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**HISTORY MATTERS:  
INSTITUTIONAL CHANGE AND CBNRM IN SANGA DISTRICT,  
NORTHERN MOZAMBIQUE**

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# HISTORY MATTERS: INSTITUTIONAL CHANGE, DEVOLUTION AND CBNRM IN SANGA DISTRICT, NORTHERN MOZAMBIQUE

*It is the best time to be alive when almost everything you thought you knew is wrong*  
Tom Stoppard Arcadia

## 1. Introduction

This paper looks at the evolution of a community based natural resource management programme (CBNRM) in a remote area of northern Mozambique and it does so through the lens of history. It argues that history matters in the sense that both the present and future developments in the management of common property, the capacity for and direction of institutional change and the political arena surrounding devolution are all shaped by the past<sup>1</sup>. It is an analysis that seeks to be grounded in some understanding of historical continuities, the “deep history” and so avoid the “enduring fate of Africa to be ‘explained’ in terms which are so ahistorical as to be risible” (Chabal and Daloz 1999).

The original stimulus for this paper was ideas drawn from Douglass North (North 1990) concerning the differences in institutions and economic performance between North America (drawing on a northern European heritage of institutions in which complex impersonal exchanges are possible promoting political and economic stability) and that of South and Central America (drawing on a Spanish and Portuguese centralist bureaucratic heritage in which personalistic relationships are key to much of the political and economic exchange). This seemed to fit some of the heritage of Mozambique (having been colonised by Portugal for some 500 years) and explain the clear differences being experienced in the implementation of CBNRM in Mozambique compared to the rest of the region (where similar policy and legislation frameworks are being established but outcomes and mechanism in the field are very different). In other words, in much of Anglophone southern Africa changes to policy and legislation seemed to have acted as catalyst promoting real change at local levels while in Mozambique it seemed “there is the basic form of policy and legislation but not yet the clear mechanisms for function (a necessarily vague situation)” (Anstey 2000).

However, with time it seems clearer that the Portuguese heritage was not the major factor but one that dovetailed into an older existing heritage. That is of a local heritage of personalistic and patrimonial relationships from pre-colonial times, which still persists as part of the deep history of the country and remains a potent factor in current politics and institutional change. If, as Chabal and Daloz (1999) suggest, that despite many differences “what all African states share is a generalised system of patrimonialism and an acute degree of apparent disorder, as evidenced by a high level of governmental and administrative inefficiency, a lack of institutionalisation, a general disregard for rules of the formal political and economic sectors, and a universal resort to personal(ized) and vertical solutions to societal problems” then the current evolutions of CBNRM in Mozambique have resonance for other countries in the region. Those neighbours who seem, from a Mozambican perspective, to have moved smoothly from the master-strokes of a new legislative environment to field implementation of CBNRM are themselves suddenly experiencing major political change, raising questions as to the depth of their ordered, regulated polity - on which their CBNRM programmes are dependant.

This paper draws on these above ideas but rests on actual events and experiences of two years of the field implementation of a CBNRM programme called Programa Chipanje Chetu (or PCC) located in Sanga District, Niassa Province in north Mozambique bordering Tanzania. This programme (see Section 3) seeks to create the conditions for institutional change for the management of natural resources by local people through full devolution of common property rights. For this institutional change to happen there has to be net benefits from these new institutions (or new set of rules) which are greater than those of the old institutions (old rule or no rules) which they aim to replace (Ostrom 1998; Bond 1999). This process of institutional change also involves costs as well as benefits and is only likely to occur where the benefits are greater than the costs. These costs and benefits are experienced very differently by a range of entities from local individuals, the local organisations (including NGOs), government officials, political or economic elites and the state. In other words, there are winners and losers in these changes of rules. The aim here is to use history to try and

understand the current evolution of the PCC and predict its future course in terms of the reactions at these different levels, individuals and organisations to resist or promote institutional change.

One caveat is that institutional change is gradual and incremental (North 1990) and with only two years of the process there's is the danger of an analysis biased by too brief a time. A further bias is more personal. Some 3 years ago I was a largely desk based coordinator for IUCN programmes in Mozambique and it became clear to me that I was both politically and practically naive about the realities of power and resource management in Mozambique. I had felt this increasingly as the CBNRM programmes developed and this realisation was catalyzed by a failure to influence a large joint venture between the Government and private sector for a concession of wildlife land (42,000 kmsq or the size of Denmark) located in Niassa Province. I had proposed that both natural justice and practical management argued for a greater role and rights for local communities in the proposed scheme than was the case then. These events convinced me it was time to go back to field work and test my assumptions and beliefs on solid events in rural Mozambique and that the most effective way to do so was to combine being a PhD student and a CBNRM programme implementor. While the role of practitioner has been useful for insights on practical realities and complexity (to be "situated" in the jargon) it means I cannot claim to have the scholars neutral viewpoint.

The questions this paper will seek to address are:

Is institutional change and full devolution possible to a common property regime in the case of the conditions of north Mozambique?

Is historical analysis a useful tool to understand and predict the nature, direction and speed of institutional change for such regimes and programmes?

Does the analysis of a particular case study help in understanding the winners and losers in this change and the key actors and their influence?

As a way of addressing these questions the paper will start by a broad look at the current situation of Mozambique in terms of natural resources, policy, legislation and emphasis on CBNRM programmes, set against a brief historical summary before a more detailed look specifically at Sanga District and the events of the past 2 years of the Programa Chipanje Chetu.

## 2. Overview of Mozambique

Mozambique is emerging from the destructive impact of 25 years of war and is going through a period of significant transition - from single to multi-party politics, from a centralised to free market economy, from refugees and war to new investment and development. Part of this transition process includes the development of new policies and legislation to change the role of state, communities and the private sector in the management of natural resources. The emphasis in this process lies in the "participation" of local communities and the development of new partnerships between stakeholders.

Until the recent floods in the southern the economic indicators were highly impressive with over 7% growth 1994 -7 with up to 12% growth experienced in 1998-99 (The Economist 13-19/5/00). The second multi-party elections were successfully held in 1999, albeit with increased tensions between the north/central regions and the south with the opposition winning the majority of provinces but losing overall.

Mozambique is one of the largest countries in the region, covering some 800,000 sqkm with a population of 16 million, the majority of which live in rural areas. It has a colonial history stretching back 500 years with independence in 1975. Unlike most other countries in the region the colonial power (Portugal) lacked both the administrative and financial capacity to impose a new administration in the country and largely operated under forms of indirect rule (Vines 1996). The result was that in most of the country, customary tenure systems remained relatively unaffected. No "Native Reserves" or "Tribal Areas" were established and therefore no rigid dualistic systems between private and community land were developed. Customary systems came under greater threat with the adoption of socialism after independence which viewed customary institutions as archaic remnants of the past (Newitt 1995; Lei 1/77. Art. 14). Land and resources became *de jure* state property, administered, managed and regulated centrally.

In reality the state never had either the institutional capacity or funds to undertake this role and indigenous tenure systems persisted. Since the end of the conflict in 1992 a more conciliatory approach has been adopted but all land remains the property of the state and security of tenure for the communal sector remains weak. This has been illustrated through the major speculation in land and resources that has occurred since 1992, driven by local elites and foreign investors.

Mozambique has one of the lowest population densities in the region and is comparatively resource rich. Approximately 7% of the country is currently cultivated (with approximately 18 million out of the 80 million hectares suitable for agriculture), forest cover is estimated at 600,000 sqkm and half of the country supports less than 15 people/sqkm (DNFFB 1998). These are features that suggest that CBNRM has considerable potential in Mozambique both in development (limited alternative options) and biodiversity conservation terms. Although 25 years of conflict had considerable impact on the wildlife population, particularly the megafauna, the more intractable problem of habitat loss is not a limitation and the core natural resource status of the country is good. The main resource threats are over-harvesting of marine resources and during the past 5 years the increasing exploitation of forest resources and growing land and resource speculation.

The 1990s has seen the rapid evolution of new policies and legislation affecting natural resource tenure (Table 1).

**Table 1      New Policies and Legislation**

- ◆ 1990 Constitution, which reduces the role of the state and recognises the significance of the communal and private sector in decentralised management and benefits.
- ◆ The Land policy of 1995 and the Land Law of 1997 (with Regulations of 1999) which, though retaining the state as the only owner of land, guarantees rights for local communities to land and

resources through the introductions of a process for leasehold titling (up to 50 years) for both private and communal sectors, develops conflict resolution mechanisms and introduces rights to participate in natural resource management.

