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CO-MANAGEMENT GOVERNANCE AND LEGAL FRAMEWORKS FOR COMMUNITY CONSERVATION AREAS IN MOZAMBIQUE

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Supporting the Policy Environment for Economic Development
(SPEED+)

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CONTENTS

Acronyms	I
Executive Summary	2
1. BACKGROUND	3
2. REPORT FINDINGS AND KEY RECOMMENDATIONS	4
2.1. KEY FINDINGS	4
2.1.1. EXISTING LEGISLATION	4
2.1.2. BEST PRACTICE IN CBNRM	4
2.1.3. THE TCHUMA TCHATO PROJECT	6
2.1.4. KEY RECOMMENDATIONS	6
2.1.5. LEGAL AGREEMENTS	8
2.1.6. TCHUMA TCHATO	10
2.1.7. CHANGES TO LEGISLATION	11
CHAPTER 1: Introduction & methodology	12
INTRODUCTION AND PURPOSE OF THIS REPORT	13
METHODOLOGY	14
1.2.1 INCEPTION	14
1.2.2 LITERATURE REVIEW	14
1.2.3 FIELD VISITS	14
1.2.4 QUESTIONNAIRES AND INTERVIEWS	15
1.2.5 LIMITATIONS OF THE METHODOLOGY	15
CHAPTER 2: Feasibility of establishing CCAS under Existing legislation	16
2.1. KEY ISSUES TO BE ADDRESSED	17
2.2 REVIEW OF LEGAL PROVISIONS FOR CCAS	17
2.2.1 GENERAL PROVISIONS	17
2.2.2 REQUIREMENTS FOR THE ESTABLISHMENT OF A CCA	17
2.2.3 REQUIREMENTS FOR MANAGEMENT OF A CCA	19
2.3 DISCUSSION	21
Chapter 3: Best Practices in CBNRM implementation	23
3.1 CBNRM IN SOUTHERN AFRICA	24
3.2 BEST PRACTICE IN PROVIDING THE ENABLING CONDITIONS FOR CBNRM	24
3.2.1 THE ROLE OF LEGISLATION	24
3.2.2 MANAGEMENT RIGHTS	25
3.3 BEST PRACTICE IN CBNRM GOVERNANCE STRUCTURES	26
3.3.1 GOVERNANCE	26
3.3.2 GOOD GOVERNANCE	26
3.3.3 GOVERNANCE STRUCTURES	27
3.3.4 PARTICIPATORY DECISION-MAKING	29
3.4 TECHNICAL SUPPORT TO COMMUNITIES	30

Chapter 4: Proposals for a CCA Governance framework	32
4.1 BACKGROUND AND KEY ISSUES TO BE ADDRESSED	33
4.2 PROPOSED GOVERNANCE FRAMEWORK	33
4.2.1 VISION FOR CCAS IN MOZAMBIQUE	33
4.2.2. ROLES AND RESPONSIBILITIES	34
4.2.3 CCA GOVERNANCE STRUCTURE	35
4.2.4 CCA MANAGEMENT STRUCTURE	37
4.3 IMPLEMENTATION	38
CHAPTER 5: proposals for a Framework for CCA Legal agreements	42
5.1. BACKGROUND AND KEY ISSUES TO BE ADDRESSED	43
5.2 NEGOTIATED AGREEMENTS FOR BUSINESS DEVELOPMENT	43
5.2.1 CONCLUDING THE AGREEMENT	43
5.2.2 MANAGING THE AGREEMENT	44
5.3 CCA CO-MANAGEMENT AGREEMENTS	44
5.4 LEGAL AGREEMENTS UNDER THE NEW GOVERNANCE FRAMEWORK	47
Chapter 6: proposals for establishment of CCAs within the Tchuma Tchato designated area	48
6.1 BACKGROUND AND KEY ISSUES TO BE ADDRESSED	49
6.1.1 BRIEF BACKGROUND TO THE TCHUMA TCHATO PROJECT	49
6.1.2 KEY ISSUES TO ADDRESS:	52
6.2 PROPOSED GOVERNANCE STRUCTURE	55
6.2.1 OVERVIEW	55
6.2.2 PROPOSED FRAMEWORK	57
6.3 PROPOSED ADMINISTRATIVE AND MANAGEMENT STRUCTURE	59
6.4 LEGAL AGREEMENTS UNDER THE NEW GOVERNANCE FRAMEWORK	61
6.5 FUNDING ARRANGEMENTS	61
6.6 TRANSITIONING TO THE NEW ARRANGEMENTS	62
6.7 COMMUNITIES WITHIN MAGOE NP	63
Chapter 7: Summary of Recommendations to enable CCA's to become a reality	64
7.1 STEPS IN ESTABLISHING AND IMPLEMENTING CCAS	65
7.2 EXTERNAL TECHNICAL SUPPORT	66
7.3 ANAC ADMINISTRATIVE SYSTEMS	67
7.4 LEGAL MEASURES TO SIMPLIFY THE PROCESS	67
References & documents consulted	69
Annexes	72

ACRONYMS

ANAC	National Administration for Conservation Areas
CBO	Community-based Organisation
CCA	Community Conservation area
CBNRM	Community-based natural resource management
CGRN	<i>Comité de Gestão de Recursos Naturais</i>
COGEP	<i>Conselho de Gestão de Recursos Naturais</i>
DUAT	Right of Land Use
GRP	Gorongosa Restoration Project
IUCN	International Union for the Conservation of Nature
HWC	Human-wildlife conflict
NGO	Non-governmental Organisation
NP	National Park
NR	Natural Resources
NRM	Natural Resources Management
PA	Protected area
PPP	Public-private partnership
R-GCRN	Mozambique National CBNRM Network
SPEED+	Supporting the Policy Environment for Economic Development Plus Project
SWOT	Strengths, Weaknesses, Opportunities, Threats (Analysis)
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

I. BACKGROUND

This report was commissioned by the USAID-funded SPEED+ Project to provide support to the Mozambique National Administration for Conservation Areas (ANAC) in developing appropriate frameworks for the establishment of Community Conservation Areas. The Conservation Law 16/2014 altered and regazetted by the Law 5/2017 provides new opportunities for involving rural communities directly in conservation through the establishment of Community Conservation Areas (CCAs) as a category of Protected Area.

According to the new law, a CCA is a conservation area under the sustainable use category as a community public domain area, managed more locally by one or more community themselves thus having the right to use and benefit from natural resources. According to the law, in a CCA, the community can enter into agreements and contracts with the private sector for the commercial use of natural resources and charge use fees which accrue directly to the community.

In addition some challenges in implementing Mozambique's first community conservation project, the Tchuma Tchato project in Tete Province, have been identified. Communities do not benefit fully from the project, and it needs to be brought under national legislation. The legal provision for CCAs provides a new opportunity to formalize the project within national legislation and review and revise its institutional framework in a way that seeks to maximize community involvement and benefit in a co-management approach with government at different levels. The co-management governance structure at Tchuma Tchato also provides data and lessons for the development of the legal framework for CCAs.

This report is the first attempt to articulate the implementation pathway for CCAs since they were formalized under the 14/2016 Law. It considers the extent to which it is feasible to implement CCAs under the current legal framework. The report aims to provide recommendations to make CCAs a reality based on international best practice.

As provided for in the Scope of Work (SOW) for this consultancy, this document, also aims to provide proposals for:

- A structure for a CCA Governance Framework which includes roles for the public sector, private sector, and communities, taking into account gender concerns;
- A CCA Legal Framework (i.e. contract templates) that includes the contractual arrangements between the CCA and the government, as well as the CCA and the private sector;
- Piloting the establishment of a CCA (or more than one CCA) within the Tchuma Tchato designated area; with recommendations on where (which geographic zones), how the Governance and Legal Frameworks should be structured, and who the governing parties shall be.

The methodology for this work included various meetings, a literature review, and a field visit to Tete City in Tete Province to interview key stakeholders in the Tchuma Tchato Project and conduct a SWOT analysis of the project. Additional planned field visits to meet local community leaders and district officials in the Tchuma Tchato Project area and face-to face interviews with additional stakeholders had to be cancelled because of international and national restrictions on travel and holding public meetings due to the spread of the Covid-19 Virus.

2. REPORT FINDINGS AND KEY RECOMMENDATIONS

2.1. KEY FINDINGS

2.1.1. EXISTING LEGISLATION

Mozambican legislation provides an existing detailed legal framework for the creation and management of CCAs through the Conservation Law Nr. 16/2014 and its regulations. The process for establishing a CCA contained in the legislation is a lengthy one requiring technical expertise to support communities in developing and submitting their proposal to ANAC. A considerable amount of information is required for supporting documents and a process of consultation in the community will be required to gain community consent for the CCA to be created. The regulations indicate that partnerships with the private sector should be included where applicable in the proposal for creating a CCA.

A community will need to form its own accountable body to represent its interests before forming the CCA, if it does not have such a body already. This Community-based Organization (CBO) will need to lead interactions with government and any supporting NGOs as well as the private sector on behalf of the community.

If communities are expected to follow the steps in creating a CCA detailed in the legislation, they will need technical and financial support from NGOs, ANAC and potentially other government agencies and considerable flexibility will be needed from ANAC in its approach to facilitating the emergence of CCAs. Communities will need support in meeting the requirements in the legislation for a management plan.

The provisions in the legislation for the management of CCAs are geared more towards a conventional state-run or privately run conservation area, based on high technical management standards, as evidenced by the requirement for all conservation areas to have specific conservation departments. Again, it is highly unlikely that communities managing CCAs will be able to meet these standards without external support.

The main conclusion of the chapter is that it will be extremely difficult for communities to apply to establish a CCA and develop a management framework in terms of the legislation and regulations without considerable external assistance. However there are possibilities for ANAC to take a flexible approach to implementation.

2.1.2. BEST PRACTICE IN CBNRM

Community-based Natural Resource Management (CBNRM) has been implemented in several southern African countries with various degrees of success. There are three main components to the conceptualization of CBNRM in southern Africa:

- In order to take management decisions, communities need rights over their land and resources, so that they can control access to resources and how they are used. They also

need security of tenure i.e. the knowledge that these rights will not be arbitrarily removed by government and are secure over time;

- Again in order to take management decisions and in order to manage the distribution of benefits, communities need representative and accountable institutions;
- Communities must be able to derive appropriate benefits from the resources they are managing. They will be unlikely to invest time, effort and finances into managing a resource if the benefits of management do not exceed the costs.

The following are key lessons from CBNRM in southern Africa:

- Communities should be active managers of natural resources, deciding how resources are used, when, by whom and by how much;
- The State should *support* communities in natural resource management and ensure community activities remain within the bounds of national policy and legislation and that natural resources are not over-utilised;
- Communities should earn income and other benefits from their conservation activities and not as passive recipients of income from the State or the private sector. At the same time, benefits need to exceed the cost of the management activities – sharing income with the State often means income does not sufficiently cover community costs;
- Legislation supporting CBNRM activities should provide clear and secure authority to communities to take decisions about their natural resources, and exclude others from using their resources;
- Communities should be able to decide their own membership and boundaries and not be forced to conform to existing government administrative units – people need to choose who they can cooperate with.

Governance is an important concept in CBNRM. It is about who takes decisions, how and in whose interests. Good governance is when decision-making is transparent and accountable. Communities need accountable and representative governance structures for internal decision-making and to represent community interests to outsiders. Community participation in decision-making is important for good governance.

Experience in CBNRM internationally, regionally and within Mozambique indicates that it is easier to ensure transparency, accountability and participatory decision-making in small communities, where people can have face-to-face discussions and reach consensus. In large communities it is easier for elected committees to take decisions without being accountable to their constituents and to promote their own interests instead of those of the community.

Regional experience also indicates that CBRM activities based largely on wildlife, tourism and commercial forestry require considerable technical support in three key areas:

- Natural Resource Management and Monitoring;
- Institutional Development and Governance;
- Business, Enterprise and Livelihood Services.

CBOs need intensive support at the start. Over time they will need less intensive support but will still require ongoing technical extension support for natural resource management. This is similar to the ongoing extension support usually provided by government and others to farmers in the agricultural sector.

2.1.3. THE TCHUMA TCHATO PROJECT

The Tchuma Tchato project started in Magoe District, Administrative Post of Chinthopo, Tete Province, in 1994 (covering an area of 2 500 km²) due to conflicts between the safari operator and local communities over access to wildlife resources. The main focus of the project is to ensure community participation in resource management while getting tangible benefits from resources utilization. The main resource is wildlife from trophy hunting but also to some extent fisheries from taxation of artisanal fishing and tourism accommodation.

The distribution of income from hunting safaris is as follows:

- 33% goes to the local communities;
- 32% to the Provincial Government for management of Tchuma Tchatu (pay salaries to the game scouts, buying uniforms, maintenance of infrastructure, fuel, food);
- 20% to the district government;
- 15% to the central Government.

The income distribution to the community is made by the government after receiving the concession fees, license fees and trophy fees from the safari operator.

There are a number of challenges facing the Tchuma Tchato Project. These include a lack of adequate funding, weak community institutions, high poaching levels, and low levels of income to communities. However there are also opportunities to improve the situation. Tchuma Tchato provides an excellent opportunity for piloting CCAs due to its history of involving communities in benefit from natural resource management. There are existing community institutions and a history of ongoing support to these institutions.

Tchuma Tchato was established through agreements between government ministries and policies that determine how it is managed and how income is distributed. It does not have a sound legal foundation in national law. There is a need to formalize the programme so it can provide communities with more security of tenure, and provide longer term security to safari operators so that their operations won't be suddenly curtailed or additional concessions be offered within the same area. The creation of CCAs in the Tchuma Tchato Area provide an opportunity to address these issues.

2.1.4. KEY RECOMMENDATIONS

CCA Governance Framework

The following is a proposed Vision for Community Conservation Areas in Mozambique:

Community Conservation Areas enable local communities to actively manage their land and natural resources contributing effectively to improved living conditions of local communities that live inside and around the CCAs and the improved contribution of local communities towards conservation and sustainable use of the natural resources.

The following are the proposed roles and responsibilities of key stakeholders in CCAs:

Government/ANAC

The Government has an important role in the formation and implementation of CCAs. Broadly government establishes an enabling policy and legal environment that provides secure rights over land and natural resources to local communities. Government ensures compliance with legislation and provides the necessary support to communities so they can exercise their rights and manage land and natural resources sustainably.

Article 56 of the regulations for the Conservation Law of 2017 provides some specific responsibilities for ANAC in conjunction with local authorities.

The newly created Business and Partnerships Office in ANAC will play an important role in supporting CCAs. ANAC will need to enter into a contract with each CCA, setting out the roles and responsibilities of each party (see next chapter). .

Communities

Communities in CCAs should be the management entity for the CCA; develop partnerships and conclude contracts with the private sector for the utilization of natural resources; retain 100% of the income generated through the partnerships and contracts with the private sector; and use the income from the partnerships for community benefit and reinvestment in natural resource management,

Private Sector:

The private sector should provide the investment and links to markets that can enable communities to benefit from sustainable use of natural resources. The private sector should:

- Negotiate fair and transparent agreements with communities;
- Operate natural resource-based businesses according to ethical standards and in compliance with national legislation;
- Ensure payments are made to communities in accordance with their contractual obligations;
- Assist communities in the management of the CCA as provided for in the contract.

In forming a CCA there needs to be a two-step procedure for communities. First they need to develop their own accountable institution as a community-based organization (CBO) to represent community interests and to play a major role in management of the CCA. A CBO in this context means a community organisation that has a constitution, an elected committee to interact with outsiders on behalf of its members, and legal status so that it can enter into contracts with partners. Second, the communities then need to create the CCA in accordance with legislation.

As part of this two-step process it is important that the communities secure their land rights. In order to create CCA communities should obtain a DUAT because the legislation provides for this and the DUAT provides strong rights to the community to control who may use the natural resources on the land.

Although best practice in CBNRM shows that community governance structures should be as small as possible to ensure the participation of community members in decisions-making, it will be difficult and time-consuming and beyond the capacity of Mozambican organisations to try to establish a multitude of CCAs across the country at village level, the level most likely to promote full involvement of community members. Also the village areas will be too small for viable wildlife management. Where

possible CCAs should be established at the *Povoado* level, but given the need for economies and ecologies of scale (see figure 1 in Chapter 3) they might need to be established at *Regulado* level or even at the Administrative Post level. The communities within this area would need to form a CBO that encompasses the whole area. However to address the issues of accountability and the need for participatory decision-making, the constitution of the CBO should make provision for devolved decision-making within the CBO. Villages or clusters of villages at the *Povoado* level would form sub-units of the CBO.

The CBO should be constituted as a legal body that can enter into contracts. The constitution of the CBO should specify that the income accruing to the CBO belongs to the community members. It should make provision for income to be channelled to the sub-units. The sub-units would decide how to use their income for community benefit. The constitution should also provide for the budget to include investment in natural resource management, such as natural resource monitoring and community forest guards/game scouts.

It is possible that CCAs will be established in areas where there is an existing local Natural Resource Management committee (CGRN), or higher level committee such as COGEPS. Existing CGRNs could provide the foundation for establishing CCAs, but before existing CGRNs are brought into the new approach, they should be assessed for their current transparency, accountability and inclusivity.

The challenges of implementing CBNRM initiatives in Mozambique have been recognised by government, organisations such as ANAC and NGOs. These institutions have come together to form the National CBNRM Network (R-GCRN). The network is developing a strategic plan and resource mobilisation strategy that include support for governance at community level.

The network aims to train facilitators who are responsible for engaging with communities to help them establish accountable and transparent community institutions. The network envisages providing a governance support package to communities that integrates three components:

- Registration of land rights for the community and individuals;
- Processes of Good Governance, including decision-making, rights and duties;
- Development of principles and standard methodologies and tools to help support communities in governance and the management and conservation of natural resources, such as tools for land use planning, developing a community vision, and resource monitoring.

ANAC as a member of the network should work with the R-GCRN to develop a resource mobilization strategy to enable ANAC and NGOs to provide support to communities based on the principles and methodologies the network is developing and the recommendations of this report. ANAC will need to appoint personnel to work specifically with CCAs.

