

"ITS ALL ABOUT POWER, ITS ALL ABOUT MONEY"¹? NATURAL RESOURCES AND GOVERNANCE IN NORTHERN MOZAMBIQUE

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1. INTRODUCTION:

This paper looks at the changes in who has the power and who is receiving the benefits in the governance of natural resources, via an analysis of three case studies in Niassa Province, northern Mozambique.

The Niassa cases involve different models with different institutional designs but share objectives of benefiting local communities through sustainable use of natural resources. The aim is to see if some relatively simple ideas around 'freedom of choice' and 'the rights of citizens' when applied to these cases can bring out core issues about land and natural resource management.

The paper draws on principles of sustainability as identified by the IUCN Southern African Sustainable Use Specialist Group (SASUSG). SASUSG identifies four core principles (ecological, management, economic and tenure(SASUSG 1996). Of these tenure (proprietorship and rights of access to resources) is identified as the most important factor affecting sustainable use. Sustainable use is regarded as more likely when:

- Rights of access are clearly defined
- The ability to enforce those rights exists
- The unit of management and accountability is small and functionally efficient

However, as is clear throughout Southern Africa and beyond, tenure of land and natural resources is a deeply political issue (Argrawal 1997; Shivji 2000) and rests on a wider framework including aspects such as democracy, devolution, decentralization, governance, equity and righting historical distortions – particularly in a climate where systems of communal, state and private tenure are in the midst of change from national or global forces (see review in Alden Wily and S. Mbaya 2001).

So an emphasis of the paper is looking at these tenurial aspects of sustainability in the case studies, and linking these aspects to devolution and the related governance mechanisms that are instrumental in land and natural resource management. Given that meanings can be complex, some definitions are worth clarifying. *Devolution* is used here in the sense of power and authority over decision-making being held at the lowest possible level, with powers being delegated upwards by these lower parts. A twin relative of devolution is the concept of '*subsidiarity*', which implies that;

"power properly belongs in the first place lower down and further out ... and with its emphasis on our individual rights and duties, is the basis of any concept of citizenship and critical to any concept of society. You could also define subsidiarity as reverse delegation – the delegation by the parts to the centre" (Handy 1994 quoted in Brian Child *in prep.*).

In this sense devolution or subsidiarity are basically the opposite of decentralization. *Decentralization* usually refers to situations where decision-making power is transferred from the centre downwards, such as the delegation of government functions from one level to a lower one. A simple way of looking at this is that devolution embodies a number of political and ethical meanings (citizenship, democracy², good governance, rights and responsibilities, power and authority) while decentralization is more of an administrative concept.

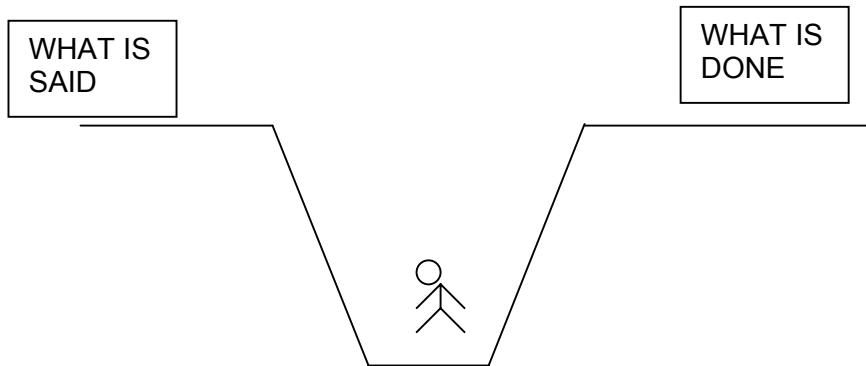
Natural resource governance is used in the meaning of those measures that involve setting the rules for the exercise of power and settling conflicts over such rules (Hyden 1998). It refers to the forms in which state and society interact, coordinate and regulate each other, with 'good governance' implying features such as accountability, transparency and competence in the

exercise of authority and power (Hulme and Murphree 1998). In relation to devolution initiatives such as CBNRM, the key elements of governance is the capacity of communities to participate and contribute to decisions on access to, and use of, natural resources (Murphree 1999).

These definitions or meanings are really only important for the present purpose in helping to clarify the linkage between stated aim and action. If the meanings of words are ‘fuzzy’ or if they have suffered the effects of overuse to cover multiple different realities then making a relation between intentions and actions is not easy. To try and get at this linkage aspect the paper draws on a fictional Moscow detective (in the film “*Gorky Park*”) whose observation of the realities around him was that:

“Most of the people live in a chasm. A chasm between what is said and what is done.”

Figure 2 The View from Gorky Park



The relevance of this diagram is that it can be used to clarify

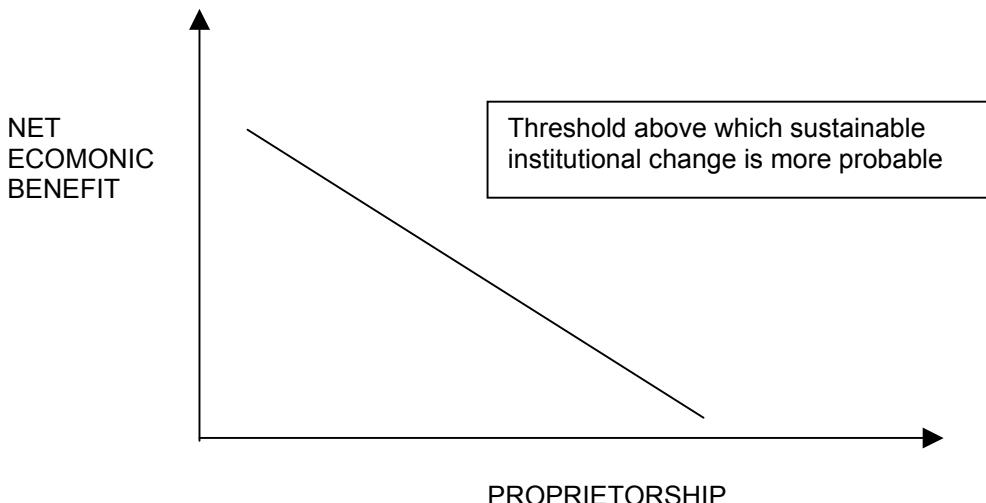
1. **who** (government, aid agency, NGO, CBO, consultant, business person or academic) says
2. **what** (policy and law, decentralization, devolution, community participation etc) and
3. **why** (what are their motivations or incentives - representative of civil society, representative of the electors, public servants, protectors of the wild, or in it for the money).
4. This can then be validated by reference to “**what is done**” or observations of the reality. The difference, if any, can help to explain the cause of the chasm, who is stuck in it and how it could be filled in.

Devolution is a good example of the value of such an analysis. Devolution has been identified from the initial visions of CBNRM programmes in southern Africa, assessments of progress, identifications of constraints and the writings of observers and academics as being at the core of the CBNRM sustainability or probability of success; whether in institutional, tenure, ecological, economic, political or social terms (see Rihoy 1996 for early overview; Hulme and Murphree 2001 for recent regional analysis). However, the reality in almost all cases has been a conclusion that what was intended or said has fallen short of what has been done or achieved. This includes assessments that the devolutionary aim has so far reached stages of aborted devolution, strategic compromises, partial devolution, more like decentralization than devolution or similar indications of qualified progress. In reaction there have been growing assessments that CBNRM is not workable that its core features are naïve or simplistic and its theoretical base (Common Property Theory, New Institutional Economics) is now falling short (Mehta et al 2001; Roe et al 2000) It is suggested that to move forward, a more complex theoretical framework is needed. While not intending to go into the complexities of academic theory, this paper tries to draw from practical political reality of northern Mozambique some indications of whether such unease is valid and whether extreme prescriptions are really needed. One key aspect in arriving at an answer is asking if devolution (in the definition used here) has really happened or been truly “field tested”? If it hasn’t in many cases (as the assessments of Murphree 2000 or Shackleton and Campbell 2000

suggest) then maybe the problem is logically simple to solve by identifying the cause of the blockage rather than its symptoms. This can be done assisted by looking at the - who, what and why - of the View from Gorky Park illustrated above.

Finally the paper draws on a graph (from Bond 1999), which is based on his empirical studies of different districts within CAMPFIRE. The graph is concerned with the key variables that influence sustained institutional change (the likelihood that old rules (e.g. open access) will be replaced by new rules of the game) (North 1990)³.

Figure 3 Relationship between economic benefit & proprietorship



The graph suggests:

- A key relationship in the sustainability of institutional change is between proprietorship (and used here as equivalent to basic rights/decision making power) and net economic benefit.
- That in this relationship there is a threshold in these two variables above which sustainable institutional change is more probable. This means either high levels of both variables (the optimal case) or very high levels of one or the other.

In simple terms the Bond graph is used here to provide a focus to answer the title's question of "who has the power and who gets the money" as a basis for considering the likelihood of sustained institutional change in the 3 cases studied.

In summary the questions the paper will try and address are:

- ⇒ Can a few causal factors relating to 'freedom of choice' help to simplify what otherwise seems to be highly complex interactions in natural resource management and land change and provide some clearer focus for successful interventions?
- ⇒ Are issues of natural resource and land governance inseparable from the broader frameworks of local, national and global politics?
- ⇒ Does causality run one way or both ways? Do you first need an enabling political environment of democracy and good government before you can proceed to equitable land reform or the devolution of rights inherent in CBNRM; or can both have an influence on each other?
- ⇒ Who is saying what and why in these issues of land and natural resource management and how have things turned out in practice?
- ⇒ What are the advantages in reality of the Mozambique land and natural resource policy approach of retaining both a powerful role for the state (administrative discretion, decentralization, participation) with more liberal concepts based on citizen rights and responsibilities.

⇒ What institutional design of the different Niassa models reviewed seems to work best – and best for whom ('who has the power, who gets the money')?

