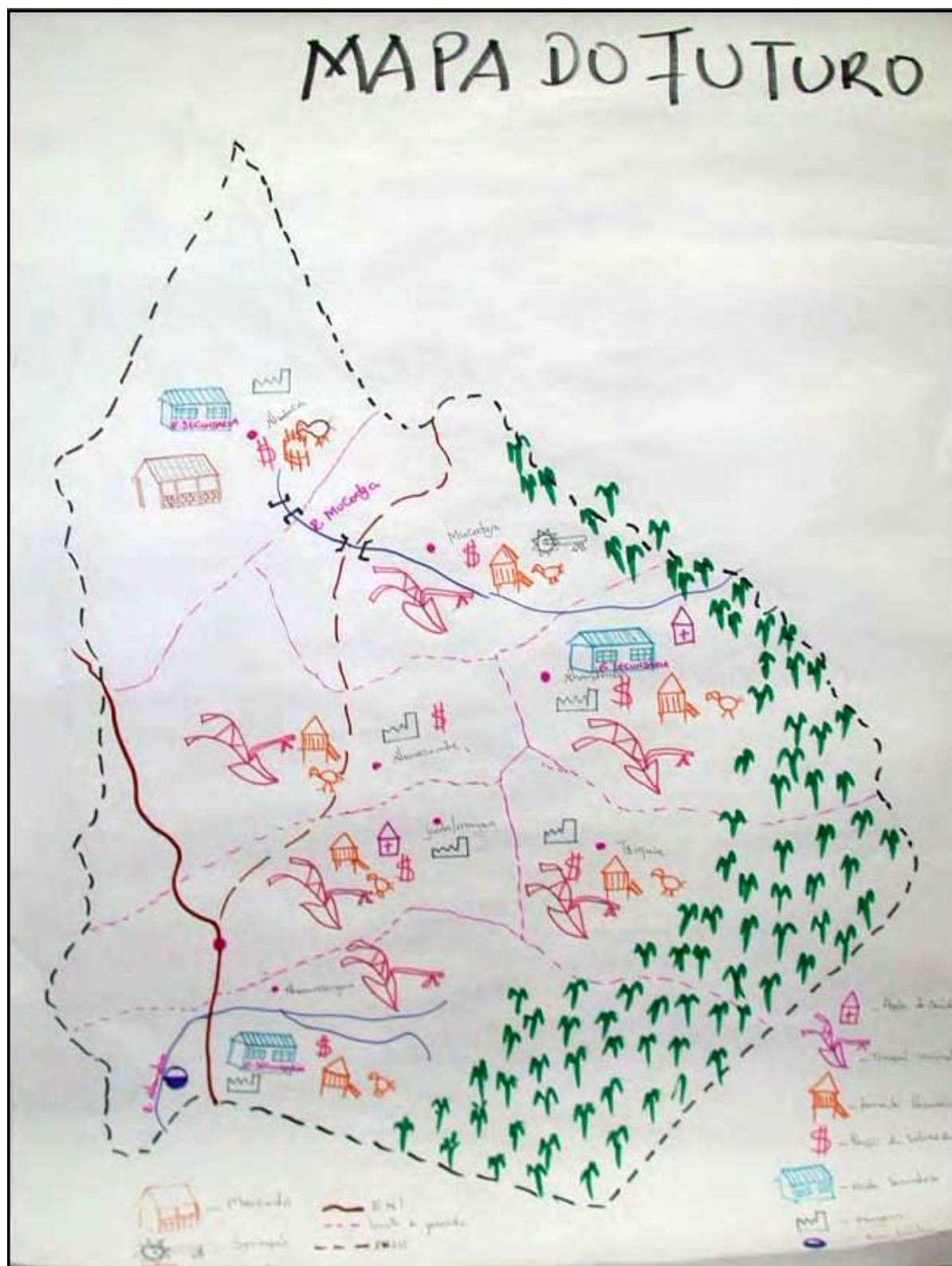
5.3 Planning Community Development

The full use of SWOT analyses and participatory discussions involving all community members resulted in coherent assessments of what each community needed. The process also allowed differing viewpoints to be expressed, and the reports from the project reveal that consensus on priorities was achieved in most cases.

The outcome of these SWOT procedures and community meetings was the preparation by all the communities of a coherent and logical *community development plan*, which included a series of *needs* and *priority projects* to meet those needs. These plans were put into graphic form in the shape of a 'Map of the Future' on which the various objectives are shown (the example on the next page, for instance, shows the need for new schools and agricultural activities).

Two of the communities visited (Canda and Nhambita) had also developed natural resources management plans and some had completed forest inventories.

Map 5: Mapa do Futuro (community development plan)



5.4 Implementing the Development Plans

The communities visited had succeeded in implementing at least one or two of the priority objectives on their plans. These tended to be schools, health centres and new water wells. In all cases these achievements had involved a combination of local resources and labour with resources not available locally. The latter were provided either through the project or by local government.

All the communities had succeeded in getting some of their priorities integrated into the district planning process. This was a major step towards the long-term goal of creating a planning process that is built upon an interactive dialogue between local government officers and local people. Only in this way can the District Plans (a key priority of government today) reflect what local people really want, and be implemented with the full support of the population.

