Community rights and participation in the face of new global interests in forests and lands: The case of Mozambique

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Abstract: This case study analyses community rights and participation in sustainable forest management (SFM) in Mozambique and the implications of new global interests in forests and lands. It also looks at the conditions and combinations of conditions that seem to foster positive change towards SFM. The study is based on a literature review from sources of information including legal documents, statistics, thematic reports, and peer-reviewed articles. The results indicate that while forest and land resources are abundant and customary and statutory rules support local communities' participation in forest and land management, inadequate implementation of these regulations jeopardises effective community participation. New opportunities for enhanced community benefits and participation in SFM are arising in Mozambique, but whether Mozambique can fully tap into these will depend on the extent to which key enabling conditions related to institutions, information, and capacity-building can be fulfilled.

Keywords: Mozambique, community forestry, sustainable forest management, tenure

21.1 Introduction

The short history of Mozambique since gaining independence from Portugal in 1975 reveals a young country striving to catch up with international development trends. It emerged in 1992 from a civil war that had lasted 16 years, since independence, and from a centralised economy after years of socialism. In the last decade, as a result of economic and political stability, Mozambique has achieved economic growth and a reduction in poverty levels. The gross domestic product (GDP) in 2012 was estimated at USD 14.6 billion, with an annual growth rate of about 7.4% (World Bank 2012).

Institutions, communities, and policies in Mozambique are striving to cope with the increasingly growing demand for land and natural resources both for domestic and international markets. Deforestation and forest degradation processes are scaling up in proportion to population growth through increasing demand for biomass energy and agricultural land for food production (Sitoe et al. 2012). In recent years there has also been increasing interest by foreign investors in large-scale agricultural, biofuel, and forestry production, which requires extensive land areas (e.g. Nhantumbo and Salmoão 2010, German et al. 2011).

While land and natural resources are state-owned, policies on national land and natural resources recognise the need to involve people whose livelihoods depend on forest and wildlife resources in the planning and sustainable use of those resources (Salomão 2004) and to provide potential for change towards more decentralised natural-resources management, as well as enhanced partnerships between local communities and investors (Sitoe et al. 2012). In the forestry sector, there are a few examples of public-private partnerships that have been created to improve rural communities' engagement in forest management. These include carbon sequestration initiatives (e.g. Sofala Community Carbon project), rehabilitation of degraded lands (e.g. Serra da Gorongosa),

and forestry concessions (e.g. Derre). In addition, a national process for reducing emissions from deforestation and degradation and enhancing carbon stocks in developing countries (REDD+) began in 2009 and is expected to create new opportunities for resource conservation and poverty reduction (Sitoe et al. 2012). However, the realisation of these benefits at the local level is closely connected to the rights of local communities to participate in decision-making and benefit-sharing related to natural resources.

In the face of new global interests in forests and lands, this case study analysis is based on literature review of the current patterns of land and forest-resource use, especially communities' rights and participation and their role in sustainable forest management (SFM) in Mozambique. The analysis sheds light on the conditions and combinations of conditions that seem to foster positive change towards SFM in Mozambique or to constrain it.

21.2 Forests, land-use change, and deforestation

Estimates about the total forest cover vary according to the definition of what constitutes a forest. According to global forest resource assessment, forests with >10% crown cover spread over 50% of the country, a little more than 40 million ha (FAO 2010). The predominant ecosystem in Mozambique is miombo woodland, which covers about two-thirds of the country and is common north of the Limpopo River. Other ecosystems include mopane in the semi-arid regions of the hinterlands (in the valleys of the Limpopo and Zambezi Rivers) and the undifferentiated forests in the coastal region (Figure II 21.1).

Deforestation at the national level was estimated as a function of population density and assuming constant forest-use patterns by Marzoli (2007) at 219 000 ha/year (0.58% per year) for the period 1990–2002, with varying intensity across provinces. The highest rates were observed in the centre (Zambézia province) and in the north (in Nampula province). Agriculture (subsistence and commercial), firewood and charcoal, unsustainable logging, and mining were among the major drivers of land-use change, including deforestation and forest degradation (see Table II 21.1, Sitoe et al. 2012).