2.1.5. LEGAL AGREEMENTS

It is important that communities are supported in developing partnership agreements with the private sector. There is usually a power imbalance between companies and communities, because communities usually lack knowledge of the sector, lack investment capital of their own, and do not understand the commercial value of their land and resources. This situation can be detrimental to the community when entering into partnerships and contracts with the private sector for business development such as tourism.

It is essential that any relationship between CCAs and the private sector is based on **negotiated** written agreements and contracts with safeguards for both parties, transparent disclosure of information by companies, and mechanisms for managing the relationship. The CCA must be in a position to make an informed decision about entering into any partnership or contract. It must:

- Be able to identify what it wants from the agreement;
- Be able to identify the type of partner sought (e.g. one with experience, success and a good reputation in the sector concerned);
- Be in a position to understand the company's business plan and the viability of the plan;
- Be able to understand the value of the resources to be managed and used so that it can set a market related price for private sector payments to the CCA.

Once agreements have been concluded they need to be implemented and managed. One of the best ways to address this is to establish a Joint Management/Liaison committee between the company and the CCA leadership. Such a committee should provide the opportunity for:

- Regular exchange of information and discussion of problems and solutions;
- Each party to understand each other better – how the industry/sector operates and its constraints and challenges and how the CCA operates and its constraints and challenges;
- Provision of feedback regarding the performance of the company's operations and of the CCA;
- Resolution of disputes related to the Agreement;
- The CCA to nominate members for potential employment;
- Monitoring of compliance with the Agreement by both parties.

It is likely that communities will need management partners in CCAs. The legislation envisages that that in such cases there will be an agreement between the community and its management partners. The principles for concluding such an agreement will be similar to those for negotiating an agreement or contract with the private sector for enterprise development:

A recent assessment of models of co-management for Mozambican Conservation Areas identified three main co-management models:

- **Delegated management**—in which governance is shared between government and a conservation organisation to whom management is delegated, but on-the-ground management of the PA is delegated to the non-profit;
- **Co-Management (or shared management)**—in which both governance and management responsibilities are shared by the government and the non-profit partner;
- **Financial-Technical Support**—in which the non-profit advises and supports the government, which retains full governance and management authority.

Communities will need support in identifying the model that suits them best, depending on their own circumstances, particularly their technical capacity. The co-management model is recommended for CCAs as the CBO has more control over the activities of the partner organization.

Detailed recommendations for draft legal agreements are provided in Annex C.

2.1.6. TCHUMA TCHATO

CCAs, should be piloted in the Tchuma Tchato area where communities have been receiving income from safari hunting in the hunting blocs of Bawa, Muze, Chipera/Capoche, Nhenda, Chawalo, Chiritse and Tubvi. Chiritse should remain as a community area and not be converted to a Game Farm as has been previously proposed.

In order to establish CCAs in the Tchuma Tchato Area, the governance framework proposed above should be used with the aim of including as many community members as possible in the process. Special attention should be given to ensuring the participation of women and the youth in the various processes, decision-making and as leading members of the key community structures.

The community should form a legal community-based organization (CBO), and should have a DUAT. The process in forming CCAs should, as indicated in the previous chapter, include as many community members as possible and not only include community leaders and existing committees. Specific attention should be given to ensuring the participation of women in the various processes and in decision-making.

This process would include the following:

- Identify communities at *Povoado* level;
- Understand and assess the current governance structures and uses these and strengthen them where appropriate;
- Develop and apply supporting tools such as community visioning, participatory land use planning, mapping and zoning;
- Capacity building for communities to actively manage resources, such as through management oriented monitoring, community *fiscais*, and implementation of community land use plans.

There have been previous proposals to establish Hunting Concessions and Game farms in the Tchuma Tchato Area. In order to ensure the spirit of the project is honoured and community involvement in conservation and improved livelihoods can still be promoted, we recommend that throughout the current project area, the priority should be given to the establishment of CCAs, unless there is land unclaimed by communities that is also suitable for wildlife utilization in a sustainable way.

We recommend the establishment of an Environmental Protection Area as a medium-term strategy to promote landscape conservation within the Tchuma Tchato project Area. The EPA should not proceed until the CCAs have been established first.

One of the major challenges for the Tchuma Tchato Project is a lack of funding to cover project management and administration. CCAs should in future be seen as business centres earning income from a variety of sources which is used to pay for their own management activities and community benefit. Government and ANAC will need to continue to provide funding inputs from normal government financing. However in the short-medium term it is clear that additional funding will be needed at different levels. ANAC and the CBOs managing CCAs will need to embark on a resource mobilisation strategy that aims to bring in external funding.

ANAC and the relevant Ministerial authorities should review the situation of communities living in the Magoe National Park which was established within the Tchuma Tchato area. Communities may not obtain a DUAT in the National Park and safari hunting is not permitted in a National Park so

communities may not earn direct income from safari hunting within the Magoe NP and nor may the State. Communities inside the park will be disadvantaged compared those in the proposed CCAs.

2.1.7. CHANGES TO LEGISLATION

As indicated, the preparation required for communities to establish CCAs is highly technical and the provisions in the legislation for the management of CCAs are geared more towards a conventional state-run or private conservation area. There is a need to simplify the process and make it easier for communities to gain CCA status. The following is recommended under current legislation:

- Apply Article 65 of the regulations so that communities may submit a statement of intent concerning the management of the CCA and then develop a more detailed management plan after the CCA has been approved;
- Develop a simple application form for communities who wish to establish a CCA (see example in Annex B4);
- Allow CCAs to be managed through a simplified management plan (see the example in Annex C);
- Allow CCAs to carry out detailed resource inventories after approval;
- Apply Article 43/2 of the regulations which states that conservation areas that are not administered by ANAC may have other management bodies than an administrator and management board, which they can define themselves – allow CCAs to determine their own management arrangements so that they can be kept simple;
- Introduce a regulation that allows most of the roles of the Administrator to be carried out by the committee of the CBO that is the management entity of the CCA;
- Under Article 68 of the Conservation Law develop new regulations for CCAs simplifying their establishment requirements, management and access to natural resources and enabling more flexibility according to the particularities of each area.

At the same time ANAC should recommend the amendment of the existing legislation to remove the regulations binding CCAs to appoint an administrator and establish management departments.

CHAPTER I: INTRODUCTION & METHODOLOGY

INTRODUCTION AND PURPOSE OF THIS REPORT

International best practice in biodiversity conservation emphasises the need to involve local communities in the management of natural resources and the need to devolve decision-making authority to such communities. In addition, there is a growing approach of co-management approaches between state-run protected areas, guided by the Public-private partnership law. In that regard, government engages private sector as well as Community Organizations to jointly manage through a memorandum of understanding, management agreements or even community certification in some cases. The 2018 SPEED+ study on co-management in Mozambique recommended the use of delegated management models to allow communities to take on a more prominent role in the sustainable use of natural resources.

The International Conservation Union (IUCN) has recognised community conserved areas as one of the official categories of protected area. In line with this approach by IUCN, the Mozambican Conservation Law 16/2014 altered and regazetted by the Law 5/2017 provides new opportunities for involving rural communities directly in conservation through the establishment of Community Conservation Areas (CCAs) as a category of Protected Area.

According to the new law, a CCA is a conservation area under the sustainable use category as a community public domain area, managed more locally by one or more community themselves thus having the right to use and benefit from natural resources.

According to the law, in a CCA, the community can enter into agreements and contracts with the private sector for the commercial use of natural resources and charge use fees which accrue directly to the community. This provides communities with the opportunity to earn more income than the 20% of government use fees that go to communities in non CCA areas. This in turn can increase the incentives at community level for sustainable use of natural resources and improved local management. It can provide the resources necessary for communities to reinvest income in conservation management rather than being passive recipients of income from government.

In addition some challenges in implementing Mozambique's first community conservation project, the Tchuma Tchato project in Tete Province, have been identified. Communities do not benefit fully from the project, and it needs to be brought under national legislation. In the context of the Tchuma Tchato Project, the legal provision for CCAs provides a new opportunity to formalize the project within national legislation and review and revise its institutional framework in a way that seeks to maximize community involvement and benefit in a co-management approach with government at different levels. The co-management governance structure at Tchuma Tchato also provides data and lessons for the development of the legal framework for CCAs.

This report is the first attempt to articulate the implementation pathway for CCAs since they were formalized under the 14/2016 Law. It considers the extent to which it is feasible to implement CCAs under the current legal framework. The report aims to provide recommendations to make CCAs a reality based on international best practice. It is a how-to guide to make the process and governance structure fit-for-purpose.

As part of this process this document also aims to provide proposals for:

- A structure for a CCA Governance Framework which includes roles for the public sector, private sector, and communities, taking into account gender concerns;

- A CCA Legal Framework (i.e. contract templates) that includes the contractual arrangements between the CCA and the government, as well as the CCA and the private sector;
- Piloting the establishment of a CCA (or more than one CCA) within the Tchuma Tchato designated area; with recommendations on where (which geographic zones), how the Governance and Legal Frameworks should be structured, and who the governing parties shall be.

METHODOLOGY

1.2.1 INCEPTION

An Inception Meeting was held between the consultants, SPEED+ and ANAC on Monday, October 7, 2019 and a draft Inception Report was submitted based on the results of this meeting. A further meeting to discuss the draft Inception Report was held between the consultants, SPEED+ and USAID on Friday, October 11, 2019. A finalised Inception Report was submitted on October 23, 2019.

1.2.2 LITERATURE REVIEW

A review of available documents was conducted, including relevant policy and legislation, previous consultancy reports, Tchuma Tchato and Chipanje Chetu project reviews, Community-based Natural Resource Management (CBNRM) best practice reports, etc. A full list of materials cited or consulted can be found in the section on references and bibliography.

1.2.3 FIELD VISITS

Two field visits were planned as part of the methodology for this work. The first field visit to Tete Province Capital, Tete took place from 24-27 November 2019 by a team consisting of: Raimundo Matusse of the National Conservation Areas Agency (ANAC), Afonso Madope of SPEED+; Tiago Lidimba, Consultant and Brian Jones, Consultant team leader. The field visit included meetings with the Permanent Secretary of Tete Province, the Provincial Director of Land, Environment and Rural Development and his Team and the coordinator for the Zumbo Unit of the Tchuma Tchato project. On 26th November, a SWOT Analysis meeting was held with key stakeholders, including provincial officials, NGOs, and Tchuma Tchato Project personnel.

The second planned field visit was scheduled to take place from 13-21 January, 2020 in order to hold meetings with key stakeholders in Tchuma Tchato project community areas. However this field visit was postponed to the first week of March 2020 as by early March it was thought it would be easier to reach certain areas after the rains and there would be more time to properly arrange meetings. However due to high rainfall and flooding, the field visit was postponed to April 11-21, 2020. Due to the international and national restrictions on travel and holding public meetings in order to reduce the impacts of the global Coronavirus-19 pandemic, the second field trip to Tete province could not take place as planned in April 2020. Guidance to the consultants from the SPEED+ Project indicated that the team should continue with the development of a draft report to be shared with the project personnel and ANAC. Once the report had been submitted there would be a review of the possibility

of still carrying out the planned 2nd field visit to Tete province if Coronavirus-19 restrictions were sufficiently relaxed internationally and nationally to allow travel and the holding of public meetings.

I.2.4 QUESTIONNAIRES AND INTERVIEWS

The national Coronavirus-19 travel restrictions also made it difficult to conduct individual interviews. In order to overcome this constraint the team sent questionnaires to key stakeholders in the Tchuma Tchato project. However some stakeholders did not want to respond without seeing an official endorsement of the consulting team from ANAC. Unfortunately the credential document was only issued late in the process. As a result some responses might not feature in this version of the report. They will however, if possible, be included in the final report. A proposed meeting with ANAC personnel to discuss initial recommendations and legal issues also did not take place. A fruitful virtual meeting with ANAC, SPEED+ and USAID to discuss the 1st draft report did take place on July 1.

I.2.5 LIMITATIONS OF THE METHODOLOGY

The methodology for producing the key deliverables for this document was designed to incorporate two field visits to the Tete Province, with the second visit focusing on local communities, district officials, safari operators and other key local stakeholders, and including specific focus group interviews with men and women to assess gender issues. Several other consultation events had also been planned at provincial and national levels to gain feedback on findings and recommendations. However due to the Coronavirus-19 pandemic restrictions most of these events could not be held. As a result, the recommendations of this report do not go as far as they could have done, if the consulting team had been able to hold direct meetings with community members and leaders. In order to address this, our recommendations provide for a process of full community engagement in future work in establishing CCAs in the Tchuma Tchato project area.

Despite the limitations caused by the restrictions on field work, we believe we have provided sound findings and recommendations that meet the requirements of the Scope of Work as well as covering additional issues that emerged as the work proceeded. The findings and recommendations benefitted from robust discussions with SPEED+ and USAID personnel regarding the implications of the findings in the 1st draft report.

Although we were not able to explore issues of gender balance in the field, we have provided some tools for this to be done in Annex B.

CHAPTER 2: FEASIBILITY OF ESTABLISHING CCAS UNDER EXISTING LEGISLATION

2.1. KEY ISSUES TO BE ADDRESSED

The Conservation Law Nr. 16/2014 and its regulation set out the legal requirements for establishing a CCA. They also set out how conservation areas including CCAs should be managed. This chapter reviews these legal provisions and considers the implications of these legal provisions for implementing CCAs. Key considerations include the extent to which communities need to meet bureaucratic requirements and the capacity of communities to meet these requirements without assistance.

The main conclusion of the chapter is that it will be extremely difficult for communities to apply to establish a CCA and develop a management framework in terms of the legislation and regulations without considerable external assistance. However there are possibilities for ANAC to take a flexible approach to implementation. Recommendations for such an approach are contained in Chapter 4.

2.2 REVIEW OF LEGAL PROVISIONS FOR CCAS

2.2.1 GENERAL PROVISIONS

Community Conservation Areas (CCAs) are provided for in Article 22 of Law No. 5/2017 which amends and republishes Law No. 16/2014 of 20 June, the Law on Protection, Conservation and Sustainable Use of Biological Diversity. In terms of this legislation CCAs are established as part of the formal protected area network of Mozambique.

Article 22 states that a Community Conservation Area “is an area of conservation of sustainable use in the Community public domain, under the management of one or more local communities where they have the right to use and benefit from land, for the conservation of fauna and flora and sustainable use of natural resources”.

The article also states that a CCA shall aim to achieve the following objectives:

The objectives of CCAs are to:

- protect and conserve natural resources existing in the area that are traditionally used by the community, including the conservation of natural resources, sacred forests and other sites of historical, religious, spiritual and cultural significance used by the local community;
- ensure the sustainable management of natural resources in order to bring about local sustainable development;
- ensure access to and sustainability of medicinal plants and biodiversity in general.

The article states that licensing to third parties for utilisation of natural resources can only be done with prior consent of the local communities after consultation, and this will culminate in the conclusion of a partnership contract.

2.2.2 REQUIREMENTS FOR THE ESTABLISHMENT OF A CCA

The government has published the regulations of the Conservation Law which defines procedures for the establishment and implementation of Conservation areas in general as well as specific regulations applying to the establishment of CCAs (Decree Nr. 89/2017). The following is a checklist of the legal requirements a community would need to meet in order to apply to establish a CCA, with the relevant Articles of the regulations provided for reference:

- Name of community conservation area. 24.1.(a);

- Description of the geographic boundaries of the area in respect of which the application is being made (provide coordinates). 24.1.(b);
- Description of the classification, characteristics and objectives of the intended conservation area; 24.1.(c);
- Report with the following:
 - Detailed justification for the proposed creation of the conservation area and the grounds that led it to be created. 24.1. (d) & (e);
 - Inventory of natural resources 24.1.(f);
 - The customary practices by the communities for their exploitation or use of natural resources; 24.2.(c).
- Land registration certificate in the name of the community (DUAT). 24.1.(g);
- Identification of all local communities living within the area covered by the creation of the conservation including 24.2.(a) & 24.1.(h):
 - A statement that the communities will be allowed to stay in the conservation area;
 - Information on the consent of the communities in principle to the creation of the community conservation area (details of community participation in the process of deciding to make this application);
 - Notification if any communities have opposed its creation.
- Proposed Community Management Plan including a land use plan and zonation, and integrated land, natural resource and tourism plan. Management plans for protected areas must include the following 24.2(d) & (e):
 - The management objectives and their temporal scope;
 - The classification of the area and its geographical boundaries and the area map along with zoning, if applicable;
 - The uses that are considered prohibited and those subject to authorization as required for protection of the area, without prejudice to those already by the present law;
 - Urban arrangements, architectural standards and complementary protective measures as stipulated in the present Law, which does not exempt compliance with existing ones;
 - guidance for the management of natural resources and any restoration measures of the environment or species in critical condition;
 - infrastructure and measures to promote traditional activities and other improvements in living conditions of the local population;
 - the rules of visits to the area, and when necessary, for visitor safety, information aspects and interpretation of nature and in general all public uses;
 - the facilities and infrastructures necessary for the management of the area;
 - the special plans to be drawn up to deal in detail any aspect of the infrastructure or need for area management;
 - the necessary studies to know the area better, containing the follow-up of environmental and use conditions needed to support management and estimation of the corresponding expenditure, if any;
 - the management system and involvement of partners;
 - Measures to promote the integration of the conservation area and buffer zone into the economic and social life of local communities.
- A constitution identifying the managing entity of the area and proposed composition and general operating rules of the entity. 24.2.(f);
- Proposed composition and general operating rules of the Management Board (Articles 46 and 47). A Management Board must consist of the following (47.2):
 - Chairperson – management body of the conservation area;
 - the administrator of each district of the geographical area where the conservation area or its representative is located;
 - At most 3 representatives of the natural resource management committees of the geographical area of the conservation area's footprint;

- At most 3 representatives of the community fisheries boards in the geographical area of the conservation area's footprint in case it covers marine areas or inland waters with significant fishing;
 - At most 3 representatives of the private sector, located in the geographical area of the conservation area's footprint;
 - At most 3 representatives of social associations, located in the geographical area of the conservation area's footprint;
 - At most 3 conservation, biodiversity or wildlife specialists;
 - An official from the department of conservation and an official from the department of inspection for the conservation area in question.
- Proposed community development agenda and means of using income. 24.2.(g);
 - Proposal for any partnership agreement and identification of the partners thereof, if applicable. 24.2.(h).