5.5 Strengthening Community Organisation

A critical task for this study is to establish whether or not the structures created with support from PRODER have survived, and if they are still working. In all the communities visited, these structures were seen to be in good working order and are still serving the communities well. This is particularly true of the natural resources management committees. It was observed in all cases that:

- There are frequent meetings.
- There is good community participation.
- Women participate in management bodies.
- Important decisions are only taken with adequate participation by the whole community.
- Important documents are available (Delimitation Certificate, participatory maps, reports of funds received and how they were used, etc.).
- Infrastructure built with project support (project centres, meeting areas etc.) is in good condition.

If we take these facts as indicators for the proper functioning of the organisational structures, then it should be noted that the impacts of the PRODER programme were positive and sustainable. Most importantly, all the communities now participate actively in the District Forums that were set up as part of the government's decentralisation programme.

It is important to point out, too, that none of the communities reported strong conflicts between the new and the traditional organisational structures. If there had been any conflicts, then the communities were able to handle them using the instruments PRODER had introduced.

5.6 Allocating the 20% Revenues

Under the Forest and Wildlife Law, all natural resources – forests, wildlife etc. – belong to the state, even where these exist on land already subject to a DUAT. However, in its Policy and Strategy for Developing Forests and Wildlife, approved in 1997, the government defines its social objective as the involvement of rural communities in the sustainable management of natural resources, as well as the sharing of benefits obtained by their commercial use. Commercial use includes forestry companies extracting felled timber from forests that stand on community occupied land, or the holders of concession licences from the government to manage and exploit the official hunting reserves, or *contadas*.

To achieve these objectives, Decree 12/2002 of the 7 July (the Forest and Wildlife Law Regulations) stated that 20% of the taxes raised from the exploitation of forest and wildlife should be channelled to the local communities. This was eventually followed, in May 2005, by the Joint Ministerial Diploma No. 93/2005 of the Ministries of Agriculture, Tourism, and Finance, which provided a mechanism for allocating these resources to communities living in areas where forest and wildlife activities occur. In the same year the National Directorate for Land and Forests issued a Note explaining in detail the steps to be followed for the practical implementation of the Joint Decree. In order for local communities to benefit from the 20% of taxes generated by forest and wildlife activities, they must satisfy the following basic requirements:

- The community must be represented by a local management committee.
- The local management committee has to be registered with the District Administration or local administrative post.
- The community must have a bank account in its own name.

There is still a long way to go for the measure to reach all beneficiary communities in Sofala, although significant progress has been made. Since the Diploma was approved, 1,102 communities have been identified as potential beneficiaries, based on their location in areas where forest and wildlife activities take place. Thanks to the combined efforts of government and cooperation partners, 558 communities have so far organised Natural Resources Management Committees and have received due payments amounting to MZN 60 million (around USD 2.4 million – see Table 1).

Table 1: Mozambique by province: distribution of the 20% of public revenues from natural resources concessions¹⁰:

Province	Number of communities benefiting	Number of communities organised	Amount paid (MZN) since approval of enabling legislation	Average amount paid per community (MZN)
Maputo	56	25	588,665	23,550
Gaza	97	35	1,548,360	44,239
Inhambane	132	31	3,384,542	109,180
Sofala	92	18	10,174,387	565,244
Manica	98	33	4,560,644	138,201
Tete	55	27	4,394,270	162,751
Zambézia	118	109	20,702,267	189,929
Nampula	168	165	6,224,407	37,724
C. Delgado	215	108	8,440,868	78,156
Niassa	71	11	614,310	55,846
Total	1,102	558	60,019,024	107,560

Source: National Directorate of Land and Forest (DNTF) data

Communities that live in the forest and wildlife areas of Sofala Province have benefited in large part thanks to the facilitating role played by organisations and agencies such as ORAM, GTZ, ADEL, FAO and WWF. The result of this combined effort is that 92 communities have been identified as beneficiaries, and 18 have organised and registered associations and natural resources management committees, with bank accounts. A total of around MZN 10 million have been paid out (approx. USD 400,000), representing 14% of the entire amount so far allocated across the whole country. It is worth mentioning that the PRODER supported community Matondo was the first community nationwide to receive the 20%, which clearly illustrates the pioneering impact of PRODER. The allocation of these resources has had clear benefits for the recipient communities, which has since prompted significant calls from other communities to learn more about the land law and how to secure their DUAT.

Table 1 shows how Sofala is also performing well in another respect, compared with other provinces: it has received the second highest amount in payments, despite the relatively small number of communities so far registered (MZN 10,174,387, or around USD 400,000). Although the total number of communities so far organised and registered is nowhere near the total reached in Nampula for example, the average value received per community in Sofala is significantly higher than in all the other provinces (MZN 565,244 per community).

¹⁰ Currency units: Mozambican Metical (MZN); USD 1 = MZN 25

The distribution of these resources by community is shown in Table 2, below. Most of these communities benefit from considerable sums of money, amounting to several thousand dollars. While in some cases the overall amounts are quite low in relation to what it might cost to build, say, a health centre or construct a new well, they do demonstrate the impact of the community organisation and capacity building process supported by PRODER, which is in turn integrated into the wider local planning process with project support. The unevenness of the benefits (especially evident when seen at the national level) reflects several factors including the ability of the state to collect taxes, the real level of new commercial activity generating taxable revenues, and the difficulties of setting up an effective distribution system. For their part, the banks also demand documentation that is not always easy for communities to produce, such as identity cards, a tax ID number (NUIT), the 'Negative Certificate', and association statutes. Nevertheless, even in communities that have only received small amounts to date, the impact of these monies arriving at community level is probably most significant at a psychological level, as a clear recognition by the state that the communities do have a right to participate in the new economic activities in some way, and that the resources concerned are in some sense 'theirs'.