- ◆ a variety of new environmental legislation which promotes the role and rights of local communities in planning, management and benefits from natural resources such as the Environmental Framework Law of 1997, and the draft Forestry and Wildlife act of 1999.

The Forestry and Wildlife Policy approved in 1996 and new Law of 1999 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

In contrast to other countries, excepting South Africa, Mozambique does not yet have a single pre-dominant programme but has been experimenting since 1994 (prior to policy and legislative changes) with a variety of small initiatives involving a wide range of resources (forest, wildlife, fisheries, subsistence products etc). Table 2 illustrates their focus;

**Table 2 Types of Community Conservation Initiatives in Mozambique**

- ◆ benefit sharing or co-management processes with the private sector mediated through state institutions. For example, the Tchuma Tchato programme in which revenue from private hunting concessions and state taxes on fisheries are divided between the local community and state structures in return for which the community assumes many of the wildlife management functions, notably law enforcement.
- ◆ co-management arrangements involving state and communities on state land - forest reserves and National Parks - in which access by local communities to resources within the protected area (such as fisheries, medicinal plants, ecotourism, small scale timber harvesting) are negotiated. Existing initiatives include small scale timber extraction and artisanal fishing in or around Gorongosa National Park, and artisanal fishing and tourism revenue on Bazaruto National Park, with larger scale initiatives planned for transfrontier wildlife and forest protected areas and buffers.
- ◆ Initiatives which are trying to take the 'next step' to legally recognised common property institutions with tenure security over all their resources include government implemented programmes in Maputo, Manica and Nampula provinces and smaller scale partnerships between NGOs and emerging CBOs in Maputo, Manica, Cabo Delgado, and Niassa Provinces.

Some more critical historical issues for the Sanga level analysis that emerge from a broad national overview are:

- the history of Mozambique has been dominated by dis-integration - most of the people have lived in small dis-integrated social and political units. As Newitt (1995) has phrased it this dis-integration and the predominance of warlordism culminating in the more recent phenomenon of Renamo is "comprehensible only in terms of the history of the country – a history which has etched patterns of action and reaction which modern Mozambique society finds itself unconsciously repeating". Signs of dis-integration are reappearing with the country effectively split between a north south divide in political affiliation and increasing tensions caused by feelings that wealth is being unequally distributed and increasingly concentrated in a small elite (patrimony is failing).
- The new policies, laws and regulations give generally the "illusion of inclusion" (Peter Tilley pers comm) for local community roles in the administration, management and benefits from natural resources but so far remain more vague ideas of "participation" than practical mechanisms or clear strategies for devolution.

- The *Xiconhoca* factor. The past 400 years of both colonial and post-colonial rule have been dominated by weak administrative structures – neither the colonial heritage, nor the revolutionary heritage of the socialist years nor the current transformations of embracing neo-liberal policies has provided Mozambique with a strong nation state structure or administration at the central, provincial or local levels. In particular the mid to low level officials and bureaucrats in both the colonial and socialist period were often corrupt, incompetent and obstructionist. In an imaginative effort at eradication through humour the Frelimo party created a cartoon character (called “Xiconhoca”) which poked fun at such behaviour (Hewitt 1996) but with little long-term success. In fact the new transformation of the 1990s, low status and lower wages and added possibilities for rent seeking have increased the influence of such officials<sup>2</sup>
- The role of customary authorities also remains unclear and muddled by both colonial and post colonial interventions. The Portuguese regime co-opted the customary authorities as tax collectors, labour suppliers and lower administrative units receiving salaries and uniforms thus radically altering their relationships as servants of the state rather than responsible to the community. After independence the socialist Frelimo government rejected them as “obscurantist” relics of the past (Virtanen 1999) and replaced them at local levels with party/government structures called Dynamising Groups. During the recent war traditional authorities often re-emerged as the only functioning structures at the local level (such as in distribution of land, conflict resolution) and up to the present an uneasy compromise continues in much of Mozambique (with considerable local differences) between formal state structures and informal but locally recognised traditional ones (Virtanen 1999; Alexander 1997). Because of both ideological reasons and practical political economy the government has neither confirmed the role of traditional authority in relation to rights and responsibilities over natural resources and as representatives of “communities” nor replaced this *de facto* function with clear ideas for new accountable “modernist” structures based on communities as a unit of citizens with rights and responsibilities (for more details of the debate see Virtanen 1999). The new laws are vague and this vagueness promotes the interests of, and provides space for, the powerful elites whether international, national or local. This also has powerful resonance in the “deep history “ of Mozambique whether in the actions of warlords, the exploitation for personal gain of the Portuguese Governors from the 16<sup>th</sup> to 18<sup>th</sup> centuries, the massive concessioning off of half of the country to foreign company mini-states in the 19<sup>th</sup> and early 20<sup>th</sup> century (see Hewitt 1996; Vines 1996) to the current *laissez faire* of the free market. Personalised relationships and patrimonialism have consistently proved more powerful than rights codified in law.

### 3. Programa Chipanje Chetu – Sanga District

#### Introduction

The Chipanje Chetu Programme (a shortened version of the phrase in the Yao language used to describe the objective of the process - *Metinje Getu, Chipanje Chetu, Mbunju Mwetu* or Our Bush, Our Wealth, Our Future) is a CBNRM initiative in the northern province of Niassa and in the northern section of that province – Sanga District. The area was identified following reconnaissance work and discussions with the people there in late 1998 by the IUCN and the provincial government agency for forest and wildlife management or SPFFB. The key aspects for its selection were:

- It had a relatively high level and variety of natural resources and low density of people (less than 1 person per sqkm).
- The local people of the area had an interest in such an initiative as saw few agricultural or other development options, were concerned at losing access rights to resources and had a high dependence on natural resource use (fish, honey, wild meat etc)
- The provincial government expressed support for such an initiative and there were no other competing or conflict land use alternatives (eg no forest or wildlife concessions envisaged)
- It was a remote area where experimental options were possible .

The area currently involved in this initiative covers around 4,000 sqkm (or 400,000 hectares) of miombo woodland (see Map 1 and 2). It is bounded largely by natural boundaries including in the north the Rovuma River (also border with Tanzania), the west the Messinge River (also border with Lago District), the east by the Lucheringo River (border with Mavago District) and in the south by the Sanga mountain range. These boundaries are also social and administrative – the area is fully within the District of Sanga – and in social terms the area all falls within the single customary leadership of a Paramount Chief or *Sultano* Malingalile and then further divided to sub-chiefs (or *Mwenes*) and then *ndunas* at the lowest scale of customary authority (see Map 2).

The area has a population of 1,416 people or 346 families spread relatively evenly between four settlements (Nova Madeira, Matchedje, Il Congresso, Lilumba) which are widely separated and have relatively distinctive local village use areas (Macadona et al 2000). Most of the population were refugees between the mid 1980s and mid 1990s in Tanzania or elsewhere in Niassa and the evidence is that the population was higher and more widely distributed in the 1950s and 60s (Macadona 2000). The main language is Chi Yao, with Kiswahili also widely spoken and Portuguese (the national language) known only by ex soldiers or those who were refugees further south in the province. This language use is reflective of the periods spent by most adults in Tanzania and the closeness of the local cultural and commercial links to southern Tanzania rather than to wider Mozambique. The infrastructure of the area is minimal with one health clinic, a basic primary school in each village (although absentee rates of both teachers and students is over 70%), almost commercial outlets or stores, one north-south track which is largely derelict and most of the area is isolated in terms of road access for 6 months of the year as result of the rains and lack of bridges. Movement of people or goods is by foot or bicycle. The local government administration is at a low level of influence (constraints of transport, remoteness, funding, human resources, development projects) and if Niassa Province is regarded as the national “Siberia” for the career of a government official then north Sanga/Posto Administrativo de Matchedje is the furthest corner of such a “Siberia”. It is therefore largely staffed by people who have either “committed mistakes” elsewhere, who are the lowest qualified, or who lack influence to gain alternative posts. Therefore much of the day-to-day activities such as the resolution of conflicts between groups and the distribution of land are not carried out by government officials but by customary authorities. This is in flux – as will be discussed further.