21.3 Forests, livelihoods, and capacities

Rural inhabitants in Mozambique are highly dependent on forests for energy and land for agricultural production (Dewees et al. 2011, Figure II 21.2). For-

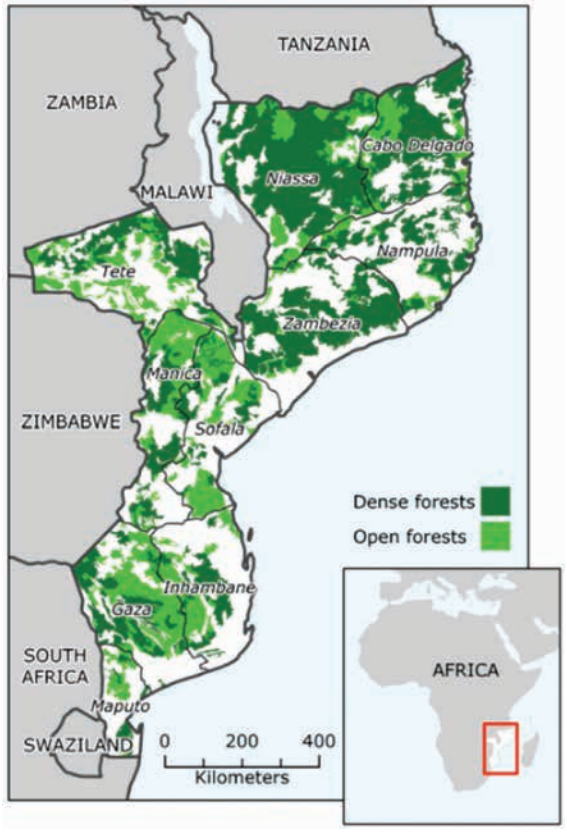

Figure II 21.1 Forest cover in Mozambique in 2007. Source: Wertz-Kanounnikoff et al. 2011 using data from Marzoli 2007.

ests are also important for non-timber forest products and cultural and historic values (Falcão et al. 2007). The legal framework allows free access for subsistence use of forest products while commercial use is based on concessions or annual logging licenses (Sitoe et al. 2003). Local actors do not have preference over outsiders in regard to commercial opportunities. Requirements to engage in commercial exploitation of forest resources include forest inventory, payment of logging fees, etc. These requirements limit communities' ability to engage in commercial activities since they lack the needed technical, managerial, and financial capacities. However, given the weak institutional capacity of the forest service, many local actors are engaged in informal commercial activities selling firewood, charcoal, poles, and medicinal plants, among other products. Capacity-building and training of different stakeholders in the forestry sector has been limited (Sitoe et al. 2012). Most of the existing efforts relate to policy and regulatory aspects, with very little focus on managerial issues.

Some current initiatives promote small and medium enterprises in the forest sector, but information about their impacts is lacking. In general, the dearth of capital has limited SFM. However, informal financing of forest operations has been driving logging

Table II 21.1 Major causes of deforestation in Mozambique.

Cause	Description
Subsistence and commercial agriculture	About 99% of the close to 3.8 million farms surveyed are small (average area per holding is 1.4 ha) occupying 96% of the total area cultivated with food crops. Of these, only 5.3% use irrigation, 3.7% use fertilisers, and 2.5% use pesticides, revealing rudimentary agricultural practices. Many of these areas are subject to shifting cultivation, usually a mosaic of cropland and fallow areas at different stages of development. Smallholder farmers produce both subsistence and cash crops. The latest agricultural census suggests that production areas increased between 2000 and 2010 from 3.2 to 5.1 million ha (59% increase) for the major subsistence crops (maize, beans, peanuts, sorghum, rice, and millet) and from 1.6 to 2.3 million ha (47% increase) for the major cash crops (cotton, sesame, tobacco) (INE 2011).
Wood fuel energy	Dependence on forest resources for energy is high. Sitoe et al. (2008b) have estimated the national demand for woody biomass for energy at about 14.8 million tons (dry matter)/year, the equivalent of 23.68 million m^3/year, or 1.16 m^3/per capita/year. Given the high and increasing population density in towns (where 70%–80% of household energy requirements depend exclusively or partially on charcoal and firewood), the demand is commonly greater than the supply from the neighbouring natural forests.
Unsustainable logging	While logging may not result directly in deforestation, it may lead to forest degradation (through selective logging) and eventually lead, indirectly, to deforestation as charcoal makers, firewood collectors, and agriculturalists use roads opened by loggers to penetrate the forest. In spite of efforts of the forest service to promote SFM through a system of forest concessions and reduction of annual logging licenses (simple license), it has been shown that most of the licensed timber volume (65% in 2009) was harvested on the basis of simple licenses in unmanaged forests (Sitoe et al. 2012). Official statistics show that logging capacity is still very limited. For example, of the 500 000 m^3 annual allowable cut, less than 50% is legally logged; however, illegal logging (for China alone) is reported to be about 48%, suggesting that Sino-Mozambican timber trade is pushing Mozambique's forests beyond their maximum sustainable yield (EIA 2013). In addition, Del Gatto (2003) has estimated that since few species are currently logged, the rate of extraction of the most valuable timber species may be between two and four times its sustainable potential. In 2011, it was estimated that 62% of the licenced timber volume was represented by three species: *Combretum imberbe*, *Millettia stuhlmannii*, and *Colophospermum mopane* (DNTF 2012).
Mining	The mining industry has been increasing very rapidly in Mozambique (Selemane 2010). Although several mining concessions have been given (some of them in forest-covered areas), large-scale exploitation is just beginning, therefore little is yet known about potential damage to the forest (Sitoe 2012) although non-verified anecdotal evidence on negative effects is emerging. Mining concessions are especially located in central Mozambique, in highly productive and protected forest areas such as in Zambezia, Sofala, and Tete Provinces. Potential negative impacts in the forests in provinces like Tete, where there are large-scale opencast mines (concessions with 20 000 ha or more) may either be direct (with the mining operations) or indirect, as job seekers flood the area in search of opportunities, requiring residential, agriculture, and firewood collection areas.

