SUSTAINABLE LIVELIHOODS IN SOUTHERN AFRICA:

INSTITUTIONS, GOVERNANCE AND POLICY PROCESSES

SLSA Working Paper 2

Mozambique Country Paper

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Acronyms

AIM	Mozambique Information Agency
CAs	Centros de Acantonamento / Assembly Areas
CAN	National Environment Commission
CCFADM	Comissao Conjunta para as Forcas Armadas de Mocambique (Joint Commission for the Armed Forces)
CEF	Centro de Experimentacão Florestal (Forestry Research Centre) of the National Directorate of Forestry and Wildlife (DNFFB)
DINAGECA	National Directorate for Geography and Maps
DNFFB	Direccao Nacional de Florestas e Fauna Bravia (National Directorate of Forestry and Wildlife)
FAO	Food and Agriculture Organisation of the United Nations
FRELIMO	Frente de Libertacao de Mozambique
INIA	Instituto Nacional de Investigacão Agricola (National Institute for Agricultural Research, Maputo)
INS	National Health Institute
IUCN ROSA	The World Conservation Union, Regional Office for Southern Africa, Harare
MICOA	Ministry for the Co-ordination of Environmental Action
NPP	National Population Policy
SADC	Southern African Development Community
SPGC	Servico Provincial de Geografia e Cadastro
SPFFB	Servico Provincial de Florestas e Fauna Bravia (Provincial Service for Forestry and Wildlife)

1 INTRODUCTION AND SUMMARY

The purpose of this paper is to provide background information on Mozambique and to contextualise the research issues and questions identified in the Mozambique Project Outline.

The paper opens with an historical and geographical overview, which provides background information on the history of resource management in Mozambique and spatial data relevant to resource potential and the distribution of poverty.

This overview is followed by a summary of current knowledge on poverty and livelihoods in Mozambique, with particular emphasis on current understanding of the main constraints faced by the resource poor and interactions between access to different types of resource. This section demonstrates that the impact of improved access to natural resources will be conditioned by access to other forms of capital, in particular agricultural markets, inputs and appropriate technologies.

The following section explores access to natural resources (specifically land, wild resources and water) in greater depth, and lists the main research questions which emerge. This section demonstrates the high degree and complexity of spatial differentiation within Mozambique, and the difficulty of extrapolating findings from one region to another. In some areas the main threat to natural resource access by the poor is competition by other stakeholders, which is often weakly monitored and controlled. In other areas, *de facto* access to natural resources is not the main constraint faced by the poor, but this access is insecure and it is essential to strengthen *de jure* access before significant competition emerges. In particular, there is a need for further research on access to wild resources.

The section on structures and processes outlines the status of policy and legislation, the current institutional framework, and the longer-term processes of decentralisation and deconcentration (including the impact of sector investment programmes). The section demonstrates that there has been little progress so far in terms of decentralisation in rural areas. It also emphasises aspects of the judicial and legislative system which differentiate Mozambique from neighbouring countries, in particular the absence of case law and conditional attitudes to policy and legislation.

The final section summarises the conclusions of the previous discussion, outlines the key debates relating to rural livelihoods in Mozambique, and lists key emerging research questions on access to natural resources.

2 HISTORICAL AND GEOGRAPHICAL OVERVIEW

2.1 History of Land and Resource Tenure

Mozambique was a Portuguese colony until 1975, but the extent of colonial influence has always been uneven. For example, in Zambezia, Portuguese administrative power was initially concentrated around ports and along trade routes into the interior (1530s onwards). From the mid-1500s grants of vast tracts of land, together with judicial rights and the right to exact tribute, were awarded to *prazeros* who soon became independent centres of power. From the 1870s, concessions and monopoly rights were granted to private companies in order to foster private investment. These companies provided many basic services, such as stores, housing and food rations, and were able to command forced labour and levy taxes (Norfolk & Soberano, 2000). In comparison to South Africa and Zimbabwe, relatively small and scattered areas were designated exclusively for commercial exploitation. But, though Africans were allowed to maintain control of much larger areas, their land rights were residual – subject to erosion with the development of settler and plantation cultivation (O'Laughlin, 1995). There were no designated communal areas/ tribal lands (Anstey, 2000; Nhantumbo, 2000). Through much of the colonial period, small-scale agriculture was maintained as a subsistence strategy – sufficient to sustain the (largely male) casual labour force, but needing to be supplemented by paid labour.

Following Independence in 1975, nationalising ownership of land and centralising control over land and its resources was seen as a critical component in the drive to construct socialism throughout the country (O'Laughlin, 1996). FRELIMO's policy of 'socialisation' of the countryside involved the development of state enterprises and cooperatives in the plantations and companies which had been abandoned by the Portuguese, and collectives in other areas (Tanner, 1995). In Niassa, there were experiments with mass mobilisation and 'the largest *machamba* in the world' (Anstey, 2000). The land rights of those outside these patterns, defined as the 'family sector,' were also subject to socialist principles. The 1979 Land Law gave secure rights over areas cultivated by households, but not over the extensive unexploited lands which they considered part of their 'territories'. State support to agriculture concentrated on the private sector, constraining the growth of the family sector (Tanner, 1995). Both colonial and post-Independence policies towards land allocation have effectively marginalised the family sector on less productive land with poor market access (Nhantumbo, 2000).

In large areas of Mozambique, rural livelihoods were decimated by the conflict between FRELIMO and RENAMO following Independence. Peace Accords were signed in 1992, and the first multiparty general elections were held in 1994. Widespread speculation over land and exploitation of forest resources has developed since then (Anstey, 2000).

2.2 Geography

Located on the eastern coast of Africa, Mozambique is a diverse country ranging from low-lying plateau and coastal areas through to highland mountains. Mozambique is bordered by South Africa and Swaziland to the south, Zimbabwe, Zambia, Malawi (with whom it shares Lake Niassa or Malawi) and Tanzania to the North. There are over 25 major rivers which flow from west to east into the Indian ocean, the largest of which is the Zambezi that originates in eastern Angola and flows through a 820 km stretch in Mozambique.

The country covers a total area of 799, 380 sq km including 2,470 km of shore line, 13,000 sq km of inland waters, several massifs running from Manica through the Northern provinces and into the highlands of Malawi. Around 42% of Mozambique's land area is low-lying coastal plateau along the Indian Ocean rising to sub-plateau, all less than 200 metres above sea-level. The middle plateau (200 to 500 metres above sea-level) lying mainly in the northern part of the country comprises around 29% of total land mass, while a further 25%, in the northern and central in-land areas is classified as upland plateau lying between 500 and 1,000 metres above sea-level. The main reliefs are Monte Binga (2,436 metres) and Serra Zuira (2,227 metres) in Manica province, Monte Namúli (2,419 metres) in Zambezia.

2.3 Climate

Mozambique's climate, largely influenced by the annual movement of the Inter-Tropical Convergence Zone and Indian Ocean trade winds, is tropical and sub-tropical. The rainy season lasts roughly from November / December through to March / April, though fluctuations in annual precipitation are wide-spread, particularly in the southern part of the country which is especially vulnerable to drought as well as flooding. The region south of the Save river is typically dry, with annual rainfall from less than 400 mm to around 800 mm. Coastal areas and the regions north of the Save river experience higher levels of precipitation, ranging from around 1,000 mm to 2,000 mm in the highland regions of Zambezia province. Temperatures range from 26°C to 30°C in the wet season and 18 – 20 °C in June and July . Mozambique, particularly in the south, is susceptible to drought and major famine threats affected much of the country in 1982-84, 1986-1987 and again in 1992 (R. Pelissier, in Africa South of the Sahara. p. 746; Caballero, 1990; Dejene, 1991).