The key natural resources of the area are

- ♦ the agricultural land (generally poor sandy soils in much of the area but with specific areas suitable for maize, peanuts and especially in flooded *dambos* rice and horticultural production).
- ♦ The forest resources and specifically the high value timber species such as *Dalbergia melanoxylon*, *Khaya nyasica* and *Azelia quenzensis*. Other potentially important forest products for commercialisation (currently critical for subsistence foods in the hungry season) include honey and wax production and wild fruit and medicinal plants.

- ◆ The fisheries of the variety of wetlands of the area which provides important source of cash income and subsistence food and is growing rarer elsewhere in Niassa and southern Tanzania.
- ◆ The wildlife resources – although not in the high densities of other ecosystems and reduced over the past 30 years there is still in northern Sanga some of the best wildlife zones in the country with important commercial species are still present. Also in the almost total absence of livestock in the area (partially due to tsetse fly but also cultural factors) wild meat remains an important source of protein.

In terms of the principles or guidelines that have been put forward over the past decade for the design and implementation of common property management of natural resources (see Cousins 1995; Murphree 1993 and Ostrom 1990) many of the aspects of north Sanga noted above would seem to make it ideal for such an initiative. The high level of resources, the low human population, the small sizes of the user groups (less than 100 households in each community), the apparent continued functioning of customary authority and institutions and the clear social and administrative boundaries and the required central policy and legal changes all fit well in such guidelines and principles. It was certainly assumed in the programme design that through a clear process of devolution of property rights to “the community” and some institutional change a relatively rapid, simple and successful outcome was likely.

It has proved to be far more complex, with many unpredicted directions, constraints and outcomes. The following two sections will first discuss the background micro history of the area and follow this up with a description of actual events in the process, for which the historical continuities seems to be as powerful a factor as any other in influencing directions, speed of change and current evolution.

#### History of the Area and Yao People

The Province of Niassa has always been a hinterland, remote and seemingly irrelevant to the development concerns of both colonial and post independence governments – referred to still by many Mozambicans as *Fim do Mundo* or the End of the World. It has the country's lowest population density, the highest levels of illiteracy, the least paved roads, the fewest telephones, the lowest donor or private investment, the most wildly ambitious but so far unsuccessful development schemes (from recent imports of white South African farmers as catalytic rural extensionist to socialist era dreams of the largest collective farm in the world) and the least social or cultural integration with the rest of Mozambique (see also Anon 1999).

Yet Niassa has had its moments of historical importance both in the period of the 17<sup>th</sup> to 19<sup>th</sup> century when the local Yao tribe was well known throughout central and eastern Africa as the dominant traders in ivory and slaves (Alpers 1975) and in the mid 1960s to mid 1970s where it was the locus for the bush war which brought independence and where the new leaders refined their revolutionary objectives and developed their strategies for the transformation of the whole country.

There have been few specific studies of either the Yao or the history of Niassa but the following outline is based on Alpers (1975), Amaral (1990), Newitt (1995) and Conceicao Madeiros (1997) as well as interviews over the past two years.

Pre-colonial history. The Yao who occupy now the western and northern parts of Niassa (with offshoots in Malawi and Tanzania) believe themselves to be the original people of this area – that they arose from a hill called Yao to the east of Sanga District. Certainly there is no tradition or evidence of them coming from another area in the recent past – unlike the neighbouring Nyanja who moved into Malawi and eastern Niassa some 300 years ago or the Ngoni who arrived about 150 years ago (Newitt 1995). The Yao are matrilineal and matrilocal (the husband moves to the area of the wife) and these matrilineal societies of the north of Mozambique have always experienced tensions “between the local control of the matrilineage over land and resources and the political power wielded by males through war, commerce, slave trading and slave-owning” (Newitt 1995). These matrilineages control access rights to land via the structure of the “mbumba” and the Yao tended to live in relatively small isolated communities at low densities. It seems such communities started a process of major change in the mid 19<sup>th</sup> century resulting the creation of larger militarised communities in larger political organisations caused by a combination of factors. These included the impacts of war and disorder resulting from the slave trade, drought, and the repeated invasions of



Ngoni people. By the 19<sup>th</sup> century the Yao who remained in Niassa were largely unified under the powerful Chief Mataka or his sultans and the small, weak matrilineal clans based on specific areas of land and attachments to particular spirit cults of ancestors was largely being replaced by chiefly cults which was facilitated by the spread of Islam. In other words there was a violent and extreme transformation at least 200 years ago in the institutions that related to land and rights of access and this historical shift has remained a potent factor in the continuing tensions at the micro level between chiefs, the ancestors, individuals and the matrilineal clan in the small society. Although the Yao under the Matakas were one of the last group to be brought into the colonial state with only limited colonial control up until the mid 1900s additional factors were to continue their dis-integration.

In the late 1890s the Portuguese government concessioned the whole of northern Mozambique to a private company – The Niassa Company. This company lacked the capital to do more than extract hut tax and source labour and in the period up to its suspension in the 1920s was able to undertake the bare minimum of infrastructure development or administration. By the time Niassa was invaded by yet another force (this time the Germans retreating from Tanzania in 1917) outside observers were horrified by the state of the area and people “their (the Portuguese) colonies are a scandal, the natives being much worse off than they ever were before. Except for introducing every European vice and withholding every virtue they have done nothing.” (Col. R. Meinertzhagen quoted in Mosley 1963).

Although a more formal and organised administration began to be introduced in Niassa and eventually by the 1940s and 50s penetrated Sanga District, the area continued relatively depopulated as people moved to neighbouring countries to escape the underdevelopment of the area (the limited options for material growth, goods or services) the enforced labour gangs and the high hut taxes (Conceicao Madeiros 1997). For example the northern section of the PCC area had no resident population until the mid 1950s when the village of Matchedje was formed from a group moving there a distance of 100 km to take advantage of the plentiful wildlife and wetland agricultural areas. While there was relative stability and the power of local chiefs was encouraged as a form of indirect rule there seems to have been little in the way of a return to the strong matrilineal institutions of the past related to land and property rights over resources. There was as a result of the past 150 years of depopulation, plentiful land and resources and the pattern seems to be of local conflicts over such rights being resolved by whole families moving to new and often distant areas – beyond the control of both traditional and state administration. Whether this would have reached a new equilibrium in time is unclear as starting in the mid 1960s a new war and dis-integration occurred – the independence struggle. This area of Sanga was a critical part of this war being by the early 1970s declared a “liberated zone” with experiments undertaken with collective farms and mass mobilisation (especially in Matchedje which became a key propaganda settlement for Frelimo). Caught between the Portuguese and Frelimo much of the population of Sanga became refugees either in Tanzania (where many continue to live) or elsewhere in the Province. Following independence in 1975 the area experienced further transformations with the introduction of nucleated communal villages and the replacement of traditional authorities and their roles in local decision making and access rights by a new set of local institutions and organisations called Dynamising Groups. These Groups were established (often through being delegated not elected) as a modernist structure, combining both the lowest level of party representation and of local administration. There was neither the human resources nor funds to build up such new groups and institutions before a further wave of disorder and refugee exodus descended in the form of civil war between Frelimo and Renamo – which reached this area in the mid 1980 and persisted until the early 1990s. Again much of the population left for Tanzania or other zones, only returning to north Sanga from 1994 onwards.

This history has tended to impose specific characteristics on the current population of this area and the institutions (or lack of them) that operate. These include:

- ◆ A reluctance to engage with authority or rules of a communal or administrative nature. There is neither much belief in the relevance of either customary institutions nor modernist ones typified by experiences with weak and extractive government administrations or failed new institutions such as the Dynamising Groups.
- ◆ While customary authority maybe the only conflict resolving and social institution functioning the level of respect given to it depends on the personality of the chief, the degree that the individuals together concur with his roles and ability to act on them, their experiences in Tanzania with other institutions and the weak linkages that currently operate between young and old (such as the

absence of respect for old ways), male and female (such as the breakdown of the matrilineal tradition).

- ◆ A general belief that government and its agents are extractive not supportive and that outside agents in general may at best be a source of patronage and short term benefits but have little longer term commitment.
- ◆ That they are generally powerless and isolated in a world of more powerful elites and that a good option when faced with constraints or institutions in almost any form is to vote with their individual rather than collective feet and move somewhere else beyond such limits.
- ◆ That the immediate options or needs of the day usually out-weigh investments or constraints involved in longer term planning.

All of these features have emerged during the process of the PPC programme and affect the processes of institutional change and devolution. Without an understanding of the historical background such reactions might appear inexplicable or irrational but these burdens of the past are real and cannot be overcome if not recognised.