Article 65 provides some flexibility regarding the development of management plans. It states that as long as the management plan is not in place or is in preparation, the conservation area may be managed by means of a statement of intent concerning its management made by the management entity of the conservation area. However the statement of intent must be approved by the ministry with oversight of the conservation area. The statement of intent is valid for a renewable maximum period of 24 months

Article 29 of the Regulations states that the above information must be submitted to ANAC which in turn must submit them to the authority responsible for approval. Once compliance with the legislation is proven the competent authority shall approve the creation of the conservation area.

After the creation of the CCA and its approval has been published in the Bulletin of the Republic of Mozambique, the applicant has a period of 180 days, counting from the date of publication of the decree approving the conservation area, to make a request to ANAC for its inspection (Article 31). ANAC must then carry out an inspection. If the inspection is negative, the applicant must be given time to respond. If the inspection result is positive, ANAC submits it to the competent authority for the approval of the conservation area, which shall issue the dispatch authorizing the entry into operation of the conservation area within a period of thirty days, counting from the date of receipt of the opinion based on the inspection. Article 31 does not specifically spell out the purpose of the inspection, but it is assumed this is to ensure that the conservation area is being managed according to its stated objectives and there is no mismanagement taking place.

ANAC and provincial Authorities will need a procedure and criteria in place for review and approval of CCA proposals. This will include a filing system in place for keeping of records of proposals and other data relevant for each CCA, and a record of decision-making in the approval process. A proposed application form for communities wishing to form a CCA is provided in Annex B.

2.2.3 REQUIREMENTS FOR MANAGEMENT OF A CCA

The regulations also set out how conservation areas must be managed. Article 43/1 states that the management Structure of Conservation Areas will include an Administrator of the conservation area and a Management Board. According to Article 43/2, conservation areas that are not administered by ANAC may have other management bodies which they can define themselves. Article 45/3 enables the Community as the entity that manages the conservation area to appoint the Administrator.

Articles 58/1 & 2 and 63/1 indicate that the community may manage the CCA on its own or with the involvement of partners.

The management structure of a CCA would therefore include the Administrator, the Management Board, and a body representing the community as the management entity, either on its own or in partnerships with an appropriate organization as follows.

Administrator

In terms of Article 44 of the regulations, the Administrator has powers assigned to him/her by the owners of the CCA, but also has statutory powers that include:

- Convene and chair the management board;
- represent the management board before public and private bodies, in events and in Relations with third parties;
- Ensure coordination with the management board;
- Report to the management board on his/her activities;
- Provide to the management board, and after its assessment, to ANAC and to the respective district and provincial governments, the quarterly reports, the annual implementation plan and the annual activity report of the conservation area, component plans and relevant budgets;
- Issue an opinion on the licensing of activities to be undertaken in the conservation area and its buffer zone.

Management Board

According to Article 46 of the regulations, the Management Board is an advisory body of the conservation area administration. In a CCA it can define its functions, but also has the following statutory functions in support of the CCA administration:

- Implementing and monitoring of compliance with management plans;
- Supervising conservation areas and buffer zones;
- Reviewing the management plan in partnership with all interested parties at least once every five years;
- Responding to the development needs of the communities legally residing in conservation areas and buffer zones;
- Elaborating strategic plans for the development of conservation areas, as well as plans for the tourist development in these areas;
- Pursuing new income activities that will reduce the pressure exerted by local communities on biodiversity, including biodiversity-based businesses;
- Supervising the implementation of concession contracts with operators within the context of developing public-private and community partnerships;
- Taking measures to strengthen the conservation capacity within the context of the management plan;
- Elaborating development plans for public utility infrastructures related to the conservation area.

The Management Board must also: a) assess the annual activity plan and the management plan of the Conservation Area; b) assess the subsidiary component plans on which the annual plan is based, and c) assess and approve the annual reports.

The Regulations provide for the composition of the Management Board, but the administration of a Conservation Area not under the exclusive administration of ANAC may define the Board members. The conservation area management board is chaired by the conservation area administrator. The statutory composition of Management Boards is as follows:

- The administrator of each district of the geographical area where the conservation area or its representative is located;

- At most three representatives of the natural resource management committees of the geographical area of the conservation area's footprint;
- At most three representatives of the community fisheries boards in the geographical area of the conservation area's footprint in case it covers marine areas or inland waters with significant fishing;
- At most three representatives of the private sector, located in the geographical area of the conservation area's footprint;
- At most three representatives of social associations, located in the geographical area of the conservation area's footprint;
- At most three conservation, biodiversity or wildlife specialists;
- An official from the department of conservation of the CCA and an official from the department of inspection for the conservation area in question.

Management Unit

Article 55 of the regulations states that conservation areas that are not administered by ANAC shall guarantee that they have a management unit consisting of departments for:

- Research and monitoring;
- Conservation;
- Tourism;
- Community development;
- Protection and surveillance.

Article 63 of the regulations provides some more detail about the management of CCAs:

- Community conservation areas shall be managed by one or more local communities, which may enter into partnership agreements with the private sector or with civil society organizations;
- Local communities have the following obligations: a) preserve the biological and socio-cultural heritage; b) participate in the management and promotion of the sustainable use and benefit of natural resources; c) comply with the norms of the Management Plan; d) pass on ecological and socio-cultural knowledge from generation to generation; e) protect wildlife corridors;
- By ministerial diploma, the Minister with oversight of the conservation areas may approve additional standards for the mechanisms to manage community conservation areas.

2.3 DISCUSSION

The process for establishing a CCA outlined above is a lengthy one requiring technical expertise to support communities in making their application to ANAC. A considerable amount of information is required for supporting documents and a process of consultation in the community will be required to gain community consent for the CCA to be created. The regulations indicate that partnerships with the private sector should be included where applicable in the proposal for creating a CCA (Article 24/2).

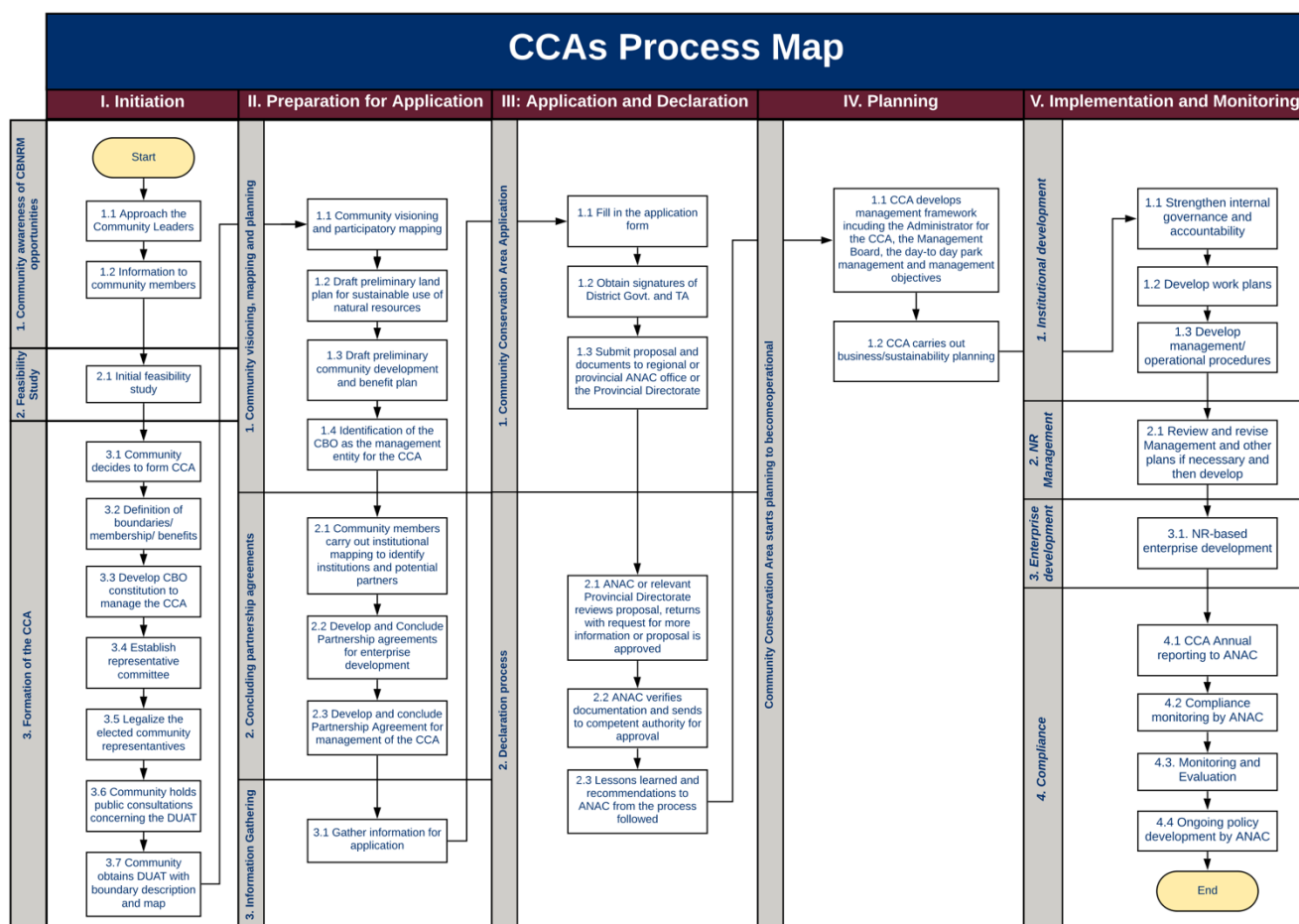
As discussed in more detail in Chapter 3 the community will need to form its own accountable body to represent its interests before forming the CCA, if it does not have such a body already. This Community-based Organization (CBO) will need to lead interactions with government and any supporting NGOs as well as the private sector on behalf of the community.

It is clear that if communities are expected to follow the application process outlined above, they will need technical and financial support from NGOs, ANAC and potentially other government agencies and considerable flexibility will be needed from ANAC in its approach to facilitating the emergence of CCAs. It is also clear that they will need support in meeting the requirements in the legislation for a management plan.

The provisions in the legislation for the management of CCAs are geared more towards a conventional state-run or privately run conservation area, based on high technical management standards, as evidenced by the requirement for all conservation areas to have specific conservation departments (Article 55/2). However, it is highly unlikely that communities managing CCAs will be able to establish full departments covering the management activities noted in Article 55 of the regulations. This and the appointment of an Administrator will require funding unavailable to the community at the start of the CCA. They may be able to assign staff members to implement some of these activities, but not all.

Another way to analyse the feasibility of forming CCAs under existing legislation is to identify the stages a community will go through and the steps needed in each stage. The following (Figure 1) are the main stages in establishing and managing a CCA and the support services required from Government and NGOs at different stages of CCA development (see Annex A for a detailed table elaborating these stages and steps). These stages and steps are based on experience from similar CBNRM initiatives in Botswana, Namibia and Zimbabwe:

Figure 1. The main stages in establishing a CCA



CHAPTER 3: BEST PRACTICES IN CBNRM IMPLEMENTATION

3.1 CBNRM IN SOUTHERN AFRICA

Community-based Natural Resource Management (CBNRM) has been implemented in several southern African countries with various degrees of success. While the form in which CBNRM is implemented varies from country to country, three main components to the conceptualization of CBNRM in southern Africa can be identified (Jones and Murphree 2004):

- In order to take management decisions, communities need rights over their land and resources, so that they can control access to resources and how they are used. They also need security of tenure i.e. the knowledge that these rights will not be arbitrarily removed by government and are secure over time;
- Again in order to take management decisions and in order to manage the distribution of benefits, communities need representative and accountable institutions;
- Communities must be able to derive appropriate benefits from the resources they are managing. They will be unlikely to invest time, effort and finances into managing a resource if the benefits of management do not exceed the costs.

An important aspect of this conceptualization is the idea that communities can be active managers of natural resources. As active managers of resources communities take decisions over how resources are used, when, by whom and by how much. At the same time CBNRM approaches recognise that the State also plays a role in ensuring community activities remain within the bounds of national policy and legislation and that natural resources are not over-utilised.

Often, community benefit is seen as an end goal of CBNRM. However, benefits to communities are part of creating the enabling conditions for communities to manage their resources sustainably. Communities need to earn benefits from natural resources through sustainable management practices and not simply be passive beneficiaries of utilization of natural resources by others, or passive recipients of income from the State.

CBNRM initiatives therefore need to ensure there is a direct flow of benefits to the community. In some CBNRM projects, income first accrues to the government which then shares a portion with communities or the private sector donates equipment or infrastructure to the community. The implication is clear – someone other than the community owns or controls the resource. It is very difficult to build local ownership and link management actions to benefits in such circumstances (Jones and Rieder 2017).

3.2 BEST PRACTICE IN PROVIDING THE ENABLING CONDITIONS FOR CBNRM

3.2.1 THE ROLE OF LEGISLATION

CBNRM in southern Africa has focused on devolving rights over natural resources to local communities. This devolution has been most successful where it has been implemented through legislation rather than government policy decrees. This is partly because policy decrees can be easily changed, but legislation providing communities with clear rights is more difficult to amend. There are some key considerations in developing the enabling conditions for CBNRM, particularly security of tenure and flexibility.

Lindsay (1998) suggests the following as important elements of security of tenure that CBNRM legislation needs to incorporate:

- *Clarity as to what the rights are in terms of use, decision-making and benefits:* The law should provide clear definition of use rights and not vague phrases such as “the right to manage”;
- *Certainty that rights cannot be taken away or changed arbitrarily:* The conditions for removing rights given to communities must be fair and clearly articulated, and the issue of compensation should be addressed;
- *The duration of the rights must be articulated and must be long enough for benefits of use to be fully realised:* Short or unspecified duration of rights will not instil confidence that time and effort can be invested in managing the resource with a realistic expectation of generating lasting benefits;
- *Rights must be enforceable against the state:* The legal system must recognise an obligation on the part of the state to respect rights devolved to communities;
- *Rights must be exclusive:* The holders of rights need to be able to exclude or control access to the resource by outsiders, otherwise there is no incentive for managing the resource as others can deplete it without sanction. Government needs to assist in the enforcement of group rights from outside interference. Exclusivity implies that the boundaries of the resource to which the rights apply must be clear, and there must be a defined group of users to whom the rights apply;
- *The law must recognise the holder of the rights:* The law should provide a way for the holder of the rights to acquire a legal personality, with the ability to apply for loans, enter into contracts, collect fees, etc.

Analysts also suggest that enabling legislation for CBNRM should not be prescriptive about local institutional arrangements, but should be as flexible as possible to accommodate local realities and institutions and to provide legal space for meaningful choice by communities in how they arrange their affairs. Lindsay (1998) suggests three important aspects of flexibility:

- *Legislation should allow flexibility in deciding what the objectives of management should be and the rules that will be used to achieve those objectives:* local resource users need to design management regimes that reflect the local status and circumstances of the resource and the benefits that the users seek;
- *Flexibility is required in how state law recognises user groups:* The law should not prescribe the detailed structure of local organisations and the rules by which they operate. If the law tries to create institutions that are too complex or alien to local situations and tries to standardise institutions across different social settings, it is likely that these institutions will have little local legitimacy;
- *Flexibility is needed in the definition of management groups and areas of jurisdiction:* A fluid method of defining the responsible group creates the possibility of finding those institutions and people who wish to cooperate in managing natural resources – the emphasis needs to be on self-definition.

3.2.2 MANAGEMENT RIGHTS

The concept of ‘management’ is central to CBNRM, but is often overlooked. Management means the right to decide how things are done, which requires the following (Agrawal, 1997):

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

A crucial part of CBNRM is therefore enabling communities to take decisions about the use of their resources. Murphree (1994) describes this as providing communities with sanctioned use rights, including the right to determine the mode and extent of management and use, and to determine rights of access and inclusion. An important part of management is therefore being able to determine who may or may not use the resource.

Agrawal (1997) notes that typically, community-based conservation programs devolve to communities the authority to implement rules created elsewhere. Government agencies usually reserve the rights to create rules and arbitrate disputes. However, local people may be the more appropriate source of rule making for a significant range of problems because of their specialized local knowledge. “Government agencies and bureaucracies are unlikely to be familiar with the specifics of local resource systems. Community actors and their representatives may possess far greater knowledge, as a substantial body of literature on ‘indigenous knowledge’ has begun to point out” (Agrawal, 1997:27).

3.3 BEST PRACTICE IN CBNRM GOVERNANCE STRUCTURES

3.3.1 GOVERNANCE

There are different definitions of ‘governance’ but ultimately it is about how decisions are taken, by whom, and in whose interest. The Food and Agriculture Organisation (FAO) defines land governance as (Palmer *et al* 2009): “The rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed”.

Berdej *et al* (2015) state that the governance describes the manner by which communities choose to organize themselves to make decisions about a goal or issue (such as natural resource management), and the way power is distributed between different individuals or groups in society.

Governance is therefore the process of decision-making within a CBNRM institution, and how those decisions are taken and who takes the decisions. Governance can be thought of as the exercising of power or authority to manage a conservancy or community forest’s resources and affairs.

3.3.2 GOOD GOVERNANCE

‘Good’ governance is when this power and authority is being exercised in the interests of the community members, when decision-making is open and transparent, and when those taking decisions are accountable to conservancy members.

Berdej *et al* (2015) state that good governance includes key aspects such as accountability, transparency, responsiveness, equity and inclusiveness, rights-based approaches, participation, effectiveness and efficiency.

It is crucial that CBNRM organisations are run in the interest of their members rather than in the interest of small elite. Good governance in CBNRM institutions means that:

- Members participate in the most important decisions such as approving budgets and deciding how income should benefit the community. Committees need to be accountable to the members who elect them;

- There needs to be good, transparent financial management;
- When committees are not accountable or transparent, members are able to remedy the situation.

Jones and Rieder (2017) suggest that external support agencies cannot guarantee or enforce good governance in communities. Instead, good governance needs to come from within the communities, with support organizations introducing communities to best practices and systems of checks and balances. Governments should play a role where compliance with legislation is required. It is critical to engage at the start with community elites (e.g. traditional authorities) so that they view the “new” management structure as complementary/supportive to their existing authority.