2 THE NIASSA STUDIES IN CONTEXT

The 3 case studies forming the meat of this paper are located in northern Mozambique in the province of Niassa (see Map 1). These are:

1. **Niassa Game Reserve and Buffer Zone (42,000 km²)**
2. **Chipanje Chetu CBNRM project (5,500 km²)**
3. **Luelele Community Forest Management project (500 km²)**

In combination these initiatives cover 6% of the country (37% of the province) and therefore are a significant land or resource issue – particularly as their establishment and their implementation of different designs for land and resource tenure has occurred over the same time period as the land and natural resource reform process from 1995 to today. As case studies they are comparative as all three share a broad vision of sustainable use/biodiversity conservation mixed with rural development. However each represents different forms of tenure (respectively - protected area, community title, usufruct). Each also has a different emphasis on the mechanisms or institutional design for resource management and benefit (partnership/co-management, devolution/subsidiarity to local community institution, decentralization).

Before following up the evolution of these differences in tenure and institutional design to draw some conclusions relevant to the questions noted in the introduction it is helpful to put the models within the operating context of the local social history and national legal framework.

2.1 The National Institutional Framework for Land and Resources (Policy and Legal)

This framework is the subject of another presentation so will not be repeated here except in the broad implications for the various models under implementation and so as to draw conclusions about stated formal aims and their relationship to (often informal) implementation.

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 de-centralized 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 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 benefit** from land use or management.
- the Forestry and Wildlife Law of 1999 and Regulations (still in draft).
which promotes the participation of local communities in planning, management and benefits from natural resources,
- the Municipalities Law of 1995,
promoting decentralized local authority and the Decree 15/2000 of 2000 relating to the roles of community leaders (can be traditional leaders) in local government.

NOTE – the **bold** words here stress rights, while underlined words are intentions/functions.

In particular reference to the implementation of the new Land legislation and Forestry and Wildlife legislative framework, a number of critical areas have been identified. The most recent and detailed overview drawing together a range of publications and gray literature and presenting new interpretations is Norfolk, Nhantumbo, Pereira and Matsimbe (2002).

- Of the two, the Land Law (and its instruments) has had the highest level of society participation in its development and implementation; the Forest and Wildlife Law

- (which still awaits the clarification of regulations) has so far been a more technical orientated process.
- Both new frameworks introduce new regulatory procedures for natural resource use which are intended to ensure private sector and local community interests and the sustainable use of resources (Norfolk et al 2001 p 54). Both are proving problematic to implement – most often due to a lack of administrative capacity (the technical aims exceed the administrative grasp).
 - Of the two, the general thrust of the Land Law has a greater emphasis on a ‘citizen rights’ based approach (customary land rights are recognized and can be legalized) and communities can receive direct benefits for example from agreements with the private sector over use of ‘their’ natural capital (*Ibid* pp 44-45). The state acts as a kind of referee ensuring minimum standards are met. However, the state retains considerable powers to itself – via routing this procedure through administrative discretion rather than on a judicial basis. (*Ibid* p 44).
 - For wildlife and forestry there is currently no such direct relation of citizen rights and benefits. The state recognizes no inherent right of a citizen/community to natural resources (apart from limited ‘subsistence use’ based on ‘traditional’ methods). The emphasis of the law is on the more vague basis of ‘participation’ in which for example communities participate with the state in planning or management. This is, in effect, the devolving of responsibilities without clear corresponding rights to benefit – what Peter Tilley (pers comm.) has called “the illusion of inclusion”. As currently conceived benefits from natural resources to communities are emphasized via “co-management” approaches. In these the division of the revenues from natural resource use by the private sector (via concessions granted by the state and requiring management or use plans meeting technical criteria identified by central state agencies) is also at the discretion of the state (such as a case specific and bureaucratically complex Ministerial Diploma: see Namanha 2000 for details on these Diplomas).
 - Various policy, sector plans and strategic planning documents which aim to guide Government also reveal a degree of ambivalence between introductory visions of a democratic, market led and decentralized approach and the practical steps which reveal a more precautionary view of how to get there. This is illustrated by an emphasis on the lead role of state agencies, the need to educate the citizen, the retention of core powers by the state, that it is an organ to enforce societal good, that it holds the technical high ground and it must thus retain considerable discretionary powers based on this self image (see summaries of sector plans/policies in *Ibid* pp 38-48).

It needs to be stressed though, that these transitions in land and resource legislation between 1990 and 2002 has been significant and progressive in the context of a political and economic situation which has gone from civil war and economic crisis to peace and impressive economic growth within the same period. The current retention of discretionary powers is therefore not surprising (although the contrast in rights between land and natural resources is)⁴. Nor do these discretionary powers have to be negative in practice. But precisely because such powers depend on a high level of trust between citizen and state (which is not necessary within a rights based framework refereed by the judiciary) the outcomes in terms of sustainable resource use will critically depend on the citizen perception of the honesty and competence of the state. The onus is on the state to prove this.

This last aspect of trust will be returned to, but first it is worth looking at the more micro-scale of the context in which the case studies exist in northern Mozambique to add local context to this national framework.

2.2 Niassa local history and social structure⁵

Niassa is an unusual place for all kinds of reasons but mainly because of its location in the periphery of the country. As summarised in Anstey (2000):

"Niassa has always been a hinterland, seemingly remote 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 development schemes and the least social or cultural integration with the rest of Mozambique. Yet Niassa has had its moments of historical importance both in the period of the 17th to 19th 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 again in the mid 1960s to mid 1970s where it was the main zone 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."

For the purposes of this paper it is also worth noting that it is the province with the lowest human population, the largest area of 'unsettled land' and has the highest concentration of wildlife (Anon 1999).

The following focuses on the social and historical aspects of northern Niassa (the area of the Niassa Reserve and Chipanje Chetu project), and so is more specific to this zone bordering Tanzania than to the Luelele area on the border with Malawi.

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 near the western boundary of Niassa Reserve. 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 (Luelele area) some 300 years ago or the Ngoni who arrived about 150 years ago (Newitt 1995). The Yao are matrilineal and the 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 social change in the mid 19th 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 19th century the Yao who remained in Niassa were largely unified under the powerful Chief Mataka or his sultans and the small, weak matriclans 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 matriclan in the small society. Although the Yao under Mataka 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 gave a concession of the whole of northern Mozambique to a private company, the Niassa Company; which on its suspension had achieved very little in the way of infrastructure development or administration.

Although a more formal and organised administration began to be introduced in Niassa and eventually by the 1940s and 50s penetrated the northern Districts such as Mecula, Mavago (Niassa Reserve) and Sanga District (Programa Chipanje Chetu), the area continued relatively depopulated. 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 matri-clan 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.

In terms of natural resource governance there is some evidence from talking to older people and chiefs that the resources such as fisheries and hunting were not “open access” but were mediated through the Chiefs and traditional governance systems. However little traditional governance over resource access appears to remain today. The factors in the decline of these customary institutions for resource management seem to include (Abacar 2000; Anstey et al 2000; WWF 2001):

- The impacts of government intervention in both the later part of the colonial era and immediately after independence removing local rules and access rights and the focus of benefits and not successfully replacing them with anything else. In short, the creation of open access benefiting external elites.
- Social breakdown both in the deep history of the wars with the Ngoni, the spread of Islam, the changing relations of small matrilineal structures to larger chief ones in the mid 19th century and the more recent political upheavals which have changed the relations between local individuals and local institutions.

Summary of local social history

This social history at the micro level has tended to promote specific characteristics within the people of this area and the institutions that operate. These include:

- A reluctance to engage with authority or with rules of either a traditional or an administrative nature.
- While customary authority may yet be the main conflict resolving and social institution functioning the village level, its legitimacy depends on the personality of the chief: and the degree that the individuals together concur with his roles.
- There is 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 personalized relationships and informal rules matter more than institutions codified in law. Legislation is the not ‘the rules of the game’ but part of the game.

Implications of local history for Governance and Sustainable Use of Natural Resources

The accompanying Table 2 is divided into 4 main phases from pre-colonial to the present day and gives a summary of governance aspects, social systems and institutions discussed above (based on Anstey 2001a). The table also notes whether resource use was likely to be more or less sustainable in each historical phase.

The key aspects of the table are:

- Changes in social systems and resource use have been going on for many years and the present day situation is a product of some 400 years of change, although with an acceleration through extremes during the past 30 years. The current governance challenges arise from a particular history.
- A notable feature of at least the past 150 years has been the tendency to autocratic or top down political structures – whether pre-colonial, colonial or immediate post independence.
- Crude estimates of the probabilities of sustainable use (using SASUSG criteria – decision framework and principles) suggest that pre-colonial use was likely to have been sustainable. The colonial and immediate post-colonial period was one in which open access was a factor and use was unlikely to have been sustainable. The present day has aspects that are more variable in which conditions promoting sustainable use exist (tenurial, economic, management) and where outcomes will depend on political choices and the forms of implementation (whether protected area, co-management or CBNRM).

2.3 General Perceptions of Formal Authority Or Agencies – Trust and Confidence

The above section on the local history of northern Niassa has suggested that some features that characterize this context are tendencies towards autocratic governance, a recent heritage of top-down administrative led development and a rural society with limited internal cohesion or trust in most forms of authority. Are these observations valid and does it matter?

The accuracy of this interpretation matters as such a heritage influences the direction of institutional change and its speed (see North 1990). In the current situation where new institutions (or new rules of the game in new ways of land tenure and natural resource management) are being promoted, the various actors and their beliefs in the rules play a crucial role. If administrations or government officers are still rooted in a top-down approach such change will be slow or impeded. Likewise if rural communities or citizens are suspicious of such changes, or have become 'habituated' to an authoritarian form of governance or have little confidence in the formal structures to deliver change of rules, then this will also slow down or abort the institutional change. If government also sees itself as the primary implementer of these changes to land or resource management, the local level given its past experience, may only passively participate or actively resist. In other words "it takes two to tango" and it is oversimplistic to suppose that changing the structure of rights comes without the difficult issues of changed responsibilities for both sides.