operations; for example, Chinese timber merchants provide financing to local operators to cut down trees and secure markets for logs (Mackenzie 2006, EIA 2012, German and Wertz-Kanounnikoff 2012).

Dewees et al. (2011) have evaluated the policies, options, and incentives for the rural poor in the miombo woodlands and observe that at the policy level the willingness to devolve forest resources to the rural poor is widespread in miombo countries such as Mozambique. However, they also note that there was a large gap between policy statements and practice and that the outcome of the practices is far from sustainable community forestry. The authors indicate that conditioning factors to ensure SFM include, among others, the miombo ecology (low commercial timber stock, low biomass stock, low species diversity, etc.), market structure for miombo products (most products were traded informally, limited access to formal markets), the condition of the rural poor (limited technical and financial capacity

limited information to negotiate, etc.). They therefore conclude that forest policies alone may not suffice to ensure sustainable management of miombo woodlands and rural poverty reduction. However, they also discuss the role of a range of miombo products and services that represent an opportunity for the rural poor, including wood energy, building materials, medicinal plants, and edible plants, which in most cases play the role of rural insurance, or safety nets, in situations of illness in the household and in disasters such as drought and floods or other famine situations.

21.4 Political and institutional framework

21.4.1 Community participation in national policies

The Forestry and Wildlife Policy and Strategy was approved in 1997. Increasing the participation of rural communities in integrated management, fire protection, and use and conservation of forest and wildlife resources is one of the strategic objectives of this policy (Ribeiro 2001). The policy calls for involving people whose livelihoods depend on forest and wildlife resources in the planning and sustainable use of the resources (Salomão 2004).

The Forestry and Wildlife Law was enacted in 1999 and associated regulations in 2002. They form the regulative framework for the use and management of forest resources. The principles governing the law (Act N° 10, 7th July 1999, Chapter 1, Article 3) include "…promoting the conservation, management, and utilisation of forest and wildlife resources without contradicting the local customary practices and according to the principles of conservation and sustainable utilisation of forest and wildlife resources in the framework of decentralisation." The law also emphasises private sector involvement and its contribution to the development of local communities.

The National Land Policy was adopted in 1995 and the Land Law and its regulations in 1997 and 1998, respectively. The Land Law provides strong potential for a change towards more decentralised natural resources management and enhancing partnerships between local communities and investors. According to the Land Law, local communities shall participate in the management of natural resources, conflict resolution, land titling processes, and identification and definition of land occupied by communities. In addition, the law states that communities should be consulted before land-use rights can be issued to outsiders. This provision is meant to protect local communities, particularly poor people, from losing their land that was acquired by customary rights.

Figure II 21.2 Forest-agriculture frontier in Gondola district, Manica province, where miombo forest has been converted to subsistence maize farming. ©Almeida Sitoe

Consultations constitute a mechanism to ensure community participation in forest management, with the intention to provide a dialog platform for establishing partnerships between the forest operators and local communities. The Law of State Local Authorities (Law 8/2003) and its regulation (Decree 11/2005) establish the decentralisation principles, transferring the power of decision-making to local institutions but in coordination with higher bodies at district and province levels. The decree defines the working rules and competences of community committees as the local institutions that coordinate aspects of common interest at the community level, including the management of natural resources. Decree 43/2010 and Diploma 158/2011 link the Law of State Local Authorities and the Land Law, making clear that the local state bodies are the ones that should be used in the consultation process. Sitoe et al. (2012), however, observe that although the intention to decentralise to the community level has been put forward through local bodies, in practice, these bodies receive orders from the national and provincial levels, making it difficult to truly make effective local decisions.