Further climatalogical data will be collected during the mapping phase of the project, including more details on seasonal rainfall patterns (in particular bimodal vs. unimodal patterns), average annual rainfall, differentiated by province and district, and data on seasonal temperatures.

2.4 Natural Resources

Mozambique is professed to be endowed with abundant natural resources, including considerable mineral wealth which, to date has been largely unexploited. The country is estimated to have around 1% of the world's coal reserves, 2% of its berylliom reserves and 10% of the tantalite reserves while other important minerals include copper, ilmenite, iton, bauxite, manganese, asbestos, mica, semi-precious stones, sea salt, natural gas and potentially, petroleum. Around 60 m hectare of forests, thicket and woodland, 2,500 km of inland lakes as well as extensive marine area provide further major natural resources, including significant potential for fisheries. These are an extremely important source of food and employment for local people. With generally good soils and climate conducive for agriculture, around 36.1 million hectares are considered to be cultivable (out of a total 79.9 million hectares). However, while around 80 – 90% of the working population is engaged in growing crops, only around 5% of arable lands are currently under cultivation [Check for more recent data on this – situation is likely to have changed substantially since 1992/4 owing to returning refugee populations.] (J. G. Cravinho in Africa South of the Sahara. p.755).

2.4.1 Soils

Although Mozambique is held to have largely good soils, soil types and distribution are highly variable. Alluvial soils cover extensive areas from the Zambezi delta to numerous riverbanks and include significant layers of hydromorphic and halomorphic soils. Other areas of well-drained and immature soils lie near Cabo Delgado, Nampula, Zambezia, Sofala, Maputo and towards the interior of Gaza and Inhambane provinces. Laterite soils are found in the central and northern provinces while red ferralitic soils with high agricultural potential, cover much of Niassa, Manica and Zambezia provinces.

Poorly developed, coarse-grained and stony Lithoidal soils are found in the transition zones between humid and semi-arid areas in Tete, Sofala, Manica, Gaza, Zambezia and Maputo provinces. Sandy soils cover large areas of Manica, Sofala and Tete provinces as well as coastal areas. The richest of these soils are derived from volcanic rock in Maputo, Sofala and Manica provinces, while the coastal zones are typically characterised by low fertility and poor water retention capacity. However, it is these latter areas where tree crop production is highest (notably cashews and coconut) due to the long growing seasons.

While erosion is not regarded as a widespread problem, localised incidences have been reported in areas which have steep slopes, large numbers of cattle and relatively high rainfall, for instance in the Angonia region of Tete, in western Maputo and Gaza and the interior highlands of the Beira corridor. Likewise, areas where monoculture is practiced on commercial farms and where fallow periods have

been substantially reduced have been identified as high-erosion risk areas. Erosion is also compounded along coastal areas where there has been significant deforestation of mangroves. Salinisation and alkalization is a growing concern on irrigated land (Moyo, O'Keefe and Sill, 1993, pp. 130 – 145).

2.4.2 Vegetation and Forests

While published bio-geographical surveys of Mozambique largely predate the Peace Accords, the mapping phase of this project will involve gathering more recent data from sources such as DNFFB and IUCN. Vegetation forms a varied mosaic which includes dry miombo woodland, large areas of modani and acacia savanna and alluvial grasslands in the south, some montane forest and grasslands along the western border with Zimbabwe. Along the coast a mixture of mangroves, light woodland or dune forest provides natural protection from storm surges and beach erosion.

In the late 1980s, some 70% of Mozambique's total land was covered by woody vegetation of which around 19% (9,350 sq km or 20 million hectares) was under indigenous forest cover. (Dejene 1991; Davis et al., 1986 and Hofstad 1989 in IUCN 1991). The World Bank has identified deforestation due to logging, fuelwood collection and agricultural clearance as a leading environmental problem with further woodland (up to 40%) having been degraded to scrub-land. Despite the high levels of timber exploitation since 1994, there are indications that deforestation is not as severe as in other southern African countries. Forestry had historically played a relatively minor part in the economy and fuelwood problems are site specific (Moyo et al 1993). Provinces with high forestry (timber) potential are the central provinces (i.e. Manica, Sofala, Zambezia), and some of the northern provinces. Data relating to forestry concessions requested and, awarded as well as the issuing of licenses from SPFFB will be gathered to augment the current picture of forest cover and deforestation.

Mangroves

The most important coastal ecosystem in Mozambique is mangrove. Covering around 15% of the coastline, large areas of mangrove concentrated in Cabo Delgado, Nampula, Zambezia, Sofala and Inhambane provinces and contain *Rhizophora mucronata, Ceriops tagal, Bruguiera gymnorhiza, Avicennia marina* and *Lumnitzera racemosa* species. Mangroves are unique in that they survive in areas where other tree species cannot, such as in the estuaries of the Zambezi, Save, Limpopo, Messalo, Pungue and Maputo rivers. They provide important coastal defense systems, habitats for shrimp and prawn breeding and domestic uses such as fuelwood. (Dejene and Olivares 1991)

Mangrove forests, on the other hand, are rapidly being destroyed, their exploitation rising along with growing coastal populations. In the past twenty years around 70% of mangroves, particularly

Rhisophora species have been removed threatening the stability of coastal dunes as well as important prawn and shrimp production areas (Moyo et al, 1993).

2.4.3 Reserves and wildlife conservation

Reliable information about Mozambique's wildlife is difficult to obtain. The current state of Mozambique's environment and the effects of the conflict surrounding Independence (fighting, migration, poaching etc.) are highly variable and to a large extent remain unknown. While some authorities believe that land abandonment may have led to increases in wildlife populations, there is evidence that increased trafficking in ivory and hides of animals such as leopards, crocodile and lion resulted in a decline in these animal's populations. This problem was compounded by the lack of enforcement during the war, systematic bushmeat hunting to feed soldiers, and increased local bushmeat hunting as livestock populations fell.]

Table 1 – National Parks and Main Reserves

Area	Status	Size (km^2)	Notes
Niassa Game Reserve, Niassa Province	GR	15 000	Protection of sable
Mercuburi Forest Reserve, Nampula Province	FR	1,954	
Gile Game Reserve, Zambezia Province	GR	2,100	Protection of kudu, wildebeest and natural scenery
Derre, Zambezia Province	FR	1,700	
Gorongosa, Sofala Province	NP	3,770	Well known tourist resort prior to civil war. Rich in biodiversity, many plant and animal species. Objective of NP was to conserve abundant flora and fauna, including endangered species such as black rhino, elephant, waterbuck, leopard. RENAMO insurgency occupied the park destroying infrastructure & hotel services during civil war rendering it inoperable.
Marromeu Reserve, Sofala Province	GR	1500	Water buffalo
Zinave National Park, Inhambane Province	NP	5,000	Crosses into Gaza. Contains roan antelope, nyala, ostrich & some endangered species in Mozambique such as cheetah, giraffe, caracal, rhino, black-backed jackal. Extensive coral.
Pomene Reserve, Inhambane Province	GR	200	Protection of Dugong and seabirds
Bazaruto NP, Inhambane Province	NP	150 (80?)	On islands of Bangue, Santo Antonio and Santa Isabel. Marine park intended to protect endangered sea turtles and dugong.
Banhine National Park, Gaza Province	NP	7,000	Located north-east of the Limpopo it is located in a predominately arid zone and the main feature is open grassland. Wildlife includes elephants, cheetah, roan antelope, sable, side-striped jackal, giraffe and ostrich and some tsessebe, now threatened with extinction.
Maputo Reserve, Maputo Province	GR	900	Protection of Rhinos and elephants.

Sources: Costa, 1993 (Annex 4); Dejene and Olivares, 1991; Moyo et al, 1993.

Around 13% of Mozambique's total land surface area is designated protected, with four National Parks assigning full protection to an area of 15,850 km² (1.6%), Game Reserves comprising 56,700 km² (7%) and four further Reserves with an area of 18,800 km² (2.4% of total land surface).