Table 2: Communities benefiting from the payment of the 20% of public revenues from commercial wildlife and forestry activities: Sofala Province, 2006 – 2009

Name of community or association	Community location	2006	2007	2008	2009	Total
Associação Pistwa Pya Matondo ¹¹	Cheringoma	217,461.97	346,150.18	186,300.30	190,785.57	940,698.02
Associação União da População de Nhansato	Muanza	0.00	258,980.42	119,485.06	0.00	378,465.48
Associação Nfuma Irintaka Mwa Tsotse	Cheringoma	0.00	222,525.24	70,725.09	152,975.24	446,225.57
Associação Pistwa Pia Mwa Maneto	Maringue	0.00	705,760.41	125,500.04	117,875.05	949,135.50
Comite de Gestao dos Recursos Naturais de Mucombezi	Nhamatanda	0.00	920.03	0.00	0.00	920.03
Comite de Gestao dos Recursos Naturais de Fudza	Maringue	0.00	178,250.03	394,397.77	117,875.05	690,522.85
Comite de Gestao dos Recursos Naturais de Phango	Maringue	0.00	37,257.05	490,257.92	53,590.08	581,105.05
Comite de Gestao dos Recursos Naturais de Samatere	Maringue	0.00	89,125.07	161,460.09	0.00	250,585.16
Comite de Gestao dos Recursos Naturais de Nhachire	Maringue	0.00	89,125.07	631,235.31	0.00	720,360.38
Comite de Gestao dos Recursos Naturais de Ntopa	Caia	0.00	23,000.15	415,725.25	140,779.29	579,504.69
Comite de Gestao dos Recursos Naturais de Chatala	Caia	0.00	506,000.15	1,026,950.79	106,279.23	1,639,230.17
Associação Piatikomera Chirimadzi	Cheringoma	0.00	0.00	0.00	34,500.06	34,500.06
Associação Tiwanicusseni Nfuma Y Maciamboza	Cheringoma	0.00	0.00	0.00	580,332.23	580,332.23
Associação Ufulu Watidzera Catemo	Cheringoma	0.00	0.00	0.00	117,300.08	117,300.08
Comite de Gestao dos Recursos Naturais de Tucuta	Maringue	0.00	0.00	0.00	251,850.57	251,850.57
Comite de Gestao dos Recursos Naturais de Macoco	Maringue	0.00	0.00	0.00	547,400.93	547,400.93
Associação Kuthambaruca Kua Nfuma Dza Maguacua	Dondo	0.00	0.00	0.00	586,500.34	586,500.34
Associação Tibhaticisse Nfuma Ya Muagalinha	Muanza	0.00	0.00	0.00	879,750.48	879,750.48
TOTAL		217,461.97	2,457,093.80	3,622,037.57	3,877,794.20	10,174,387.59

Source: provincial government data.

¹¹ Community in the survey.

The allocation of a share of public revenues is a highly innovative and challenging policy initiative that has not been easy to implement. Among the very practical problems identified during the fieldwork for this study are the high transaction costs associated with opening bank accounts, and with simply getting to the bank (which is often far away). These costs can literally consume the whole amount paid to the community. Banks also do not recognise the legal identity of communities, so three individuals have to be nominated to access and use the account, which in many instances has resulted in money being taken out and used for personal reasons. Creating community-based associations can resolve this problem, but this process is complex and takes time, and the issue of transparent management of the resources is still relevant in these cases as well.

Nevertheless, it is clear that the '20%' system is having an impact on communities' self-image and their sense of involvement in local development. The PRODER approach does much to facilitate the process and minimise the risks inherent in managing these funds by a small group of representatives. It is also crucial for helping the communities plan how to use the resources in the context of their overall development plans that were elaborated with project support. The community of Matondo, which is included in this study, received nearly USD 40,000 between 2006 and 2009.

It is up to each community to decide how it uses the funds it receives from the 20% allocation; the management of the money is also entirely the community's responsibility. The communities that had already received payments by the time of the study, have prioritised the building of social infrastructure, which in most cases involved the construction or rehabilitation of schools, committee rooms, and covered areas. According to law, the communities could, in fact, choose to distribute the money equally among the community members. In most cases however, the government tries to propose uses for the resources.

To improve their lives, the communities also use the 20% funds to support income generating activities, like the marketing of fish and cereals, the installation of flour mills, carpentry workshops, horticulture, raising livestock, micro-credits, small businesses and so on.

It is important to note that there is little evidence of the funds being used for conservation activities. The communities have prioritised the building of social infrastructure – which is in fact the responsibility of the government – and they pay little attention to conservation issues. Nevertheless, good conservation practices are evident in some communities, such as replanting of trees, community resource protection (*fiscalização*) and bee keeping for honey. In some communities outside the project area, which have benefited from these payments (for example, Mahel in Maputo Province, Matondao in Sofala, Ndogue in Manica, and Mpondo in Tete) there are notable conservation activities, the most common of these being conventional bee-keeping, subsidising community guards, and the purchase of bicycles for the guards to do their work more effectively.