History of Resource Use and Institutions in North Sanga

The table below (Table 2) illustrates that the history of major resource use in Sanga has been dominated by periods of intensive harvesting and this has been particularly the case in the past 40 years. The period just before independence (in 1975) and just after were ones in which government sanctioned the major harvesting of wild meat without any management process in place. As the area once again becomes accessible this “official” harvesting has been replaced by equally unmanaged but also illegal harvesting involving the same urban or government elite as previous eras and broadening from wild meat to other valued resources such as timber and fish (see Annex 3 for details). In other words. Local Yao harvesting and benefits was largely focused in the period up to a hundred years ago focused on ivory production (which appears to have become locally limited in the early 19<sup>th</sup> Century). For at least 100 years the key and most extreme harvesters have been “outsiders” sanctioned legally or not by the government and with apparently no management rules (see also Annex 3).

What is not shown in this table is the less dramatic (and thus less recorded) harvesting of resources by local people for subsistence and local trade. There is some evidence from talking to older people and customary authorities that the resources such as fisheries and hunting were not “open access” but were mediated through the Chiefs and customary norms (also Abacar 2000; Macadona et al 2000). However little of that customary institution for resource access appears to remain today. The factors in the decline of these customary institutions for resource management seem to include (Abacar 2000; Macadona et al 2000):

- The impacts of government intervention in both the later part of the colonial era and since independence removing local rules and access rights and the focus of benefits and not replacing them with anything else. In short, the creation by government itself or its servants of open access either formally or illegally benefiting external elites.
- Social breakdown and dis-integration both in the deep history of the wars with the Ngoni, the spread of Islam, the changing relations of small matrilineal structures to larger polities in the mid 19<sup>th</sup> century and the more recent political upheavals and refugee movements which have changed or confused the relations between local individuals and between them and customary authority and institutions.

**Table 2 Time Periods and Major Resource Use**

Key Periods	Main Users and Resources Used
17 <sup>th</sup> to 19 <sup>th</sup> Century	Yao traders and ivory hunters carrying ivory and slaves (plus some beeswax) to Eastern African coastal ports (Kilwa in Tanzania and Mozambique Island) throughout this period. As local stocks declined they penetrated as far as Malawi and Zambia. The dominant traders in ivory in this east/central Africa region from 17 <sup>th</sup> to 19 <sup>th</sup> century.

	Swhalil and Arab traders buying and transporting ivory and slaves from late 18 <sup>th</sup> to early 19 <sup>th</sup> century in northern Mozambique. See Alpers (1975) Conceicao Madeiros (1997).
1900s to 1914	Various individual north European origin ivory hunters active in Sanga and north Mozambique generally. See Sutherland (1912) and Pretorius (1947)
Late 1950s to mid 1960s	Portuguese and local Mozambican hunters and commercial traders (eg Neves, Ciabara, Pires Bonomar Sausu) involved in Sanga in major and uncontrolled wild meat harvesting (took all species but especially elephant for both meat and ivory). Meat for supply to Nacala City (under construction) and to plantation estates and army. (Julio Suliemane pers comm.)
Mid 1970s to mid 1980s	Government sponsored and undertaken repeat of previous meat harvesting period to supply troops and Chinese horticultural scheme in Lichinga. Up to 3 large truck loads per month from north Sanga alone. Julio Suliemane (pers comm)
Late 1990s	Mainly local hunters sponsored by government officials, supplied with Government arms taking illegal offtake of wild meat and ivory for Lichinga City and other urban centres. Examples of meat prices eland USD200; Bushbuck USD50. Large scale dried fish exporting to Tanzania and other districts via local and outsider people with illegal official involvement and use of chemical poisons. Along Tanzania border major export of hardwood timber by Tanzanians via illegal government officials sanction or direct involvement.

In summary, the apparent paradox of an open access situation with unsustainable levels of off-take in a resource rich area, with a small but indigenous community that currently faces the evolution of PCC can be explained best in the context of historical factors (both recent and distant) which have resulted in the absence of both functioning customary institutions or formal government imposed ones. Neither the idealised community nor the idealised government exists - history's legacy has been a vacuum of institutions. This is proving both a burden and an opportunity for the PCC.

#### Evolution of the PCC: Devolution and Institutional Change

The aim of this section is to look at how things have actually happened during the evolution of the Programa Chipanje Chetu. Rather than compare the planned process with the actual it is maybe more interesting to look at which have been the most important activities in taking the process of devolution and institutional change forward.

These can be grouped into the following categories:

- **The learning from the local level through a form of participatory rural appraisal of the current realities and needs, existing institutions and organisations and future goals and directions of the local groupings.**

This was undertaken through a process of spending 10 days in each village with a PRA team which facilitated elected members of the community to identify the critical resources of their area, their main problems, their history and institutions and the priorities they had for future initiatives. This was then presented back to the wider community for comment and additions (Macadona et al 2000). This

relatively slow process also allowed for discussions between members of the village and the initial implementing agencies and developed a degree of trust between individuals as to the objectives of the process and the end goals. It also changed a number of the initial design assumptions of the programme (such as increasing the emphasis on full devolution and on resources other than wildlife).

- **The establishment of a basic set of “ground rules” or principles to guide the process which identifies the broad end goals of devolution (and its differences from decentralisation), the key mechanisms to get there and the roles and limits of the different agencies involved (see Ten Principles Annex 1)**

This process has been largely geared so far to clarify within the supporting agencies a number of important starting points – particularly that the programme is aimed at as full a degree of devolution as possible, it is not fundamentally an initiative of decentralisation supporting government based activities or direct benefits and that the roles of NGOs and the different levels of government are those of facilitators answerable to local institutions. This process is still far from concluded but the existence of a written set of guidelines and principles has so far assisted in ensuring that debates on roles and mechanisms within the supporting institutions has a focus for resolution which can then be altered or improved as time goes on.

- **The establishment of a *Grupo Collaborativo* or Collaborative group between the local structures of the community, and the supporting agencies such as the government bodies at provincial and district level, CBOs, NGOs and individuals to diffuse the inevitable conflicts arising from institutional change and channel activities efficiently (see Annex 4).**

The PCC initially started with a small and largely informal collaboration between one NGO and one government department. This proved inadequate as a forum for debate and resolving conflicts at other levels of state agencies and individuals (eg with the District agencies). It was also limited in the sense of the skills and experiences available, the funding and equipment basis and based too strongly on individuals rather than a longer term process.

The Collaborative Group has now been extended and includes both District and Provincial agencies, NGOs involved in both rural development and environment activities and CBOs involved in advocacy on property rights and capacity building of local institutions or associations. While this group is currently dominated by such outsider agencies it is planned to be placed under the coordination of a group from the *Comites* once this becomes feasible.

One important aspect in the Collaborative Group has been the attempt to build up a specific approach or “culture” of working between the different NGO, Government and CBO agencies to try and rebuild some measure of trust by communities that outside agencies and individuals can operate on a basis of honesty, local integration and without an extractive motivation. Efforts to achieve this have included expending most of project funds in the local area (not the provincial centre), building or re-building infrastructure within the area (eg roads, bridges, housing and base for programme activities such as training or law enforcement) both to ensure that programme is based in the area and provide local cash employment and concrete evidence of investment. Efforts to achieve trust have involved not removing or using local resources (such as wild meat or timber) even if for example the government staff have the authority to do so

- **The facilitation of and support to the evolution of new institutions and organisation structures at the local level of villages to move on from a vacuum of authority.**

This has probably proved the most difficult of the different activities – largely due to the historical influences discussed previously. The first activity was the facilitation of new organisations to tackle the need for institutional change. This has proved complex given the general institutional vacuum, the tensions between and within existing customary structures, state and party ones and the tendency for individualism to triumph over a communal approach. For example, even after 8 months of discussion locally and the implementation of a number of activities such as the PRA process, discussion of objectives and controls over outsider use there was still a general belief that the programme was for the benefit of the government or individuals in the NGOs and the talk of devolution to local institutions was merely a variation on a historical theme of local disempowerment.