Prior to the civil war, Gorongosa National Park in Sofala was a flagship for the region. Wildlife has been severely depleted due to the high concentration of fighting in this area. However, remnant populations of animals still exist and the habitat has been well protected by the conflict. While Niassa Reserve is a vast reserve where wildlife populations have survived the war relatively intact, in Gile Reserve in Zambezia, wildlife populations have probably been severely depleted. Gile has been identified as the only protected area in the country without a resident human population.

2.4.4 Fish

The main freshwater fishery in central and northern Mozambique is Lago Niassa (Lake Malawi). There are a number of major rivers (e.g. Rovuma, Zambezi) which also host significant fisheries resources (although in some cases these are in decline due to destructive fishing techniques), and fishing in smaller rivers and water sources is also prevalent. Marine life is also abundant. The Sofala Bank, a wide extension of the continental shelf fed by the Zambezi delta which extends from Beira in Sofala along Zambezia to Nampula in the north, is rich in marine life such as prawns and fish.

2.5 Resource Distribution

During the mapping phase of the project, the distribution of resources will be mapped. Some specific questions regarding availability and access to natural resources which have been identified include:

- How does the structure of agriculture vary across provinces? How is land divided between the main commercial and subsistence crops and amongst large-scale commercial agriculture under old companies, privatised state companies and new concessions and small-scale agriculture? Does large-scale agriculture provide an important source of cash income through casual labour (e.g. sugar and cotton);
- What is the distribution of livestock across the provinces? In which areas does tsetse prevent cattle-raising? (In some areas where tsetse prevents cattle-raising, some large concessionaires herd buffalo instead and these create similar conflicts over crop damage, land alienation for grazing etc. as cattle do elsewhere). What is the significance of animal traction and crop-livestock interactions in smallholder agriculture?

- How much and what type of land has been requested and awarded to which sectors? What progress is being made on delimiting community land? What is the nature of conflicts? How many such conflicts exit, where are they and what is their intensity?
- What forestry, game-farming and hunting concessions and licenses are being requested and awarded or issued from SPFFB.

3 DEMOGRAPHICS AND POVERTY INDICATORS

Between 1990 and 1996, Mozambique's population grew at a rate of 4% (1990 to 1996) and the 1997 census recorded 15,740,000 inhabitants and an average population density of 19.7 per sq km. Around 70% of the population lives in rural areas. Life expectancy at birth is 46 and child and infant mortality (up to age 5) is 273 per 1,000 live births (Philipp 1999). Mozambique ranks among the poorest nations in the world. The national average incidence of poverty is 69.4%. In 1995 the country was ranked at 166 on the Human Development Index (HDI). Around 27% of children aged under 5 are underweight, 30–40% children suffer from chronic malnutrition (stunting) and 6% from acute malnutrition (wasting) (UNDP 1997 in Philipp 1999).

Women in particular have been marginalised with lower access to education (23.3% literacy compared with 57.7% for men), income (41.9% for women, 58.1% for men), political and employment opportunities. Women are the main producers of food responsible for around 60% of crop production. Additionally, around 22% of families are headed by women (Philipp 1999: 11, GTZ 1999). Efforts have been made since Independence to involve women in policy making. However, while 'consistent enforcement of existing legislation would be enough in itself to eliminate discrimination, (…) women are frequently unaware of their rights under the law, so that traditional law continues to play an important role' (Women and Law in Southern Africa Research Project, 1992).

Table 2: Demographics and poverty indicators by Province

	Cabo Delgado	Manica	Nampula	Niassa	Zambezia
Percent of surface area of Mozambique	10.3%	7.7%	10.2%	16.1%	13.1%
Percent of population of Mozambique	8.5%	6.5%	19%	5%	19%
Population density per km^2	17	18	39	7	31
Poverty incidence	57.4%	62.6%	68.9%	70.6%	68.1%
GDP per capita (1998)	176 USD	196 USD	176 USD	128 USD	134 USD
Agriculture (1997)	55%	31%	40%	51%	66%
Commerce (1997)	11%	21%	13%	14%	7.8%
Transport & communications (1997)	NA	10%	9%	6%	NA
Manufacturing (1997)	7%	8%	7%	7%	7.1%
Forestry	NA	NA	NA	4%	NA

Source: REPS (2000)

The majority of Mozambicans are Africans, mainly Bantu. The main ethnic group, representing around 40% of the overall population, is the Makua-Lomwe who live principally in the northern provinces of Zambezia, Nampula, Niassa and Cabo Delgado and are Islamic. Other northern groups are Chewa-Nyaja, Yao (Niassa and Tete), Swahili speaking people on the coast of Cabo Delgado and Nampula provinces, and the Maconde. South of the Zambezi, the main group is the Thonga with representations of Shona, numbering around 1 million people living north of the Thonga area, and Chopi in the coastal regions of Inhambane province. (Caballero, 1990, p. 2; Pelissier, R. in Africa South of the Sahara. P. 746). While the national language spoken in Mozambique is Portuguese, this is the first language of only a small proportion of the total population.

Main first languages[1] of provincial populations:

Cabo Delgado:	Emakhuwa (67%)	Shimakonde (22%)
Manica:	Cindau (29%)	Chitwe (22%)
Nampula:	Emakhuwa (90%)	
Niassa:	Emakhuwa (47.5%)	Ciyao (37%)
Zambezia:	Elomwe (42%)	Echuwabo (31%)

Main religions[2] professed by provincial populations:

Cabo Delgado:	Moslem (55%)	Catholic (20%)
Manica:	No religion (54%)	Zionist (26.5%)
Nampula:	Moslem (39%)	Catholic (27%)
Niassa:	Moslem (61.5%)	Catholic (23.5%)
Zambezia:	Catholic (38.5%)	

[1] First language of 20% or more of the provincial population.
[2] Professed religion of 20% or more of the provincial population.

4 POVERTY AND LIVELIHOODS

> "The main features of rural Mozambican poverty as highlighted in this profile [the Rural Poverty Profile, 1996] can be summarised as follows: the poor live in extremely isolated and self-contained households with little access to productive inputs and little incentive to increase production; most of the poor live on small land holdings with great insecurity of property rights; in spite of some evidence of differentiation and apart from regional differences it is possible to characterise the poor as members of a fairly homogeneous peasantry; the most disadvantaged Mozambicans are women, especially those in female headed households; and problems of poverty have been exacerbated by out-migration, typically of males, leaving high dependency ratios." (Cramer & Pontara, 1997, p. 8)

4.1 Poverty and Livelihoods Analysis

For the purposes of Government poverty reduction policies, the concept of poverty has been defined as the *'inability of individuals to ensure for themselves and their dependants a set of minimum basic conditions for their subsistence'* (MPF, 2000 p. 12). The poverty line is based on food poverty line using nutrition levels of approximately 2,150 kilo-calories per person per day (MPF, 2000).

Systematic poverty analysis exists for the whole of Mozambique. A national demographic survey was conducted in 1991 (DNE, 1995) and a survey of households and living conditions was conducted in 1996/7 (REPS, 2000). Linked to the above definition of poverty, both surveys have focused on household poverty indicators such as household composition, education, employment, consumption patterns, agriculture and land ownership, health and nutrition, anthropometrics, hygiene, water sources, housing. The main determinants of poverty identified through an analysis of the survey of households and living conditions are:

- slow economic growth until the early nineties;
- poor education of economically active household members, especially women;
- high dependency rates in households;
- low productivity of family agriculture;
- absence of employment opportunities in agriculture and elsewhere;
- weak development of infrastructure in rural areas. (MPF, 1998; cited in MPF, 2000)

Livelihoods analysis has largely been undertaken by non-governmental organisations on a local scale.