Box 21.1 Forest tenure trends

Since independence in 1975, two periods can be distinguished in Mozambique's history: 1) The period 1975–1991 marked by the nationalisation of private property, centralised ownership, and state control of the land and its resources as the key components of socialism. The 1979 Land Law gave secure rights to cultivated areas in the family sector but not to the extensive natural forests. Forests belonged to the state, whose enterprises could exploit forest resources for commercial purposes without paying taxes or drawing up management plans. The only benefits that local communities in forest areas received were employment opportunities. 2) The period post 1992 was marked by the end of civil war in 1992 and the first general multiparty elections in 1994. Areas that had been inaccessible during the war were opened up, which exposed weak local administrations and communities to settlers, who had different cultural and social habits. This period was also marked by a shift from centralised planning to market economy, which required reforms in land and natural-resource legislation, most of which occurred in the late 1990s, particularly when the Land Law of 1997 and the Forestry and Wildlife Law of 1999 came into force. The Land Law of 1997 maintains some aspects of the socialist Land Law of 1979 by defining land as state property. The state can therefore grant land-use rights to stakeholders while retaining property rights. One important element of the 1999 law is the recognition of customary rights over land, which it puts on the same level as statutory land-use rights. Customary rights, thus recognised by law, can ensure land-use rights to individuals and groups with common interests. To reduce land conflicts between customary and acquired rights, community consultation is mandatory before any land-use right can be issued. These aspects of land-use rights form the basis for community forestry and community participation in SFM.

Source: Adapted from Sitoe and Tchaúque 2006.

21.4.2 Formal and traditional rights to land and forest-resource use

The Mozambican Constitution defines that land and its resources are state-owned. Based on this, the Land Law states that users can be granted land-use rights (DUAT, Portuguese acronym for Direitos de Uso e Aproveitamento da Terra), which can be legally acquired based on statutory definitions of eligibility that include long-term occupation in good faith and occupation in accordance with customary practices. The Forestry and Wildlife Law defines forest-resource access mechanisms through concessions and simple licenses for commercial purposes and through granting free access to local communities for subsistence use.

In Mozambique, land and forests are managed by the Directorate of Lands and Forests (DNTF) within the Ministry of Agriculture (MINAG). The main governing rules are set by the Land Law and its regulations and the Forestry and Wildlife Law and its regulations. Significant changes have been introduced to forest-related rights over the last three decades (see Box 21.1).

According to Jonstone et al. (2004), the main rights and benefits of the forest dependent communities envisaged under the Forestry and Wildlife Law of 1999 are the following: (1) subsistence use of the resources; (2) participation in co-management; (3) community consultation and approval prior to allocation of exploitation rights to third parties; (4) development benefits derived from exploitation under a concession regime; (5) return of the earmarked 20% of forestry tax revenues to the communities; and (6) allocation of 50% of the value of paid fines to the individuals who contribute to denounce the infractor.

Jonstone et al. (2004) as well as Sitoe and Tchaúque (2006) coincide in observing that at present, the best intervention for SFM in natural forests would be a well-functioning private forest concession system. Forest concessions have the potential for generating revenue for the national economy and for local communities through rural employment and the 20% revenue share (see section 21.4.3 on benefit-sharing). However, in practice, the forest concession system in Mozambique still faces challenges which are associated with the weak implementation and enforcement of the laws and policies that govern the forest concession system (see e.g. Mackenzie 2006, Ekman et al. 2012, Wertz-Kanounnikoff et al. 2013). For example, revenues from the forests and the wildlife sector originate primarily from license fees for logging (about 80%), totalling USD 4.4 million in 2009, USD 8.2 million in 2010, and USD 10.8 million in 2011 (DNTF 2012). However, mirror statistics of Mozambican and Chinese custom's data suggest a significant proportion of revenues is lost due to illegal timber harvesting and export practices (German and Wertz-Kanounnikoff 2012, EIA 2013). As indicated previously, illegal logging in Mozambique may account for revenue loss of more than USD 27 million a year (EIA 2013).

21.4.3 Benefit-sharing schemes

The sharing of tangible benefits between the state and the forest dwellers is based on the Forestry and Wildlife Law, operationalized through Ministerial Decree 93/2005. The decree was established to define the mechanisms for channelling 20% of forest and wildlife revenues to local communities living inside the concession areas. To receive these funds, communities must complete several steps, including: 1) organisation and formalisation of a community management committee, 2) recognition of the committee by the district administration, and 3) opening of a bank account for the community.

Various institutions are involved in this process. These include: 1) the state, through provincial forest services (SPFFB, Portuguese acronym for Serviços Provinciais de Florestas e Fauna Bravia), the district administration, the National Directorate of Conservation Areas, 2) local non-governmental organisations (NGOs), 3) commercial banks, 4) local communities, and 5) the forest or wildlife operator. In practice, the value corresponding to 20% of the logging and hunting fees is held in the province in the Community Fund account, where after the verification of compliance with the other steps required by the Ministerial Decree, the value is delivered to the respective community.

Between 2005 and 2011, of the 1089 beneficiary communities, 896 have constituted committees and, of these, only 861 communities have received the funds, totalling about USD 3.8 million (DNTF 2012). Beneficiary communities that have not received funds are mostly located in areas where logging was performed under an annual simple license system. Low logged volume (per area) and the temporary nature of such systems result in low efficiency in implementation of this decree. The organisation and formalisation of community committees and the opening of bank accounts were pointed out as the main bottlenecks in the process of delivering community benefits. Additional limitations result from mistakes made in community consultations. Given the limited capacity of the forest service to verify the logging areas, what happens is that consultation was sometimes conducted in one community but logging took place in another community (Novela in prep.).