In the communities supported by the PRODER programme, once their priority projects have been agreed upon and planned, the 20% payments are partly used to finance these projects and partly to support the

process of district planning. This means that funds have been used to support the participation of community representatives in the planning process, such as taking part in the Local Forums, thus linking the community planning with the district planning process.

It is also very clear that the success of getting the 20% allocations to communities in the GTZ-PRODER assisted areas is due to the facilitating and capacity building impact of the five-step strategy outlined above. Again, building the (land) rights-based approach into a clear and forward looking rural development strategy was the key and should be considered one of most innovative elements of PRODER's approach.

As well as aiding understanding of the political and economic reality in Mozambique, the review of the fieldwork suggests there is a need to revise the diploma regulating the 20% tax allocation to the communities. The legal process is complex and slow, and is seriously aggravated by the (almost inevitable) lack of documents and identification on the part of the communities.

The government is apparently willing to revise the diploma in the near future, and it will be important to consider the lessons learned from the first years of experience in the mechanism's implementation. It must be emphasised that the mechanism is important: although it needs changing, it should not be removed altogether. One aspect to consider is the state of development in rural districts, including the lack of banking services. On the side of the banks, efforts must also be promoted to come up with a new package of rules and products that is designed to respond to and facilitate the 20% programme.

One idea is to decentralise the whole process to district level, in order to shorten lines of accountability and make the local government responsible for the effective allocation of the tax resources to the communities. This could also stimulate a stronger link between the land and management questions, and encourage local participation in decision-making and district planning. The evidence from the PRODER process in Sofala is that such an approach is worth trying.

5.7 Partnerships and Other Economic Activities

In some of the communities it was clear that the project had created the conditions for new development to take place. Matondo community is particularly notable because the private forest concessionaire (TCT) collaborates with the local committee in the sustainable use of the natural resources, including reforestation. Both have established mechanisms that enable the communities to share some of the economic benefits of the exploitation of timber by the concessionaire. TCT is also certified by FSC. This innovative partnership led to a 20% revenue for the community of approximately USD 37,600 between 2006 and 2009. It was the first or second 20% allocation nationwide. According to the community, these funds were invested in social

infrastructure projects (schools, road repairs, a committee meeting room), in a microcredit programme and in the acquisition of uniforms for the environmental controllers, whose training is being financed by WWF.

But the 20% revenues from TCT were not the only benefits of this partnership for the community, which can be considered a model for Mozambique. The investor also recruits its local workforce within the community, thus providing important jobs and income opportunities in a very poor region. Finally, TCT implements two important community development programmes on a voluntary basis. These are described in the boxes below.

Community Reforestation Programme

In the period leading up to 1994, northern Cheringoma district was affected by a sustained and serious drought. In 1994 the area was then swept by sustained fires. This resulted in severe damage to the forest eco-system (known as Lowland Dry Coastal Forest).

TCT Dalmann's concession in Catapu is situated in northern Cheringoma. Although much of the concession was not damaged by the fire, large parts of the rest of the forest and surrounding areas were severely damaged or destroyed.

Fire continues to be a major threat to forest management throughout Mozambique. Forest fires can start naturally during the dry season, caused by lightning for example. However the majority of fires are started by people – either accidentally or deliberately.

As part of its extensive forest management programme, TCT Dalmann has undertaken reforestation and fire prevention measures within its concession. However, managing the concession itself has only a limited impact if the surrounding communities are not involved. Therefore, TCT Dalmann embarked on an ambitious programme to work with local communities to reforest areas that were degraded in the 1994 fires. The programme aims to reduce the risk of fire, as community members are committed to protecting the trees they have planted, enriching the local environment, repairing previous damage caused by fires and land clearance. This provides a sustainable resource for future generations living in the communities engaged in the programme.

Community members interested in taking part in the project are invited to TCT Dalmann's Catapu concession. Here they receive training and information about reforestation, fire control and care of trees. Practical field demonstrations are used to teach them the principles of using fire breaks to protect areas, and about 'cold' burning of areas before the grass is long and dry, as well as about natural ways of controlling weeds and the best ways to plant different types of trees.