The accuracy of this interpretation also matters in the context of the nature of the rights. In the Mozambican context where changes, as discussed previously, to land and especially natural resource legislation is essentially based on administrative discretion rather than direct rights, the citizen or relevant actor has to have considerable trust in this discretionary process and the administrative structure which both operates it and referees it. Otherwise there will exist a tendency to use informal routes by either or both sides and a breakdown in the rules of the game (institutions). The results, in more simple terms, will be a black-market in land (also forest or wildlife concessions), rent seeking by those administering the process and inefficiency or inequality in the delivery of the new policy to the intended beneficiaries. It will be hard or slow to move from what is said (the intended policy) to what is done (the actual outcome - such as community land title or community-based natural resource management). The process will also thus tend to favor the politically or economically powerful and those that are not (usually the rural citizen) will continue to remain in the "chasm" between policy and practice.

Fortunately there exists a national survey (ETICA 2001), which provides some insight to these issues of trust and confidence, and can validate or otherwise the observations made at the local level of north Niassa. The results of this survey, based on questionnaire studies in all the three regions of Mozambique, assessing people's perceptions of corruption and confidence in different institutions are shown in the following tables.

Table 3 Perceptions of Extent of Corruption in Different Institutions/Actors
(answers relating to 'most' or the 'majority' of members are corrupt)

Selected Institutions/Actors	% of responses that "most or the majority" are corrupt (to nearest point)
Police	70
Government	59
Courts/Tribunals	58
Businesses	49
Political Parties	43
Judges	39
Parliament	38
Provincial Government	38
District Administrators	34

Foreigners	31
Government Media	31
Consultants/Advisors	30
Private Media	18
Religious Leaders	17

The key points from this table are; that the main institutions of government, law and order and governance are regarded as largely corrupt (amongst the highest in southern Africa; ETICA 2001 p 71). The 'Business' sector is also widely perceived as corrupt. Perhaps surprisingly but important, in terms of citizen rights issues, the judicial system (courts and judges) are also perceived as medium to highly corrupt. Political Parties and members of the Parliament are also not well perceived in corruption terms. The lower tiers of government or local administration are regarded as less corrupt than the central ones. This local government status (see * in Table 3 below) seems a significant difference compared to results from other regional countries.

Table 4. Comparative Analysis of Perceptions of Corruption within Government Institutions (Southern Africa). Responses to question of 'most or the majority of XX are corrupt) data from 2000; corrected to nearest point. (Adapted from ETICA 2001)

Country	Government	Parliament	Local Government
Zimbabwe	69	63	51
Mozambique	59	38	25 *
Zambia	51	40	42
Malawi	43	31	-
Botswana	32	32	20
Namibia	20	20	17

Some further data in ETICA (2001) also indicates that Mozambique has the highest perception of corruption in the system of law, order and justice but is comparable to a number of others in terms of government parliament, president and local government.

Studies by the World Bank Foreign Investment Advisory Service (FIAS 2001; p12) also note that of the 10 regional countries studied, Mozambique had the highest index of irregular and additional payments connected to government administrative procedures – such as for land concessions. This report notes that, while the legal reforms to land have had positive effects on administrative barriers to investment, many barriers relating to both complex procedures and linked to high levels of corruption "creates an unstable and non-secure legal environment characterized by high risk and insecurity and the development of a black market with inflated prices for land concessions" (FIAS 2001: p 21).

Other interesting regional comparisons in terms of Mozambique are those relating to **confidence** or trust in different actors and institutions. Table 4 selects results from Zimbabwe and Namibia as particularly clear in providing differences to Mozambique.

Table 5. **Regional Comparative Responses to Issues of Trust/Confidence**

Re. the Question ' I have always or usually' Trust or Confidence in X or Y Actor or Institution (data from 2000; adapted from ETICA 2001)

Country	President	Parliament	Local Government	Police	Courts
Namibia	73	51	47	69	64
Mozambique	40	25	19*	15	19
Zimbabwe	19	17	28	35	42

* the low score for local government in the Mozambique data above is not local administration but the new Municipality system recently introduced in selected cities

The distinction aspect for Mozambique in this graph is the relative trust in the individual of the President, who has the highest level of trust while the lowest public confidence is in the police followed by the courts. What is noteworthy is that this trend is that it is exactly the opposite to Zimbabwe where the courts received the highest level of public trust.

A similar trend to trust in the individual actors rather than institutions is revealed in the Mozambican data mixing assessments of government and non-government institutions or actors.

Table 6. Public Trust. Percentage responses to the question 'I have much trust in X or Y I Institution or Actor'. Adapted from ETICA 2001

Institution/Actor	% of responses - High Trust or Confidence
Church	55
President	40
Governor	34
Parliament	25
District Administrator	24
Unions	20
Courts	19
Political Parties	19
Municipalities	19
Police	15

This table indicates the highest levels of confidence in the Church and the posts/individuals of President and Governors (it should be noted that the levels of trust are variable between provinces, suggesting this trust lies more with individuals than the post itself; ETICA 2001). The most surprising result is the very low confidence in Municipalities, a new institution introduced within recent years with the policy aim of increasing local level democracy. The fact this new local democracy scores so low is an indication of relevance to other similar policy aims in the land and natural resources sector and suggest a degree of distrust about the transparency of this democratic process.

2.4 Overview

The ETICA studies would tend to validate the subjective observations drawn from local history and society at the more micro-level of northern Niassa concerning a complex and contested institutional reality. They also raise questions about the implementation of land or natural resource policy and legislation in the new institutional framework in which administrative discretion is a key element and government sector agencies and actors are the main methods of delivery. The key element of trust appears to be missing.

To summarise, the people trust individuals (and particularly those that are nearest their scale). There seems rather less trust, or higher perceptions of corruption in the key organs of the public sector (either the government administrative sector or the judiciary) or the political party or new democratic organisations (municipalities) or the private sector (business people).

It would seem from this analysis that the "chasm" is deep between policy and practice. The danger of a system in which governance structures are not trusted is that alternatives will be sought which are non-democratic, either in frustration by the citizen or via an elite channeling most benefits to themselves. The danger of a lack of trust in formal institutions is that informal systems will predominate – and these are more likely to benefit the few, the rich, and the powerful (see for example Bayart, Ellis and Hibou 1999 on the criminalisation of the state in

Africa). The danger of personalized politics is the perpetuation of patronage based politics – the practices of redistribution between patron and client, which is rarely stable and usually inimical to what is normally understood as development or good change (see Hodges 2001 on petro-diamond capitalism in Angola; Hellman and Kaufman 2001 on state capture by oligarchs in eastern Europe⁹).

The danger of the local level in which intra-community trust is not high or where there is apparently has few functioning formal or informal is that there may exist little in the way of forces to drive devolution from below or the institutions to hold new rights and responsibilities in the new reforms to land and natural resources. If the primary actors tasked with the role of facilitating land reform (technical input, legal advisory services, titling agency and demarcation) or 'CBNRM' (technical authority for forestry/wildlife inventories etc) are government actors and either not trusted or perceived as corrupt by the intended beneficiaries, they will have no legitimacy. Communities may passively 'participate' in such activities or actively resist, but the process is unlikely to have the benefit of mutual interest. Indeed a number of CBNRM initiatives in Mozambique presented at a national review of progress (IUCN 2001), illustrated that in cases of either land titling or CBNRM in which the 'community' was the intended beneficiary, there was been active resistance due to a lack of trust in the main state actors involved (see examples in A. Araman 2001 or in Hughes 1999).

To put it more simply, if it takes 'two to tango' as noted earlier – the state to pass down powers/enable devolution and the citizen/community, under the concept of subsidiarity, to demand this and have the responsibility to hold new rights – the dance floor seems a little slippery and both the partners a little reluctant.

Having analysed the social, historical and institutional framework at the micro scale for northern Niassa and examined the implications of the new reforms in the institutional framework for land and natural resources, it is time to look in specific detail at the design, implementation and results so far of the 3 models of new natural resource management regimes in this area. In these models there seems evidence of a more optimistic set of options than the above analysis of the reform process or local level institutional problems would first suggest.

3 THREE MODELS OF NATURAL RESOURCE MANAGEMENT IN NIASSA

The characteristics or background of each of the models is presented below⁷.

- The Niassa Reserve and Buffer Zone (or the SGDRN model from the acronym of the management body) is a partnership between the state, private investors and community aiming both at biodiversity conservation in a protected area and community rural development within the Reserve and in the Buffer Zones. The area is located in the north-east of Niassa (and into Cabo Delgado Province) and borders Tanzania. The area covered is 42,000 km² and represents about a quarter of the province.
- A CBNRM initiative called the Programa Chipanje Chetu (or “Our Wealth” programme), known for short as PCC, is located in the northern section of Sanga District bordering Tanzania. Its aim is the transfer of rights and responsibilities to a local level user group (local community or self identified group of citizen users) for land and resource management in which the core outcome is an improved livelihood based on sustainable use of the resources. It was specifically designed to test the full devolution possibilities of government policy in practice and identify functional mechanisms for institutional change. The area covered is 5,500 km².
- The Provincial Unit for Community Management of Forestry and Wildlife Project in the Luelele area of south-western Niassa. The aim here is a government driven initiative to test options for social forestry in an area undergoing rapid de-forestation and conversion to agriculture. The basic conceptual frame is using a decentralized approach for provincial and district officials to work in participation with communities to contain deforestation via identifying alternative sources of income, either based on forest resources or alternative agricultural and livelihood strategies. This will be referred to as the UPMC initiative based on the acronym for this Provincial Unit. The area covered is around 500 km².