Box 1: Livelihoods Analysis in Quichanga Localidade, Pebane District, Zambezia

Livelihoods are based on three main groups of activity – agriculture (mainly for subsistence), fishing (for sale and home consumption), employment/ trading (mostly in district headquarters). In the past, large private coconut plantations were an important source of employment and agriculture was a complementary activity. There is little surplus or stocks of food or money so most households are vulnerable to any factors which reduce their subsistence or cash income.

Land:

"Land is a major constraint – both in quantity and quality. … Originally land was allocated by the Reis Tribais or heads of each lineage. During the colonial period this function was given to the Regulo. Although officially the land is supposed to be distributed through the bairro secretaries there is de facto private ownership and a free market. (…) Households do not have title deeds but de facto ownership is generally accepted by the population and arbitrated on by clan heads, traditional or modern leaders. Rights are derived from being allocated the land by the regulo, or because they have bought from and an earlier owner, or because they are the first occupier, having cleared the land from the bush. They pass on the land to their relatives and at times they also sell or 'lend/ rent' it to others. If lent there is usually some gift in return at harvest (such as a bucket of rice)." (ActionAid-Mozambique, 1995: 11-12)

Forest resources:

Over 20 products were identified from the common land. Medicinal plants are a key resource for all communities. Ceremonies calling for rain are conducted in the *mato* where this is accessible. Other uses/ products identified included firewood, canoes, leaves, poles, snails, rope, clay for pots, thatching grass, honey, wild fruits, weaving grass, fungi, bushmeat, planks, wild tubers, reeds. Grazing is currently of limited importance because there are few goats left. Crisis coping strategies, in particular famine foods, demonstrate the importance of wild resources:

* *nategua* – a type of fungus
* *minanae* – a wild tuber
* *muzama* – a wild tuber
* *muzale* – small wild fruits
* *culugo* – wild fruit
* banana rhizomes
* *mathale, ittubi, mattiele* - wild fruits
* mango stones
* *nenufara* roots
* ittimiti, canguejo, adjadja – aquatic snails
* apical bud of coconut trees (which kills the tree).

In addition, households sell the following for food as a coping strategy: Mangoes; *corobale, reperepe, mutole* - drink made from wild fruits; rope from bark; mangrove poles

Fish:

Both coastal and freshwater fishing provide fish for consumption and for sale. The methods of fishing vary by seasons. Freshwater fishing is mainly practiced by women using traps. Fish traders buy fresh or sun-dried fish directly from the fishers but during the rainy season, part of the catch can rot. Fishers claim that catches are declining and blame large off coast trawlers. Although there are traditional ceremonies associated with fishing, there does not seem to be any traditional management and control systems. Modern regulations exist, such as payment of taxes, banning of very fine nets and a closed season during the breeding period, but are not always respected.

Source: ActionAid-Mozambique (1995)

4.2 Non-Natural Capital Assets

Research into capital assets and sustainable rural livelihoods in Mozambique will form part of the mapping phase of the project.

There is a considerable amount of literature highlighting the lack of human capital in the private and public sectors. Low education rates function to increase rural household's vulnerability and are compounded by isolated rural markets and the lack of off-farm sources of income (less that 20% of rural households use hired labour; Cramer & Pontara, 1997, p. 9). Concern has been voiced over the loss of agricultural skills through dislocation during the conflict years as well as longer-term changes to agricultural systems. For instance, the recovery of livestock populations, decimated by the war, rely on veterinary support services, whose capacity is seriously questioned.

There are a limited number of small-scale rural credit schemes, operated mainly by NGOs, and channels for market information.

Much of the rural and urban infrastructure was destroyed during the conflict in Mozambique. Production was crippled by the debilitated commercial infrastructure and collapse of price incentives due to lack of access to markets. 'Oligopsony is pervasive, transport costs are cripplingly high or the infrastructural gaps literally prevent restoration of production and services' (Green, 1992; cited in Devereux & Palmero, 1999). The re-opening of transport networks (rural and feeder roads) has been identified in participatory research with smallholders and traditional authorities and by other analysts as a priority need (Whiteside, 1996; Addison, 1998; Adam, 1995; Lundin, 1997; all cited in Devereux & Palmero, 1999).

The network of small stores that existed during the colonial period has been decimated. These used to offer the option of bartering agricultural produce for consumer goods and agricultural inputs, and provided an important bulking-up function. They may also have offered small-scale production or consumption credit. In the current situation, many farmers have to travel long distances to local markets where their bargaining position is weak. Many companies still retain monopsony rights (e.g. Madal for copra).

The problem of poverty is reinforced through the lack or low use of productive inputs into agriculture, notably fertilisers, mechanical tools or animal draught power. 'The poor and non-poor have roughly the same amount of land per household, although the non-poor tend to use more equipment (inputs) and have more irrigated land than the poor' (MPF, 2000, p. 15). Under the

dominant prevailing circumstances where very little equipment and inputs are used, labour is a critical input for production. However household labour supply is limited and this overall situation of low inputs is reflected in the low agricultural productivity throughout Mozambique (MPF, 2000, p. 15; Cramer & Pontara, 1997, p. 9).

5 ACCESS TO NATURAL RESOURCES

Customary systems of resource tenure vary across the country and between different ethnic groups. The sophistication of these systems appears to be linked to population density and competition over resources. For example, in the central provinces local leaders can describe a complex set of rules and taboos, and the hunting and harvesting of a number of species is proscribed. Over large areas of Niassa, on the other hand, where population density is extremely low, few taboos can be identified, even with respect to trees which are considered to facilitate communication with god. Where conflicts emerge, one section of the community simply breaks away and moves on. There is a reluctance to engage with either administrative or communal authority. On the other hand, in the same area, the paramount chiefs are able to describe and agree the boundaries of their territories across most of the province (Anstey, pers. com.). In some regions, inheritance is matrilineal (although this may also be modified under the influence of Islam in areas with significant Muslim populations).

Box 2: Variations in traditional structures

The importance of traditional power structures varies between localities, towns, districts and provinces. It is often more significant in rural areas, while formal administrative structures have greater influence in urban areas. However, the influence of traditional structures also depends on the degree of integration, their activities, their history as defenders of local interests etc. There are rural zones in Mozambique where the traditional authorities do not have much influence, even lacking the capacity to organise local populations to participate in certain activities, or are even contested by local populations. It is therefore always necessary to take into consideration the varied and dynamic role of traditional structures.

In addition to traditional chiefs, there are other important traditional structures involved in the conservation and management of natural resources, in particular *curandeiros,* elders, and religious leaders. Forest resources take on a myriad or roles in society. For example, the spirits of animals and plants represent a spiritual or guardian link between human beings and their ancestors, creating physical and geographic roots and links to identity. The apparent duality between natural and cultural is dissolved, as trees, land, plants, animals are all intrinsic parts of the same spiritual and cultural world view.

Source: Perreira

The colonial administration lacked the means to impose authority over much of the country and so adopted indirect rule through delegating authority to *prazos* and companies, and co-opting the traditional chiefs (*regulos*). *Regulos* became the main mechanism for levying taxes, recruiting labour and allocating land outside company domains. At Independence, FRELIMO abolished the *regulado*, on the grounds that the regulos had collaborated with the colonists, and replaced it by a new cell-based system of centralised democracy, with *grupos dinamizadoros*, village councils and land commissions responsible for land allocation (O'Laughlin, 1995). In some areas, notably in the southern provinces and the liberation zones of the north, this system became reasonably well-established with local *secretarios* holding substantial power and influence. In others, RENAMO found a valuable power base among the disempowered *regulos*. Geographical patterns in authority can still be discerned, although these have been disrupted by overlapping migration patterns as people fled from conflict which shifted in geographical intensity over time. In areas which are predominantly Muslim, the Islamic authorities have considerable influence (ActionAid-Mozambique, 1995). Some ethnic groups, in particular the Makhuwa in Cabo Delgado and the Ndao in Manica have a reputation for resistance to FRELIMO. In some areas, cults which emerged during the war (e.g. the Naparamas in Zambezia, who used traditional beliefs to protect their fighters and used, and were remarkably successful at driving out RENAMO despite using only traditional weapons) still retain some influence. In many areas, individual allegiance depends on personal history.