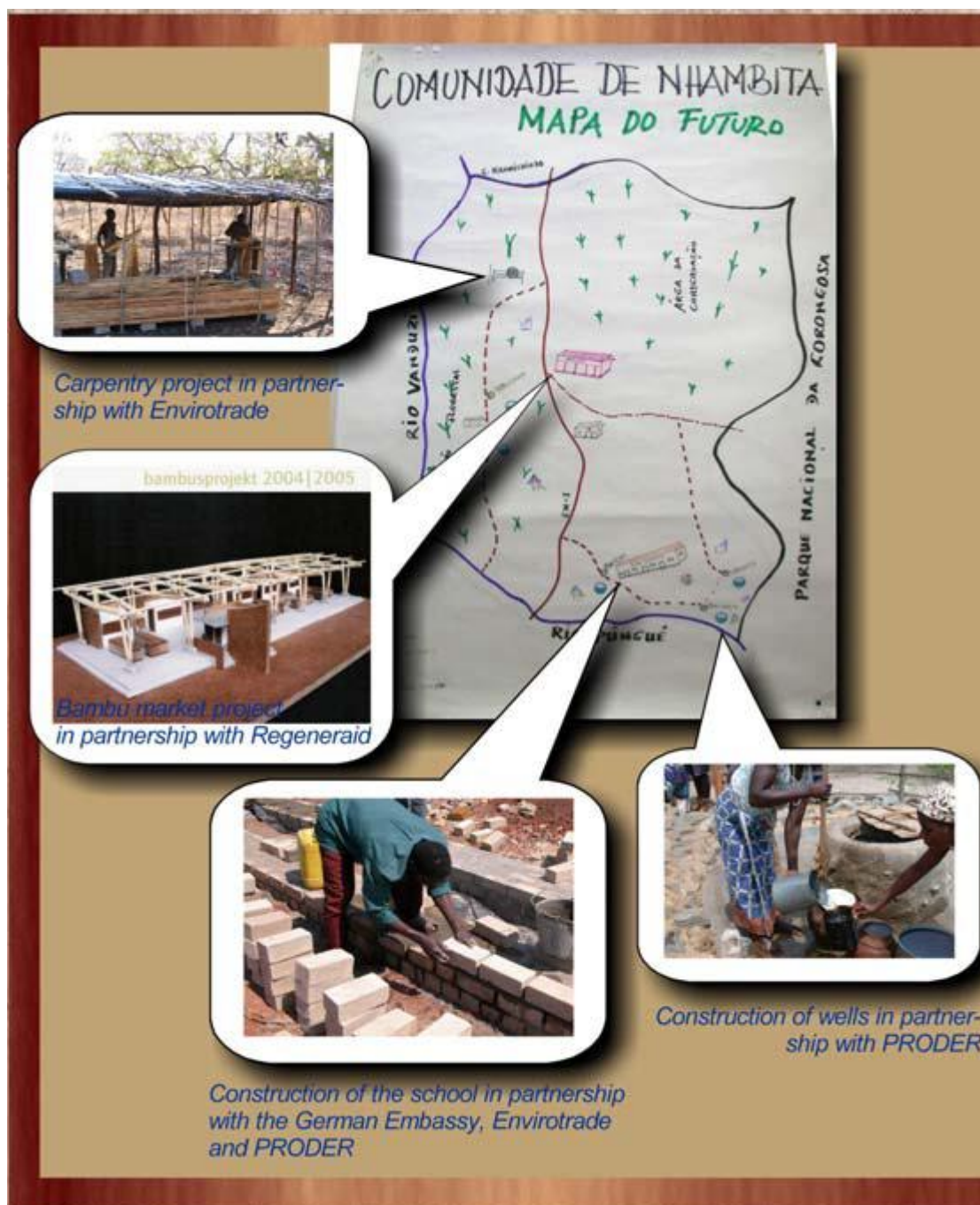
The programme gives TCT Dalmann an opportunity to share the 10 years of experience it has gained in successful reforestation within its concession, for the benefit of surrounding communities. So far, 64 farmers in the communities of Zangue, Santove, and Pungwe have taken part in the programme.

Each farmer receives 100-160 trees. Survival rates are upwards of 50%. Species are mixed, including Panga Panga, Chanfuta, Mutondo, and other indigenous but non-commercial species to ensure diversity in the planted area. Trees are planted with the assistance and guidance of TCT Dalmann's forest management team. The TCT team regularly visits farmers during the first four years of their participation, to assist and provide advice on how to protect trees from fire and other threats, such as attacks by baboon, wild pig and porcupine. Farmers receive payments based on the number of surviving trees and are encouraged to expand their areas each year by planting new trees, and new farmers are invited into the scheme. After four years, young trees are generally strong enough to survive without the need for intensive management by the farmer.

The community reforestation programme not only provides a protective buffer to the Catapu concession, it also contributes to household incomes, increased biomass, greater environmental awareness and the regeneration of Mozambique's precious forest resource.

Source: www.dallman.com

Map 6: Mapa do Futuro (community development plan) II



Another fruitful partnership developed in Nhambita. Here, since 2003, the community has been involved in a carbon trading project, partly funded by the European Union and implemented by Enviro Trade Ltd. The partnership's activities, which take place in the buffer zone around the Gorongosa National Park, are intended to:

- create sustainable livelihoods
- promote climate-relevant land use changes
- contribute to the conservation of the natural resources

- mitigate greenhouse gases.

Private investors and the community are together implementing a system for planning, managing and monitoring carbon offsets in commercial forestry and forest management in a way that enhances rural livelihoods. It involves a model for land use change and habitat restoration that helps alleviate poverty, and promotes sustainable development and the conservation of biodiversity, while also tracking carbon emissions.

Enviro Trade and interested farmers sign contracts which detail the land use change activities and the amounts to be paid for the environmental services. Enviro Trade then sells carbon credits to the voluntary markets, mainly in Europe. The revenues obtained are distributed between the investor (66.6%) and the community (33.3%).

According to Enviro Trade, in 2008 a total of 1,223 farmers participated in the scheme and reforested an area of 1,740 hectares. The farmers received nearly USD 150,000 in payments for their environmental services in 2008 and USD 28,000 was invested in a Community Development Fund. The community activities being supported are:

- reforestation and agro-forestry
- forest management (fire management and forest enrichment)
- micro enterprises and business groups, such as beekeeping, handicrafts, saw milling or carpentry.