The key steps forward to overcome this have included a process of discussion of the basis of CBOs such as associations or *Comites*, the identification of the kind of local institutions most likely to work and be accepted and the facilitation of an elective process for each village *Comite* undertaken by an organisation that was not directly involved in the programme but represented (as a union) associations and cooperatives in the Province. In each village 6 men and 6 women were elected to a village level *Comite* for the management of natural resources with the decision that party officials, the chiefs and government officials could not directly stand for election. These 12 individuals were selected by decision of the adult members of the villages based on representing separate zones of the village or family units, experience of associations and relationships to other authority structures or knowledge about resources. These 12 individuals then elected amongst themselves their relevant posts such as President, Secretary and Treasurer. This process resulted in some interesting selections. For example in Matchedje, the main “poacher” of the village was selected as President on the basis that he was knowledgeable about resources and knew all the secrets of both the government and Tanzanians involved in the illegal harvesting. As the Chief phrased it “ it is better to put the thief in charge of the shop than have him outside causing mischief” (Masogo pers comm.)

The second step in the process was holding a ten day meeting for members of the *Comite* to facilitate training or institutional capacity building in aspects such as the management of small associations, the roles and responsibilities of post holders in the *Comites*. The most useful and interesting outcome of this was the decision of the *Comite* members from 3 different villages to develop their own rules or By Laws for resource use throughout the area (see Annex 2). These rules differ from those of the formal state laws in permitting many resources uses that the more bureaucratic formal laws prohibit but which are essentially unenforceable. While these By Laws are not formally recognised (and some permit what is illegal under national legislation) they can be codified as formal institutions under the mechanisms identified below and are being implemented in reality. These By Laws also represent a major step forward in both local institutional terms and in organisation structuring of the local process.

The by law process also led to a new relationship in terms of power and the acceptance of responsibility. It was not until the by law process started and the *Comites* saw that the scouts would operate under them to implement these new rules that most members of the *Comites* accepted that they really did have some new authority and that ownership of the process and programme was not with some outside agency or individual.

➤ **The identification of practical mechanisms in terms of new property rights that can deliver robust devolution to these new institutions.**

The initial activity was an attempt to use the new Land Law and Regulations to gain property rights for the institutions of the *Comites*. However the mechanism for doing so are complex and largely untested in Mozambique – especially for such a large area of land. While the process appears simple involving signatures by local traditional authority, local administration or other locally representative bodies to a map and a statement on boundaries and usage, the bureaucratic machinery can be complex. For example the provincial section for land registration initially indicated it required the sum of USD 400,000 to undertake the de-markation and formalities of land registration, which was later dropped to USD50,000 and finally to USD12,000. It is also unclear whether such land rights include anything more than agricultural use rights and therefore may change little in terms of exclusive resource access rights for the local groups or *Comites*.

A more robust mechanism appears to be the development of a management plan, in which zonation of access rights to specific resources by specific bodies and within defined institutions (including By Laws) can be clearly identified. This is a mechanism similar to that used elsewhere in Niassa for private sector-government joint ventures and is effective on signature of the Provincial Governor and the national cabinet. It thus avoids the bureaucratic impediments of the other mechanisms but is critically dependant on high level political support. Such a management plan has the advantages of giving full devolution to the management authority – in this case the common property institutions at the local level of Sanga. The management plan process is currently under development through the undertaking of studies such as a forest and wildlife inventory and the identification of zones of use.

➤ **As rapid a delivery as possible of a change in power and sense of proprietorship over natural resources.**

Perhaps the most powerful of these activities has been the recruitment (via the relevant *Comites* and the defined By Laws) of community scouts who are responsible to the local village *Comite*. There is currently a total of 11 community scouts in the PCC area backed up by 2 State scouts (until the community scouts have the formal legal rights of arrest and use of firearms). These scouts are currently equipped, paid and trained from the supporting organisations with a phased transfer to direct *Comite* responsibility to take place once income and mechanisms exist. The incidents where such scouts have initiated or been involved in the arrest or reporting of illegal harvesting by, for example, local government officials (including the District Administrator) has demonstrated far more powerfully real shifts in authority than any rhetoric on the issue. The increasing ability of these scouts to deter outsiders use of local resources and to operate within the local geography of the village in terms of conflict over individual and group activities is also helping in a shift from powerlessness and towards a sense of proprietorship. The new By Laws established by the *Comites* and implemented by the scouts is also clarifying the nature of who decides what.

There have also been problems in the process. Initially both the *Comites* and the scouts saw the support institutions as their main line of responsibility; resulting merely in a change in form of law enforcement rather than in function. Some scouts attempted to use their new positions of authority as a means to personal benefit thus mirroring that of the attitudes and actions of state employees. Both these problems are being addressed through placing the issues within the decision making of the *Comites* and the sacking when necessary of individuals. A more complex problem has been the reaction at various government levels to the existence of alternative local power structures particularly when these structures decrease rent seeking or harvesting of benefits by these local state elites.<sup>3</sup> The keeping of accurate illegal use data particularly when it illustrates that over 85% of all such activities involve state officials (see Annex 3) has been successful so far in retaining higher level political support and countering statements such as these scouts are "armed bandits operating outside state control".

➤ **The delivery of concrete benefits from such resources via the new institutions.**

The point of this activity is to both provide legitimacy for the new institutions via proving they can deliver both individual and community wide benefits in practice. It is also to offset the reactions to the constraints to individual behaviour involved in the introduction of management activities in a previously open access situation. Since 1999 these activities have included the introduction of a initiative to commercialise the existing honey production, the granting by provincial government of hardwood timber licences for 3 villages, the introduction of communally based fishing and licences for local meat hunting for ceremonial or religious purposes. All these initiatives are mediated through the community and based on the priorities for initiatives identified by the local groups in the initial PRA process.

A total of 500 litres of honey has been produced by the 3 main communities with an above average of local purchase price paid to the individual producers and the profits from commercialisation of the urban marketed honey being returned to the *Comites* as communal dividend (probably around USD 2,000 in 1999). The aim is to move on to the formation of local bee-keeping associations and the introduction of improved hives, and via a local women's group the local production of the finished products (jars of honey and packed wax).

Timber harvesting activities have recently started with the end of the rains based on local technologies of pit sawing and the production of finished items such as chairs and tables for local and urban sale. At present each of the 3 core villages has licences for around 30 cubic metres of hardwood with a forestry inventory currently underway to permit the granting of formal forest concession rights (probably raising this to 200 - 300 cubic metres) to the various villages.

Some small scale *Comite* mediated fishing is taking place in Matchedje using 14 nets confiscated by the community scouts from Tanzanian illegal fishermen. The aim this year is to introduce new fish harvesting initiatives via new gear through local fishing associations in Matchedje, Nova Madeira and Lilumba.

Some licenced hunting for religious and ceremonial purposes (using programme firearms) took place in 1998 and 1999 and other wild meat is authorised through the *Comite* by laws on common species and crop pests (although it should be noted this is illegal under formal law). It is planned to increase this activity through the development of off-take or hunting quotas (through on aerial surveys and local

perceptions of numbers) for subsistence, local marketed meat sales and sport hunting during 2000. While sport hunting is probably the most economically profitable of the resource activities it was not identified by the communities during the PRA process as a priority and initiatives have thus focused more on timber, fishing and honey production which were identified priorities. Another aspect of hunting is that it generates large amount of revenue but for that reason attracts rent seeking from officials and is also an activity over which the local people can presently exert little control or undertake themselves.

To provide a broad idea of sustainability and potential economic benefits to people in the area; a "back of envelope" calculation of revenue possible from these range of resources is between USD 50,000 to USD 100,000. Even if a 10% fee was taken off this for management costs of the scouts etc this is still are very significant economic incentive for institutional change at current population levels.

## 4 Conclusions

To return to the questions raised in the introduction, I hope to have demonstrated that the case of PCC in Sanga District does encourage the use of historical analysis as one of the tools to a better understanding of the processes of institutional change in common property management and to a better predictability of outcomes. What cannot be argued is that such an analysis can be deterministic but that it can be a tool to supplement others (such as the analysis of incentives for institutional change of economic benefit and proprietorship (Bond 1999))

The tensions, constraints and catalysts for institutional change can be understood, and could perhaps even be better predicted, within the local historical context of Niassa and Sanga (including the impatience and attempts by local actors to avoid restrictions and apparent rent seeking by authorities; the continued influence of patrimony ; the tensions within and between traditional authority and with that of new structures; the behaviour of local officials to use of resources perceived to belong to them) and that of the context of the country (the level of independence from national policy and laws possible in a "hinterland"; the pervasive Xiconhoca factor; the tendency to dis-integration at levels beyond the very local). Put another way, the winners and losers in this game of changing rules are not necessarily new but have their counterparts and continuities in other historical phases stretching back into the Mozambican and Niassa past.