The experiences in implementation of the ministerial decree in different provinces across the country provided many lessons that were discussed in a national workshop in December 2006. The discussions revealed differences in the interpretation of the decree. The main difference lay in the definition of *community*; in some provinces it was defined as "district" while in others as "village." These problems still persist, although a recent evaluation of the process suggests that this apparent confusion is to allow for the handling of small amounts generated through simple license fees (DNTF 2012). Chidiamassamba (2012) has evaluated the implementation of Ministerial Decree 93/2005 from 2005 when it was established to 2012 and finds that 1) even in communities where the 20% from the logging tax has been received, community participation in the use of funds is still very limited, since local decisions made by the members of the natural resource management committee; 2) women are generally excluded in the process of decision-making; 3) the money received is commonly used to establish social infrastructure such as water wells, school classrooms, and health centres, among others, but little is dedicated to forest protection; 4) in some communities, funds are used for personal interests of the community leader or other locally influential people. The real impact of this benefit-sharing scheme is still limited, and local communities are not yet in a position to invest the money neither in more productive activities nor in protecting forest as it was expected.

21.4.4 Community forestry models and community participation

Sitoe et al. (2008a) describe 12 possible options for community forestry in Mozambique. Their classification is based on the land-use system (production or conservation) and the land manager (state, private, or community). The options include wildlife management and game farms. In their analysis, the authors show that although the legislation provides room for all of the 12 options, some are limited by either the absence of an operational mechanism for their implementation or by the weak business environment. The evaluation of existing community forestry projects reveals that five of these options are being implemented with some degree of success: 1) co-management in conservation areas, 2) community forestry in natural forests in multiple-use areas, 3) community hunting zones, 4) private concessions in natural forests, and 5) community forest plantation and agroforestry systems. Further analysis of these options by Sitoe and Tchaúque (2006) reveals that private concessions in natural forests could be a highly beneficial option because the concessions – if implemented well – can provide rural employment and generate revenue for the national economy, of which 20% is shared with forest dwellers. State-managed areas, particularly forest reserves, are reported to be facing governance problems such as lack of management plans and limited financial and human resources, therefore generating very limited benefits for local communities and possibly facilitating deforestation and degradation. In multiple-use areas, the problems relate to open access since communi-

ties cannot limit access by other users. The lack of technical, human, and financial capacity has limited success of community-managed areas.

In study of the impact of policy on resource use in Mozambique, Falcão et al. (2007) find that resource conservation and stakeholders' social and economic well-being were improved through sound forest-management practices. This means that regulated forest management systems in which both profits and social benefits are taken into account were potentially more beneficial to local community members than the open-access system. In addition, their analysis shows that an increase in the quantity of forest products sold or in selling prices leads to an increase in per capita benefits of the local communities; however, this increase did not lift households within the communities above the poverty line of USD 1 a day per capita. These findings are supported by Tucker (2010), who has evaluated the impact of forest governance on ecosystems and observes that sustainable management of forest resources is associated with secure rights, institutions that fit the local context, and monitoring and enforcement. In addition, Tucker (2010) observes that publicly governed forests have experienced failures as national governments lack the resources or political will to invest in protecting forests or make poorly informed management choices.

Studies suggest that there is no single solution for successful community forestry (Sitoe et al. 2008a, Tucker 2010). Forests survive or decline in relationship to diverse conditions (such as resource status and abundance) and pressures (e.g. from the markets and other development policies) that interact with human and ecological variability and divergent historical experiences. This means that policies, programs, and institutional arrangements affecting forest governance need to be flexible, adaptive, and responsive to unpredictable contingencies.

Community participation in forest management is also facilitated through Participatory Natural Resources Management Councils (COGEP) comprising representatives of the community, local government, private sector, and NGOs or associations operating in the area. The role of these bodies, established by Forestry and Wildlife regulations, is to decide on the use of local natural resources. These councils are proposed to formalise and operationalize the partnership concept and establish the basis for effective participation in forest management (Nhantumbo et al. 2003). Partnership analysis in community forestry suggests a tri-party model involving communities, the private sector, and the state. The model could have two or three elements and sometimes a fourth facilitating element represented by NGOs (Sitoe and Tchaúque 2006). COGEP was meant to avoid conflicts between statutory and customary resource-access regulations and to support local communities and increase their power in negotiations and representation of local interests in forest-resource use, including in community consultations. The latter presents a formal requirement whereby the approval of communities for establishing concessions is sought, often in connection with additional promises such as support for local schools or health services. In practice, however, these consultations are often corrupted by factors such as lack of formal documentation and bribes to community leaders (German and Wertz-Kanounnikoff 2012). The VI Community Forestry Conference held in 2011 (DNTF 2011) discussed the need to strengthen the partnerships and increase the power of local communities, concluding that the COGEP institution is seldom established and used, although the conference recognised its role in increasing the power of local institutions.