The same community received substantial support from the German Embassy for the construction of a primary school and also built a bamboo market in cooperation with the German NGO Welhaus. Furthermore, in 2008 the community received USD 3,500 in revenues from the Gorongosa National Park. According to the legislation it is perfectly possible that a community is paid 20% of revenues from forestry concessions as well as from tourist projects like the Gorongosa National Park.

5.8 Communities and the Gorongosa National Park

The project supported the delimitation of communities in the buffer zones around the Gorongosa National Park, but in most cases the delimitation exercises also identified traditional boundaries that extend well inside the conservation area (see the map of Nhambita community below, for an example).

Map 7: Nhambita community



The reality of community occupation inside the park has generated a considerable level of controversy, as all the government agencies involved in park management – MITUR and its provincial delegation, the National Park management itself – do not accept the existence of DUATs inside the park borders.

The Land Law does in fact specify that it is not possible to acquire the DUAT in these areas, but what the project also clearly shows is that, a) there are real historical rights within the park (and by extension, in most conservation areas where there are traditional communities), b) these rights are still very real and active in the minds of the communities, and c) it is not enough simply to apply the law, if injustice and social discontent are to be avoided.

A practical solution must be found where communities might give up or at least *cease to use* their rights, in return for some other income stream or form of compensation offered by the park authorities and/or the state. If the issue of DUAT can be put to one side, the community delimitation is an effective instrument for establishing the 'stake' a particular community might have in any revenues generated by the park (through tourism etc.). It also serves to reinforce management capacity of the local community (in a land or natural resources committee, for example) and to educate people about what they can or cannot do in the park (and *contadas*)¹².

As the state agency responsible for the national parks and other types of conservation area, the Ministry of Tourism is well aware of the need to re-classify and re-zone many of the existing conservation areas and *contadas*, which could involve a reduction in the size of some of these areas.

¹²The review team is grateful to Chris Tanner for this particular view of how delimitation can be used as a field methodology for achieving other development objectives, setting aside the immediate (and contentious) issue of the DUAT which distracts attention from finding a solution based on common-sense and fundamental rights approaches.

The importance of the PRODER exercise in the Gorongosa National Park is that it accurately demonstrates the value of such an approach. It is noted in this context that after the Forest and Wildlife Regulations established the 20% rule, the same principle was adopted by tourism legislation and applied to taxes and revenues generated by national parks and conservation areas. The beneficiaries in this case are the communities in the buffer zones, which are understood to have some kind of historical or 'pre-park' rights over the area and resources in question. The PRODER intervention has shown how this works in practice, by establishing the community 'interest' (i.e. stakeholding) in the park or *coutada*, and thus its right to benefit from the park and *coutada* revenues. Through PRODER, the 20% rule was applied to the buffer zone communities with extensions into the national park, as well as those inside the *coutada* areas. Table 3 shows the value of the funds paid to these communities so far by using this approach. Nhambita and Nhanguo received roughly USD 3,500, and Mangane USD 1,000:

Table 3: Sofala Province: allocation of 20% of tax revenues from tourism and hunting reserves to the communities within the PRODER area (September 2008)

Province	Official coutada or Gorongosa National Park	Number of committees	District	Name of the community included	Amount budgeted but not yet remitted	Amount remitted in favor of the communities
Sofala	Official coutada No. 6	2	Maringué	Maneto	26,000.00	26,000.00
			Caia	Mangane	26,000.00	26,000.00
	Official coutada No. 10	2	Cheringoma	Maciamboza	60,946.47	Community is opening a bank account
				Tsotsi	60,946.47	
		1	Muanza	Ngano/Weriquize	60,946.47	Community is not yet legally constituted
	Official coutada No. 11	4	Marromeu	Ngaze	75,279.85	75,279.85
				Salone Hermoque	75,279.85	75,279.85
				Nhapitundo	75,279.85	75,279.85
				Nhoucaca	75,279.85	75,279.85
	Official coutada No. 12	2	Cheringoma	Guma	44,091.10	44,091.10
				Chirimadzi	44,091.10	44,091.10
	Official coutada No. 14	3	Marromeu	Macuère	16,440.00	16,440.00
				Safrique	16,440.00	16,440.00
				Migugune	16,440.00	16,440.00
	Gorongosa National Park	4	Gorongosa	Nhambita	88,623.95	88,623.95
				Tambarara	88,623.95	88,623.95
				Sadjungira	88,623.95	Community is not yet legally constituted
				Nhanguo	88,623.95	Community is opening a bank account
Total					1,028,028.81	728,887.97

Source: Government of Sofala, Provincial Directorate of Tourism.

On this basis it should be possible to negotiate some form of compromise solution with the park authorities, which goes beyond just a share in revenues but also includes a more active form of economic participation.

The groundbreaking Makuleke case in South Africa's Kruger Park comes to mind in this context. There, historically established rights inside the park were recognised under the Restitution Act, and the community was given the right to establish a number of community-owned lodges in partnership with commercial operators.

In the specific case of Gorongosa, the park is being managed under a concession granted to an American philanthropic foundation (the Carr Foundation) which, apart from its immediate goal to support conservation and restore the park to its former natural glory, is also directly concerned to see that local people participate in the park activities and gain from them in some way. Some examples of community participation in the park's activities were also seen during the evaluation, which suggest a useful way forward. Canda community and the national park have embarked in a reforestation project on Gorongosa Mountain, which is one of the most attractive sites near the park.