In terms of the possibility of real devolution in which local level institutions and organisations can hold at their level the rights, benefits and responsibilities, PCC has at least made some progress – albeit mainly within an arena that is still informal and reversible. It seems to be happening more as a process being taken from below than one being offered downwards via any clear mechanisms in a legislated environment. But it maybe more resilient for exactly that reason. If devolution can be assessed as the institutional authority to manage resources effectively at the local level then the 3 critical domains noted by Agrawal (1997) against which such an assessment could be made are:

- Authority to make rules about the conservation and use of resources
- Authority to manage or implement the rules that are created
- Authority to resolve disputes in the interpretation or application of rules

In relation to these criteria an evaluation of progress to devolution for PCC is mixed. The rules or By Laws evolved and now implemented by the *Comites* carry an authority in terms of the above 3 domains only to the extent that they are acceptable locally by the relevant communities and can be implemented by the *Comites* and community scouts. They have no formal state sanctioned legality – in fact many are illegal in state terms (the use of traditional firearms [possession of which is illegal in itself], the confiscation of saws or nets for local use; the hunting of any animal or use of any fish or tree without a state issued licence etc). However they have the considerable advantage of having been developed locally and to further quote Agrawal (1997);

“ There are substantial arguments for recognising that actors in the local space may be the more appropriate source of rule making for a significant range of problems because of their specialised information about the local context and resources ... vesting the authority to arbitrate disputes in distant government agencies can only increase the cost of dispute resolution”

It is also worth noting that the rules developed by the *Comites* are probably more enabling, subtle, flexible and pragmatic than those evolved through a two year process at the national state level (the new Forestry and Wildlife Law of 1999) embodying as they do advanced concepts such as setting fines in relation to market value of product; setting no limits to use where none is actively needed and incorporating sustainability in enforcement via incentives and the re-distribution of confiscated good to promote general community benefits. All in two days. What remains to be seen is whether these currently informal laws can be incorporated into formal authority via the process of the PCC Management Plan – which will form (if accepted) the legal basis for full and legal devolution.

In terms of the causality of devolution, the nature of the PCC as a hinterland in both the physical and imaginative sense for many in the formal government structure and within the community has promoted a bottom up pressure for devolution. Indeed the whole concept of providing local actors with the full rights over their local resources seems not to be so much promoted or actively resisted by senior government officials but truly inexplicable. As Murombedzi (1996) has noted in a similar



situation in Zimbabwe they represent “a paternalistic cadre of experts; whose training and experience are such as to discount the ability of local people to plan and administer their own affairs, let alone manage their resources in a sustainable manner”.

The most likely scenario in terms of historical continuities is that for devolution to proceed from virtual to full reality is that the bottom up pressure will have to have the support of both influential high level politicians and (probably harder to achieve) the acceptance at least of the mid level bureaucrats. As Chambers et al (1989) noted a decade ago from studies in India of practical political economy “Giving clear land title to the poor would reduce the power and profit of those who gain from current uncertainties .. and the abolition of rules and regulations hurt petty officials” Their suggested approach is one “which seeks feasibility either by choosing measures from which none would lose or by ensuring countervailing power to persuade losers to accept their losses.”

This countervailing power will probably be the crux of this process in Sanga (given the difficulty of ensuring no one loses or a persuasive mechanism for the acceptance of loss). To quote Chambers *et al* again;

“Much of the problem and opportunity lie in new learning and changes of view among those who are senior and in authority. Changes in laws, rules and regulations depend on them. Yet they are often precisely those who have the least contact or have been the longest out of touch with rural realities, who are treated with the most deference, who are the least contradicted and who find it hardest to make simple unbiased rural visits. They thus suffer from the professional disability of being hindered from learning.” (my emphasis)

To conclude, I do not believe this “new learning” and its importance for the “countervailing power” critical for the real devolution in common property management only refers to senior politicians in Niassa or Mozambique. It can apply equally to donor agency personnel, to NGO executives and to academics; all of whose influence in CBNRM and rural life in Africa is considerable if often indirect. It is the “professional disability of being hindered from learning” which can permit the Economist (13-19/5/00) to print a cover page with the title *Africa: The Hopeless Continent*, or donors to conclude on the basis that the proposed panaceas of good governance, democracy and market economies have failed to quickly resolve the complex problems of the continent, that it is maybe a marginal and lost cause. For academics too there are new challenges in learning, with many of the orthodoxies of CBNRM in Southern Africa increasingly being questioned as a result of the reflections of the field, the new disorders and the realities of the local level.

## REFERENCES

- Abacar, A.J. 2000 A case study of inland fisheries management in the Lucheringo-Rovuma-Messing River systems, Northern Mozambique: From open to common property?. Unpublished MSc Thesis, Centre for Environment and Development, University of Natal, Pietermaritzburg.
- Alexander, J. 1997 "The Local State in Post War Mozambique" Political Practice and Ideas about Authority. *Africa* 67 (1) 1997
- Alpers, E.A. 1975 *Ivory and slaves in East Central Africa*. Heineman, London.
- Amaral, M.G. 1990 *O Povo Yao (The Yao People)*. Centro de Documentacao e Informacao do IICT, Lisbon.
- Anon 1999 *Niassa 2005. A Five Year Provincial Vision and Development Plan*. Government of Niassa, Lichinga.
- Anstey, S.G. 2000 *Necessarily Vague: The Political Economy of Community Conservation in Mozambique*. In Hulme, D. and M.W. Murphree (eds) 2000 *Community Conservation in Eastern and Southern Africa*. African Issues, James Currey, Oxford.
- Argawal, A. 1997 *Community in Conservation: Beyond Enchantment and Disenchantment*. Conservation and Development Forum Discussion Paper, Gainesville.
- Bond, I. 1999 *CAMPFIRE as a vehicle for sustainable rural development in the semi-arid communal lands of Zimbabwe: Incentives for institutional change*. Unpublished PhD thesis, Faculty of agriculture, University of Zimbabwe.
- Chabal, P. and J-P. Daloz 1999 *Africa Works. Disorder as political instrument*. African Issues; The International African. James Currey, Oxford and Indiana University Press, Bloomington and Indianapolis.
- Chambers, R. N.C. Saxena and T. Shakh 1989 *To the Hands of the Poor: Water and Trees*. Intermediate Technology Publications, London.
- Conceicao Medeiros, E. 1997 *Historia de Cabo Delgado e do Niassa*. Central Impressora, Maputo.
- Cousins, B. 1995 *A Role for Common Property Institutions in Land Distribution Programmes in South africa*. IIED. London.
- DNFFB 1998 *Forestry and Wildlife Component: Agriculture Programme of the Ministry of Agriculture and Fisheries (MAP)*. Unpublished MAP report, Maputo.
- Macadona, A. , M.J. Assane and S. Anstey 2000 *Avaliacao do Uso dos Recursos na zona norte do Distrito de Sanga*. Unpublished report by IUCN and OPORTUN.
- Mosley, L. 1963 *Duel for Kilimanjaro. An account of the East African Campaign 1914-18*. Weidenfeld and Nocolson, London.
- Murombedzi, J. 1996 *Paying the Buffalo Bill. The impact and implications of External Aid on CAMPFIRE*. CASS Working Paper-NRM Series, University of Zimbabwe.
- Murphree, M.W. 1993 *Communities as Resource Management Institutions*. Gatekeeper Series No. 36. IIED, London.
- Newitt, M. 1995 *A History of Mozambique*. C. Hurst and Co., London
- North, D.C 1990 *Institutions, institutional change and economic performance*. Cambridge University Press, Cambridge.

Ostrom, E. 1990 *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press.

Ostrom, E. 1998 How Communities beat the tragedy of the commons. Keynote presentation to an International Workshop on Community Based Natural Resource Management. Washington D.C, May 1998.

Pretorius, P.J. 1947 *Jungle Man*. George Harrap and Co., London and Bombay.

Sutherland, J. 1912 *The Adventures of an Elephant Hunter*. Reprinted by Books of Zimbabwe, Bulawayo, 1995.

Vines, A. 1996 *Renamo. From Terrorism to Democracy in Mozambique*. James Currey, London.