Most of the emphasis will be on the first two initiatives because they are the most developed and thus easier to analyse (the UPMC while initiated in 1998 is still at a relatively early stage of implementation). The SGDRN and PCC are also both in northern Niassa and share similar social, historical and ecological features.

The value of these different initiatives as case studies is that they involve;

- **Scale.** A range of land area from 42,000 km², down to 500 km². The total area of these three initiatives is 48,000 km² - which is larger than many European countries (such as Denmark). They represent a significant area of land within Niassa Province (37%) and of Mozambique (6% of the country). This area is probably as large as the combined land concessions to the private sector or communal sector since the start of the land reform process and the Reserve alone is larger than the total protected areas of the country and one of the largest in the world. To put another way, most land reform in Mozambique has involved urban and particularly private (foreign) investor concessions for agri-industrial purposes; there has been in contrast very minimal actual land titling yet for citizens or the communal/family sector (probably less than 5% of the country). Most other CBNRM or co-management initiatives (with exception of the Tchuma Tchato programme in Tete Province of 6,000 km²) also involve relatively small areas of land. The most widely emphasized CBNRM model initiative in the country (the Goba Project; Maputo Province) in which land and resource proprietorship has been achieved for the local community, covers only 100 km² of degraded woodland (SPFFB 2000).
- **Tenure Types.** The three cases show examples of different land proprietorship implemented or underway or remaining static against the background of the new land policy and legislation period of 1995 to today. During the late 1990s the Reserve area classification of ‘protected area’ was increased by decision of cabinet (Council of

Ministers) and then government gazetttement from 15,000 to 22,000 km²; with an allied increase of 20,000 km² under Buffer Zone status. The area is under effective proprietorship of the SGDRN for an initial period of 10 years. The PCC area is close to completion of land titling process in the name of the local community or citizens living in that area. The UPMC is not currently focused on establishing new land proprietorship in its project area, which remains under usufruct tenure.

- **Congruent Goals; Different Mechanisms.** A basic shared core goal of all the models is mixed rural development and sustainable resource use with significant differences between them in primary emphasis (biodiversity conservation, controlling deforestation, community development). The most significant, and interesting from the point of this paper, is the very different mechanism of achieving the basically similar goal (see below).
- **Resource Richness and Population Density.** Resource richness in terms of forest, wildlife and fisheries resources is relatively high in both Niassa Reserve and PCC (although wildlife densities in the latter are somewhat lower). Neither area has particularly good land for agriculture (beyond subsistence crops) due to rainfall and soil factors. Both the cases in northern Niassa (Niassa Reserve and PCC) have very low density of people – less than 1 person/ km². For the Luelele area it is estimated the density is between 20 to 35 people/km²., and the wildlife and fisheries resources are minimal, with forest resources undergoing rapid degradation – by change to agricultural land use and the selling of firewood and charcoal to Malawi. The area has good soils and rainfall and has a good potential for both food and cash crops (tobacco) for which a ready market exists in nearby Malawi. It is characterized by a landscape rapidly approaching the ‘mango prairie’ typical of the neighbouring country. In short, the Reserve and PCC have high natural resource richness compared to low human density with low alternative land use, while UPMC Luelele has poor ratios between wild resources and population density but a high potential alternative land use in food/cash crop agriculture.
- **Investment Costs, Operating Costs and Benefits.** The costs of start up, recurrent costs and actual or potential benefits are different between the models. This has implications for sustainability and also the incentives for institutional change.
- **Resilience and Sustainability of Institutions.** The issue here is the sustainability of institutions and organisations that are being built or evolving, which vary between the different models.

The following sections will move on to a more detailed understanding of how the different objectives of the 3 models, the different designs of land and resource tenure, the different institutional features, organizational structures have evolved since the late 1990’s, when these different initiatives started. It will also look at how benefit flows have occurred and what are the short to medium term options.

3.1 Establishment, Objectives, Tenure, Institutions and Organisational Structures.

Niassa Reserve

In late 1995 DNFFB (the central government agency for wildlife and forestry) entered into an interim agreement with a private company to undertake the basic rehabilitation and management of Niassa Reserve, which had had little management since the early 1980s. A team of field staff from the company and 1 DNFFB officer started working the same year and by late 1996 had a basic management system running with the development of a basic management plan for an expanded phase. The expanded area was an increase from the size of the existing Reserve (established in 1964) from 15,000 to 22,000 km², surrounded by a buffer zone of 20,000 km². A period of negotiation culminated in the decision in 1997 by the Council of Ministers (the cabinet) to approve this proposal and was formalized in *Authorisation 78* in 1998, which established the basis for the institutional arrangements under a Society for Niassa Reserve or SGDRN. This *Authorisation* granted SGDRN the exclusive rights for management and development of this area of 42,000 km², for a period of 10 years (renewable thereafter at 5 year intervals). The SGDRN was comprised of a shareholding of 51% for the state and 49% for the private investors (Investimentos Niassa). Space was left open in the

SGDRN for changing the structure of shareholding to provide a 15% for the community in the area, and 19 % for new private investors (the state and Investimentos Niassa share would then be reduced to 30% and 36% respectively). SGDRN became a fully legal entity in 2000.

The organigram (Figure 4) illustrates this arrangement with SGDRN being the core management, tenure, investment and benefit structure. While based in Maputo the management of the Reserve is through the Niassa Reserve Management Unit (NRMU) and its sub-structures. SGDRN concessions use of the buffer zone areas to largely tourism and hunting operators who pay fees to the SGDRN for this use and have responsibilities for management within the relevant 6 blocks in the buffer zone. It is thus a very simple and efficient management structure for natural resource management responsibilities and rights by a relatively small number of actors. But it is much more complex in terms of how local residents (30,000 people) with very different scale realities and social systems can become partners, share in decision making and be equitable beneficiaries. It is also complex in terms of the position of the local government and their functions and responsibilities in relation to those of SGDRN (which cannot afford or take over as a mini state all aspects such as health, education and policing).

The vision of the SGDRN is to pilot new partnerships for protected area and biodiversity conservation between the state, private sector and community (SGDRN/WWF 2001). This aspect of the local community (of which 21,000 live within the expanded Reserve and around a further 10,000 in the buffer zone) has grown in importance both in policy and practice since the more specific conservation aims of late 1995. The current objectives of SGDRN stress both biodiversity aspects and rural development. On the community side the NRMU has a Community Development Unit (now with support from WWF) whose focus is on the capacity building of representative community structures for benefit sharing and co-management; development of livelihood options based on local natural resources; and crop protection (mainly from elephants and via an extensive electric fencing system).

The main challenges identified by SGDRN have been threats to natural resources - illegal hunting, habitat destruction from inappropriate agriculture, uncontrolled fires, unplanned settlement and over-fishing (SGDRN/WWF 2001). The main progress achieved has been in this same area of management with the development of law enforcement, infrastructure and wildlife surveys. The Reserve is probably one of the best, if not the best, managed protected areas in the country. Less obvious progress has been made in the area of community capacity building for a greater partnership role and benefit sharing mechanisms; and these are now the focus of emphasis.

In overview, Niassa Reserve and SGDRN represents a major devolution of authority, functions and rights from the state to a third party (possibly the largest single land use transfer in southern Africa in recent decades) and particularly given that the transfer involved both land tenure change and natural resource tenure change simultaneously. The second aspects of note was that this process was one achieved exceptional quickly (1996 –1997/98).

What factors were involved in this and what are their implications? These are important issues given the realities noted in Section 2 on complex administrative aspects, the newness of the land or wildlife reform process and the general slow pace of change⁸. The answer seems to lie in the congruence of a number of factors. The first is political capital. The process of establishing the new Reserve and the new management entity had powerful political support from levels such as the President, Prime Minister and relevant Governors attracted by the model, either because it was entrepreneurial, or it present an investment solution to a part of Mozambique where no other development options were available. For DNFFB it solved the problem of how to manage an area they lacked resources to do independently and could pilot a new type of management system. The second factor is the difference in dynamic of the private sector. This sector was very clear in its focus that it could not risk or invest large funds without clear property rights identified in a clear contract and was prepared to invest in the necessary political lobbying to achieve this as a prerequisite for its involvement. This stands in stark contrast to operational formats of donors and NGOs. The third factor was the aspect of discretionary power, discussed in Section 2. The retention of considerable power by, for

example, the Council of Ministers meant that if they were convinced of the validity of the process an executive order was sufficient; thus avoiding the many administrative barriers or conditions of the land policy or law for community consultation. The discretion of the Council of Ministers could be made on the basis of the wider good for the country. Again the issue of scale emerges as what might seem nationally justifiable maybe harder to convince at the local scale – given that proprietorship lies with SGDRN not with residents of the area. The Bond graph (Figure 3) would indicate that, to make up for limits in proprietorship at the local level, SGDRN will have to maximize economic benefits at this same level, if acceptance of institutional changes by the local community is to be maintained. This is discussed more in Section 3.2.

Chipanje Chetu/PCC

The Chipanje Chetu Programme is a CBNRM initiative and its objectives are the full devolution of land and resource rights to the local residents of the area, so as to form the basis for improved livelihoods from the sustainable use of these resources. It also aims to test mechanism for the better implementation of the new reforms.

The area was identified following reconnaissance work and discussions with the residents, 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 land use alternatives (e.g. no forest or wildlife concessions envisaged)

The area of PCC is 5,500 km with a population of 2,578 or 650 families spread relatively evenly between five settlements (Nova Madeira, Matchedje, II Congresso, Lilumba, Maumbica). These are widely separated and have relatively distinctive local village use areas. The infrastructure of the area is minimal and the local government administration is at a low level of influence.

Much of the focus of the PCC has been on building local residents capacity (village representative bodies or 'Comites') to hold rights and responsibilities and make representative decisions at the local scale (about 100 households) and institutions for resource management (such as the still informal by-laws Annex 1) and a group of around 10 community scouts. The latter were particularly important in the process of removing the situation of open access by non-residents. These community scouts were initially funded from external sources but now increasingly by revenue earned by the Comites; to whom they report. They liaise with a government scout seconded to the PCC (community scouts have as yet no legal rights of arrest or to carry firearms). The PCC is supported by a Collaborative Group of NGOs and government agencies.