While this issue is a long way from being resolved – the resettlement of populations to areas outside the park is still the standard approach taken by the government. Now the PRODER programme has succeeded in promoting a more open discussion of the issues and possible solutions. Getting the other actors to accept that there are indeed real rights at stake – as proven by the delimitation exercise – is an important first step.

5.9 Land Conflicts and Resource Rights

Conflicts are increasingly likely in the areas where PRODER was working, as there is growing demand for land and natural resources among parties outside the local communities. Demand is not the only factor involved, however. Conflicts can also result from poorly carried out community consultations, the breaking of consultation agreements (partnerships), occupying land not covered in the agreement, and even if mistakes are made by cadastral staff when mapping out and fixing the borders of a new project. Ensuring that local people know about the laws and their rights is then a central task of the government, which it has primarily vested in the land administration services overseen by the National Directorate for Land and Forests (DNTEF).

Community delimitation is a tangible and effective way of avoiding conflicts, as it clarifies where local DUATs exist *before investment processes start*, and thus indicates where existing and new investments can be carried out. It also serves to strengthen community organisation and their awareness of both rights and 'due process' – i.e. doing the right thing. When carried out as part of a wider development and investment process, delimitation is an excellent way of helping all sides to find an amicable and mutually beneficial way to live together.

Other mechanisms for resolving conflicts include mediation, in which the state or state-approved agents play an important role. The Land Law also calls for local leaders to be involved in conflict resolution, using local customs and practices. Only in serious cases should the community have to resort to legal or judicial measures, and to do this they require significant levels of support, both technical and financial. New approaches, such as the programme of training for paralegals at the Centre for Juridical and Judicial Training (CFJJ) of the Ministry of Justice, supported by the FAO and Netherlands, offer an interesting way forward in this issue. Meanwhile, it is clear that the approach adopted by PRODER was instrumental in reducing the potential for conflict in the communities of the project area, and that it led to negotiated understandings about the kinds of development that can take place, involving local people, investors and state interests, including national park authorities.

5.10 Land Taxes and Their Distribution

All DUAT titleholders who have land for commercial or non-subsistence purposes must pay annual taxes and fees to the government, although there are many who do not pay, for many reasons – a weak culture of tax-paying, long distances to the local administrative office, and a simple lack of awareness on the part of many titleholders. Nevertheless, revenues from land taxes have been rising steadily, as the capacity of the administrators to collect the taxes has improved.

Tax receipts benefit various levels of the state: 40% is paid to the Treasury (Ministry of Finance), 12% to the districts, 24% to the Cadastral Services and 24% to the Agrarian Development Fund. The relevant legislation stipulates that priority for the use of these funds should be given to improving the cadastral system. However, there are no clear mechanisms for doing so, and the Cadastral Services use their share to support mediation and conflict resolution, awareness raising about the Land Law, and as payment for GPS signals and other technical necessities. The lack of clear guidelines also means that, in many instances, district governments do not use their share in ways that benefit and improve land management. In this respect, it is also worth noting that there is no system similar to the payment of 20% of revenues accruing from forest and wildlife and tourism activities.

5.11 Regulatory Changes and Local Community Rights

As was mentioned in the introduction to this report, the government has recently altered the Land Law Regulations (Article 35), apparently as a reaction to the delimitation of very large areas of land in the name of local communities, which then do not use the resources they have under their control. This is an understandable concern for a government which wants to promote economic growth and national self-sufficiency, but it is important to understand clearly the significance of this regulatory change.

Firstly, the changes do *not take away the DUATs acquired through occupation*, and which are enshrined as a basic right in both the Constitution and the Land Law. They do however change a series of administrative rules that have made the whole question of delimitation and certification quite confusing and open to varying levels of interpretation. Recent data on delimitation, quoted in discussions of land indicators held for the Performance Appraisal Framework (PAF), involving both the government and cooperation partners, demonstrated that there has been a virtual halt in delimitations across the country. PAF is a framework agreed between donors and the government to evaluate the progress made towards agreed objectives. The PAF indicators on land were very weak, but after much debate the government finally decided to include 'Communities delimited with certificates' as one of the indicators. However, recent PAF data show that, since the regulatory change in 2007, the progress of registering community rights through delimitation has come to a standstill, as communities have to produce a land use plan (for which there are no guidelines).

An obvious problem is the requirement that all delimitations over 10,000 hectares (the majority) have to be approved by the Council of Ministers (CM). This is bound to introduce serious delays in what is essentially an administrative process. As already stated above, the CM is not able to take away rights, and in real terms cannot 'approve' something already given by law, but merely approves the process.

The second issue causing major confusion (which became very apparent in Sofala during the fieldwork), is the new requirement for communities, like investors, to present a development plan or project when they request their Certificate of Delimitation or land title documents. The confusion is even greater because a) the law itself requires this but does not say anything about what form these 'projects' should take; and b) there are no other guidelines about what is or is not an acceptable proposal.

There is also a marked lack of understanding of the implications of delimitation among senior officials and investors. Many see it as effectively blocking future investments, instead of it being – as argued above – an ideal platform for investments in a community-controlled area in a negotiated and equitable manner (as is, in fact, now foreseen in Resolution 70/2008). A development partnership between private investors and local investors can be highly beneficial for both. As well as from the access to land, the investors can benefit from the communities' profound knowledge of local conditions, from the protection of the natural resources (for example forestry concessions) and from the ready availability of a local workforce. Furthermore, the social standards represented by this kind of partnership can open up new markets.