They note that rather than create new management institutions, existing ones should be used where possible, but this also depends on their level of legitimacy, whether they are functional, have the capacity to assume new responsibilities, and are (or can be) representative of the community.

Further good governance will depend on as many community members as possible being involved from the start and continuing to play a role in decision-making. Marginalised groups, including women, are often “hidden” and special measures may be needed to ensure their involvement. So it is crucial to work with community members not just through the traditional leadership and village committees (Jones and Rieder 2017).

3.3.3 GOVERNANCE STRUCTURES

This brief discussion of ‘governance’ and ‘good’ governance implies that the structures established for CBNRM institutions need to be designed in ways that support the implementation of the principles of good governance.

An important factor that shapes the promotion of good governance and design of governance structures is scale. It is much easier for a small group of people such as a village to get together to take decisions than a large number of people scattered across a large area.

Murphree (undated) suggests that the unit of management for natural resources should be as small as practicable, within ecological and socio-political constraints. He states that large-scale bureaucratic structures tend to be ineffective, increasing the potential for inefficiency, corruption and the evasion of responsibility. By contrast a communal resource management regime is enhanced if it is small enough (in membership size) for all members to be in occasional face-to-face contact, and to enforce conformity to rules through peer pressure and if it has a longstanding collective identity.

Following Murphree, Child (2019) states that CBNRM is often afflicted by the problems of elite capture, inequitable benefit sharing, and low levels of participation in decision-making. He argues that this occurs when community institutions are too large in terms of members. He notes that humans have the cognitive ability and brain function to cooperate, sanction, share and act with reciprocity in small communities of less than 150-220 members (Dunbar’s number¹).

CBNRM is founded to a large degree on the principles of common property resource management, and in particular the design principles for successful common property institutions developed by

¹ British anthropologist Robin Dunbar has argued that 150 would be the mean group size for communities with a very high incentive to remain together.

Ostrom (1990). One of these principles is that all people affected by rules and decisions regarding resource use should participate in making the rules or decisions. The implementation of this principle also implies working with small groups of people who can easily come together and agree on rules and take decisions together for natural resource management.

CBNRM programmes in southern Africa are currently struggling to address this issue of scale. The number of members in Namibian conservancies ranges from 50 to 33 000. In between these extremes there are several with under 1 000 members and several more with a membership of between 1 500 to 4 000. In the larger conservancies the high number of members has resulted in committee-based management rather than management through member participation in decision-making. This situation has led to a drive to devolve decision-making down to village level due to increasing concerns about financial mismanagement and theft. Many Namibian conservancy committees tend to absorb a large portion of the income in running costs (including allowances and staff and travel costs) and as a result the share of income reaching communities remains relatively low.

In Zambia a successful CBNRM programme working at village level was halted when income and decision making was recentralized to institutions operating at a larger scale than the village (Lubilo, undated; Child *et al* 2014). From 1996 to 2000 the Lupande game management area in the Luangwa Valley was allowed to retain 80% of the wildlife revenue and decision-making took place through Village Action Groups (VAGS), which had their own constitutions and an elected executive committee. Individual members of the community would meet every three months to discuss finances, revenue allocation, wildlife management, community development and peoples' rights. The VAGs comprised around 200 households. This system resulted in improved community benefit and improved wildlife management. However, with the advent of new legislation that created Community Resource Boards (CRBs) operating at the much larger level of the Chiefdom, the approach of working at the village level soon collapsed. With income and decision-making centralised under the CRB, village meetings stopped and villagers lacked information about what was happening to the income. The result was little local level commitment to wildlife conservation and increased poaching.

According to Child (2019) in Mozambique most projects appear to work at the scale of *Regulados*, and normalize top down management and control. He notes, however that data from the land delimitation process in Mozambique indicates that communities are increasingly requesting that delimitation occurs at the level of the *povoado* level. In addition Child observed that communities were delimited in the name of a registered committee rather than the community and that no community visited even had a register of its full membership. He suggests this can be avoided by defining communities at the level of the *povoado*, and by applying effective rules and compliance procedures for community governance.

Scale is also important in terms of resource management, particularly with a “fugitive” resource such as wildlife where some species range over large areas of land. It can therefore be difficult sometimes to match appropriate size social units with appropriate size wildlife management units. The more a resource is shared across larger areas of land the more important it becomes for decision-making to be shared across larger numbers of resource users. However, the bigger the geographic scale the bigger the trade-off between highly interactive and participatory decision-making and representative forms of decision-making that begin to blur the lines of accountability. It is easier to match the appropriate social and spatial scale with resources such as forests which are static, or which might not cover a large area of land.

Figure 2 below suggests a model for participatory governance based on income and decision-making at village level, with a coordinating role for a committee that derives its legitimacy from the villages

and is therefore expected to provide services to the villages. Delegation of authority to the committee is upwards from the villages and accountability of the committee is downward to the villages.

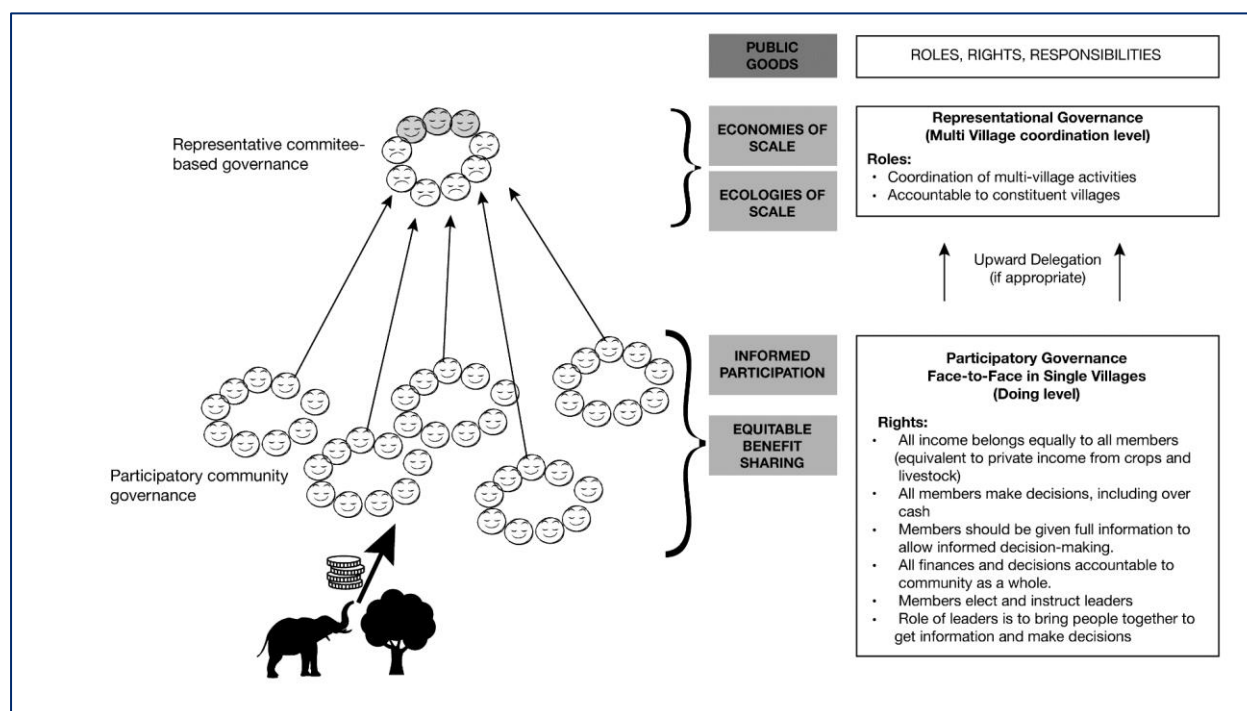
Another important factor in defining the appropriate level for a community governance structure, is the extent to which people wish to work together and cooperate in natural resource management. Cooperation is crucial for joint management of resources. In this respect it is better for communities to define themselves – agree who wishes to work together – than for governments or others to dictate how a community should be defined such as through a government administrative unit.

Such self-definition can address community conflict at early stages of conservancy formation rather than later on when it could be difficult to disentangle people who would not normally cooperate with each other. Namibian communities define themselves when forming a conservancy. In north-western Namibia some years ago, there was an initial idea that the people from the areas of Warmquelle, Sesfontein and Puros should combine in one large conservancy where Warmquelle and Puros were more than 100 km apart. Eventually the three ‘communities’ each formed their own conservancy. Although this took more than a year to resolve, it was better that the split occurred before and not after the combined conservancy had been registered by government.

3.3.4 PARTICIPATORY DECISION-MAKING

It is important to apply the principle of participatory decision-making from the start of the CBNRM process. It is also important to continue to apply this principle even for what might seem like technical activities such as development of management plans or land use and zonation plans. As many community members as possible should be involved in these processes, particularly where they might be affected by restrictions on land and resource use. Government and NGOs should facilitate these processes and provide technical support, rather than carry out the planning on behalf of the communities, or only with a small leadership group. It needs to be recognised that such participatory processes are costly and time-consuming, and this needs to be factored in to the planning of how they take place. However, compromising on the principle of community participation runs the risk that community members do not know what has been decided for them and they will not support the outcomes.

Figure 2. Basic model for village level participatory decision-making. Source: Child 2019.



It is a common failing in CBNRM for implementers to work through established community leadership such as traditional leaders or leading individuals who are more educated and articulate than others. However it is absolutely crucial to involve as many community members as possible in the process as often as possible. It is crucial to establish the principle of participatory decision-making from the start of the process, by aiming to involve as many community members in meetings and key decisions:

- Actively ensure that different interest and social groups are present, including women, the youth, the physically challenged, elderly people, minority groups etc;
- Provide the necessary financial and human resources for holding meetings including transport if necessary to ensure as many people as possible can attend.

3.4 TECHNICAL SUPPORT TO COMMUNITIES

Successful CBNRM programmes in southern Africa, such as the CAMPFIRE Programme in Zimbabwe on which Mozambique's Tchuma Tchato project was based, have given considerable attention to providing technical support to local communities.

A review of the natural resource management capacity of Community Based Organisations (CBOs) in Botswana, Mozambique, Namibia, Zambia and Zimbabwe found "the conditions for success seem to hinge upon the use of partnerships and availability of long-term support for capacity building" (Wirbelaeuer *et al* 2005:18).

Community capacity building in southern Africa covers three main themes as follows:

Natural Resource Management and Monitoring Services

- Forest resource inventories; development of land use and natural resource management plans; integrated management of natural resources, annual game counts; introduction, management, and auditing of a Management Oriented Monitoring System; training of staff on quota setting/harvesting levels; maintenance of sustainable harvest databases; training of staff and community members on sustainable harvesting methodologies; human/wildlife conflict mitigation; fire management; identification of game water points; etc.

Institutional Development and Governance Support Services

- Trainer of trainer courses for CBO management and staff; group visioning and decision-making; conduct of meetings; holding of AGMs; financial planning and budgeting; financial management and monitoring; staff management; asset management; communication skills; gender awareness and training; advocacy skills development; HIV/AIDS awareness and policy creation; etc.

Business, Enterprise and Livelihood Services:

- Awareness creation of the relevant business sector; enterprise viability assessments and cost-benefit analyses; enterprise opportunities; enterprise development skills; advertising, tendering, negotiation and management of contracts with the private sector, conflict resolution between CBOs and private sector partners; organization and assistance on study tours related to business awareness creation and opportunities; business skills development; marketing of business products; etc.

CBOs need intensive support in the establishment stage and in helping them to become operational as accountable community resource management institutions. However, over time they will need less intensive support but will still need ongoing technical extension support for natural resource management. This is similar to the ongoing extension support usually provided by government and others to farmers in the agricultural sector. Similar technical support is required for community management of resources such as forestry, fisheries and wildlife. Though a CBO may be established and fully self-financed, its staff will require periodic training, guidance, and facilitation for: Transitions between new committees/staff; brokering of new business arrangements; effective natural resource management and operating monitoring systems; conflict resolution; advocacy activities, etc. Sustainability of CBNRM, particularly where it is based mainly on tourism and wildlife utilisation, therefore requires the availability at the national level of capacity and resources to provide this ongoing technical extension function.

CHAPTER 4: PROPOSALS FOR A CCA GOVERNANCE FRAMEWORK

4.1 BACKGROUND AND KEY ISSUES TO BE ADDRESSED

As indicated in the previous chapter, governance in CBNRM essentially encompasses the rules, processes and structures through which decisions are made about access to land and its use, and, importantly, who takes those decisions and in whose interests.

Further the guidelines on community governance being used by the newly formed Mozambique National CBNRM Network (R-GCRN), of which ANAC is a member, define community governance as follows:

- What is community governance? It is the interaction between laws, institutions, (community), processes and principles, where the community exercises powers and responsibility to define and implement decisions affecting users of land and resources within a circumscribed area.

The Scope of Work (SOW) for this assignment requires the development of a Governance Framework that outlines how the CCA Governance Framework should be structured, which includes roles for the public sector, private sector, and communities, taking into account gender concerns.

The SOW also refers to the following:

- Propose a formal mechanism for collaboration between communities and stakeholders;
- Develop tools that local communities can use to take advantage of the rights provided to local communities under Article 22 of the Conservation Law of 2017;

As indicated in the previous Chapter, there is also a need to:

- Ensure greater community ownership of and benefit from income generating activities such as safari hunting and eco-tourism;
- Ensure communities develop representative and accountable institutions based on the greatest possible participation of members, while addressing existing and potential gender inequalities in community decision-making;
- Ensure that communities are active managers of natural resources, and as such take decisions over how resources are used, when, by whom and by how much.

4.2 PROPOSED GOVERNANCE FRAMEWORK

4.2.1 VISION FOR CCAS IN MOZAMBIQUE

The following is a proposed Vision for Community Conservation Areas in Mozambique:

- Community Conservation Areas enable local communities to actively manage their land and natural resources contributing effectively to improved living conditions of local communities that live inside and around the CCAs and the improved contribution of local communities towards conservation and sustainable use of the natural resources.

4.2.2. ROLES AND RESPONSIBILITIES

Government/ANAC

The Government has an important role in the formation and implementation of CCAs. Broadly government establishes an enabling policy and legal environment that provides secure rights over land and natural resources to local communities. Government ensures compliance with legislation and provides the necessary support to communities so they can exercise their rights and manage land and natural resources sustainably.

Thus, the overall role of Government will be to:

- Provide the enabling policy and legal environment for CCAs to function effectively;
- Monitor compliance of CCAs with the legal framework;
- Provide technical support to CCAs;
- Work with NGOs through the newly formed Mozambique National CBNRM Network (R-GCRN) for coordination of CBNRM within the country.

Article 56 of the regulations for the Conservation Law of 2017 provides some specific responsibilities for ANAC in conjunction with local authorities:

- Assist and advise local communities on the creation, implementation, modification and termination of community conservation areas;
- Participate in the elaboration of the Management Plan of the community conservation area and its implementation;
- Assist and advise the management entities of community conservation areas on the elaboration and follow-up of co-management agreements and concession agreements concerning economic activities;
- Provide support to the monitoring of natural resources;
- Monitor and evaluate performance and results of the community conservation area in terms of ecological aspects and community benefits.

The newly created Business and Partnerships Office in ANAC will play an important role in supporting CCAs. ANAC will need to enter into a contract with each CCA, setting out the roles and responsibilities of each party (see next chapter). .

Communities

The roles of communities in CCAs should be as follows:

- Be the management entity for the CCA in terms of Articles 58/1 & 2 and 63/1 of the Regulations for the Conservation Law 5/17;
- As the management entity for the CCA, develop partnerships and conclude contracts with the private sector for the utilization of natural resources;
- Retain 100% of the income generated through the partnerships and contracts with the private sector;
- Use the income from the partnerships for community benefit and reinvestment in natural resource management, including the engagement of community scouts to assist in preventing poaching and other illegal uses of natural resources;
- Ensure the proper management of the CCA in terms of Article 63 of the Regulations:

- Preserve the biological and socio-cultural heritage;
- Participate in the management and promotion of the sustainable use and benefit of natural resources;
- Comply with the norms of the Management Plan;
- Pass on ecological and socio-cultural knowledge from generation to generation;
- Protect wildlife corridors

Private Sector:

The private sector should provide the investment and links to markets that can enable communities to benefit from sustainable use of natural resources. The private sector should:

- Negotiate fair and transparent agreements with communities;
- Operate natural resource-based businesses according to ethical standards and in compliance with national legislation;
- Ensure payments are made to communities in accordance with their contractual obligations;
- Assist communities in the management of the CCA as provided for in the contract.

4.2.3 CCA GOVERNANCE STRUCTURE

Proposed structure

In forming a CCA there needs to be a two-step procedure for communities. First they need to develop their own accountable institution as a community-based organization (CBO) to represent community interests and to play a major role in management of the CCA. A CBO in this context means a community organisation that has a constitution, an elected committee to interact with outsiders on behalf of its members, and legal status so that it can enter into contracts with partners. Second, the communities then need to create the CCA following the legal framework documented in Chapter 2.

As part of this two-step process it is important that the communities secure their land rights. Article 22 of Law 5 of 2017 specifically refers to a Community Conservation area as being “delimited and managed by one or more communities who have the right to use and benefit from the land (DUAT)”. In addition, Article 24/1 g) of the regulations for Law 5 of 2017 requires the proposal for creating a CCA to include the title or documentary evidence or information concerning the right to the land. Communities can acquire two forms of documentary right to the land. One is a process of identifying the boundaries of the communities and results in a Certification of the community land right. However, the certification does not provide the community with the right to exclude others from using the resources in the community area. The second process is obtaining a DUAT, under which outsiders have to get permission from the community to use the natural resources. In order to create a CCA communities should obtain a DUAT because the legislation provides for this and the DUAT provides stronger rights to the community to control who may use the natural resources on the land.

The following variables need consideration in deciding on the most appropriate community governance structure for CCAs:

- Size of the community – the smaller the better for promotion of participatory decision-making;
- Scale at which resources need to be managed – different for static, local resources compared to migratory wildlife;

- Social cohesiveness – more likely to be stronger in smaller communities, promoting better likelihood of cooperation/collective action.