Norfolk and Tanner (2007) state that a well-carried out consultation ensures that local land-use rights are not ignored and can result in local people getting real benefits from the partnership if they cede their DUAT. However, most consultations are poorly carried out and often fail to forestall what is essentially unlawful occupation of someone else's land. In a study in Zambezia Province, Novela (in prep.) has found that community consultations continue to be a weak instrument because informal promises are made by forest operators to access the timber and there is no legally binding instrument to force the operator to deliver those promises.

21.4.5 Enforcement of laws and regulations

Sitoe et al. (2012) indicate lenient implementation and weak enforcement of regulations as the key policy challenges in the forestry sector in Mozambique. They also state that one of the major underlying causes of the institutional weaknesses is a lack of goodwill rather than a lack of capacity. Evidence for these affirmations includes extensive reports of illegal logging, including export of logs of banned timber species, with involvement of forest concessionaires who have conflicting interests.

As a result of weak enforcement, forest operations have been occurring without credible control. The forest service rarely has the means to visit harvesting areas, and enforcement activities are limited to fixed checkpoints along roads (Wertz-Kanounnikoff et al. 2013). In turn, actual timber species and volumes harvested and exported remain insufficiently monitored and controlled. The weakness of the forest monitoring system was reported as early as 2003 (Del Gatto 2003). Although a national strategy for participatory forestry law enforcement was designed (Bila 2005) – including recommendations

such as an increase in quantity and training of forest service personnel; coordination with other law enforcement systems such as the community agents, the police, the tourism scouts, the army, among others; and possible inclusion of independent interest groups (mainly civil society) – little has been done since then. Recent reports (DNTF 2012) indicate that 211 ex-army personnel were incorporated in 2011 as forest scouts, adding to the former 400 across the nation. This number is still far below the 4000 Bila (2005) estimates as the number of scouts required to patrol national productive forests. Law enforcement campaigns were introduced in 2011, taking forest officials from the national office to support the field personnel, resulting in issuance of fines valued at about USD 480 000, in an operation that cost about USD 30 000 (DNTF 2012).

One major official forest policy aim has been to reduce logging through the simple license system in favour of the forest concession system as a means to promote SFM (German and Wertz-Kanounnikoff 2012), stemming from the fact that the one-year simple licenses discourage SFM practices. However, despite efforts to promote forest concessions, simple licenses continue to play an important role in timber operations (Sitoe et al. 2012). Between 2010 and 2011, the number of simple-licence operators increased from 584 to 766 and represented 36% of the licenced volume in 2011 (DNTF 2012). In recognition of these trends, the Mozambican government adopted additional revisions to the forestry regulations aiming at increasing the sustainability of the simple-license system (Wertz-Kanounnikoff et al. 2013). Adopted measures include increasing the duration of a simple license from one to five years, limiting the area of operation to a maximum of 10 000 ha, and reinforcing the requirement for a simplified management plan (Revision to the Forest and Wildlife Law, Decree No. 30/2012). It remains to be seen whether these legal revisions will result in more sustainable logging practices. As an early reaction, in May 2013 the Mozambican Timber Operators Association requested a moratorium on implementing these measures, arguing that it was not a result of consensus and that its implementation would jeopardise forest operations, with the potential of leaving an estimated 50 000 workers without work. The government refused the request, indicating that time had been given since approval of the forest and wildlife regulation in 2002, which discourages the simple license (TVM 2013). The new measures have indeed the potential to discourage simple-license operations; however, as indicated previously, pressure for easy timber is high and illegal logging operates mainly through simple licenses because of their limited requirements and commitments to long-term sustainability. The failure or success will depend on the ability of the law enforcement system, which is also to be improved.

To strengthen domestic timber processing, another official measure has been a ban on log export of timber species classified as first class (German and Wertz-Kanounnikoff 2012). However, the ban has been extremely difficult to enforce in the face of strong demand from Chinese markets for Mozambican timber (Figure II21.3). German and Wertz-Kanounnikoff (2012), using the northern province of Cabo Delgado as an example, have evaluated the Sino-Mozambican relations and their implications for forests. They find that the Chinese timber trade increased dramatically in the 2000s, to involve about half of the forest operators in the province in 2011, most of which did not own a concession but were buyers and exporters of unprocessed logs – although this trends is changing with more Chinese actors acquiring forest concessions (Ekman et al. 2012, Wertz-Kanounnikoff.et al. 2013). EIA (2012) reports that between 2001 and 2010 Mozambique's timber exports to China grew from 10% to 80% of the timber volume, making China the largest timber importer from Mozambique. German and Wertz-Kanounnikoff (2012) have found discrepancies between timber value registered at the Mozambican customs in 2009 (USD 30 million) and what was registered by Chinese customs (USD 134 million), suggesting massive revenue losses to Mozambique. Furthermore, EIA (2013) estimates that USD 29.2 million was lost to state revenue (logging and timber export taxes) from the illegal export to China in 2012 alone. Earlier estimations of revenue losses indicate the range of USD15–24 million (Del Gatto 2003).