The organisational structure is shown in Figure 5 and the design that has evolved is based on subsidiarity – management by as small and local a scale as possible. The village level comites have (since 2001) been drawn together at a higher scale by a *Conselho de Gestao* (or Management Council) for the whole PCC area. This body is largely made up of representatives from each village comite but also including some members from local administration and will be the structure holding resource tenure. Efforts to achieve land and resource tenure were started in 1999 but have suffered a number of administrative or funding constraints. It is planned to achieve this by the end of 2002; title to land held by the residents in general via a title certificate or DUAT and resource rights of access and use devolved to the Management Council via a management plan. In the interim, resource use has been via the granting of licenses from SPFFB for small-scale timber harvesting and honey production by user groups and a trial sport hunting process in 2001. This hunting has been the main generator of economic benefit.

The social history of this area has created particular challenges to the evolution of new institutions and organisations and produced some surprising results, as outlined below:

"The basic heritage of a vacuum of resource governance or authority has presented PCC both with an opportunity and a burden. The burden being the lack of a bed-rock of governance to easily build upon. The opportunity was that the situation offered an option for local design of an 'appropriate' governance structure through an emphasis on freedom of choice based on local historical experience; rather than a blueprint drawn from NGO, state or donor ideology or a 'traditional' legacy. The result was the initial development at village level of an elected structure for resource governance, representing various strands of authority and interests; which also varied from village to village. The paradox of the vacuum of authority was that it seemed to provide space for the existence of 'civil society' (individuals making decisions for themselves)." Anstey (2001a)⁹.

PCC has survived 2 years in which funding has been very limited and thus progress on some key elements (resource and land tenure) has been delayed and the functioning of comites remains variable. However, positive aspects of this have been the simple fact it has survived and also the pressures these difficulties have put on the local structures to take over as soon as feasible. It has also shown the commitment of individuals both in the Collaborative Group and within the community leadership. This is illustrated by the example of the continued functioning of most community scouts without salaries for an extended period in 2001 and the use of personal funds by some of those involved from the Collaborative Group to keep things going. A further positive aspect has been the receipt at village level of significant cash benefits from the sport hunting of 2001, which has demonstrated more clearly than anything else the incentives for institutional change and the need for functioning comites. Given that external funding and support remains uncertain, the importance of the tenure issue being resolved as soon as possible is high; as with both proprietorship and economic benefit (Figure 3), the process can then be resilient to external funding changes.

UPMC Luelele

The Luelele project was started in 1998 as a component of a programme to build capacity in community participation within the provincial government sector responsible for forestry and wildlife (SPFFB) and at the district administration level. It is therefore a decentralisation initiative with its objectives centered on internal government roles in educating communities about the causes of forest degradation and gaining their participation in ways of controlling this. The focus is on strengthening provincial and district level officials with training and equipment and investigating alternative livelihood options to take pressures off forest resources. It more easily fits the philosophy of the new Forest and Wildlife legislation with its focus on decentralisation, education and participation than do the previous two models. The project does not plan in the medium term on any change in resource or land tenure status (i.e. from current usufruct land status to land title or new tenure rights to forest resources)

The Luelele area on the borders of Mandimba and Nguema districts is an area of prime agricultural land rapidly being de-forested as a result of returning refugees from Malawi, the pressures coming from Malawi for charcoal and firewood and the areas suitability for cash cropping (mainly tobacco). The resource-demand ratio is high with a much more dense population than is the case in the previous models. Project activities have focused on basic socio-economic and resource assessments, efforts to develop local bodies to represent the community on forest management issues, identification of voluntary community agents for monitoring of forest loss and introduction of various livelihood pilot projects.

The project has encountered a number of difficulties. Firstly there has been little enthusiasm and some resistance (Villanculos pers comm.) from local communities and their leadership to the project; and as a result limited progress in the development of liaison bodies for local forest issues. The open access reality of forest resource use has proved difficult to change simply on the basis of increased decentralisation from provincial level to district level, allied to some education efforts; without local community incentives to control resource use themselves.

Current efforts focus on finding alternative livelihood options in the hope this will decrease pressures on the resource base. This is based on the assumption that “communities will conserve natural resources if they have alternative means of income generation” (Matakala and Kwasiga 2001). Income generation projects include livestock initiatives (goats, rabbits and chickens), fish farming, beekeeping and metal work initiatives and credit schemes but there is limited evidence that these have yet been successful at generating income or changing behaviours to forest exploitation. The population of the area is around 25,000 and any benefits to individuals may not change behaviour amongst the wider population who do not benefit or amongst neighbours; particularly given the porous nature of the Malawi border and lack of any incentives for common proprietorship by local residents or means to enforce this. The project has also suffered from uneven support and field activities due to problems with transport (the project vehicle was written off in the first few months) or uneven flows of funding which also serve as the main operational budget for general provincial level activities of SPFFB. The project has recently been re-designed and a new implementation phase is underway with funds from the Community Forest and Wildlife FAO/Dutch central government programme.

The organisational structure (Figure 6) is based on the provincial unit (SPFFB/UPMC) as the unit of decision and the district administration as the unit of management, which then liaises with the local community leadership and those participating in the income generation activities.

In overview, in its emphasis on forest conservation, on participation of communities, on a decentralized mechanism for implementation, on finding alternative income sources to natural resources and a benefit process based on specified user groups rather than the general community and operating within existing tenurial structures, it is very different to either of the other two models. It does however more closely resemble models being experimented with elsewhere in the country (Matakala and Mushove 2001) and the more decentralisation emphasis of mechanisms promoted at the central levels. It does not seem to fit well within either the principles of common property management (Ostrom 1990) or those of sustainable use (SASUSG 1996); but it is still in evolution.

3.2 Benefit Systems and Sustainability of Institutions

The two models of Niassa Reserve and PCC are both producing revenue and in both cases mainly from income generated by sport hunting. In the case of the Reserve income is also sourced from concession fees for the 6 buffer zone blocks. In both cases a portion of these funds are being returned to the resident communities. For this income to be significant in terms of the probability discussed in Section 1 of the costs of institutional change at the community level the income should approach that which is available from other household income sources (Bond 1999; Murombedzi 1999). The average household income in north Niassa is around USD35/household per year (Anstey et al 2000).

Niassa Reserve

Of the revenue flows (which pass through SGDRN) approximately 50% of the trophy fee income is returned as benefit to the community with SGDRN retaining the other 50% and the concession fees to contribute towards the management costs of the core Reserve. This was around USD 50,000 in 2000/2001 or equivalent to around USD7/household for the population within the general area under SGDRN. Given the limited existing structures representing the community, SGDRN is current holding these funds on behalf of the community with disbursements on jointly agreed activities with the community (such as maintenance of electric fences).

For the community dividend to reach the level of USD35/household/year (average family cash income in this region) the current community income would need to increase from USD 50,000 to around USD 230,000. Given the increased income options of SGDRN from recent marketing of blocks in the buffer zone this might be feasible in the medium term, but it might impact on the funds available to cover operational costs of the Reserve which currently come from a single private donor, supplemented by some funds from international donors. In other words the institutional and organisational design of SGDRN, while extremely flexible internally

and efficient for marketing and economic management faces three core challenges. The first is the issue of how to disburse community funds equitably and secondly to what kind of transparent representative community structure, which exists at the appropriate scale (as near the village level as possible). The third is how to balance the needs of the Reserve to cover more of its operational costs, while at the same time increasing the sum available for community dividend to the point where household income from this source will be significant. As SGDRN can do little to change the existing proprietorship model, its main option for ensuring sufficient support from the community is in the area of net economic benefit (see Bond graph; Section 1). This is quite a complicated balancing act and much depends therefore on the ability of SGDRN to raise long term funds to support core Reserve operational costs, and have more flexibility to address community dividend and design of community representation.

Chipanje Chetu

A pilot sport hunting process in the PCC area made an income of USD 6,200 from trophy fees in 2001. As the community has no resource tenure, the legal basis was that these funds must be sent to central government; although the legislation identifies that an inter-ministerial Diploma can be granted to allow sharing off such funds. On this basis, two different options were submitted to the relevant central agencies. As no response was received for some months the Governor of Niassa made the discretionary decision that this indicated acceptance of the option in which the highest beneficiary was the community.

This kind of 'Nelson's touch' approach¹⁰ to administration barriers is an indication of how discretionary authority and individual decision (discussed in Section 3.3) can be a positive contribution to reform processes in Mozambique.

The option selected was the distribution of 80% of the revenue earned to the community and 20% to the district level (this contrast to the only other similar project, Tchuma Tchato, where revenue is essentially shared out equally between district, central government and community). Of the community funds 57% was given in the form of direct cash dividend to the 5 villages comites. This was a public ceremony inside the PCC area and attended by the Governor; which reinforced both the transparency of the process and its political backing. The remaining 23% was retained to help cover the cost of management such as the salaries of community scouts and clarify the nature of management cost responsibilities, as well as rights to the cash dividend. The household income was around USD 7/household.

The possibility of increasing this income at household level to USD 30 should be possible to achieve, even in the short term. Due to the fact that this first process was based on a pilot testing of sport hunting, the quotas and trophy fee prices were low compared to regional markets. Once the tenure rights to resources and land are finalised, the revenue can then be increased by the Management Council (as the new holder of land and resource tenure) by charging a concession fee to the operator. Unlike the situation for SGDRN, the PCC does not have high annual management costs (e.g. to support a core protected area) to balance against revenue disbursement for household dividends. It should therefore be feasible in the short to medium term to generate sufficient income to meet the annual target of USD45,000 which would cover management responsibilities (around 20,000/year) and the meet the need of at least USD 30/household (requiring income of USD23,000/year). The need for external continued investment would then be over. The key aspect of this is that it emphasises the critical importance of the Management Council achieving resource and land tenure as soon as possible.