As indicated in Chapter 3, best practice in CBNRM shows that community structures in CBNRM should be as small as possible to ensure the participation of community members in decisions-making. Further, also as indicated in Chapter 3, best practice in CBNRM shows that it is best for communities to decide for themselves on the unit of decision-making.

It will be difficult and time-consuming and beyond the capacity of Mozambican organisations to try to establish a multitude of CCAs across the country at village level, the level most likely to promote full involvement of community members. Also the village areas will be too small for viable wildlife management. At the same time as indicated in Chapter 3, experience in Mozambique shows that there have been problems of accountability and transparency when natural resource management committees (CGRNs) are established at the *Regulado* level.

Where possible CCAs should be established at the *Povoado* level, but given the need for economies and ecologies of scale (see figure 1 in Chapter 3) they might need to be established at *Regulado* level or even at the Administrative Post level. The communities within this area would need to form a CBO that encompasses the whole area. However to address the issues of accountability raised in Chapter 3 and the need for participatory decision-making, the constitution of the CBO should make provision for devolved decision-making within the CBO. Villages or clusters of villages at the *Povoado* level would form sub-units of the CBO.

The CBO would be structured as set out in Figure 2 below. It should be constituted as a legal body that can enter into contracts. The constitution of the CBO will establish the relationship between the CBO committee and sub-units. It will establish the operating rules of the community structure and powers of an elected committee. The constitution should specify that the income accruing to the CBO belongs to the community members. It should make provision for a percentage of income to be retained at committee level for management of the CCA and for the rest of the income to be channelled to the sub-units. The sub-units would decide how to use their income for community benefit. Overall budgets should be approved at an AGM provided for in the constitution.



CCA Community
Management Body
(CBO)

CBO Committee

Elected by sub-units. Represents sub-units externally. Manages the CCA.

Retains some income for management

The CCA CBO should open a bank account in order to receive income and the constitution should specify strict separation of powers so that the persons authorising expenditure and withdrawals from the bank account are not the persons who make actual withdrawals. The constitution should specify that the sub-units should receive financial progress reports every quarter. A standardized format for activity-based budgeting should be developed to indicate how income will be spent such as for cash payments to members or community projects and activities, or natural resource management and administration. The constitution should also provide for the budget to include investment in natural resource management, such as natural resource monitoring and community forest guards/game scouts.

CCAs and existing community committees

It is possible that CCAs will be established in areas where there is an existing local Natural Resource Management committee (CGRN), or higher level committee such as COGEPs. Where possible these committees should be the foundation for the CBO being formed as the management entity for the CCA. However, as noted previously there have been problems with accountability, transparency and inclusivity within existing CGRNs. Existing CGRNs could provide the foundation for establishing CCAs. Before existing CGRNs are brought into the new approach, they should be assessed for their current transparency, accountability and inclusivity. Annex B4 proposes some questions that can form the foundation of an assessment of the status of governance of the existing CGRNs/COGEPs.

In addition, Article 47 of the Regulations for the Conservation Law of 2017 makes provision for the CGRNs to be represented on the Management Board of the CCA.

4.2.4 CCA MANAGEMENT STRUCTURE

As indicated in Chapter 2, Article 43/1 of the regulations for the Conservation Law of 2017 states that the management Structure of Conservation Areas will include an Administrator of the conservation area and a Management Board. According to Article 43/2, conservation areas that are not administered by ANAC may have other management bodies which they can define themselves. Article 45 3 enables the Community as the entity that manages the conservation area to appoint the Administrator. The regulations provide for the composition of the Management Board, but the administration of a Conservation Area not under the exclusive administration of ANAC may define the Board members. In a CCA the Board should include the CBO that represents the community/ies in the CCA along with any partner organization assisting the CBO as the managing entity of the CCA. Any CGRNs within the CCA as part of the CBO structure should all be members. The membership of the Board should also take into account gender and age balance.

Articles 58/1 & 2 and 63/1 indicate that the community may manage the CCA on its own or with the involvement of partners.

In terms of existing legislation, the management structure of a CCA would therefore include the Administrator, the Management Board, and the CBO as the management entity, supported by a management unit comprising departments for: research and monitoring department, conservation, tourism, community development, and protection and surveillance.

It is highly unlikely that communities managing CCAs will be able to establish full departments covering these activities, as this will require funding unavailable to the community at the start of the CCA. They may be able to assign staff members to implement some of these activities, but not all. This severely

limits the opportunity for a community to manage a CCA without the assistance of another organization.

In terms of CCA management, the CBO will be the body ultimately responsible for the management of the CCA. It will represent all communities within the CCA. It will conclude agreements with a management partner if necessary and with companies wishing to use natural resources for commercial purposes. It will be responsible for ensuring the development and implementation of the management plan. It will have a co-management agreement with ANAC.

The governance and management structure for CCAs under current legislation is provided in Figure 3 below.

4.3 IMPLEMENTATION

Experience in implementing CBNRM in Mozambique indicates several challenges in community mobilisation and organisation (see Annex D). These include weak community capacity and a low level of literacy, as well as the isolation and remoteness of many rural communities. At the same time it is clear that communities will need assistance in developing effective and accountable institutions for managing CCAs and managing the income from partnerships with the private sector.

The challenges of implementing CBNRM initiatives in Mozambique have been recognised by government, organisations such as ANAC and NGOs. These institutions have come together to form the National CBNRM Network (R-GCRN). The network is developing a strategic plan and resource mobilisation strategy that include support for governance at community level.

The network aims to train facilitators who are responsible for engaging with communities to help them establish accountable and transparent community institutions. The network envisages providing a governance support package to communities that integrates three components:

- Registration of land rights for the community and individuals;
- Processes of Good Governance, including decision-making, rights and duties;
- Development of principles and standard methodologies and tools to help support communities in governance and the management and conservation of natural resources, such as tools for land use planning, developing a community vision, and resource monitoring.

Pillar I of the network's strategic plan is the following:

- **Governança comunitária dos recursos naturais:** é um caminho para eliminar uma das principais lacunas de participação das comunidades rurais nos processos de desenvolvimento. As intervenções neste pilar baseiam-se no recente guião para governação de recursos naturais, uma ferramenta nacional que orienta as fases e os processos para consolidar as estruturas e a capacidade de governação das comunidades rurais, para que eles se apropriem de processos de gestão e planificação de gestão sustentável de recurso naturais;

Figure 4. Schematic of the CCA Governance and Management Framework under existing legislation

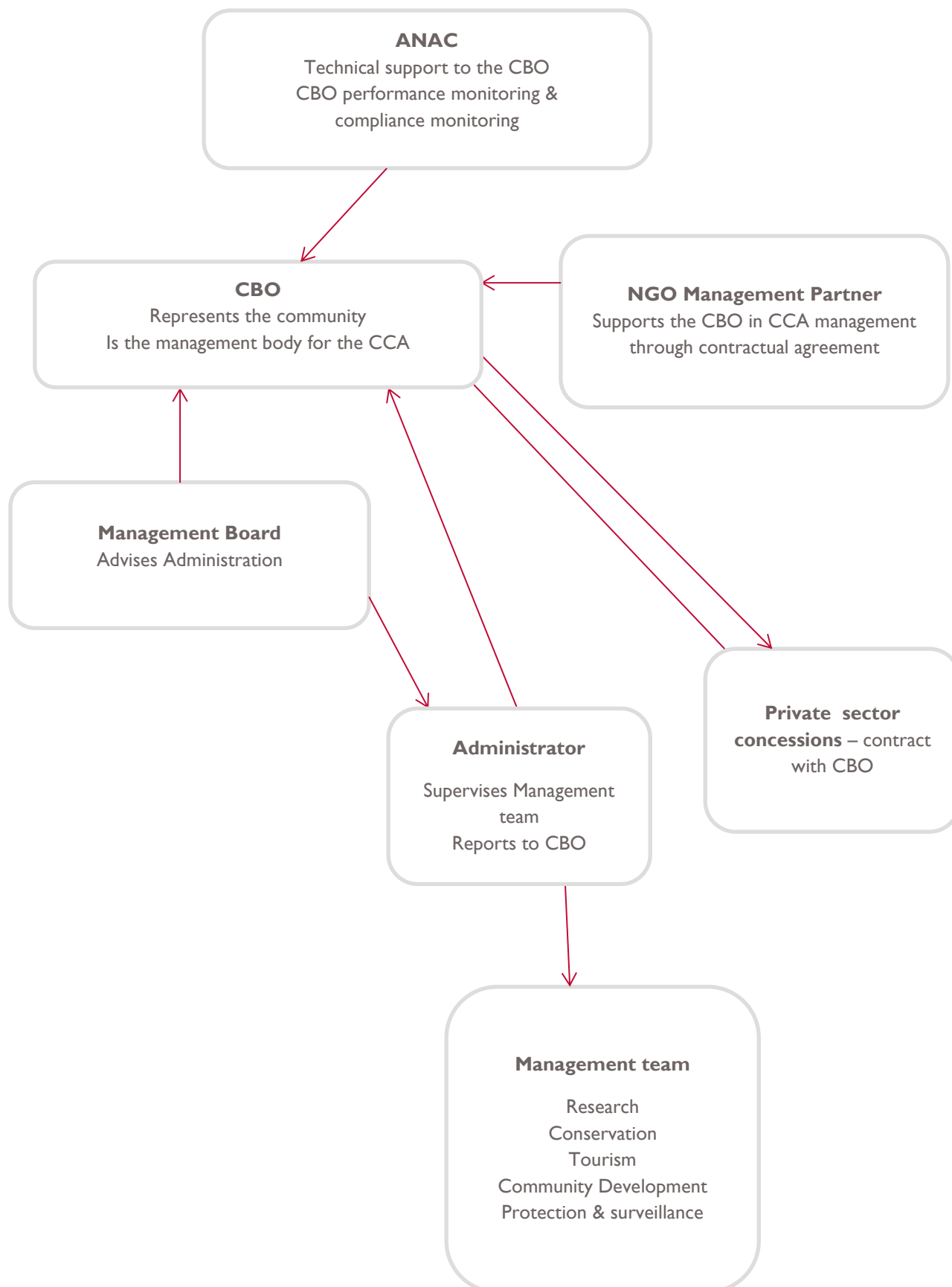


Figure 4 below sets out the strategies of the R-GCRN under this pillar.

The network envisages raising donor funding to support its activities including the governance initiatives with communities. It also envisages in the longer term establishing a Conservation Trust Fund that can provide a sustainable source of funding for these activities. ANAC as a member of the network should work with the R-GCRN to develop a resource mobilization strategy to enable ANAC and NGOs to provide support to communities based on the principles and methodologies the network is developing and the recommendations of this report. ANAC will need to appoint personnel to work specifically with CCAs. An example job description for an ANAC CBNRM field officer is provided in Annex B.6

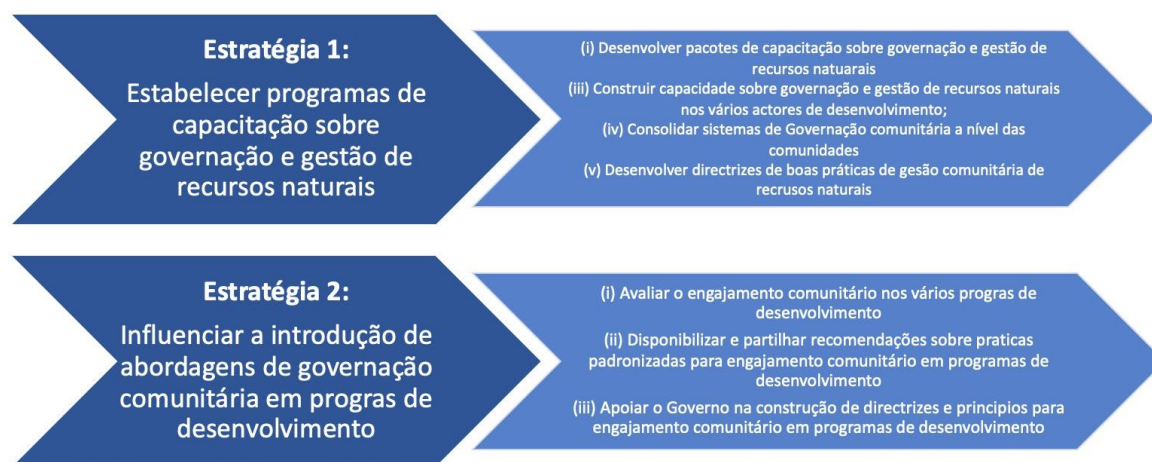


Figure 5. Strategies of the R-GCRN for promoting good governance in community natural resource management

As indicated in Chapter 2, the preparation required for communities to establish CCAs is highly technical and the provisions in the legislation for the management of CCAs are geared more towards a conventional state-run or private conservation area. There is a need to simplify the process and make it easier for communities to gain CCA status. The following is recommended under current legislation:

- Apply Article 65 of the regulations so that communities may submit a statement of intent concerning the management of the CCA and then develop a more detailed management plan after the CCA has been approved;
- Develop a simple application form for communities who wish to establish a CCA (see example in Annex B4);
- Allow CCAs to be managed through a simplified management plan (see the example in Annex C);
- Allow CCAs to carry out detailed resource inventories after approval;
- Apply Article 43/2 of the regulations which states that conservation areas that are not administered by ANAC may have other management bodies than an administrator and management board, which they can define themselves – allow CCAs to determine their own management arrangements so that they can be kept simple.

- Introduce a regulation that allows most of the roles of the Administrator to be carried out by the committee of the CBO that is the management entity of the CCA.
- Under Article 68 of the Conservation Law develop new regulations for CCAs simplifying their establishment requirements, management and access to natural resources and enabling more flexibility according to the particularities of each area.

At the same time ANAC should recommend the amendment of the existing legislation to remove the regulations binding CCAs to appoint an administrator and establish management departments.

CHAPTER 5: PROPOSALS FOR A FRAMEWORK FOR CCA LEGAL AGREEMENTS

5.1. BACKGROUND AND KEY ISSUES TO BE ADDRESSED

The detailed legal framework for the establishment and management of CCAs is provided in two pieces of legislation: 1) The Law No. 5/2017 which amends and republishes Law No. 16/2014 of 20 June, the Law on Protection, Conservation and Sustainable Use of Biological Diversity, and 2) the accompanying regulations set out in Decree Nr. 89/2017.

However, the SOW for this assignment notes that in terms of legal frameworks, a CCA must be able to sign a binding contract with the government that covers use rights, as well as have the ability to enter into a contract with a private sector investor seeking to operate within the CCA itself. Currently, ANAC does not have a model for communities to contractually engage with the public and private sectors as envisioned under Article 22 of the Conservation Law.

If CCAs are established under the current legislation, it is likely that they will also need to enter into co-management agreements with another organization to provide support to the community CBO which manages the CCA.

5.2 NEGOTIATED AGREEMENTS FOR BUSINESS DEVELOPMENT

5.2.1 CONCLUDING THE AGREEMENT

It is important that communities are supported in developing partnership agreements with the private sector. There is usually a power imbalance between companies and communities, because communities usually lack knowledge of the sector, lack investment capital of their own, and do not understand the commercial value of their land and resources. This situation can be detrimental to the community when entering into partnerships and contracts with the private sector for business development such as tourism (Ashley and Jones 2001). There are many instances in CBNRM in southern Africa where companies approach a community with a prepared contract and promise all sorts of benefits, most of which are not actually in the contract. Such contracts are nearly always framed to protect and promote the interests of the company and not those of the community.

There is therefore a need for “Good Governance” principles and mechanisms to be applied in relationships between the private sector and community CBOs in CCAs. It is essential that any relationship between CCAs and the private sector is based on **negotiated** written agreements and contracts with safeguards for both parties, transparent disclosure of information by companies, and mechanisms for managing the relationship. The CCA must be in a position to make an informed decision about entering into any partnership or contract. It must:

- Be able to identify what it wants from the agreement;
- Be able to identify the type of partner sought (e.g. one with experience, success and a good reputation in the sector concerned);
- Be in a position to understand the company’s business plan and the viability of the plan;
- Be able to understand the value of the resources to be managed and used so that it can set a market related price for private sector payments to the CCA.

As indicated above, this will require support from external agencies. In particular, CCAs will need legal advice before signing the agreement/contract.

Key components of a negotiated agreement will include the following:

- Duration of the agreement – sufficient to provide security for the investor and the development of a viable business;
- Conditions of renewal or extension of Agreement;
- Provisions for termination of the agreement – including sufficient protection for the community so that it can terminate the agreement if the company does not fulfil its obligations;
- Full description of payments to be made to the CCA, including amounts, timing and method;
- Full description of all other community benefits that the company will provide – this is often where disputes arise because the community has expectations that the company will provide much more than it actually can or the company has made promises it cannot keep. Such other benefits should include commitment to prioritise CCA members for employment and to train CCA members to management level and where possible, to source and purchase local materials and services;
- Other obligations of the company – e.g. to disclose full information to the community about gross and net income from the use of the resource/tourism venture;
- Obligations of the CCA management body – e.g. if it is a tourism operation, ensuring an exclusive area for the lodge undisturbed by people and livestock;
- Provision for establishment of a Joint Management Committee, its composition and mode of operation – as a mechanism for managing the ongoing relationship between the company and the CCA management and to resolve problems and disputes.

5.2.2 MANAGING THE AGREEMENT

Even if a good agreement with protections for the community has been signed, there will still be a need for ongoing management of the agreement. One of the best ways to address this is to establish a Joint Management/Liaison committee between the company and the CCA leadership. Such a committee should provide the opportunity for:

- Regular exchange of information and discussion of problems and solutions;
- Each party to understand each other better – how the industry/sector operates and its constraints and challenges and how the CCA operates and its constraints and challenges;
- Provision of feedback regarding the performance of the company's operations and of the CCA;
- Resolution of disputes related to the Agreement;
- The CCA to nominate members for potential employment;
- Monitoring of compliance with the Agreement by both parties.