21.5 Distilling lessons for more community participation in forest management

21.5.1 Mozambique's experiences with community forestry

Since the introduction of the Forestry and Wildlife Law 1999, which introduced the concept of SFM, and its regulations passed in 2002, about 70 community forest initiatives have been implemented across the country, covering an area of about 2 million ha (Sitoe et al. 2008a). These initiatives include 1) community forest plantations and community forestry projects in natural forests implemented by environmental NGOs; 2) government strategies such as the presidential initiative that states "one child one tree" and "one community leader one forest"; 3) a scheme for payment for tree planting and avoiding deforestation.

Figure II 21.3 Logs of Pterocarpus angolensis (local name: umbila) in a log yard in Pemba, Cabo Delgado province, awaiting export to China. ©Almeida Sitoe

Learning from these experiences can help leverage more community benefits and participation in SFM could be enhanced. For example, an early evaluation from about 10 years ago, conducted at the third national conference on Communities and Natural Resource Management, found that the cost-benefit ratio of the implemented projects was high and that projects were difficult to sustain without foreign investments (Nhantumbo et al. 2004). That conference also concluded that in spite of the high investments, the ideal model of community forestry was yet to be seen. In 2011, at the fourth national conference (DNTF 2011), it was reported that communities themselves were unable to initiate and run profitable forestry projects under current conditions, and the need to support **transparent partnerships** that would help local communities was emphasised.

One of the identified enabling factors includes **the capacity to execute rights and participate** in decision-making processes. Sitoe et al. (2008a) analysed the conditions for successful community forest management in Mozambique and observed that community forestry was a new concept for forestry practitioners and communities, contributing to the difficulty in understanding the roles of the institutions (state or private) and communities. These difficulties enabled better-informed local elites, politicians, and the private sector to take advantage of the situation while leaving rural communities in a passive role of receivers of information and assets.

Another factor, closely related to capacity, refers to **community commitment** to SFM. Kasparek (2008) finds that a participatory process for SFM planning leads to higher commitment by all key stakeholders and lays the foundation for successful implementation of SFM. The author compares four case studies in Botswana, Malawi, Namibia, and Mozambique and concludes that in Mozambique, the commitment of the communities to SFM was lower compared with the other three countries. One possible explanation is that communities were not involved in the resource assessment (data gathering) and thus not as aware of the risks facing the resource. Novela's (in prep.) findings in Zambezia suggest that given low effectiveness in implementing statutory regulations (which would generate higher benefits to communities), community leaders are applying customary regulations, generating very limited and personal short-term benefits. This positioning of community leaders facilitated, in part, illegal logging since it is cheaper to pay at the locally set prices (just a gallon of wine and a few kilograms of corn flour

or rice) to get access to an unestimated quantity of timber. This process is also easier when compared with the community consultations and licensing process required by the Forest and Wildlife Regulation.

21.5.2 Private-sector investments in large-scale land projects

Mozambique has been cited as one of the countries with plenty of available land (Nhantumbo and Salomão 2010, Borras et al. 2011), therefore attracting investments that require extensive land areas such as biofuels, agriculture, and forest plantations. Friis and Reenberg (2010) state that the African continent is perceived to neglect its agricultural potential and many investors therefore consider Africa well-suited for new rural investments. Furthermore, they suggest that the commercial value of land in these countries is still relatively low, which raises an expectation of possible large returns in the future when the predicted struggle for land resources may increase their value.

Although the land and forest laws include provisions to protect local communities' access to land and forest resources, there is evidence suggesting conflicts and land insecurity among the most disadvantaged people in response to this new demand for land (Cotula et al. 2009, Nhantumbo and Salomão 2010, Cotula 2011, Borras et al. 2011, German et al. 2011). Land conflicts between companies occupying large concession areas and local communities have been observed, for example in Niassa Province in relation to forest plantations (ORAM 2008) and Gaza Province in relation to biofuel production (Borras et al. 2011).

Norfolk and Tanner (2007) observe that since fast-tracking investment is the key objective for government, most investors and civil servants do not see consultation as a means of protecting local rights. Instead they see it as one of several administrative steps for securing a new DUAT. Even if negotiations take place, agreements are rarely respected. The area agreed upon is often enlarged when actually laid out on the terrain or registered, and promises of jobs, shops, wells, schools, etc., used by investors to convince locals to sign are not kept. Minutes of meetings are imprecise and therefore useless as documentary evidence if either side accuses the other of noncompliance.