3.3 Overview

The aim of this economic assessment was to illustrate the different outcomes and different challenges facing the two different institutional and organisational designs of SGDRN and PCC. SGDRN is well designed for efficiency of decision making and holds considerable tenurial powers, but is challenged by high annual costs associated with its protected area objective and by the problems of scale when it comes to benefits for community partners. PCC has as yet little power vested in a local body and a more complex decision framework that has

to take into account community scale needs, but resolution of these features could allow it to benefit from both the proprietorship and economic incentives identified in Bond's graph.

It should also be noted that any institutional and organisational design is always something of a compromise between objectives, scale of the reality and nature of the shareholders. What can be concluded here is that both models have evolved within their own context and both probably have lessons for each other.

Table 7. Overview of Economic Benefits and Institutional Design

FEATURES	Niassa Reserve	PCC	Luelele
Institutional Design	<u>SGDRN</u> as central unit holding devolved resource rights, management and benefit decisions. Main stakeholders – the state and private investors (future to include communities)	<u>Management Council</u> Will hold devolved rights to land, resources, management and benefit. Main stakeholders – local residents of area + district elements (minority)	Provincial government agency (<u>SPFFB</u>) and <u>district government</u> User rights to “Interest Groups” within community
Economic (cash) Benefit Sharing	50% of Trophy fees to community 50% of fees (including Concession fees) to SGDRN – Reserve management needs	80% of trophy fees to community (includes 57% direct cash dividend and 23% for local management) 23% to District level fund	None to community as whole. Benefits to user groups
Actual Cash Benefits To Community level	USD 50,000 or USD 7/household Held by SGDRN for distribution to community identified priorities	USD 4,700 or USD 8/household Direct cash dividend via Comites	None
Funds Needed to achieve equivalent of current cash income from all other sources (USD 35/household)	USD 230,000	USD 23,000	???
Probabilities of Community Institutional Change	Possible (mid term) But needs increased income or change in proprietorship. Implications for funds for core Reserve	Probable (short term) Needs real devolution rapidly + better marketing of resources. Advantage of having both proprietorship and benefits at local level	Not likely Currently no tenure or benefits at general community level. Open access will continue.

4 DISCUSSION

It is worth returning to the initial questions asked in the introductory section of this paper to see what answers may have emerged.

4.1 Issues of Democracy and Governance

Can a few causal factors relating to ‘freedom of choice’ help to simplify what otherwise seems to be highly complex interactions in natural resource management and land change and provide some focus for successful interventions?

Are issues of natural resource and land governance inseparable from the broader frameworks of local, national and global politics?

The answer that emerges for the first question is a “yes”; with qualifications based on the need for simple rights to be balanced with often complex responsibilities and with the challenges of evolving trusted representative structures to resolve conflicts over individual rights. The answer to the second question is that the linkage seems very strong.

The history of governance of natural resources in Mozambique clearly mirrors the governance and democratic rights of citizens in the more obviously political sphere. Most of the problems or difficulties noted so far in this paper concerning land or resource management seem less causal technical or ecological factors than symptoms of constraints in democracy, governance or in other mechanisms that would enable devolution. In other words, rights not only to the minimum political vote, but clear constitutional rights to land and resources. These seem related to a tendency to authoritarian approaches and can be causally explained by reference to the history of the limited bedrock of individual freedom of choice or at the next level up, democracy and good government.

The authoritarian approaches have shown a remarkable historical continuity from the latter period of pre-colonial society (Bratton and van de Walle 1998 p 11), through the paternalism (or worse) of colonialism, to the political and administrative centralism of the immediate post independence period. In the case of Mozambique this was perhaps more extreme given that Portugal was under a centrally administered fascist regime between the 1920s and 1974, and if little citizen freedom was permitted in the centre, less was granted to the peripheral colonies (Newitt 1995). Inheriting a very complex situation post independence and holding a political ideology based on socialism, the new leadership opted for a command economy, a top down political system based on a “vanguard party” structure legitimized under the process of democratic centralism and a direct informal sort of relationship between the senior leadership and the masses. Whatever the original intentions, the gravity of the situation facing the country or the sincerity of the intentions of President Samora Machel, the fairly rapid result was an authoritarian regime with many of the characteristics of the Great Delusions noted above in Section 5¹¹.

As Finnegan (1992 p 240) has noted “The difference between an elite and a revolutionary vanguard can be slight – just add radical ideology. Vanguardism has inherent weaknesses – it fosters passivity and authoritarianism – and the victories won by a vanguard in the name of the people rarely end up empowering the masses”. The continued and even increased appropriation by the central state of all land and all natural resources post independence was also to leave an administrative and technical cadre trained and habituated to top-down management process, a prohibitive and state enforcement attitude to land and resource management and a modernist technocrat attitude based on training rather than applied experience (see wider discussion in Bowen 2000).

An example of this is that most mid to senior staff in the central natural resource management government agency (DNFFB) were trained as plantation foresters, and largely focused on exotic plantations or peri-urban fuel wood plantations in a country with some of the richest indigenous timber resources and with one of the highest percentage of natural forest cover in the region. An institutional memory and an organizational structure based on a paternalist at

best, and authoritarian at worst basis is not easy to reform from top to bottom at the same speed as new reforms to policy or legislation. This legacy has influenced the speed and degree of general acceptance (sometimes resistance) of these reforms and their application in practice. This is particularly true of the mid to junior level administrative cadres (see Norfolk et al 2002 for examples in both the land and resources sectors; FIAS 2001 for examples at the land and investor sectors) which have been the most significant government partners at the field scale of the initiatives described in Niassa. In the case of the UPMC Luelele project they have been the main field implementers.

Some examples from north Niassa reinforce the importance of this point. The main government counterpart in the initial implementation of PCC in 1998 was the District Agricultural Officer who was trained in intensive wheat production in Bulgaria (specifically in combine harvester use). Although the whole basis of the initiative was for community management of natural resources and piloting in reality the new reforms to national policy, this officer found it near impossible to behave as a facilitator or a communicator of this new policy and unable to resist the temptations of command and control. The community in response behaved in his presence and to his message in a particularly ritualized way as if habituated to public agreement with the representatives of the *boma* (or government) but in no way taking it seriously or as proof of intent for action. Their attitude seemed to be that most government laws or interventions were either vacuous or ludicrous and best agreed to and forgotten. This feeling was strongest in terms of wildlife, whose rules even the government servants themselves ignored with impunity (over 80% of all illegal incidents 1998-9 in this area involved government officials from the District Administrator downwards). It was only after a year of mixed talking and action that the local community was sufficiently convinced of the relation between institutional change and reality that they took to the concept of their formal rights to land and resources¹². It was perhaps no coincidence that their first conflicts were then with the very local government servants tasked with new reforms (the “arrest” of the District Administrator for illegal hunting in ‘their area’). Nor that their main formal confrontation was with the Provincial Director for Health on a party political mission in the 1999 elections, who wished to hunt some sable for re-distributive patronage and was clearly shown (by the local chief) the error of his assumptions about wildlife ownership.

In the interest of balance, it should be stressed that many government officials have demonstrated a completely different attitude and played a key and constructive role in both PCC and Niassa Reserve. As these initiatives ‘bed-in’ so they become more acceptable and less challenging to existing formal authority and can push institutional change as much in this sector as in the targeted one of the rural community. It should also be noted that many in the NGO sector in Niassa, whether local or foreign, also display similar attitudes to government staff, have similar training and often similar frustration with the slowness of acquiring trust from the community within the tight planning frameworks of donors for achieving success or at least the main “Project Outputs”. What cannot be denied however, is that the legacy of an authoritarian past has left deep influences on both the main players – the local citizens who may find it easier to obey in public, take what benefits are offered and ‘sin’ in private and not risk or incur costs of taking new institutional opportunities seriously; and the government administration and NGO sector which may lack real conviction in devolution and feel more comfortable in the benefit options of old rules and in the old uniform of command and control or ‘aid projects as charity’. Each stereotype will tend to reinforce the other. The only rapid solution in this kind of blockage is either the focusing on a rapid breakthrough of the devolution bottleneck by the key facilitators (e.g. NGO, donor or private sector); reaching a mutually acceptable strategic compromise (such as in CAMPFIRE); or via the direct intervention of senior political leadership¹³. As Section 3 has shown, this last option has been the most effective route to date in Niassa and has historical continuities understood by all actors.

At the more global scale the ‘development narratives’ (Roe 1991) around the issues of democracy and good governance have also linked in with other global narratives that relate to land tenure and of conservation or natural resource management involving ‘local communities’ and been imported to Mozambique. Certainly the global view has had strong influences on the national level in both land and resources – such as the significant inputs to the land process from technical expertise from FAO, Land Tenure Centre/USAID and the World Bank.

Mozambique has been in a relatively weak position to resist the sometimes ideologically based nature of some of these advisory agencies or their donors. This has been more the case with land issues. The forestry and wildlife sector (DNFFB) has been influenced by global narratives, but most obviously in the terms of those programmes the donors are prepared to fund. The reality so far, seems to be of DNFFB acting as clearing-house for field projects (see example of Matakala and Mushove 2001) and testing a few pilot approaches (such as the FAO/DNFFB/Dutch Community Forestry and Wildlife Management programme), rather than as a strong enabling central support network. This is possibly reflected in the fact that the Regulations to operationalise the 1999 Forestry and Wildlife Law have yet to be approved. Therefore the mechanisms and conditions for wildlife and forest resources to be transferred to local community tenure remain somewhat vague. The wildlife and forestry sector has also been recently split up between Tourism Ministry and Agricultural Ministry, which also creates new dynamics that are yet to be clarified. These features contrast with a more active and clear legal framework in the land sector (Norfolk et al 2002) and the leading central support network role played by the 'Land Campaign', which was a civil society movement of NGOs.