5.3 CCA CO-MANAGEMENT AGREEMENTS

Article 62 e) of the Regulations for the Conservation Law of 2017, states that Community Conservation Areas may be managed through partnerships between the Local Community and the private sector or civil society organizations. Article 24/2 f) of the regulations requires the identification of the entity that will manage the CCA to be included in the application for the creation of a CCA, while 24 h) requires the application to include a proposal for a partnership agreement and the identification of partners, if applicable.

Clearly if it wishes, a community may manage a CCA itself, but if the community believes it does not have the necessary expertise and/or financial resources, it may engage with partners who can assist in the management of the area. Also the legislation clearly envisages that there will be an agreement between the community and its management partners. The principles for concluding such an agreement will be similar to those for negotiating an agreement or contract with the private sector for enterprise development:

- The role and responsibilities of a management partner must be clearly defined;
- The role and responsibilities of the community must be clearly defined;
- The community must be able to identify the type of partner it is looking for.

The agreement should include:

- Duration of the agreement – sufficient to provide security for the investor and the development of a viable business;
- Conditions of renewal or extension of Agreement;
- Provisions for termination of the agreement – including sufficient protection for the community so that it can terminate the agreement if the company does not fulfil its obligations ;
- Full description of any financial contribution to management being provided by the partner(s) and any amount to be paid to or recovered by the partner(s) to defray management expenses;
- Description of the roles and functions of a co-management mechanism such as a Joint Management Committee.

Baghai *et al* (2018) assessed models of co-management for Mozambican Conservation Areas. The assessment considered relationships between the State and other partners in managing conservation areas, but their findings are relevant for co-management in CCAs. The assessment identified three main co-management models:

- **Delegated management**—in which governance is shared between government and a conservation organisation to whom management is delegated, but on-the-ground management of the PA is delegated to the non-profit;
- **Co-Management (or shared management)**—in which both governance and management responsibilities are shared by the government and the non-profit partner;
- **Financial-Technical Support**—in which the non-profit advises and supports the government, which retains full governance and management authority.

These models can apply to relationships between the CBO managing CCAs and other partners. The governance arrangements for each in a CCA could be as follows (based on Baghai *et al* (2018):

Delegated Management:

Governance issues—such as strategy setting and oversight—are dealt with by a Board comprised of representatives of both partners. The Board meets regularly, usually 3-4 times per year. Although the non-profit usually has a majority on the Board, the Board operates by consensus and rarely, if ever, relies on formal voting.

The CBO representing the community would play an active role in strategy setting and oversight through the Board. There would be agreement from the outset to a long-term management plan, which would provide the partners' shared vision, and a roadmap for, the partnership.

Day-to-day management is led by a CCA Administrator, who is selected by the conservation non-profit organization after liaising with the CBO. The CCA Administrator has a high degree of autonomy, within the boundaries of the approved management plan and the country's conservation laws.

Co-management

The co-management model features a governance board with equal representation of both partners. The board seeks to operate by consensus but can also vote. Ultimately, if agreement cannot be reached, the CBO would have a casting vote on conservation and policy issues, while the non-profit partner would have a casting vote on financial issues. As with the delegated model, the partnership is based on agreement from the outset to a long-term management plan that outlines a shared vision of what the partnership seeks to accomplish. On-the-ground management authority is shared and takes the form of a single jointly chosen Administrator or a management team with representatives of both organizations that works through consensus. All aspects of management are handled by this team, including the appointment of lower-level staff. This model gives more authority to the CBO than under the Delegated model, but can lead to misunderstandings about roles and responsibilities if not carefully handled.

Financial-Technical Support

The CBO in this model would be responsible for decision-making but with the advice, technical support and funding from a non-profit conservation organization. There could be a steering committee that provides for some degree of shared governance over donor or project funds, though not for the park as a whole.

Technical advisors might play a strong role in operational management as the CBO would lack capacity in the beginning.

Communities will need support in identifying the model that suits them best, depending on their own circumstances, particularly their technical capacity. The co-management model is recommended for CCAs as the CBO has more control over the activities of the partner organization.

5.4 LEGAL AGREEMENTS UNDER THE NEW GOVERNANCE FRAMEWORK

The range of legal agreements required by the change in governance approach proposed in the previous chapter is as follows:

- Between CCAs and the safari operators, replacing the current agreements between the provincial administration and the operators;
- Between CCAs and other private sector operators for the sustainable use of timber and other resources;
- Between two or more CBOs wishing to collaborate in the establishment of a CCA;
- Between the CBOs managing CCAs and a conservation NGO which assists the CBO in its management activities;

In accordance with the SOW for this assignment, templates for agreements between the CCAs and ANAC and the CCAs and the private sector are provided in Annex C.

It should be noted that the use of these templates should be preceded by a process of negotiation between the parties in each case and of ensuring the community institutions signing the agreements on behalf of their communities, fully understand the provisions of the agreements and their implications.

The Articles contained in the templates should **not** be viewed as the only provisions that may be included in the agreements. There should also be the opportunity for the parties to add any provisions they mutually agree upon that are not specifically contained within the templates.

CHAPTER 6: PROPOSALS FOR ESTABLISHMENT OF CCAS WITHIN THE TCHUMA TCHATO DESIGNATED AREA

6.1 BACKGROUND AND KEY ISSUES TO BE ADDRESSED

6.1.1 BRIEF BACKGROUND TO THE TCHUMA TCHATO PROJECT

Project history²

The Tchuma Tchato project started in Magoé District, Administrative Post of Chinthopo, Tete Province, in 1994 (covering an area of 2 500 km²) due to conflicts between the safari operator and local communities over access to wildlife resources. The main focus of the project is to ensure community participation in resource management while getting tangible benefits from resources utilization. The main resource is wildlife from trophy hunting but also to some extent fisheries from taxation of artisanal fishing and tourism accommodation.

The project was established through an Inter-Ministerial Agreement document (Diploma Inter-Ministerial 92/95) signed by the Minister of Agriculture and Fisheries, the Minister of Justice and the Minister of Finance. The Diploma stated that 33% of revenue from hunting fees goes to the communities, 33% to the District Government and 34% to the Central Government. The establishment of the project was led by the former National Directorate of Forestry and Wildlife with participation of provincial officials. The Diploma resulted in the decentralization of wildlife management authority to the provincial level for the purpose of managing the project.

Subsequently the Provincial Directorate of Agriculture and Fisheries of Tete, signed an Agreement which provides for revenue sharing accrued from Artisanal Fishing and which states that: 40% goes to the Central Government, 30% to the local communities, 20% for Tchuma Tchato management and 10% to the District Government.

The distribution of income from hunting safaris was revised by a new agreement document (Ministerial Diploma 63/2003) as follows:

- 33% goes to the local communities;
- 32% to the Provincial Government for management of Tchuma Tchato (pay salaries to the game scouts, buying uniforms, maintenance of infrastructure, fuel, food);
- 20% to the district government;
- 15% to the central Government.

The income distribution to the community is made by the government after receiving the concession fees, license fees and trophy fees from the safari operator.

The main objectives of the programme are as follows:

- To promote conservation initiatives in the region;
- To promote sustainable utilization of natural resources;
- To involve communities in conservation and utilization of natural resources;
- To ensure communities are getting tangible benefits from resource utilization;
- To minimize conflicts over land and other resources use, including Human Wildlife Conflict.

² More details about the project and its implementation are provided in Annex B

A co-management model was identified through involvement of local communities, public sector (SPFFB and DNFFB) and private sector (Mozambique Safaris), each with its role:

- *Local Communities:* Participate in resource monitoring (patrols and reporting of illegal incidents), contribute in quota setting, receive money from resource utilization and make decisions on how to spend the received money, make decisions regarding human-wildlife conflict in coordination with Government and safari operator;
- *Public Sector:* Adoption of conducive Policies (to benefit local communities), assist communities in signing contracts with private sector, technical assistance (e.g. Government rangers, human-wildlife conflicts, former Tchuma Tchato managers were Government officials), issuing hunting licenses, convict illegal users and assist communities to identify development priorities;
- *Private Sector:* Running the business, contact and manage clients for hunting and fishing, participate in quota setting, pay hunting fees from which 33% is allocated to communities, ensure the meat from hunting operations is provided to local communities, assist in human-wildlife conflicts resolution, provision of jobs to local communities, identification of other business opportunities such as sport fishing and game viewing.

One of the main issues facing the project is its lack of formalization under national law. In order to address the need to legalise the project, the provincial Government in the past proposed the establishment of hunting concessions (*Coutadas*) for Bawa, Chawalo, Muze, Chipera and Chipoché. The proposal was submitted to the provincial Governor but was not approved. Chiritse was proposed to be a Game Farm (*Fazenda do Bravio*), and this proposal is apparently still under consideration and is being promoted by the incumbent Safari Operator.

Current challenges

The following is a summary of the main challenges facing the Tchuma Tchato Project (more detailed analysis is provided in Annex B):

Legal rights and Governance:

- Proposals by the Provincial Government to establish new hunting concessions (*Coutadas*) and Game Farms (*Fazendas do Bravio*), if implemented, would undermine the Tchuma Tchato approach of community involvement and lead to fragmentation of the area into independent management units;
- The communities under Tchuma Tchato Programme do not hold Land Title Deeds (DUATs);
- The Community Scouts do not have legal rights to arrest illegal resource users;
- Village Management Councils do not have legal authority to enforce natural resource management rules;
- Lack of proper community structure to manage income and decide on sustainable projects and do business management planning;
- Lack of contracts between communities and safari operators – difficult to measure social responsibility compliance;
- Lack of contract between Public Sector and local communities (in many cases the Government institution interacts with private sector and other actors on behalf of communities);
- Lack of legal instrument to ensure contracts between communities and operators;
- Not all communities are registered legal institutions;

- Weak communication between safari operators and communities;
- Illiteracy of the communities;
- Women are not well represented as key community decision makers due to lack of education and preparation to take on leadership positions, so their needs are not well met in distribution of benefits.

Land and resource Management:

- No zoning programme;
- Timber cutting through licensing leads to over exploitation – not compatible with conservation in Tchuma Tchato area;
- Weak community capacity, knowledge and training;
- No coordination among safari operators;
- Increased poaching due to lack of human, financial and other resources;
- Communities not involved in other NR-based activities such as crocodile farming, kapenta fishing, sport fishing, lodges and mining;
- Lack of supervision of hunting and monitoring of reports;
- Unsustainable fishing methods;
- Poisoning of elephants;
- Invasion of exotic species due to aquaculture project;
- Water pollution from kapenta fishing;
- Human population growth/Habitat loss and human encroachment;
- Human wildlife conflict.

Project management

- Lack of adequate funding for the management units;
- Income going to provincial agencies does not always go back to support management activities in the field;
- Lack of sufficient qualified personnel for management of the project;
- Project technicians have very limited capacity to address gender issues;
- Lack of understanding of the safari industry by government and communities;
- Lack of communication between ANAC and provincial authorities;
- Weak or no presence of NGOs to support Tchuma Tchato communities.

Funding and Economic benefit:

- Leakage of income from hunting and tourism to outside the country;
- Lack of full use of wildlife economy products/lack of diversified income sources;
- Lack of quota for community hunting;
- Problems with the use of community funds including lack of accountability and transparency in management of community funds by leadership and government interference in management of community funds;
- The creation of Mago National Park has led to competition for funding with the Tchuma Tchato Project, the need for an integrated approach to conservation, and questions over the role of park residents and how much they will benefit in the future;
- The funds which should be channelled to central government (15% of safari hunting revenue) are withheld at source in Tete province and it is not clear how they are used;
- There is little and/or even no means of verification and control at the local level on the use of funds channelled to the governments of the districts covered under the program.

6.1.2 KEY ISSUES TO ADDRESS:

Based on the Scope of Work for this assignment, a review of the literature on Tchuma Tchato and the November 2019 SWOT analysis (see Annex B), the following are the key issues to be addressed in restructuring the project.

Piloting CCAs in the Tchuma Tchato area

Tchuma Tchato provides an excellent opportunity for piloting CCAs due to its history of involving communities in benefit from natural resource management. There are existing community institutions and a history of ongoing support to these institutions. There are opportunities to address the challenges identified above.

Formalisation under new legislation

Tchuma Tchato was established through agreements between government ministries and policies that determine how it is managed and how income is distributed. It does not have a sound legal foundation in national law. There is a need to formalize the programme so it can provide communities with more security of tenure, and provide longer term security to safari operators so that their operations won't be suddenly curtailed or additional concessions be offered within the same area. There is a need to find appropriate institutional and management structures that can accommodate the principles upon which the programme was developed, while accommodating changes to circumstances over time.

Avoid fragmentation

The option of establishing Hunting Concessions and Game Farms within the existing Tchuma Tchato area will generate complex management arrangements and it is not clear how they will promote community involvement in management and benefit. Verde Azul (2017) note that fragmentation of the area into different types of unit will lead to the undermining of the Tchuma Tchato approach and its original objectives. In order to prevent such fragmentation Verde Azul (2017) recommended the establishment of an Environmental Protection Area under the Conservation Law 5/2017 which could have sub areas of different categories, such as Hunting Concessions, Coutadas, Game Farms, National Park, and Community Conservation Areas. In such an approach the institutional relationships would need to be determined between different levels of government, communities and the private sector. In addition there would be a need to determine management responsibilities and utilization rights

within different sub-units. In particular the protection of community rights and benefit options would have to be considered.

Restructure the project management arrangements

New governance institutional arrangements will require the restructuring of the management of the area. This will require moving away from a 'project' concept to a concept of joint landscape management between different land units. It will be necessary to:

- Establish clear relationships between and roles and responsibilities for: The State (national and provincial levels), local communities and the private sector.
- Create a structure and framework that can be easily accommodated by the state administration;
- Integrate community institutions in management;
- Streamline management arrangements to promote more efficiency and effectiveness.

Improve natural resource management

There is a need to improve the quality and management of natural resources across the area. Poaching in particular has been a problem. A report on the Club of Mozambique website³ quoted a provincial official as saying that poachers killed 144 hippo, 111 buffalo, 54 elephant, and 201 antelope of various species between 2015 and 2017 in the Tchuma Tchato area.

Over the same period 260 poachers were arrested, including Mozambicans, Zimbabweans and Zambians. The official said the situation was worrying because the true number of animals poached was probably higher because the authorities could only count carcasses found, but animals taken away by poachers, mostly for meat, would not show up in the figures.

Other problems of overuse of resources include unsustainable timber cutting and unsustainable fishing methods.

The lessons from the Chipanje Chetu and Tchuma Tchato projects noted in Annex D indicate that communities are involved in little actual management of natural resources, and most of the on the ground work is carried out by the safari operators.

Restructuring the project should include:

- Clearly defining stakeholder roles in natural resource management and integrating communities as active resource managers;
- Establishing a zonation system;
- Establishing a management oriented monitoring system that includes local communities;
- Establishing effective law enforcement systems with community involvement and strengthened links with the judicial system;
- Establishing effective measures to address HWC.

³ <https://clubofmozambique.com/news/poachers-slaughter-wildlife-in-tete-mozambique/>

Improve benefits to communities

Although Tchuma Tchato has undoubtedly brought benefit to local communities the impact of the benefits has been mixed. Suich (2013) carried out a survey of community attitudes in the Tchuma Tchato area in which a random sample of CBNRM area households was compared with randomly sampled comparison households, living in villages outside the influence of CBNRM activities. Suich found that no positive impacts on the multiple dimensions of poverty could be found arising from CBNRM initiatives in the Tchuma Tchato area. Further 29% of randomly sampled households said they had received no benefit and a large proportion of households believed that the distribution of benefits and opportunities was not equitable. At the same time community members suffered high costs from living with wildlife with 81% of cultivating households reportedly suffered some damage to crops by elephants, and 68% suffered crop damage attributable to other wild animals.

However, despite these results, approximately half of households in Tchuma Tchato believed that the project had a positive impact on their life over the previous 10 years.

These findings point to the need to increase the income flow to local communities. During the SWOT analysis of the project undertaken in November 2019 with provincial officials and other stakeholders, the suggestion was made that 100% of the income from safari hunting should go to the local communities (see Annex B). There is also a need to diversify the sources of income beyond safari hunting (Filimão *et al* 2000).

Improve accountability and effectiveness of community institutions

Various reports and the November 2019 SWOT analysis point to the need to improve the accountability of community institutions to community members as well as the need to improve community capacity to manage income and projects, manage natural resources and develop sustainable businesses. Problems identified include:

- Lack of proper community structure to manage income and decide on sustainable projects and do business management planning;
- Not all communities are registered legal institutions;
- Weak community capacity, knowledge and lack of training;
- Inequitable benefit distribution;
- Leadership deciding on how income should be spent instead of the community deciding;
- Lack of involvement of women in decision-making and leadership.

A restructured program should:

- Improve effectiveness and accountability of governance at community level; and
- Promote the involvement of all community members including approaches to increase female participation at all levels and increased involvement of the youth.

Improvement of the financial sustainability

Various reports point to the lack of adequate funding to carry out key activities. As part of a new approach to the project, the component areas need to fund themselves as far as possible while new sources of external funding for Tchuma Tchato management and implementation are also identified.

New Initiatives

In addition, any new initiatives within the Tchuma Tchato Project area should *not reduce* the existing benefit flows to local communities or their involvement in conservation. For example the creation of the Magoé National Park means that communities resident in the park will potentially see their revenue change from 33% of safari hunting income to 20% of park income. This is likely to represent a reduction in income. Similarly if the Provincial Administration were to go ahead with plans to establish new hunting concessions (*Coutadas*) and establish the Chiritse area as a Game Farm (*Fazendas do Bravio*) this would likely diminish community involvement and benefit. The results of this would probably be increased dissatisfaction of the local community with conservation and increased poaching.

6.2 PROPOSED GOVERNANCE STRUCTURE

6.2.1 OVERVIEW

The Mozambican Land law of 1997 provides for individuals, families and communities to acquire a land right certified by the state. The law allows for the simple delimitation of land by local communities and individuals. The use rights (not ownership) are known by the Portuguese acronym 'DUAT' (*Direito de Uso e Aproveitamento da Terra*). There has been a two-step process of first delimiting the community's collective rights, and then delimiting family rights within the community, providing tenure security for communities and families (Norfolk *et al* 2020).