Most of these conflicts stem from unclear and vicious land acquisition processes that ignore community land-use rights, mainly customary rights but also statutory. An evaluation of the land conflicts conducted by ORAM (2008) in Niassa reveals that the private sector argues that the consultation process is cumbersome and costly; therefore, they use shortcuts by talking only to the local elites (the most influential people in the community). On the other hand, the provincial state agency for land registry (SPGC) as well as the district administrations, argue that the private sector asks for relatively small areas and when authorised (or even before), occupy larger areas than requested, in collusion with local elites. Poor people who did not participate in the consultations are the victims, and they often see their land being occupied by foreign investors without their consent.

Most of the conflicts have their roots on **inappropriate implementation of the law**, particularly concerning community consultations and engagement. Although the government, recognising the current conflicts over land, has revised the norms for the community consultation procedure to make them simpler and more inclusive (Ministerial Decree 158/2011), there is a general perception that land conflicts will not be avoided. The limited knowledge of the law by local community members, political interference, corruption, and limited capacity of the institutions to enforce the law, are among the issues listed as the reasons for non-compliance during the community consultation processes (Nhantumbo and Salomão 2010, Sitoe et al. 2012). In addition to capacity-building and appropriate implementation of laws and policies, one further entry point could consist of **skill-transfer partnerships** formalised through social contracts between private companies and local communities, whereby communities are accompanied to gradually provide economically viable services (e.g. production of a specific crop). Incipient experience from the Sofala Community Carbon project suggests that such businesslike partnerships, with economic rationale, can function as powerful incentives – if appropriately accompanied throughout (Jindal 2010).

In addition, **the formalisation of (customary) property rights** appears to be another key precondition for leveraging higher community benefits and participation. After observing a repetition of land insecurity cases in African countries with established customary rights, Alden-Wily (2012) suggests that land rights based on this mechanism may be declining because they are no longer providing the necessary protection to poor people in rural areas. Motivated by the observed modus operandi in practice, civil society organisations continue to put much effort in creating capacity within local communities to understand the process of consultation, to carry out delimitation and demarcation of community land, and to reduce land insecurity for the local poor.

The transparent **use of and access to information** about land-use activity and land-use development plans seems highly relevant. Even though the Territorial Planning Law (No. 19/2007 of 18 July) establishes general rules for territorial plan-

ning aimed at protecting the environment, there is a gap between the legislation and its implementation, which compromises its applicability (MICOA 2012). In practice, the information is generated by and scattered across different ministries and at different administrative levels. For example, although the institution responsible for land management is the Ministry of Agriculture (through the National Directorate of Lands and Forests) there are other institutions in other sectors, such as mining and tourism, that grant land access and use rights. It is also noteworthy that even the land-use rights issued by the Ministry of Agriculture are neither clearly mapped nor demarcated, leaving room for potential conflicts down the line.

21.6. Conclusions

The land and forest resources in Mozambique are perceived as abundant. Statutory and customary regulations provide protection for local communities and enable their participation in several initiatives in support of SFM. In practice, however, the limited capacity of the communities to stand up for themselves and their weakness in developing partnerships with investors put local communities in an unfavourable position – they appear to be the losers in most of the cases. The experiences of benefit-sharing through the devolution of 20% of the logging fees to communities appear to be a good starting point to involve communities in forest management. Much still has to be done before local communities can fully take an important role and make decisions in forest management.

International markets and global processes, including multilateral environmental agreements, are impacting forest-resource use in different ways and represent pulls and pushes in different directions. For example, projections suggest increases in deforestation and degradation of forests, particularly the reduction of economic value of the natural forests, with the increasing role of forest plantations. Impacts on local community access to forest resources are unpredictable, but reduction of commercial value of the forest may result in reduction of direct monetary benefits to communities as well. Hence, unless carefully implemented, government policies that portray cheap land as an attraction to foreign investors may contradict policies to enhance SFM and community-based natural resource management.

In the face of this situation, based on lessons from the numerous community forestry projects and incipient experiences of large-scale land projects, we identify the following three types of enabling factors for leveraging higher community benefits and participation in SFM:

- *capacity-building*, to enable effective community participation and SFM commitment
- *institutional*, including the formalisation of property rights, comprising carbon rights; appropriate implementation of laws and policies; commercially viable skill-transfer partnerships
- *informational*, i.e. use of and access to information on land-use occupancy, activity, and development plans

New opportunities for community participation in SFM may arise with the emergence of new international mechanisms for forest-based climate change mitigation – or REDD+ in short. Mozambique has been engaging in a national REDD+ process since 2008, with pilot initiatives since 2010. Since REDD+ involves land-based elements, we argue the aforementioned enabling factors for more community engagement continue to apply. Mozambique has a unique opportunity to learn from past experience and readjust current practices to leverage higher community benefits and participation in SFM.

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