To summarise on the issue of whether the political emphasis on governance and democracy and the basic simplicity of the concept of freedom of choice provides a sharp enough focus on causal factor to improve future intervention in Niassa. What seems clear is that this approach does bring out the historical continuities that continue to influence the implementation of the three models, it does link the local to the national and does help to emphasise the critical goal of devolution in breaking through current stalemates. It may also help those involved in such initiatives to focus their efforts and limited funding on local processes that will pay dividends in the medium to long term and avoid the cul-de-sacs of more technically driven solutions or choosing the wrong actors for the wrong processes. But there is also the danger of oversimplification. The local history detailed in Section 2 and some of the practical field issues in Section 3 show that the local community of rural citizens is not a simple 'black box'. There remain many challenges to all the different stakeholders but particularly at the community level. They have to move on from an authoritarian past, move on from being subject not citizen (Mamdani 1996) and develop and trust in relatively complex representative structures such as the 'Comites' and avoid the re-establishment or the creation of a new if local elite. This is not simple given the local burden of history and the current administrative climate, and all societies are challenged by the complex dilemmas of building institutions upwards from the simplest scales (Bratton and van de Walle 1997). But the evidence so far from Niassa is that it is better upwards, than trying to impose it downwards. It suggests that if the simplest local features can be built right, it will serve as a firm foundation for the complexity of higher order challenges at larger scales

Does causality run one way or both ways? Do you first need an enabling political environment of democracy and good government before you can proceed to equitable land reform or the devolution of rights inherent in CBNRM; or can both have an influence on each other?

It is difficult to give a good answer to the question of causality and whether a fully enabling political environment is a prerequisite for the land or resources reforms as the situation is still very fluid. Certainly without the general political reforms since 1990 (new Constitution), the end of the civil war in 1992 and the advent of multi-party democracy in 1994, a basic enabling political environment would not exist. But Sections 2 and 3 have illustrated that the democratic and good governance environment is not ideal and that there are some limitations to the wildlife and forestry legislation that do not promote a truly enabling framework for equitable land reform and devolution of resource rights. However both Niassa and PCC have made considerable progress in this existing environment – although the location of both in the far periphery and remote from some of the more constraining aspects of administrative discretion and higher competition for land or resources, may explain some of this. Whether PCC can in the current environment make the key next step to formal land and resource rights vested in the local community remains to be tested (it could be concluded this year).

What is clear is that both the north Niassa models have benefited from direct interventions at critical points by powerful individuals, rather than being solely limited to the vague, complex or

untried mechanisms of the administrative or legislative framework. It is also clear that the model of Niassa Reserve had a considerable influence in the design and development of the Forestry and Wildlife Law of 1999 and the current draft Regulations to this law and that experiences with PCC and the UPMC Luelele project are feeding back into provincial level decision making and policy, if not yet significantly at the national level. If PCC can develop close links with other similar initiatives (e.g. the Tchuma Tchato programme in Tete Province) then its ability to influence national policy and legislation will increase. This is especially in relation to CBNRM largely based on wildlife dividends (and thus large areas of land, large scale land and management issues and often more competition between actors), which have not been key models promoted to the same extent in the central government (DNFFB) as more social forestry pilot initiatives (see Matakala and Mushove 2001 for this kind of bias¹⁴).

As to whether reverse causality is possible (that devolved resource rights will influence behaviours and actions in the more obvious political areas) it is too early to tell, though initial changes in attitudes in PCC area suggests it is probable. Whether this new attitude will be seen as a positive challenge, by the established local political actors, or a potential threat is also still not clear. The presence of local politicians and TV exposure at ceremonies in PCC or the Reserve when local villagers receive their benefits from resource use opens the question for the future of who is capturing whom in terms of political causality.

4.2 Issues of Policy and Practice

Who is saying what and why in these issues of land and natural resource management and how have things turned out in practice?

The previous sections have illustrated the difficulties between policy aims in different sectors (land and resources) and actual outcomes. The stress in the discussion has been on trying to understand the historical continuities that have particularly influenced how policy is decided and how practice is carried out. The challenge that emerges is between simple concepts of rights in tenure and a more complex legacy of authoritarian or more top-down set of features whether at the community level or that of the state.

However, Section 3 has also shown that the models being tried in Niassa have produced some positive outcomes and remain flexible enough to evolve within the framework of evolving workable compromises between rights and responsibilities and between simplicity and complexity.

Perhaps the most striking thing about these models is that they all are developing in a situation of very minimal funding support or investment. Whether this is because they are not widely known or are so far on the periphery of the country that the centre has difficulty relating to them is unclear. But they are some of the most interesting and positive cases of the reform process in action and valuable to support.

Finally, the previous sections have shown that it is not easy to stereotype either positively or negatively the different actors involved in these reform processes; whether in the field implementation or policy side. Government agencies or public servants, NGOs and donors do not clearly fit into their usually defined ‘black boxes’; as illustrated for the government sector by either the rent seeking government official on one side or the “Nelsons Touch” of the Niassa Governor noted above. The accepted notions of good governance bodies such as the judiciary, parliament or police were also challenged by the data in Section 2 of the public perception of trust in them or perceived levels of corruption. The discussion has had less data concerning NGOs or donors, but the usual stereotypes here are also unlikely to be accurate.

What are the advantages in reality of the Mozambique land and natural resource policy approach of mixing both a powerful role for the state (administrative discretion, decentralization, the vagueness of ‘participation’) with more liberal concepts based on citizen rights and responsibilities?

Section 2 has illustrated that the reform process for both land and natural resources rest, to variable extents between the two, on the state retain considerable discretionary powers in administrating the process on the ground.

What are the dangers of this? The retention by the state administration of so much direct power is that these reforms will only likely to be successful and equitable if the citizen has trust that these powers will not be abused. The evidence summarised in section 2.4 is that such trust is not currently very high – although it may be growing. Some outcomes of this is the tendency to the by-passing of formal rules, the existence of a growing ‘black-market’ for land and resources, lack of transparency in processing and thus potential for the elite or powerful to win out against the poor and weaker and for the citizen-community to fall into a chasm between policy and practice. The dangers have been stressed, by among others, Chabal and Daloz in drawing together their paradigm of the “political instrumentalisation of disorder” (Chabal and Daloz 1999). The core of their argument is “the profit to be found in the weak institutionisation of political practices” in “a process by which political actors seek to maximize their returns on the state of confusion, uncertainty” or disorder that is characteristic of many countries in transition. Chabal and Daloz’s rather pessimistic assessment is that reform in Africa is limited in scope within this politics of disorder in at least two ways:

1. *The first is that, where disorder has become a resource, there is no incentive to work for a more institutionalized ordering of society.*
2. *The second is that in the absence of any other viable way of obtaining the means needed to sustain neo-patrimonialism, there is inevitably a tendency to link politics to realms of increased disorder, be it war or crime.* (Chabal and Daloz 1999: p 162)

To balance this bleak view, it needs to be stressed that, in reference to the case of Mozambique, the country has only within the last 10 years emerged from a civil war and earlier an independence war. The studies of trust and corruption (ETICA 2001) do not provide information on trends; but it clear that the underlying trend in order/disorder between the situation of war and today is towards more order. However, the ‘disorder’ of the contested recent past and the rapid switches from state control of most economic and political spheres to open market multi party democracy also helps to explain the “palpable fear of loss of control, mistrust and even antagonism amongst the various social, political and economic groups” (FIAS 2001).

What are the advantages of this situation of administrative discretion? Section 3 has shown that administrative discretion at the highest levels can produce rapid and positive reform – at least in terms of the objectives of the models discussed. The example of how such discretionary power was able to rapidly and efficiently process the vision shared between the most senior decision makers in Mozambique (Council of Ministers) and private investors of a new partnership for conservation and development in Niassa Reserve is one example of this. The other is the decisive action of the Governor of Niassa in 2001 of ensuring an equitable distribution of benefits to the people of the PCC area and pushing through administrative or bureaucratic barriers.

However, the recent history of Mozambique, and the leadership style of Frelimo, which has produced this kind of direct intervention to ‘get things done’ has its own dangerous side. It can lead to decisions, which in the longer term are as problematic as the reason for the intervention and as equally reversible. The Niassa Reserve is as much mortgaged to the eventually decisions of the communities that live within it now, as if a lengthy community consultation process had had to occur before it could be designated.

4.3 Local Implementation and implications of Institutional Design

What institutional design of the different Niassa models reviewed seems to work best – and best for who ('who has the power, who gets the money')?

The simple answer that it is not particularly useful to focus on which model works better – each model has its own specific objectives, in different tenure regimes, different resource-demand ratios; with different institutional and organizational design and are at different stages of development.

What is far more interesting and positive for the future of CBNRM and sustainable use in Niassa is that there is evidence of growing congruence between the different models in their efforts to achieve the same general goal of conservation/sustainable use and rural development/improved rural livelihoods.

Section 3 has illustrated that issues of ‘power’ and ‘money’ are quite differently distributed in the 3 cases. The UPMC Luelele decentralisation process seems the weakest one in terms of institutional design and organisation and the outcomes of proprietorship and benefit. The power and the benefits seem largely to accrue to the state sector.

The SGDRN and PCC models are more sophisticated but each also has its own advantages and disadvantages. The SGDRN model is efficient for its more mixed objectives of biodiversity conservation and rural development within a private sector type of design. It has considerable power for its current stakeholders and can maximize economic benefits for them, but its challenge is how can this be adapted to balance the social and scale problems of bringing in the communal sector, as well as carrying the recurrent costs of a protected area. PCC is more specifically evolved for maximizing the power at local community levels and trying to achieve balances between scale of resources (large) and ideal scales for community institutions (small). But it is challenged by the fact that it can only work or be tested by achieving the rights to the land and resources – which is taking some time. The other feature is that the PCC rests on the local community assuming considerable responsibilities very rapidly and on the basis of little experience with such powers. There is therefore more danger for PCC, than in the existing SGDRN stakeholders, of power being usurped by an elite in the institutional design and being far more difficult to contain.