Virtanen, P. 1999 *Community in Context: Chiefs and Councils in Mozambique*. Unpublished paper for Institute of Environmental Studies, University of Zimbabwe Seminar "Governance, property rights and rules for woodland and wildlife management in Southern Africa."

**ANNEX 2 BY LAWS OR INTERNAL REGULATIONS OF THE *COMITES* (October 1999)**

Type of Resource	To be controlled	To be hunted or used	Fines/Actions
<b>FAUNA</b>	<ul style="list-style-type: none"> <li>Any hunting by outsiders eg Tanzanians, Government officials, people from outside this community.</li> <li>Hunting of large species with potential economic or social values (lion, elephant, buffalo, eland, zebra, haartebeest)</li> <li>Hunting beyond village limits and use of poisons or long trap lines</li> </ul>	<ul style="list-style-type: none"> <li>Common species (eg duiker or <i>Ngolombue</i>, Guinea fowl or <i>Nganja</i>)</li> <li>Crop pests when near to farm zones or village limits (eg all pig species, porcupines etc)</li> <li>Use of traditional instruments (muskets, spears, bows and traps)</li> <li>Larger animals only when extreme crop pest problem (eg Kudu, buffalo, elephant) and through permission of chief and <i>Comite</i>.</li> </ul>	<ul style="list-style-type: none"> <li>Fines (either community work or \$\$ to be determined by <i>Comite</i> and Chief with graduated sanctions (ie nature of offence and frequency)</li> <li>Captured items (meat, fish etc) to be distributed openly by <i>Comite</i> to village or to deserving cases if not sufficient quantity (identified widows and sick)</li> <li>Instruments (eg guns, snares) captured to be held by community scouts but within village.</li> </ul>
<b>FLORA</b>	<ul style="list-style-type: none"> <li>In short term until resource recovers and controls possible any cutting of high value timber species (6 species identified) by outsiders or individuals in community.</li> <li>Timber cutting to be undertaken through licences issued by Government to <i>Comites</i> and via them to local timber associations (pit sawing) to ensure control and revenue spread.</li> </ul>	<ul style="list-style-type: none"> <li>Other forest resources no prohibitions except outsiders should first request permission as is polite</li> </ul>	<ul style="list-style-type: none"> <li>The instruments captured (pit saws, measuring tapes, axes etc) to be handed over to <i>Comite</i> to be used to support local timber associations.</li> <li>Fines as above</li> </ul>
<b>FISH</b>	<ul style="list-style-type: none"> <li>Fishing by toxic chemicals (eg DDT or rat poison) to be prohibited for all.</li> <li>Fishing by Tanzanians to be banned</li> <li>Any fishing by other outsiders to be mediated through <i>Comite</i> and Chief</li> </ul>	<ul style="list-style-type: none"> <li>Fishing by local forest poisons, traps and lines to be permitted for residents of area.</li> </ul>	<ul style="list-style-type: none"> <li>Fines as above</li> <li>The instruments captured (nets, hooks and lines, canoes) to be handed over to <i>Comite</i> to be used to support local fishing associations</li> </ul>
<b>OTHER</b>		<ul style="list-style-type: none"> <li>Incentives to be offered to community scouts for capture of ivory and firearms.</li> <li>Honey collection by traditional methods (tree cutting or bark hives) to be permitted for residents.</li> <li>Collection by outsiders of honey/wax to be mediated through <i>Comite</i> (but non access to the beekeeping associations of local residents)</li> </ul>	<ul style="list-style-type: none"> <li>In general for fines and punishments both the chiefs and <i>Comites</i> will be involved.</li> <li>Differential fines depending on market value of product and origin of culprit. For example if local resident assists Tanzanian will have same punishment as Tanzanian not as local.</li> </ul>

## ANNEX 3

MAJOR ILLEGAL HUNTING INCIDENTS PCC AREA

Date	Name of Hunter/Weapon used/Animals shot	Promoter	End User
4/98	Khangomba SKS 2 elephants	Ex CID Policeman Lichinga	Sold by ex policeman to Malawians
6/98	Unknown hunters SKS, 3 elephants	Maniamba Police	Sale to Malawians
12/98	Zangado/Champion/Mandela (AK47 private+ SKS from Police) 6 sable, 1 hippo, 2 zebra	Private	Sale to Tanzania
4/99	Maluata Omar (AK47 from police in Il Congresso) 1 buffalo, 3 sable	Police Il Congresso	Police Il Congresso Sale to Tanzania
4/99	Omar Nsawanga (AK47 from police) 2 sable, 1 warthog, 2 reedbuck	Police Il Congresso	Police Il Congresso Sale to Tanzania
5/99	Ajaua Omar (AK47 police) 1 eland	Police Macaloge	Police Macaloge for local sale + Lichinga city
5/99	Chitemango Assane (AK47 police) 1 sable 1 warthog	Police Macaloge	Police Macaloge for sale Lichinga city
6/99	Khangomba (SKS from local official) 7 sable	Macaloge administrator	Macaloge administrator sale to South African farmers
7/99	Magaia (SKS District Administrator) 3 sable, 6 duiker	Sanga Administration	District Administrator
7/99	Aide Assane (SKS administration Macaloge) unknown species	Macaloge administrator	Macaloge administrator
7/99	Mohammed Jassini (AK47 from police) 6 sable	Police Il Congresso	Police Il Congresso sale to Tanzania
8/99	Saide Bonomar (Mauser, from army) unknown	Army	Police/Army Sale in Lago District
10/99	Magaia (SKS District Administration) 3 reedbuck	District Administrator	District Administrator
11/99	Unknown hunter (AK47 District Police) unknown species shot	Provincial Director Health	For "distribution" in election period
2/00	Abdala Mtucuta (SKS from Police)	Police Il Congresso	Police Il Congresso sale to Tanzania
3/00	Raimundo and Denis Sabite (AK47 source unknown) captured before hunted elephants	Private	Private. For sale to Malawians

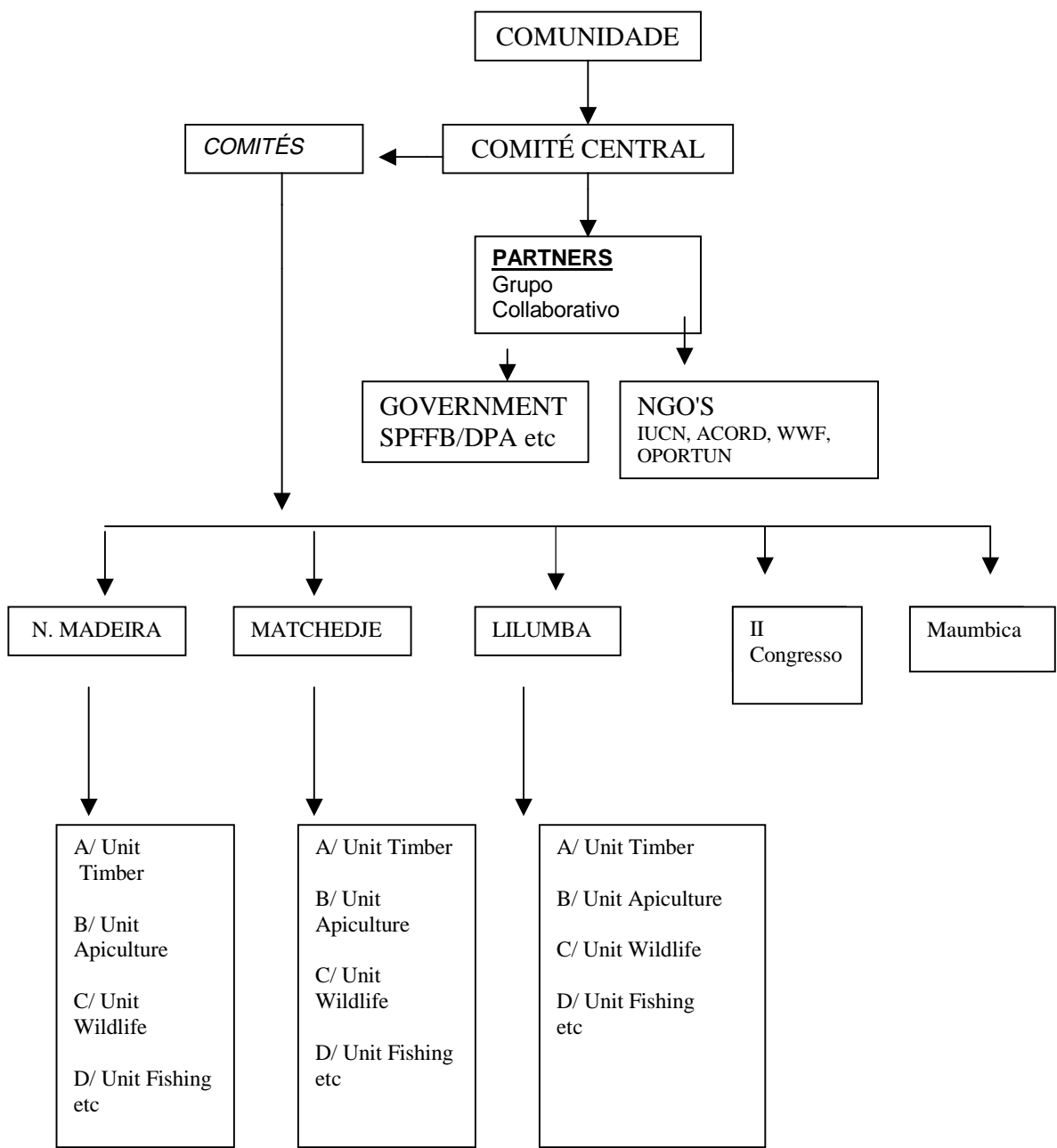
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**OF COMITES, SUB UNITS (ASSOCIATIONS) AND PARTNERS**