5.1 Land

> 'For most contributors to the literature, the access of rural households to cultivable land is considered the critical factor in the survival of the rural poor' (Cramer & Pontara, 1997, p. 4).
>
> 'Land holdings generally are small. Nationally, 29% of rural households cultivate less than one hectare … Security of land tenure is regarded as problematic' (Cramer & Pontara, 1997, p. 10).

The Land Law was revised in 1987 in recognition of the shift towards a market economy, but the basic principles remained the same as previously:

- the State continued to be the owner and manager of the State Land Fund;
- purchase and sale of land did not exist legally;
- areas cultivated by the family sector (but not the extensive area necessary for subsistence) were protected but without adequate legal documents to support this principle;
- use rights over remaining land continued to be allocated by the State through long-term concessions. (Tanner, 1995)

Provincial-level officials granted land concessions to individuals and commercial firms without consulting rural smallholders. In theory, these officials were required to show that smallholders were not already occupying or using the requested land, but they rarely had the resources to consult with these communities. Even when communities were shown to be occupying land, the request could still be granted. (Kloeck-Jenson, 2000).

By the early 1990s, it became clear that the national legal and regulatory framework governing land use rights did not provide secure tenure rights to either smallholders or larger commercial interests. (SKJ) In 1995, a new National Land Policy was approved by the *Conselho de Ministros*. The new policy, for the first time, recognised customary rights over land, including the various inheritance systems, the role of local leaders in the prevention and resolution of conflicts and in legitimising the occupation of a given area.

The consultation process for the new law began in 1996 with submissions from a wide range of stakeholders and the National Land Conference. The new Law was approved by the assembly in 1997. Prior to revision of the Regulations attached to the Law, a pilot project explored implementation issues in Maputo Province, which concluded that it was more feasible to delimit land at the community-level rather than at the level of individual parcels. The first version of the Regulations was debated in provincial workshops. It was recognised that further work was necessary on mechanisms for community representation. A workshop was held on Management and Occupation of Land by Local Communities, which addressed issues such as the identification and delimitation of land occupied and managed by local communities. The Regulations, approved by the Conselho de Ministros at the end of 1998, envisaged a Technical Annex to be approved by the Ministry of Agriculture and Fisheries, which would specify the requirements for delimitation and demarcation of land occupied by communities. After participating in three regional courses, teams undertook 21 pilot delimitation exercise throughout the country. The findings of this pilot approach were discussed in two meeting which found that the methodology was appropriate., and the Technical Annex was approved in 1999. A National Meeting on Implementation of the Land Law was also held in 1999, with the participation of the President and 124 district administrators. The objective of this meeting was to identify the fundamental role of the local administration system in land management and the need to reorganise the provincial cadastral services and strengthen inter-institutional coordination at the provincial level.

The Land Commission recommends further reflection on the institutional mechanisms for land management, including an analysis of State organisation below the level of *Posto Administrativo* and of physical planning. This reflection could lead to a proposal for the creation of an institution or other

entity to coordinate the process of land management, as well as clear ensuring clear procedures to facilitate access to land, investment and development. (CIRLT, 1999)

In general, the new Land Law is seen as a significant positive step towards devolution of authority and autonomy with respect to land and other natural resources to local populations (Kloeck-Jenson, 2000), especially in Maputo and international circles. The process of developing the policy, law, regulations and technical annex took place over several years and involved widespread consultation, which has contributed to the emergence of partial consensus. There are practical problems in implementation associated with lack of capacity at the provincial level, and more worryingly because some of those charged with implementing the law, especially at the district level, consider it to be too progressive and a barrier to private sector investment. This has led to significant concern regarding the impact of eventual decentralisation of authority on access to land.

Land, agriculture and crops in Zambezia

Zambezia is the most populous Province of Mozambique, with more than two million people. The Province is also rich in minerals, forest, fisheries, wildlife and other resources. State, private companies, and local populations dispute access to most natural resources in Zambezia Province and this is a matter of bitter contest. Most of the land in the Province is concentrated in the hands of private companies: Boror, Zambezia and Madal Companies. These companies use most of their land to produce cash crops (coconuts, cashewnut, butter beans, cotton, and tobacco) or for livestock-rearing.

Although community land tenure is strengthened under the framework created by the 1997 Land Law, family plots are generally placed on less fertile land outside the large private company holdings. Despite this relative neglect of the family sector, it contributes the lion's share of agricultural production.

The main crops produced by these families or local communities are maize, sorghum, rice, beans, cassava, sweet potatoes, vegetables, sunflower, peanuts, sesame, onions and garlic. The strengthening of community land tenure provided by the new land law seems to be a crucial step to the development of local economies, but some interviewees expressed a deep concern about how the process is being handled. However, there is a relative consensus that:

- the land law strengthens the security of tenure for smallholders and women.
- the land law does not jeopardise smallholders because of lack of title deeds to land that their ancestors have been farming for centuries.
- oral testimony on land occupation and use is valid as a proof, hence curbing land grabbing and land hoarding.
- it involves local communities in land conservation, protection, and conflict mediation.

Source: Kulipossa

In developing the legislation, one intractable issue related to how to define the community in territorial terms:

- base territory on existing administrative boundaries (however legitimacy would vary from region to region)?
- use 'traditional' community boundaries (but these were defined by the colonial administration, and were designed to facilitate the expropriation of land by commercial interests)?
- allow communities to define themselves? (Kloeck-Jenson, 2000) [how has this been resolved?]

'One of the primary causes of land conflicts within the province is the manner in which old concession areas have been newly awarded to incoming investors, irrespective of the possible occupation by local communities in the intervening period. … Ownership of the former areas has passed through operation of the privatisation process [i.e. without the normal procedures of application to the provincial cadastral office]' (Norfolk & Soberano, 2000, p. 15). Privatisation of state enterprises lacked transparency, and is some case alienated land from communities or families who were occupying state farmland (West and Myers, 1996 etc.).

Success will depend on the emergence of a clear set of transparent procedures which enable the community to select accountable individuals who truly represent community interests (Kloeck-Jenson, 2000), and importantly the question of differentiation within communities still needs to be addressed.

> 'Community consultations envisaged by the law are … conducted in a manner which owes more to the past practices of the administrative authorities in Mozambique than to principles enshrined in the new Land Law' (Norfolk & Soberano, 2000, p. 19).

Where communities feel their rights under the Land Law are being infringed, recourse appears to be administrative rather than legal (e.g. *Campanha Terra* suggests petitioning the District Administrator), although the Constitution expressly gives citizens the right to apply to the courts when legal rights are violated. (Norfolk & Soberano, 2000). Some issues which arise relating to the prospects for partnership between different stakeholders:

- investors need to be obliged to negotiate with communities through prior registration of community land;
- many communities do not feel a strong sense of ownership over natural resources, and are often willing to accept limited employment or opportunities to purchase meat or other goods;

- attitudes of local administrative and judicial authorities are not conducive to the driving of 'hard bargains' with investors, as they generally view local community control over natural resources as an interference in the proper role of the state and an impediment to national development;
- partnerships will require a level of community involvement in management and overseeing agreements, but this will require a community to be well-organised and able to deal with a formal relationship with an investor (Norfolk & Soberano, 2000).