In terms of resilience the PCC model once completed may be more resilient to extreme events than the SGDRN. SGDRN is vulnerable to shortages or suspension of investment to cover the core protected area management costs. It will remain so for at least the medium term as the revenue from the buffer zone will not cover all annual costs of SGDRN and the core Reserve for some time. The core Reserve is thus particularly vulnerable to any extreme event. The PCC on the other hand has already had to withstand some extreme events and survived them, and the annual investment levels are fairly low. Also if local level institutions form the core of the eventual design, they are likely to prove resilient to higher order problems.

5 CONCLUSIONS

The Great Fivefold National Delusion

"The first of these is that there are solutions to all the problems. The second is that only a strong centre can solve the problems. The third is that the strong centre must embody one's own views exclusively. The fourth Great Delusion is that heroic surgery is required, and the fifth, that the Heroic Surgeons must be oneself and one's cronies, armed with scalpels as big as machetes"

de Bernieres (1992)

"Ultimately the future of Africa's wildlife and environment lies in the hands of its citizens"
Hulme and Murphree (1998).

This paper has tried to argue for simplicity in the face of increasing complexity in politics, land or natural resources in Mozambique. In particular it argues that the core factor in a complex scenario is perhaps the one simple and basic thing that humanity has always struggled to achieve – freedom of choice.

This paper has also illustrated the limits of simplicity and freedom of choice, in the close inter-relationship of political processes with land and resource rights. The simplicity of an individual rights based approach will just be an over-simplification, if it does not take seriously the complexities of institutions, scale and responsibilities. There is inevitably erosion of both simplicity and freedom of choice at higher scales than the individual or family unit; which essentially characterizes the most persistent social unit in the deep history of Niassa – the matri-clan or *mbumba* in terms of land rights and allocation (Section 2.2). The increasing complexity at higher levels of scale involves more responsibilities and thus developing more rules between citizens and the forging of new institutions and organizational structures – this is very difficult and takes time. The descriptions of the political and administrative history and current status of these as they relate to Niassa has revealed many problems with past attempts – either colonial or post colonial or the current reform process today (Section 2.1). The lack of trust or confidence of people in their institutions of governance illustrated from the local Niassa scale (Section 2.2) to the national perceptions of citizens also indicates a complexity for the new reform process generally, but also in its practical application in the field.

From this one could assume that there is a 'chasm' between what is said and what is or can be done (Section 1) and the outlook is pessimistic for those rural people in the chasm between. However Section 4 drawing on the three models in Niassa currently testing various approaches to land and resource management show that in fact there is cause for optimism in the results at the field level and evidence of congruence in the design or practical implementation side. The current challenges for the Niassa Reserve are those of ensuring enough flexibility for evolution of the current model to ensure future community support, while for PCC the challenge is to achieve devolution as rapidly as possible. The third model of Luelele based on decentralisation is less easy to analyse, as its design would appear to follow few community or sustainable use principles, except those of the worst-case scenario of state intervention to halt resource degradation (an atypical situation for Niassa).

Section 4 also illustrates that there is much cause to re-examine the 'who and why' or the motivations and incentives of the different actors involved, who do not occupy simple 'black boxes'. It also raises the question of why these initiatives are having to function on such limited inputs (especially of investment funds). The challenge to the supporting agencies that emerges here is therefore in an honest re-assessment on whether their words or principles equal their practice.

To return to the question of freedom of choice and citizen rights in land and resource change. The simplicity of these aspects can be useful both to provide focus for the best starting point for interventions or a firm foundation to build the necessary complexity upon. The focus of this simplicity provides a framework for CBNRM (or other initiatives of sustainable use) to be 'an

instrumental part of political change' (Fakir 2001). Without this, they can be just isolated interventions or viewed as experiments, which can be terminated when inconvenient, or abandoned when external funds dry up. In such an uncertain climate, can a rural citizen be expected to take a sizeable risk and pay a cost for creating new rules and organisations for land or natural resource management? The answer is - probably not.

With respect to the situation of the 3 models, if the citizens of north Niassa need real rights to land and resources they will have to do three difficult things. These are things really only they can do and if they believe it is worth the costs. There is certainly a critical role for government, donor, NGO and private sector and individual interventions to help in this process but (as the past decades of failed 'social engineering' projects in Niassa have demonstrated; Section 2 and 3), if the local people do not actively make the key choices themselves, it will fail. First, they will have to build their own institutions to hold these new responsibilities in a way that is locally and legally legitimate; second, avoid the pitfalls of creating a new elite; and third have devolved rights to resources in their new institutions - not granted by favour or as an experiment but as a feature of natural justice and common sense (see I. Parker notes in Murombedzi 1999). This is obviously going to take time but as the Section 3 illustrates a surprising amount has already been achieved and much learnt, within a relatively short period of only around four years.

Finally, the temptations of the strong centre, illustrated by the quote of the Fivefold National Delusion, needs to be questioned. Authoritarian approaches (the opposite of rights based approaches) are often put forward in times of crisis, but usually prove to be a 'delusion'. This applies as much to land reform and natural resource management as it does to the more obviously political sphere. Their ultimate expression is in slogans such as "save a rhino/elephant, shoot a poacher" (wildlife preservation) or "one settler, one bullet" (revolutionary land reform). However, even most recent history has shown that such authoritarian approaches fail, usually from their own internal contradictions. But they are remarkably durable delusions, demonstrated by the current challenges to CBNRM and sustainable use initiatives in Southern Africa¹⁵. This paper therefore ends by arguing that unless we take the simplicity of democracy or citizen's rights seriously and unless we can resist the temptations of the strong centre, we cannot escape from repeating the failures of history.

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NOTES

¹ The title “its all about power and its all about money” is taken from the remark of a rather weary NGO representative after a workshop on good governance, democracy and civil society roles in northern Mozambique.

² Democracy is used in the definition of “a form of regime whose legitimacy derives from the principle of popular sovereignty. Namely that ordinary citizens are equally endowed with the rights and ability to govern themselves (Bratton and van de Walle 1997; p 10)

³ . *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).

⁴ One further feature of Mozambique is that its legal system follows that of the Napoleonic Code. It differs from Roman-Dutch or British law in not being based on case law. Once a law is passed the judge has no interpretative function or much flexibility, but must apply the letter of the law as it stands. There is no trial by jury. This reduces the citizen right to challenge law to a certain extent and limits law as an evolutionary process.

⁵ 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 information from Prof. Gerhard Liesgang, University of Edoardo Mondlane (pers com) and local interviews by the author since 1998.

⁶ This aspect of state capture has been well stated by Vladimir Putin in a meeting with Russia's business leaders in July 2000 "I only want to draw your attention straightaway to the fact that you have yourselves formed this very state, to a large extent through political and quasi-political structures under your control. So perhaps what one should do least of all is blame the mirror." D. Hoffman, 2000, "Putin Aims to Assure Tycoons: Russian Disavows Pressure by Police," Washington Post (July 29), pp. A1.

⁷ Information is drawn from project proposal or progress documents, or publications - Matakala and Mushove 2001; Rodrigues 2001 and interviews with field staff for each initiative; Baldeu Chande., Antonio Abacar, Sr Sande, Afonso Villanculos.

⁸ This can be illustrated by the fact that only 2 CBNRM type initiatives (Matakala and Kwesiga 2001) have yet achieved comparable tenure, and in both cases for very small areas of land with minimal resources and involving a high expenditure of funds.

⁹ There are arguments that concepts of ‘civil society’ and ‘the citizen’ are western individualist concepts that are difficult to apply to the African context (see Chabal and Daloz 1999 or Mamdani 2000 for different views). However, people in northern Niassa demonstrated clear individual differentiation (are not simplistic homogenous communities), often to the frustration of project implementers, and this suggest that individualism or lack of it is not a major issue here.

¹⁰ Nelsons Touch refers to a British naval officer who ignored administrative orders to cease a battle by putting a telescope to his blind eye; and as a result won a famous victory against the French/Spanish.

¹¹ The use of Niassa as a vast outdoor reformatory for “Camps for Mental Decolonisation” including areas such as Msaweze in Mavago District, now within Niassa Reserve, was one outcome of this (data based interviews with villagers in Msaweze and Nkalapa in 2000).

¹² This can be illustrated by the informal resource by-laws designed by the community in late 1999; which represent a very different approach to resource management and institutions than that developed by the state in the new Forestry and Wildlife Law.

¹³ Chambers et al (1989) studies in India of practical political economy are relevant to this point “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.”

¹⁴ Matakala and Mushove (2001: p18) for example identify PCC objectives correctly as being the transfer of land and natural resources rights to the local community but note somewhat confusingly “it is common knowledge that this project also involves wildlife management but the title and objectives give no idea of this”.

¹⁵ Although part of the reaction to the challenges of limited devolution in CBNRM has been academic, there are also signs of a trend to authoritarian approaches in conservation activities of NGOs and others. Examples include the use by some NGOs in Central Africa of mercenaries to protect areas or species considered important (BBC World Service 15th May 2002); the positive reporting in the media of extreme anti-poaching in Tsavo NP in Kenya “the surviving poachers bloodied tracks disappeared towards the Somali border, ‘sometimes it is helpful to let a couple get away to spread the word’ said Danny Woodley, warden of Tsavo north sector..... Bill Woodley his father used to drop grenades on poachers from a light aircraft. Danny Woodley prefers a heavy machine gun mounted on his single propeller Cessna” (Mail and Guardian 3rd May); and the failures to adequately gain community perspectives in Mozambique resulting in a backlash currently holding up the evolution of the Greater Limpopo National Park (Mail and Guardian 26th April).