**DISTRITO DE SANGA**

PROVÍNCIA DO NIASSA

**PROGRAMA CHIPANJE CHETU**





# TEN PRINCIPLES TO GUIDE PROGRAMA CHIPANJE CHETU

<p style="text-align: center;"><b>Princípio 1</b></p> <p style="text-align: center;"><b>GOALS AND SCOPE</b></p>	<p>The basic goal of the programme is to achieve self-sufficient development based on sustainable use of the natural resources of the area. The concept of the programme is that the transfer of natural resources to the local communities will result in self-sustaining development, social, environmental and political benefits. The programme is essentially a community initiative with implications beyond natural resources - specifically in terms of land and natural resources.</p>
<p style="text-align: center;"><b>Princípio 2</b></p> <p style="text-align: center;"><b>OWNERSHIP AND ROLES</b></p>	<p>The Programme is <u>implemented</u> and owned by the local community representative institutions.</p> <ul style="list-style-type: none"> <li>• The roles of central, provincial and national government agencies (Police etc) is to <u>facilitate</u> the transference of rights, functions and responsibilities to the local community representative institutions and provide <u>technical advice</u>.</li> <li>• The role of the private sector is to optimise the market value of products from the community.</li> </ul> <p>These basic operational principles are in line with those specified in the MIP.</p>
<p style="text-align: center;"><b>Princípio 3</b></p> <p style="text-align: center;"><b>TENURE AND INSTITUTIONS</b></p>	<p>The two most critical activities for the success of the programme will be a/ the <u>secure tenure/access rights</u> to land and natural resources and b/ the <u>exercise management functions, responsibilities and distribution of benefits</u> to the local community representative institutions.</p> <ul style="list-style-type: none"> <li>• Secure tenure/resource rights will be achieved through the devolution of the programme area in the name of the local community representative institutions to the community representative institutions (based on criteria of community participation, conflict resolution mechanisms, administration and tenure and resource access rights and be the core institutions of the community).</li> <li>• Resource rights will be devolved to the community in the form of development plans for natural resources (quotas and zones for hunting and fishing etc) approved by the relevant statutory authority (based on the development of regulations to existing legislative framework) through the making process of the community and its representative institutions.</li> </ul>

<p style="text-align: center;"><b>Princípio 4</b></p> <p style="text-align: center;"><b>EMPHASIS IN IMPLEMENTATION</b></p>	<p>The focus of the support to the Chipange Chetu programme by government is to facilitate the capacity of local community level institutions (land and planning) to manage and benefit from local natural resources. This principle implies that:</p> <p>a/ the expenditure of funds and human resources will be minimal for NGOs or government agencies (for which other budgets are available) and</p> <p>b/ only those minimal management structures or systems which are consistent with the technological capacity of the programme area and community institutions</p> <ul style="list-style-type: none"> <li>• In other words, this programme is not an indirect means of funding of promoting local level management and benefits from natural resources</li> </ul>
<p style="text-align: center;"><b>Princípio 5</b></p> <p style="text-align: center;"><b>EQUITY AND DISINCENTIVES</b></p>	<p>An important principle drawn from those above is that the local community should benefit from their resource management. Their management of natural resources should be a substitute for district, provincial or national government budgets for social services - for which the normal taxes of Mozambique payable by individuals and companies are used.</p>
<p style="text-align: center;"><b>Princípio 6</b></p> <p style="text-align: center;"><b>SELF-SUFFICIENCY</b></p>	<p>In order to avoid the “dependency syndrome” and to promote self-reliance, support agencies, NGOs and Donors) will avoid the provision of “free” infrastructure (e.g. clinics, or donating maize grinding mills, cash payments etc. Activities such as beekeeping etc) will be based on the principles of credit and long-term sustainability.</p>
<p style="text-align: center;"><b>Princípio 7</b></p> <p style="text-align: center;"><b>TRANSPARENCY</b></p>	<p>In the interest of transparency and maximising the potential net economic benefit, the principle will be followed for any use of resources by the private sector or third party.</p>
<p style="text-align: center;"><b>Princípio 8</b></p> <p style="text-align: center;"><b>VIABILITY</b></p>	<p>The programme will focus on those areas where the viability of community level land use is likely to be high. This implies areas where there is low human population density, low revenue options (eg agriculture or livestock) and strong community social capital. It will not attempt to undertake activities in areas which do not meet these criteria.</p>
<p style="text-align: center;"><b>Princípio 9</b></p> <p style="text-align: center;"><b>COORDINATION AND POLITICAL WILL</b></p>	<p>To be effective, to avoid duplication of effort, contradictory activities and to ensure good coordination at two levels:</p> <ul style="list-style-type: none"> <li>• within and between the community institutions and individuals of the target area</li> <li>• within the support agencies of provincial government, district administration and NGOs</li> </ul> <p>Given that such programmes imply a major transfer of power from state to local level, it is essential to have powerful and direct political support to ensure that bureaucratic resistance is overcome.</p>
<p style="text-align: center;"><b>Princípio 10</b></p> <p style="text-align: center;"><b>A PROCESS NOT A PROJECT</b></p>	<p>A core principle of the programme is that it is a <u>process</u> of rural development and community management. It will therefore take time (eg building effective community level institutions, approach (feedback of progress to redesign activities and focus). It should be understood that the timeframe and expectations of government, donor or NGO agencies are up to 10 years to fully secure the goals noted in Principle 1.</p>





## NOTES

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<sup>1</sup> This paper differentiates between decentralisation and devolution using the following meanings: *decentralisation* is the transfer of government functions from centre to regional or local levels while *devolution* is the transfer of authority and here used in the sense of from government to local groups, common property bodies and civil society. *Institutions* are used in the meaning of the “rules of the game” or any form of constraints that people devise to shape their interactions; with *organisations* used to mean groups of individuals bound by some common purpose to achieve a given objective (North 1990).

<sup>2</sup> As a Sanga colleague pointed out in 1999 “Xiconhoca did not die in the 1980s, he is still alive today and he has many more children” (Nyenje Ali pers comm.)

<sup>3</sup> For example, during the elections of 1999, the Provincial Director of Health while on party political campaigns in Matchedje ordered the hunting of some sable to distribute as an election booster for his party. He was prevented from doing this by the *Comite* President, the community scout and the village Chief. His reaction on return to Lichinga was to report to the Provincial Governor that in north Sanga the *povo* or ordinary people were suffering from “armed bandits of this Chipanje Chetu programme”!

Equally the stopping by community scouts and a state scout of the District Administrator while she was carrying wild meat in her car her hunter had shot (plus her falsely issued licence was not accepted) resulted in similar allegations at provincial level. At the time she refused to hand over the meat saying she was the District Administrator and “I have the power to do what I like in my district”. That neither of the scouts (state or community backed down) and were supported by the village President indicated a change in mentality to power structures and to ownership of resources. In terms of historical continuities it was an interesting aspect of this incident that the same state scout had in the 1960s arrested a Portuguese District Administrator for exactly the same reason in Marrupa District – and had been “transferred to other duties” as a result.