Box 4 - Research Questions on Access to Land in Zambezia

The following questions pertain to research into access to land in Zambezia (from Norfolk & Soberano, 2000).

- examination of the legal definition and standing of a local community, in particular the potential for recognition of smaller community sub-groups (this is especially relevant in cases where there are disputes within communities over use of resources which may not be satisfactorily dealt with through customary practices);
- nature and form of community-level legal personality (necessary to secure rights and negotiate and transact with non-group members, but currently the formation of an association is a long-term process and alternatives are being sought e.g. through foundations, management plans);
- procedures for effective community consultation (action-research);
- mediation processes to resolve land conflicts (action-research);
- assisting communities to access the 'market' information needed to negotiate fair exchange of benefits for rights (action-research);
- ensuring a representative role truly based on the interests of the community at large, rather than minority interests
- examination of the levels and forms of support that would be required to assist local communities to participate in the negotiation and subsequent overseeing of agreements, including the role of third party support.

Some further, broader questions which warrant addressing are:

'... what is a 'local' community'? Who is or are the legitimate representatives of local communities? Upon what basis is that authority or legitimacy constituted? Are the territorial boundaries of local communities clearly defined and, if so, upon what basis? How are the communities themselves differentiated on the basis of gender, lineage, age, or wealth and to what extent do these differences create divergent interests which could, once local people have greater power and authority to administer their resources, exacerbate social inequalities and aggravate tensions with the community or beyond?' (Kloeck-Jenson, 2000, p2);

'Research that assesses ongoing dynamics with and between communities will be critical' (Kloeck-Jenson, 2000, p 7).

5.2 Wild Resources

5.2.1 Forests and wildlife:

A new Forestry and Wildlife Policy was approved in 1997. Prior to the 1999 Forestry and Wildlife Law, the respective legislation had not been revised since the colonial period, although some lower-level regulations had been revised.

"[The new legislation in principle] *commits government to*:

- introduce mechanisms which progressively empower communities by affirming existing customary rights and permitting the sustainable commercialisation of these resources for community benefit and provide for concession arrangements with government;
- involve the rural communities in the management of state protected areas;
- encourage private sector concessionaires to enter into direct negotiations with recognised communities and require that tenders incorporate community agreements guaranteeing existing customary rights." (Anstey, 2000, p. 4)

The revision process has taken place over less time than for the Land Law, and although it has involved consultation this has been less thorough and there are concerns about whether consultation has really influenced the shape of the new law. The new law updated certain elements of the old colonial legislation. Notable new features of the law include reference to participation and recognition of the community as a valid economic actor, which equally gave access to forest resources to negotiate with the private sector. However, there are several issues that have to be addressed in order to make the policy and law applicable and facilitate its implementation. For instance, concerns about the mechanisms for securing access to forest and wild resources by rural communities for commercial purposes, which have not yet been widely tested, have been expressed.

To some, the new legislation creates the 'illusion of inclusion', consisting of vague ideas of participation rather than clear and practical mechanisms for devolution. (Tilley, pers. com., cited in Anstey, 2000) Regulations are about to be approved. One of the main concerns is that no organisation currently plans to become actively involved in disseminating communities rights under the new Law because it is not perceived as a positive message (Abacar, pers. com.) The SLSA project study will play a key role in identifying the bottlenecks and potential solutions to implementation.

Community Rights under the new Forestry and Wildlife law

The new Forestry and Wildlife Law incorporates the following articles:

"The State may delegate management responsibility ... to local communities" (Art. 33) although it is not clear under what conditions this can happen (- it should be clarified in the Regulations).

"Management must ensure the participation of local communities in the exploitation of forestry and wildlife resources and in benefits generated by resource utilisation," (Art. 31.3) although this is not defined (- it should be defined in the Regulations).

Participation here appears to refer more to 'consultation' than 'collaboration'. In addition, local communities

- participate in the development of management plans for national parks and reserves;
- may use resources for subsistence purposes according to their norms and customs;
- may acquire a concession if they (a) have legal recognition (i.e. they must first form a legally recognised association or similar), (b) have an approved management plan, (c) can demonstrate their technical capacity to process the resources (i.e. under the draft regulations they must own a sawmill);
- are consulted on the allocation of concessions, and must be allowed free access to the concession area and resource use for subsistence purposes;
- can acquire a simple hunting license for subsistence use through 'local councils' constituted by representatives of local communities, the private sector, associations and state local authorities;
- do not have to pay taxes for subsistence use;
- will receive a percentage of taxes (fixed at 20% in the draft regulations);
- must collaborate (through the local councils) in monitoring and protection, and can exercise [limited] enforcement functions.

The 1997 Land Law states that the acquisition of land does not automatically confer rights to explore or exploit products such as minerals or wood to the buyer. Such exploration rights are intended to be given by the relevant institutions. However, the regulations do not require local communities to be consulted about forestry activities on land that has been delimited. The law only requires communities to be consulted where the investor requests full and exclusive land use rights (*uso e aproveitamento de terra*) (Kloeck-Jenson, 2000).

> "The Forestry and Wildlife Law (Lei de Florestas e Fauna Bravia) is clear that a title to land use, acquired either through occupation or authorisation in terms of the land law, does not confer a right to exploit any forest resources that may be present….the consultative requirements necessary to acquire full title do not need to be followed when applying for a licenca simples [short-term timber extraction license]." (Norfolk & Soberano, 2000, p. 11)

While the forestry and wildlife law makes reference to the importance of community participation in the management of natural resources, it does not empower communities to undertake this task, and does not require community consultation over the use of forestry and wildlife resources. Communities do not have the authority to block logging activities or negotiate with companies regarding a share of the profits or other benefits. However, they are expected to assist the state in monitoring timber harvesting by forestry operators. It is left to state officials not the communities themselves to decide how best to promote community interests. The law contradicts the principles underlying the land law. (Kloeck-Jenson, 2000)

Under the previous forestry and wildlife legislation, there was limited experience of government working with and for local communities (Norfolk & Soberano, 2000). However, since the later 1990s, a wide range of community-based natural management projects or initiatives exist in Mozambique (IUCN, DNFFB & FAO, 1999), the most celebrated being Tchumo Tchato in Tete province.

Tchumo Tchato, designed to analyse the applicability of the CAMPFIRE principles initially developed in Zimbabwe, was to serve as a test case for drawing up appropriate CBNRM legislation in Mozambique. The programme, implemented by the provincial Services of Forestry and Wildlife at the provincial level, could be described as a form of deconcentration. While project officers have been empowered to make decisions which would otherwise have been made in Maputo, in actual fact, the project has is still susceptible to levels of control by the district administrations. (IMDI, 1999) Furthermore, there is growing recognition that Tchumo Tchato is not replicable, partly because it is based on a specific Diploma Ministerial rather than national law, and because of questions about its financial sustainability especially on a larger scale. Community game wardens and community management councils are not recognised under the law. The community does not have secure rights over the wildlife on which the project is based – in fact the right to exploit these resources is held by private safari operators. The division of revenues can be changed by the relevant ministers. (IMDI, 1999)

5.2.2 Fish

There are lessons which may be learned from the relatively well documented efforts to promote co-management of small-scale fisheries, especially in Nampula and Zambezia.

Research Questions on Access to Forestry and Wildlife

- how far can communities go in exercising their rights over forests and wildlife?
- who controls the resources and decision-making?
- is there real provision for users to control access to resources and derive significant benefits?
- do communities get sufficient incentives for them to play the monitoring and enforcement role expected of them?
- what are the respective roles and responsibilities of customary and formal systems and how can these be integrated/ clarified to offer secure resource rights to rural communities?
- what mechanisms exist for attributing legal recognition to communities in a timely manner?