Recognition of community land rights through the DUAT is important for agricultural and other investors who wish to develop community land. The DUAT provides clarity regarding who the investor must negotiate with. Entities with independent legal personality can represent the community in negotiation of land access with outsiders. A community land association endowed with legal personality represents the community as a private entity holding a collective land use right, in its dealings with the outside world. It can engage in negotiations with government or investors who want to access land (Norfolk *et al* 2020).

Further, the provisions in the Conservation Law 5/2017 and accompanying regulations for the establishment of Community Conserved Areas enable far stronger community rights, involvement and benefit than currently embedded within the Tchuma Tchato Project.

According to the law, in a CCA, the community can enter into agreements and contracts with the private sector for the commercial use of natural resources and charge use fees which accrue directly to the community. This provides communities with the opportunity to earn more income than the 20% of government use fees that go to communities in non CCA areas and more than the 33% share to communities under Tchuma Tchato. In addition, the legislation enables the community to be the manager of the CCA. This can increase the incentives at community level for sustainable use of natural resources and improved local management. It can provide the resources necessary for communities to reinvest income in conservation management rather than being passive recipients of income from government.

Combined with a DUAT, the formation of a CCA provides Mozambican communities with the strongest rights over their land and natural resources and the strongest opportunity to benefit from sustainable use of the land and natural resources. For these reasons obtaining a DUAT and establishing a CCA should be the foundations for community involvement in the Tchuma Tchato Project in the future.

At the same time it needs to be recognised that the communities are not alone as land managers within the Tchuma Tchato area. The Magoé NP has been established and the Provincial Government has in the past had plans for other forms of wildlife use within the area. Some wildlife species such as elephant roam over large areas and might not be contained within individual land management units. In addition Verde Azul (2017) noted the potential for Tchuma Tchato to be undermined as a coherent project if fragmentation takes place due to the establishment of the Magoé NP and other wildlife utilization land units. Such fragmentation is likely to lead to diminished community benefits if the land from which communities derive income from safari hunting is reduced to make way for other forms of use and land tenure.

However, even if other wildlife management units such as Hunting Concessions and Game farms are not established within the current Tchuma Tchato area, it still makes sense to consider a landscape approach to conservation and natural resource management in the Tchuma Tchato project area. A landscape approach can provide a coordination mechanism for different land management units to collaborate with a common set of objectives for the larger area. In the Tchuma Tchato context a landscape approach also offers the opportunity to include other land units such as towns and mines under a more sustainable approach to environmental management and conservation objectives.

The Conservation Law 5/2017 and accompanying regulations provide for a form of conservation area called an Environmental Protection Area. This is a sustainable use conservation area in the public domain of the State, delimited, and managed in an integrated manner, where the interaction between human activity and nature endows the landscape with specific and exceptional aesthetic, ecological or cultural qualities, offering important ecological services for its residents and neighbors. The objectives of an EPA are to:

- Ensure the protection and preservation of environmental components, as well as the maintenance and improvement of ecosystems of recognized ecological and socio-economic value;
- Maintain a harmonious relationship between nature and culture by protecting the landscape and ensuring traditional forms of land use and construction, and of expressing socio-cultural values;
- Encourage sustainable lifestyles and socio-economic activities in harmony with nature as well as with the preservation of the cultural values of the local communities;
- Maintain the diversity of landscape and habitat as well as of species and associated ecosystems;
- Prevent and eliminate any form of land occupation and incompatible activities that, by size or magnitude, jeopardize the objectives of landscape protection;
- Provide citizens with opportunities for outdoor recreation, while respecting the essential qualities of the conservation area;
- Contribute to sustainable development at local level, by promoting tourism and the partaking of local communities in the benefits resulting from these activities.
- In terms of the legislation, an EPA should have different zones as follows:
 - one or more key areas designated for the integral protection of nature;

- one or more zones between these key areas, where the occupation of space and the management of natural resources are planned and conducted in a participatory manner and on a sustainable basis;
- One or more zones of economic development, which only allow activities that, do not result in damage to the key areas.

According to the legislation, other categories of conservation area may exist within the confines of the Environmental Protection Area. This provision, along with the definition and objectives of an EPA make this an appropriate form of conservation area for landscape conservation in which there are different types of land unit and zones with different specific objectives, but an overall goal of conservation.

6.2.2 PROPOSED FRAMEWORK

Piloting Community Conservation Areas

The first step in restructuring Tchuma Tchato should be the piloting of CCAs, which should be established throughout the Tchuma Tchato area where communities have been receiving income from safari hunting. Leaving aside the area of the Magoe NP, these should be the hunting blocs of Bawa, Muze, Chipera/Capoche, Nhenda, Chawalo, Chiritse and Tubvi. Chiritse should remain as a community area and not be converted to a Game Farm. Other potential areas could be Chintholo (Southeast of Cahora Bassa), in the buffer zone of Magoe NP, and Chioco in Changara district, subject to a viability study to identify wildlife species and numbers.

As discussed in Chapter 3, it is easier to ensure good governance in community institutions where the numbers of members are relatively few and face-to-face decision-making can take place. This is the ideal situation, but might not be achievable in all contexts. According to Verde Azul (2017) in the Tchuma Tchato Project area in 2016 there were 59 village level natural resource management Committees (CLGRNs). It will be unrealistic to expect each village to establish a CCA. The village areas will be too small for viable wildlife management and it will be too costly and time consuming to establish 59 CCAs given the legal requirements for establishing a CCA. There are also eight existing higher level Councils for Natural Resource Management (CSGRNs) each of which includes several CLGRNs. However, the number of CLGRNs within the area of each CSGRN varies greatly - ranging from two under the Chiritse CSGRN to 19 under the Zumbo CSGRN (Associação de Conservação de Tchuma Tchato – Zumbo).

In order to establish CCAs in the Tchuma Tchato Area, the process outlined in the previous chapter should be followed, with the aim of including as many community members as possible in the process. Special attention should be given to ensuring the participation of women and the youth in the various processes, decision-making and as leading members of the key community structures.

The community should form a legal community-based organization (CBO), and should have a DUAT. The process in forming CCAs should, as indicated in the previous chapter, include as many community members as possible and not only include community leaders and existing committees. Specific attention should be given to ensuring the participation of women in the various processes and in decision-making.

This process would include the following:

- Identify communities at *povoado* level;

- Understand and assess the current governance structures and uses these and strengthen them where appropriate;
- Develop and apply supporting tools such as community visioning, participatory land use planning, mapping and zoning;
- Capacity building for communities to actively manage resources, such as through management oriented monitoring, community *fiscals*, and implementation of community land use plans.

Hunting Concessions and Game farms

As indicated above, the objectives of the Tchuma Tchato Project include the following:

- To involve communities in conservation and utilization of natural resources;
- To ensure communities are getting tangible benefits from resource utilization;

It is not clear how these objectives will be met through the establishment of private hunting concessions and game farms. Although community members may gain employment opportunities, the options for their involvement in conservation will be limited. We recommend that throughout the current project area, the priority should be given to the establishment of CCAs, unless there is land unclaimed by communities that is also suitable for wildlife utilization in a sustainable way.

Environmental Protection Area

As discussed above, the Environmental Protection Area provides an appropriate means of promoting landscape conservation, providing a platform for coordination between a number of smaller land units.

This should be a medium term strategy following the establishment of CCAs. ANAC should take the lead in establishing the EPA for the whole Tchuma Tchato Project Area. However, the EPA should not proceed until the other land units – the CCAs and if appropriate, hunting concessions and game farms – have been established. This is because although ANAC should take the lead, the establishment of the EPA should be a bottom up process involving the already established smaller land units. The Conservation Law 5/2017 and accompanying regulations provide for public consultations in the establishment of a Conservation Area. However, the EPA should be developed through more than simple consultations. It should be established through a partnership of the CCAs, other conservation areas where appropriate, other stakeholders, and ANAC from the start. This can only be done properly once the CCAs have been established, or at the very least once the legal CBOs have been formed and DUATs obtained, confirming the communities' rights to the land⁴.

As indicated above, an EPA may be zoned into different use areas. The zoning of the Tchuma Tchato EPA could be as follows:

- One or more key areas designated for the integral protection of nature;
- Magoe NP
- Possible no use zone on Lake Cahora Bassa

⁴ It is likely to take some time before the CCAs are finally registered by government so EPA formation could start once the communities have defined the different CCAs, legal CBOs have been formed and DUATs obtained. This would provide sufficient legal and governance foundations for a partnership with ANAC in forming the EPA.

- One or more zones between these key areas, where the occupation of space and the management of natural resources are planned and conducted in a participatory manner and on a sustainable basis:
 - CCAs;
 - *Coutadas*;
 - *Fazendas do Bravio*.
- One or more zones of economic development, which only allow activities that do not result in damage to the key areas.
 - Towns/administrative centres;
 - Mines;
 - Sustainable timber harvesting areas;
 - Commercial fishing zones on Lake Cahora Bassa.

Roles and decision-making authority within the EPA

The roles and decision-making authority within the EPA would be as follows:

Managers of CCAs, Coutadas, Fazendas do Bravio, towns, mines, etc.

- Responsible for the management of their areas in terms of national conservation legislation and sectoral legislation (environmental management, tourism, fisheries, mining, town planning, etc.).

ANAC

- Overall coordination and supervision, particularly of conservation activities;
- Lead the participatory development of the management and zoning plan for the EPA involving all key stakeholders, which includes a common vision and set of management objectives agreed by all as well as mechanisms for co-management between the different land units in the EPA.
- Ensure implementation of the EPA management plan in collaboration with the land units;
- Monitor and ensure compliance with national conservation legislation by the land units within the EPA;
- Lead the collation and analysis of natural resource use data for the whole EPA, identify trends in populations of fauna and flora, and agree and initiate remedial action where appropriate in conjunction with the land units within the EPA;
- Setting of quotas for natural resource in conjunction with the managers of the land units;
- Approval of the Management Plan within the land units of the EPA;
- Control the use of natural resources within areas in the EPA outside the CCAs and other conservation areas;
- Technical support to the land units.

6.3 PROPOSED ADMINISTRATIVE AND MANAGEMENT STRUCTURE

The management approach for Tchuma Tchato is currently structured for project management rather than for sustainable natural resource and business management. It has four management units each

with positions for: Head of the unit; head of the rangers (*fiscals*), head of communications; head of community development; and head of administration and finance.

However, as reported by Verde Azul (2017) the management structures for these units were not completely filled due to a lack of ability to attract qualified staff due to a lack of adequate funding.

The proposed new governance and legal framework for Tchuma Tchato will require a change in management approach which is more oriented towards provision of technical support to the communities and performance and compliance monitoring. There is a need to shift more management responsibilities to the CCAs and to reduce administrative and personnel costs overall. For example, the *fiscals* are hired by the Project, but should be in future hired by the CCAs. The Safari operators currently carry out a number of management activities which should also be the responsibility of the CCA in the new arrangement such as fire management, development of the management plan and law enforcement patrols.

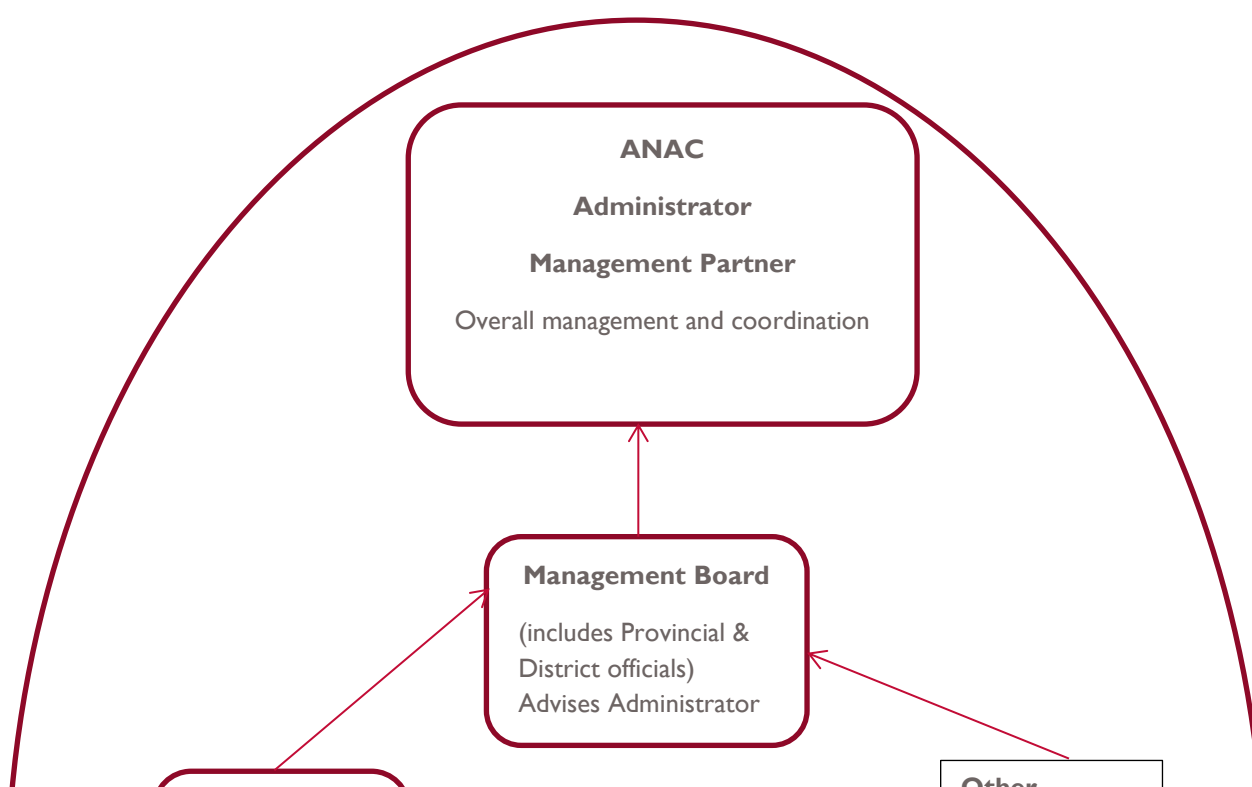
CCA management will also follow the provisions of the regulations and the CBO managing the CCA will probably require the assistance of a conservation NGO to assist in meeting the legal requirements for CCA management.

The four existing project management units will need to be phased out under the new arrangements and replaced with ANAC field extension officers as proposed in the previous chapter.

Within the EPA the management board envisaged by the Conservation Law regulations (see Chapter 2) can serve as a collaborative management body for the EPA. ANAC could also seek a management partner that can support the overall management of the area, similar to the partnership that currently exists in the Niassa Reserve (Verde Azul 2017).

Depending on the number of CCAs that are established there could be a high degree of duplication across the Tchuma Tchato EPA, which will be time consuming and costly. It will be inefficient for each of many CCAs to have its own administrator and management board and its own NGO supporting its management activities. It might be necessary for CCAs to be clustered so that these functions can be shared across more than one CCA, or as indicated above, one or more CBOs combine to establish a larger CCA than their own community areas.

Figure 6. Schematic of relationships within the proposed Tchuma Tchato EPA



Eventually the concept of the Tchuma Tchato *Project* will be replaced by the concept of the Tchuma Tchato Environmental Protection Area, as a landscape conservation area in a co-management arrangement between different land units and stakeholders. Within the EPA, devolution of authority and benefit to communities is achieved through the establishment of CCAs. Government no longer has to run a *project* but facilitate the co-management of the EPA, monitor compliance with legislation by the other stakeholders/land units, provide technical support, and ensure biodiversity conservation through final responsibility for law enforcement and monitoring of resource use and population trends.

6.4 LEGAL AGREEMENTS UNDER THE NEW GOVERNANCE FRAMEWORK

The change in governance approach proposed above will require new legal agreements between the various stakeholders. Potential agreements are as follows:

- Between CCAs and the safari operators, replacing the current agreements between the provincial administration and the operators;
- Between CCAs and other private sector operators for the sustainable use of timber and other resources;
- Between two or more CBOs wishing to collaborate in the establishment of a CCA;
- Between the CBOs managing CCAs and a conservation NGO which assists the CBO in its management activities;
- Between the various land units in the EPA and ANAC covering roles and responsibilities, decision-making authority and collaborative management arrangements, and technical support to be provided by ANAC to the land units;
- Between ANAC and a management partner for the EPA

6.5 FUNDING ARRANGEMENTS

The Tchuma Tchato project is currently funded by income from safari hunting and government inputs. One of the major challenges for the programme is a lack of funding to cover project management and administration. Streamlining of management as proposed above can address some of the funding problems. Instead of funding a project, a new approach will emerge with the CCAs as business centres earning income from a variety of sources which is used to pay for their own management activities and community benefit. Government and ANAC will need to continue to provide funding inputs from normal government financing. However in the short-medium term it is clear that additional funding will be needed at different levels.

CCAs will need funding for basic infrastructure, vehicles, equipment, training, management activities such as game counts, addressing HWC etc. ANAC and the CBOs managing CCAs will need to embark on a resource mobilisation strategy that aims to bring in external funding. This funding should not aim to provide long-term support, but must be aimed at developing the conditions for the CCAs and the Tchuma Tchato EPA to become as far as possible self-funding from various streams of income. This is the basic approach being developed by the Gorongosa Restoration Project in Mozambique and by the organisation African Parks in other parts of Africa (Baghai *et al* 2018). These organisations recognise that not all conservation areas can finance themselves, but they try to make the areas a self-financing as possible. Where there are shortfalls, these are made up from external, mostly donor and philanthropic funding.

6.6 TRANSITIONING TO THE NEW ARRANGEMENTS

Consideration needs to be given to how the Tchuma Tchato Project can transition to the Tchuma Tchato Environmental Protection Area, given that there are already existing structures and relationships that will need to change.

Personnel

The current staff employed within the project are local persons elected by community members, with knowledge of the sites where they work and they mostly enjoy the trust of the community. During the consultation meetings with the communities for the establishment of CCAs, the issue of employing existing project personnel should be discussed. Criteria need to be established for staffing the CCAs and existing personnel can be employed if they meet these criteria. The criteria need to include measures for hiring women and the youth.