A Diploma (No. 50/2007) has been promulgated covering the issue of the plan to be presented, but this has done little to clarify the content of the plan or which body has to assess and regulate it. It is evident, meanwhile, that the concept of 'community land' also needs clarification (in fact it does not exist in law, as the local community is a private title holder, just like any other). Clarity about the existence of DUATs acquired by occupation is an essential first step, in order to avoid the opportunistic usurpation of local land, without due attention to the consultation process or openness to the possibility of developing a constructive

partnership which could bring real benefits to all involved. In this context the PRODER process sets an example, showing how useful the community delimitation process is for clarifying these rights and creating an enabling environment for a subsequent, participatory and consensual development process.

The National Directorate for Land and Forests (DNTF) must ensure that the procedures laid down in the Technical Annex for Delimiting Rights Acquired by Occupation are scrupulously and consistently followed when carrying out community delimitations. If not, many delimitations risk being declared illegal or invalid if they fail, for example, to complete the required forms or observe the standards required in selecting the community committee or undertaking dialogue with neighbouring communities.

6. Conclusions and Lessons Learned

Without doubt, the PRODER programme proved the value of its approach to local development: having started by respecting existing local rights, it then supported communities as they acquired the capacity to analyse their own situations and define their own development paths. Three years after the end of the project, the community committees that were supported are still functional and benefit from the capacity development process initiated by the project.

It is important to stress the pioneering nature of the work done by PRODER, a direct impact of which was that a supported community (Matondo) was the first in the country to receive its 20% share of public revenues from the exploitation of forests and wildlife. Many communities understood that 'participation' is not only a set of planning tools and a related process, but also leads to very tangible benefits. The pioneering approach sparked great demand, with many communities now keen to learn more about the land law and how to get their DUAT.

Clearly this process does not take place in isolation, and the other major achievement of the programme was its success in explicitly linking this local development process with the local district planning process, which is such an important feature of Mozambique's policy process today.

Having said this, the team found that despite the efforts of the project and its evident success at local level, there is now insufficient communication between the Government at all levels, and former PRODER project actors. This is particularly the case with communities in the Gorongosa area. At the same time, the advent of the new biofuels industry and the growing demand for very large areas of land is placing that relationship between communities and the government under increasing strain. There is a greater need today for the

PRODER approach than ever before. Important lessons learned should be carried forward and applied in practice to meet today's changing demands.

The issue of land rights is fundamental, to provide a platform upon which local people can build their own plans, and engage in meaningful negotiations with outside interests. However, PRODER has clearly shown that delimitation on its own does not necessarily achieve very much. For a real impact on people's lives, it is essential to include it in a process of *rural development* and *wider policy initiatives*, such as the five-step approach which guided PRODER. Having said that, with pressure growing from commercial interests in all the communities visited, it is now profoundly important to get the *existing DUATs* marked on the map in a visible and legally correct way. If communities fail to do this, the rights they have won through the Land Law and which are in fact enshrined in the Constitution will be vulnerable; in all probability they will be pushed to one side in favour of 'the national interest' and a development process that sets other priorities.

PRODER clearly shows the importance of *proving and delimiting* local rights as the precursor to other processes. This is particularly important in the context of the new Resolution 70/2008, which explicitly requires investors seeking areas greater than 10,000 hectares to include with their proposals, the 'terms of the partnership agreed with the holders of rights acquired by occupation' in the land areas they want. This is an important new legislative provision. The PRODER approach should now be used by those advocating the rights of communities, when they contribute to the political debate over land that is about to occur in Mozambique.

The project also underlines the usefulness of delimitation as an instrument for achieving equitable development outcomes, even where there is some disagreement surrounding the existence of legally acquired DUATs. The communities around the Gorongosa National Park and inside the *contadas* show this as well. In this context, the evaluation team notes with some disappointment the reported hardening of the official position – perhaps even resulting from the PRODER supported delimitations – which is now against delimitations being allowed in the Gorongosa National Park or in other parks and conservation areas across Mozambique. This is a pity, as it is evident from the fieldwork that, while the issuing of DUATs inside the park may be legally non-negotiable, the *methodology and the rights-mapping* function of the delimitation process can have many other positive outcomes. These, in turn, could facilitate a consensual solution to the complex problem of how to deal with local communities living in or around conservation areas. Moreover, the consultation process proved an ideal platform for introducing investments to community-controlled areas in a negotiated and equitable way.

It is worth pointing out that some of Brazil's experiences in participatory land use planning could well be transferred to Mozambique. District development planning that is now supported by the successor programme to PRODER, GTZ's decentralisation programme, should include transparent land use planning procedures to avoid problems, conflicts and injustice in land distribution. At the same time, many of the tools

and instruments used for community development in Mozambique could also enrich the local land use planning approaches used by GTZ in Brazil.

Finally, the following conclusions can be drawn:

- 1) The PRODER approach proved a valid model for promoting local-level community development in a sustainable and inclusive way.
- 2) It was impossible for this study to determine the precise impacts of the project on local livelihoods, incomes and food security. However all the information gathered suggests that these were beneficial.
- 3) The positive examples of partnerships between communities and private investors proved that a common development agenda is possible, one which secures the local rights of the communities and also offers business opportunities for the investors.
- 4) A level of sustainability and independence among the communities was observed as a key project outcome.

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