Source: Nhantumbo (2000)

- What is meant by 'natural resources' (land, water, forestry, wildlife or something more)?
- Who defines the forest and the communities which ought to participate in their management and use?
- What is the legitimacy of these communities in terms of participating in the management and use of the forests?
- Who allocates and legitimises use of land and other resources?
- In accordance with what rules are these decisions made?
- What is the Forestry and Wildlife Law, and whom does it serve?

5.2.3 Water

Water constitutes one of the key physical assets for community's survival. The Mozambican state attributes full rights of access to water to its population as part of citizens' fundamental rights. While almost the entire population has access to water, this access is highly differentiated. As shown in **Appendix 1 - Mozambique's Poverty and Social Development Indicators,** only 12 percent of rural and 44 percent of urban residents have access to clean water. *"In rural areas there is no substantial difference between poor and non-poor in terms of type of water source and sanitation: most people depend on wells, rivers, lakes and latrines."* (MPF, 2000, p. 16) In most rural areas of Mozambique, women spend many hours walking dozens of kilometres to collect water, some of which may not be suitable for human consumption directly from rivers or lakes. Considering that over 70 percent of Mozambicans reside in the countryside, the overall number of people who are not assured clean water is strikingly high. Although the Ministry of Construction and Waters has been making efforts to address issues of water access in rural areas, the problem is far from being solved and a vast number of rural dwellers still face problems of clean water. This problem has to do with not only the geographical extension of Mozambique but also with lack of heavy state investments in the water sector.

Access to water in Mozambique is dominated by regional issues. Most of the main perennial water sources originate in other southern African countries, making Mozambique dependent on water management in neighbouring countries. A number of these countries have established substantial hydroelectric and irrigation schemes which have increased Mozambique's vulnerability of erratic water supplies. Furthermore, much of Mozambique is not semi-arid, and in substantial rural areas the main debate focuses on flood management rather than water conservation. At the national level, debate is currently focused on the most efficient way to expand the borehole system (in particular the restructuring of the borehole construction industry).

6 STRUCTURES AND PROCESSES

6.1 Sector Investment Programmes

The main SIP of relevance to this project is PROAGRI. In practice PROAGRI is more of an agricultural sector investment programme than a true sector-wide approach, and there is concern that it has even become a ministry investment programme rather than a SIP. PROAGRI has required substantial planning investment, which has tended to reinforce the centralisation of planning decision. - Progress has been slow because of the need to standardise accounting systems and build financial management capacity at lower administrative levels, but this has also led to concern that the focus is increasingly on administrative arrangements and mechanisms for disbursing funds rather than on outcomes. (Devereux & Palmero, 1999). This is the first financial year in which disbursements have been made through PROAGRI.

PROAGRI's main components include the following:

- institutional development, in particular rationalisation and modernisation of administrative services at central and local levels;
- agricultural research;
- agricultural extension;
- promotion of animal husbandry;
- management of forestry and wildlife;
- irrigation;
- land use rights (Devereux & Palmero, 1999).

PROAGRI itself is not likely to produce concrete improvements in rural living standards, at least in the short-run. However, the restructuring of the Ministry of Agriculture undertaken through PROAGRI should improve its efficacy. (Devereux & Palmero, 1999).

A deeper involvement of civil society organisations in PROAGRI strategy and policy design would have been desirable (Devereux & Palmero, 1999).

6.2 Legislation and judicial system

Mozambique's Portuguese colonial heritage implies that the modern legal system is based on the Napoleonic Code. This means that there is no case law – once a law is approved (by the legislature) and published in the *Boletim da Republica* it is fixed, and the role of the judiciary is implementation rather than interpretation. There is some scope for modification through revision of lower level legislation such as regulations (approved by the cabinet) and technical annexes (approved by the minister), and through a *Decreto Ministerial* (approved by the cabinet) or a *Diploma Ministerial* (approved by minister). However, any contradiction between the two is technically illegal and the higher level legislation takes precedent. There is therefore a tendency for Government and administration to bend the law once it is viewed as out-of-date. There are often contradictions between policy, law and regulations and accepted practice, as these are revised at different times. A case in point is the fisheries law which envisages the state as the sole owner and manager of the resource, whereas the policy, regulations and accepted practice allow for co-management with fishing communities. Officials are keen to develop experience in co-management before revising the legislation. (Falcao, pers. com.)

As legislative enforcement capacity is weak in much of Mozambique, there are many areas where the law does not appear to reach, and many areas where local people are unaware of their rights and obligations under the law.

Legislation is not treated so much as the 'rules of the game' as a part of the game which is used or manipulated as convenient. In Mozambique, pre-colonial and Portuguese heritages have dovetailed to produce a political and economic system in which personalised relationships and patronage are more powerful than legislation. This is part of the explanation for the clear differences which have emerged in the implementation of CBNRM in Mozambique and the rest of the region (where similar policy and legislative frameworks have led to very different outcomes and mechanisms in the field). (Anstey, 2000)

> "The Judge President of Gurue stated in an interview with the team that although the [land] law might be understood in one way in the cities, it is 'applied in a manner that is appropriate to the rural zones' a statement which in the context of the discussion clearly indicated a reluctance to apply the law rigidly." (Norfolk & Soberano, 2000, p. 40)

6.3 Land

The Land Commission, housed in the Ministry of Agriculture, has formally ceased to exist. Responsibility for implementation rests of the National Directorate for Geography and Cadastral and its provincial services.

Among NGOs working on land access issues, it is worth highlighting ORAM, a Mozambican NGO working in all but the northernmost provinces, and Forum Terra recently created to follow on from *Campanha Terra*, an affiliation of NGOs working on land issues, in particular dissemination of the new land legislation.

Within the University of Eduardo Mondlane, there is a *Nucleo de Estudos de Terra* has undertaken research on land issues. Its current level of activities seems to be less than previously.

6.4 Wild Resources

6.4.1 Forests and wildlife

Within the restructured Ministry for Agriculture and Rural Development, the National Directorate for Forestry and Wildlife (DNFFB) and its provincial services is responsible for implementation of the new Forestry and Wildlife Law. As wildlife is seen to be the biggest tourist attraction, any planning for infrastructure development to accommodate potential increases in tourism should be coordinated between the Wildlife Department and Ministry of Tourism. For this reason, the Wildlife Department is about to be separated from Forestry and transferred to the new Ministry of Tourism. However, it is not clear whether any new inter-ministerial coordination mechanisms will be created.

The Forestry Research Unit (CEF), attached to DNFFB, may be separated and turned into a self-financing consultancy unit. At UEM, the Faculty of Agronomy and Forestry Science conducts research on forestry management issues. Relevant NGOs include IUCN-the World Conservation Union (not strictly an NGO as the Government of Mozambique and other governments are members), and WWF-the World Wide Fund for Nature, both with offices in Maputo. The Forum for Endangered Species is a national NGO working on conservation issues.

6.4.2 Fish

As part of the ministerial restructuring process following recent elections, Fisheries has been separated from the former Ministry of Agriculture and Fisheries [where is it now?]. The Institute for

Development of Small-Scale Fisheries (IDPPE), which provides support to small-scale fisheries, has always kept fairly separate from the management of semi-industrial and industrial fisheries and from fisheries research. IDPPE's focus is strongly oriented towards coastal fisheries and there is effectively no formal management of inland fisheries (expect on Lago Niassa). (District Directorates of Agriculture collect taxes, but do not otherwise undertake management or support activities.)

6.4.3 Water

The sectoral ministry is the Ministry for Construction and Water Supply. (Urban water supply is the responsibility of newly formed municipalities where these exist.)

7 CONCLUSIONS, POLICY DEBATES AND RESEARCH QUESTIONS

7.1 Conclusions

The main conclusions to the above discussion include the following:

- there is a high degree and complexity of spatial differentiation within Mozambique;
- the impact of improved access to natural resources will be conditioned by access to other types or capital, in particular agricultural markets, inputs and appropriate technologies;
- in some areas the main threat to natural resource access by the poor is competition by other stakeholders, which is often weakly monitored and controlled;
- in other areas, *de facto* access to natural resources is not the main constraint faced by the poor, but this access is insecure and it is essential to strengthen *de jure* access before more significant conflicts emerge;
- The section demonstrates that there has been little progress so far in terms decentralisation in rural areas;
- Mozambique's judicial and legislative system, in particular the absence of case law and conditional attitudes to policy and legislation, differentiate it from neighbouring countries.

7.2 Key policy debates

Following Independence, Marxist-inspired dualism ranged a 'traditional' fairly homogenous peasant sector against 'modern' capitalist elites, that would, if land was not nationalised, entice or deceive smallholders into selling their land for minimal financial return and short-term gain (O'Laughlin, 1996). One of the key debates in agricultural development in Mozambique still surrounds the relationship between the commercial private sector and rural communities. Three main discourses can be identified:

- Private sector investment is seen as an engine for growth which should be promoted even at the cost of reduced rights for local communities; private sector investment contributes significantly to rural livelihoods by providing opportunities for casual labour;
- The private sector has traditionally exploited resources at the expense of local communities and needs to be held in check – communities need secure rights over resources in order to resist incursions by the private sector.
- Communities are not homogenous but are characterised by some differentiation. In particular, small-scale commercial farmers should be encouraged to emerge and provide a force for development.

Other key policy debates relating to rural livelihoods in Mozambique include the following:

- the value of individual vs. community-based natural resource titles as a basis for rural development;
- the existence or not of vacant land;
- the relationship between traditional authorities and state administrative structures, especially within the context of the decentralisation of administrative authority and deconcentration of resources.

7.3 Research questions

The main research questions relating to access to natural resources include the following:

- What is meant by 'natural resources' (land, water, forestry, wildlife or something more)?
- Who defines forests and the communities that ought to participate in their management and use?
- What is the legitimacy of these communities in terms of participating in the management and use of the forests?
- Who allocates and legitimises use of land and other resources?

- In accordance with what rules are these decisions made?
- What is the Forestry and Wildlife Law, and whom does it serve?
- How is access to natural resources mediated in practice, and how are conflicts resolved?
- How do customary systems and the formal system under the new Land Law, new Forestry and Wildlife Law and state administrative reform interact?
- Are there any gaps, confusions or overlaps in the way that legislation is being applied in practice?
- How should communities be consulted during the allocation of *licenças simples*, concessions, etc?
- What mechanisms exist to enable communities to assert their rights over natural resources (forests, wildlife and fish) and to exploit them for commercial gain?
- How can successful localised initiatives be scaled-up? What support do communities need? What are the implications in terms of resource needs for local administration?
- Under what conditions, will the mechanisms envisaged in the recently approved Forestry and Wildlife Law and its draft regulations provide sufficient incentives for local communities to play the monitoring and enforcement role that is expected of them?
- What mechanisms exist for revising legislation, regulations and technical annexes? How can local communities influence this process?

APPENDIX 1 – POVERTY AND SOCIAL DEVELOPMENT INDICATORS

	1980 – 85	1992 – 98	Sub-Saharan Africa	Other LDCs
Population				
Total population (million)	13.5	16.9	612.4	2,035.6
Growth rate (% annual average)	2.3	2.1	2.2	1.7
Urban Pop. (% of population)	19.4	38.0	33.0	31.0
Total fertility rate	6.5	5.3	5.4	3.1
Poverty (% of Population)				
National headcount index	n.a.	69.4	n.a.	n.a.
Urban headcount index	n.a.	62.0	n.a.	n.a.
Rural headcount index	n.a.	71.3	n.a.	n.a.
Income				
GNP per capita (US$)	250	230	480	520
GDP per capita based on PPP	n.a.	877	1,566	n.a.
Telephone mainlines	n.a	4	16	n.a.
Illiteracy Rate (% of population 15 years of age and above)				
Total	71	60	42	32
Male	56	43	34	n.a.
Female	86	75	50	n.a.
Gross Primary Enrolment Rates				
Total	62	71	77	108
Male	n.a.	79	84	113
Female	n.a.	60	69	103
Access to Safe Water (% of Population)				
Total	9	24	47	74
Urban	82	44	74	n.a.
Rural	2	12	32	n.a.
Life Expectancy (Years)				
Total	44	47	51	63
Male	43	n.a.	49	62
Female	46	n.a.	52	64
Mortality				
Infant (per thousand live births)	133	134	91	69
Under 5 (per thousand live births)	223	201	147	92
Adult – Male (15-59; per 1,000 population)	468	400	432	235
Adult – Female (15-59; per 1,000 population)	361	354	383	208
Maternal (per 100,000 live births)	n.a.	1,100	n.a.	n.a.
HIV-AIDS				
Sero-prevalence of adult HIV infection (per 100k)	n.a	1,100	7	n.a

Key: n.a. = data not available

Source: Mozambique's Ministry of Planning and Finance (1998); World Development Report 1999-2000; African Development Indicators 2000; and Human Development Reports 1998 & 1999

Whilst the figures presented in the table above are clear, it is however useful to interpret them by words. What do these figures mean? If we take poverty as the main social indicator, it can be argued that:

Interpreting the Poverty and Social Indicators Table in Words

About 80 percent of Mozambique's poor live in rural areas; about 70 percent of the rural population is poor; and over 90 percent of rural adults work in agriculture. There is significant regional variation in poverty. Sofala, Tete, and Inhambane have the highest poverty incidences, but 40 percent of the poor live in densely populated Nampula and Zambezia. Rural households, poor or non-poor, typically have low access to services. In 1996-97, the mean distance of rural households to a market was 16 Km and to a health centre 29 Km. Poor households are also larger and have higher dependency ratios than the non-poor. Nearly all rural households have land, but land per capita is higher for the non-poor, chiefly because household size is lower. In urban areas, the non-poor tend to be wage-labourers employed in commerce, services, and the public sector, whereas the poor declare themselves to be self-employed or unemployed.

Widespread poverty is reflected in Mozambique's social indicators (see Table 2). The poor and ultra-poor tend to miss more days of work from illness than the non-poor, and are less likely to seek treatment. Lack of health care, hygiene, and access to safe water and sanitation allows preventable disease to flourish. Malaria, measles, diarrhoea, and acute respiratory infections remain leading killers of children. HIV/AIDS, having already infected about14.5 percent of the adult population, has serious implications for Mozambique's development prospects. Though poverty explains some of the differences in health and education outcome, these differences correlate more closely with gender and rural-urban divisions.

Food insecurity, prevalent during the war, continues to contribute to malnutrition. Though Mozambique has nearly achieved food self-sufficiency, the average rural household still suffers through a pre-harvest hungry period of several months per year, and malnutrition remains widespread. In 1996-97, with 64 percent of Mozambicans living in food-insecure households, 43 percent of children were stunted and 6 percent wasted. Even though the degree of market participation has increased since 1993, in 1996 only half of all agricultural households sold any part of their output.

Mozambican girls and women continue to do less well than boys and men. The material mortality rate, at 1,100, is high. There is poor access to health services in general and poor quality of services directed specifically to women. Literacy rates among women (particularly in rural areas) are much lower than among men, with negative implications for agricultural productivity and child health and nutrition. While access to education is increasing, the gross primary enrolment rate among females (60 percent) is still much lower than among males (79 percent). One in five households is headed by a female; these households have less adult labour and consequently cultivate less land, and they participate less frequently in paid employment. Although remittances from absent family members make these households on average no worse-off than male headed households, households without remittances are typically worse-off. Households with male adults working elsewhere are also more at risk of HIV/AIDS.

Source: The World Bank (2000b: 2-3).

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