The existing *fiscals* should be employed directly by the CCAs. Their role should not be in direct law enforcement, but they should be used as the eyes and ears of the community providing information to the official law enforcement officers of the government. Their presence in the area, moving around, meeting community members, noting any strange presence or movements of people, should act as a deterrent to help prevent poaching rather than arresting poachers after the event. Direct law enforcement, anti-poaching patrols and crime scene investigation should be undertaken by government/ANAC law enforcement officials.

Institutions

As indicated above a legal, CBO accountable to community members will need to be formed to manage the CCAs. This CBO would replace the existing CLGRN as the overall representative of the communities. However this should not mean that the experience and personnel of the existing CLGRNS and CSGRNs should be discarded. Where possible the CLGRNS should be used as foundations for the new CBOs. It would still be useful for each village or cluster of villages to have its own representation within the CBO and its own decision-making body particularly for deciding on how income should be spent. CCA income for community benefit should be devolved to the local level for transparent decision-making (see previous chapter).

As indicated in the previous chapter, before existing CLGRNs or CSGRNs are brought into the new approach, they should be assessed for their current transparency, accountability and inclusivity as indicated in the previous chapter and the communities supported in improving accountability, transparency and community involvement in decision-making as appropriate.

Contracts

As indicated above the shift to the new approach will require new contracts/agreements. In particular there will be a shift from contracts between the provincial government and safari operators to contracts between CCAs and the operators. In these cases, a termination of the existing contracts should be negotiated with the operators and new contracts established with the CCA. If this can't be done, then the operators should be on notice that at the end of their current contracts, they will need to conclude new contracts directly with the CCAs.

Where no new contracts can be negotiated immediately, the government should agree that 100% of the income from the operators should go to the CCAs and government should no longer retain a portion of the income for its own use at district, provincial and national levels.

6.7 COMMUNITIES WITHIN MAGOE NP

The above proposals do not include the communities within the Magoe NP. Their situation remains problematic because:

- Communities may not obtain a DUAT in the NP: Article 9 of the Land Law, states that “in areas of total and partial protection, land use and exploitation rights cannot be acquired, however, special licenses may be issued for the implementation of certain activities”;
- Although Special Licenses may be issued for certain activities, Article 78. 2 of the Regulations for the Conservation law of 2017 states “The following activities are strictly forbidden in national parks, except for scientific or maintenance reasons: hunting, undertaking any forestry, agricultural, mining or livestock breeding operations”.

These legal provisions indicate that communities may not earn direct income from safari hunting within the Magoe NP and nor may the State. In addition, although photographic tourism is allowed in an NP and will be a source of income, the share of income to resident communities is likely to be less than the income communities in CCAs outside the park gain from Safari Hunting.

ANAC and the relevant Ministerial authorities should review this situation and aim to determine new policy that can rectify this issue.

CHAPTER 7: SUMMARY OF RECOMMENDATIONS TO ENABLE CCA'S TO BECOME A REALITY

7.1 STEPS IN ESTABLISHING AND IMPLEMENTING CCAS

Communities wishing to establish a CCA and agencies supporting them in this process will need to go through the following:

- Initiation
 - a) Provide information to the communities about CCAs, the establishment of CCAs, the related legislation, the potential benefits, and the rights and responsibilities that come with registration.
 - b) If the community shows interest in establishing a CCA, a basic feasibility study has to be carried out to assess:
 - i. the natural resource and other economic assets of the area
 - ii. the potential of the area to generate income;
 - iii. the social cohesion of the community (i.e. the likelihood that members will cooperate and work together);
 - iv. the biodiversity importance of the area;
 - v. whether the community has delimited its land and obtained a DUAT.
 - c) The community decides to create a CCA, defines its boundaries and membership and forms a community-based organisation (CBO) with legal status and obtains its DUAT if it doesn't already have one.
- Preparation for Application:
 - a) Community develops:
 - i. its vision for natural resource management and community development,
 - ii. and a preliminary land use/NR/tourism/fishing/forestry management plan,
 - iii. as well as a preliminary community development plan and plan for how the community will benefit from the CCA.
 - b) Community identifies potential partners and concludes partnership agreements with the private sector as applicable.
 - c) Community gathers all relevant information required for the proposal and application for establishment of the CCA required by law.
- Application and Declaration:
 - a) Complete the proposal document required by law;
 - b) Obtain signatures of the District Government and Traditional Authority;
 - c) Submit the proposal document to the regional or provincial delegation of ANAC or, if that does not exist, to the Provincial Directorate that deals with matters related to conservation areas of the province.
- Planning for implementation:
 - a) The CCA should carry out some basic planning before it becomes fully operational:
 - i. Establish some key objectives and strategies to guide its operational activities.
 - ii. Develop a management framework that identifies the Administrator of the CCA, appoints a Management Board with the Administrator, arranges for day-to-day management and sets management objectives.
 - iii. Carry out a sustainability assessment/develop a realistic business plan

➤ Implementation and Monitoring:

- a) Natural Resource Management:
 - i. If necessary update the Management Plan developed as part of the proposal for the CCA before its creation.
 - ii. Implement the Land Use/NR/tourism plans, a natural resource monitoring system, and identify utilisation options.
- b) Institutional development:
 - i. Ensure the CCA management entity acts in interests of community members
 - ii. Develop mechanisms to ensure participation of members in decision-making according to the provisions of the CCA constitution.
 - iii. Ensure that AGMs are properly conducted, so that members can approve budgets.
 - iv. Develop administrative systems, financial management systems, and develop staff policies, asset management policies, etc.
- c) Enterprise development:
 - i. Develop and manage enterprises with partners

7.2 EXTERNAL TECHNICAL SUPPORT

In establishing and implementing CCAs communities will need considerable technical support. ANAC, government departments and NGOs will need to develop the capacity to provide this support. This is already happening through the Mozambique National CBNRM Network (R-GCRN) of which ANAC is a member. ANAC should work with the other members of the network to develop a resource mobilisation strategy for support to communities in CCAs and a strategy to develop the capacity to provide this support. Support to communities should be provided in the following:

Natural Resource Management and Monitoring Services

Forest resource inventories; development of land use and natural resource management plans; integrated management of natural resources, annual game counts; introduction, management, and auditing of a Management Oriented Monitoring System; training of staff on quota setting/harvesting levels; maintenance of sustainable harvest databases; training of staff and community members on sustainable harvesting methodologies; human/wildlife conflict mitigation; fire management; identification of game water points; etc.

Institutional Development and Governance Support Services

Trainer of trainer courses for CBO management and staff; group visioning and decision-making; conduct of meetings; holding of AGMs; financial planning and budgeting; financial management and monitoring; staff management; asset management; communication skills; gender awareness and training; advocacy skills development; HIV/AIDS awareness and policy creation; etc.

Business, Enterprise and Livelihood Services:

Awareness creation of the relevant business sector; enterprise viability assessments and cost-benefit analyses; enterprise opportunities; enterprise development skills; advertising, tendering, negotiation and management of contracts with the private sector, conflict resolution between CBOs and private

sector partners; organization and assistance on study tours related to business awareness creation and opportunities; business skills development; marketing of business products; etc.

Once community institutions have been established and are fully self-financed, its staff will require periodic training, guidance, and facilitation for: Transitions between new committees/staff; brokering of new business arrangements; effective natural resource management and operating monitoring systems; conflict resolution; advocacy activities, etc.

7.3 ANAC ADMINISTRATIVE SYSTEMS

ANAC should establish administrative systems to manage the proposals from communities to establish CCAs so that there is an adequate filing system and system for tracking the progress of proposals through the decision-making process, and ensuring proposals are not delayed in the system.

Once CCAs are established and operational, ANAC should establish systems to monitor CCA compliance with legislation and to monitor progress. ANAC personnel will need Standard Operating Procedures to indicate issues for which compliance must be monitored, the monitoring procedures and the steps to be taken if Community Conservation Areas are not in compliance. A data bases for each CCA should be established containing all documents and information related to each CCA.

ANAC should appoint personnel with specific responsibilities for supporting the establishment and implementation of CCAs.

In order to ensure that policy and legislation remain responsive to the situation on the ground and do not become outdated, ANAC should carry out a regular review of policy and legal provisions. ANAC should carry out such a review whenever necessary, based on policy and legal analysis and data on overall programme performance provided by the National CBNRM Network (R-GCRN) Monitoring and Evaluation system. This review should be carried out in a transparent manner with the involvement of all relevant stakeholders.

7.4 LEGAL MEASURES TO SIMPLIFY THE PROCESS

Legal procedures and reforms are needed to simplify the process of establishing and implementing CCAs:

- Apply Article 65 of the regulations so that communities may submit a statement of intent concerning the management of the CCA and then develop a more detailed management plan after the CCA has been approved;
- Develop a simple application form for communities who wish to establish a CCA (see example in Annex B4);
- Allow CCAs to be managed through a simplified management plan (see the example in Annex C);
- Allow CCAs to carry out detailed resource inventories after approval;
- Apply Article 43/2 of the regulations which states that conservation areas that are not administered by ANAC may have other management bodies than an administrator and

management board, which they can define themselves – allow CCAs to determine their own management arrangements so that they can be kept simple;

- Introduce a regulation that allows most of the roles of the Administrator to be carried out by the committee of the CBO that is the management entity of the CCA.
- Under Article 68 of the Conservation Law develop new regulations for CCAs simplifying their establishment requirements, management and access to natural resources and enabling more flexibility according to the particularities of each area;

At the same time ANAC should recommend the amendment of the existing legislation to remove the regulations binding CCAs to appoint an administrator and establish management departments.

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ANNEXES

Annex A: Steps in Establishing and Managing a CCA and community support requirements

The following sets out the main steps in establishing and managing a CCA and the support services required from Government and NGOs at different stages of CCA development:

- Initiation;
- Preparation for Application;
- Application and Declaration;
- Planning for implementation;
- Implementation and Monitoring.

1) Initiation

The need and desire for forming community conservation areas has to come from the communities themselves. It should not be the role of the ANAC or NGOs to actively establish Community Conservation Areas, but to support and assist those communities who indicate they want to form a CCA. The ANAC and NGOs therefore need to provide appropriate information to communities about CCAs and the rights and responsibilities that are attached to them. This supportive role implies that ANAC and NGOs need to place a high degree of emphasis on *facilitation* i.e. not telling communities what to do, but helping them to understand and work through the many difficult issues and choices they will be faced with when forming a CCA.

There are three important steps in the initiation phase of a CCA.

First the communities require information on Community Conservation Areas, the legislation, the potential benefits from forming a CCA, how to form a Community Conservation Area, the rights and responsibilities that come with registration and how to apply to ANAC for approval and registration. This step must be handled with caution, because it is dangerous to raise expectations too high, particularly regarding potential benefits. If these expectations are not met then the situation is likely to be made worse, not better.

Second, if the community shows interest in forming a CCA then it is important to carry out a basic feasibility study that assesses:

- The natural resource and other economic assets of the CCA;
- The potential of the CCA to generate income;
- The social cohesion of the community (i.e. the likelihood that members will cooperate and work together);
- The biodiversity importance of the CCA;
- Whether the community has delimited its land and obtained a DUAT.

This assessment is important because it helps the community to identify resources that can be used sustainably for community benefit.

The third step is that the community decides to form a CCA, defines its boundaries and membership and forms a community-based organisation (CBO) with legal status and obtains its DUAT if it doesn't already have one.

Defining the boundaries of the proposed CCA is an important step because it ensures that there are no conflicts with neighbouring communities in future over benefits from natural resource management. In order to define the boundaries, the community needs to identify the boundaries (e.g. clear physical features on the ground) agree these boundaries with neighbours where necessary and finalise the boundary description and record the boundaries with a GPS. In order to obtain the DUAT the community will have to hold specific community/public consultations including private DUAT holders.

Table I provides a summary of the Initiation stage in CCA formation.

Table I. The Initiation stage: Steps, support activities, capacity requirements and assistance

Steps	Support activities	Skills & capacity required by support agencies	Who assists
<i>I. Community awareness of CBNRM opportunities</i>			
I.1 Approach the Community Leaders/Traditional Leader (Regulo)	Initial meeting with the Leaders/Regulo to explain the background and the proposed aim of holding community meetings regarding Community Conservation Area	Good written communication and editing skills/local language translation Good oral communication skills and facilitation skills, knowledge of CBNRM/Community Conservation Area approach	ANAC, NGO(s)
I.2 Information to community members <ul style="list-style-type: none"> - what is a Community Conservation Area - the potential benefits from forming a Community Conservation Area - rights and responsibilities that come with being registered as a Community Conservation Area - how to apply for registration and what needs to be done to form the Community Conservation Area - the need and importance of obtaining a DUAT as a legal requirement for 	Information materials developed & disseminated in local languages Community meetings	Ability and experience to ensure inclusion and gender equality in the process	

forming the Community Conservation Area			
<ul style="list-style-type: none"> - community expresses initial interest 			
<i>2. Feasibility Study</i>			
<p>2.1 Initial feasibility study to:</p> <ul style="list-style-type: none"> - assess the NR and other assets of the Community Conservation Area, and existing enterprises (NR inventory) - assess the potential of the Community Conservation Area to generate income - assess the biodiversity importance of the Community Conservation Area - Assess the sites of cultural and historical importance, if any - assess social cohesion and potential conflicts among people and existing enterprises - assess whether the community boundaries have already been delimited, and validate the boundaries 	Facilitate rapid resource and other asset inventory and status assessment, economic assessment of income generation potential, assessment of social cohesion, analysis of data to assess the viability,	Facilitation skills, NRM and economic/business analysis, social analysis,	ANAC personnel assisted by Provincial Departments of Environment, District –SDAE and SDPI NGO(s), relevant experts (e.g tourism, agriculture, etc)
<i>3. Formation of the CCA</i>			
3.1. Community decides to form CCA	Community meetings to decide on proceeding with forming the CCA	Facilitation, knowledge of legal requirements for forming CCA	ANAC, NGO(s)
3.2 Definition of boundaries if this has not been done. Definition of membership and who benefits (i.e. the community forming the CCA)	Facilitation,	Facilitation in working through issues e.g. should non-residents be members, how long should someone be resident in the area to	ANAC NGOs

		be eligible for membership etc.; knowledge of legal requirements for forming a CCA	
<p>3.3 Develop constitution which sets out the objectives and rules of operation of the CBO the community is forming to manage the CCA</p> <ul style="list-style-type: none"> - Hold meetings with Community Conservation Area residents (each village) to discuss components of the constitution - Compile first draft of constitution - Finalise constitution with legal advice <p>Feedback to Community on final version/dissemination of the document in local language</p>	Technical assistance/legal advice in developing the constitution; facilitation in developing a constitution that meets ANAC legal requirements and is also tailored to the needs and circumstances of each CCA	Facilitation in working through each component of the constitution and assistance in ensuring that a participatory approach has been used to develop the constitution involving residents not just the committee; Legal expertise for drafting of constitution; knowledge of legal requirements for CCA formation	ANAC, NGOs, CCA committee
3.4 Establish representative committee in accordance with the constitution	Facilitation,	<p>Facilitation in working through issues of representation e.g. is the committee made up of elected individuals or representatives of sub-areas in the CCA; skills in institution building, promoting accountability; knowledge of legal requirements for forming CCA</p> <p>Ability and experience to ensure inclusion and gender equality in the process</p>	ANAC, NGOs
3.5 Legalize the elected community representatives	Facilitation	With the community constitution, submit the process to the district Government for	ANAC, NGOs

		approval; once approved submit the process to the provincial Legal institution (<i>Conservatoria</i>) to initiate the process for publication at the National Gazette (<i>Boletim da Republica</i>)	
3.6 Community holds specific public consultations concerning the DUAT including private DUAT holders	Public consultation and discussion on the DUAT	Knowledge and experience in working with DUATS, and legal requirements	MTA through DPTADER (SPGC, SPFFB) personnel assisted by NGOs if appropriate
3.7 Community obtains DUAT with boundary description and map	Support for obtaining DUATS	Knowledge and experience in working with DUATS, and legal requirements	MTA through DPTADER (SPGC, SPFFB) personnel assisted by NGOs if appropriate

2) Preparation for Application

Once a community has decided to form a Community Conservation Area following the initial viability study and DUAT it requires support on what steps to follow so that it complies with the legislation.

First, the community needs to develop its vision for natural resource management and community development, and a preliminary land use/NR/tourism/fishing/forestry management plan, as well as a preliminary community development plan and plan for how the community will benefit from the CCA. Deciding on the main objectives for benefit distribution will help to indicate how benefits should be shared. The preliminary plan will need to be updated once the CCA starts receiving income as there will then be a better idea of what can be spent on community benefit.

Second the community needs to identify potential partners and conclude partnership agreements.

Third, the community needs to gather all relevant information required for the proposal and application for establishment of the CCA required by law.

Table 2 provides a summary of the Community Conservation Area Formation stage.

Table 2. The Preparation for Application stage: Steps, support activities, capacity requirements and assistance

Steps	Support activities	Skills & capacity required by support agencies	Who assists
<i>1. Community visioning, mapping and planning</i>			
1.1 Community visioning and participatory mapping for NR management, land use planning and zonation and community development	Facilitation, holding meetings	Facilitation, knowledge of visioning process, and participatory mapping	NGO(s) ANAC
1.2 Draft preliminary land use/ /tourism/fishing/wildlife/ forestry management plan setting out plans and means for sustainable use of natural resources	Facilitation and technical assistance in developing the plan	Facilitation, NR/wildlife management and use, land-use zoning	ANAC , NGO(s), Provincial DPTADER, District –SDAE and SDPI, relevant experts (e.g tourism, agriculture, etc)
1.3 Draft <i>preliminary</i> (broad approach to start with) community development and benefit plan, setting out e.g. that income will be used for cash payments to households, or used for local infrastructure, support to micro businesses, support to conservation activities, etc.	Facilitation of deciding on main objectives for community benefit, and on developing a basic plan for use of income for community benefit	Facilitation skills in setting objectives and helping the community reach a decision, knowledge of the ways in which CCA income can improve livelihoods Skills to ensure that the needs and expectations of various groups are taken into account	ANAC, NGOs
1.4 Identification of the CBO as the management entity for the CCA, either alone or in partnership.	Facilitation in helping the community decide whether it needs a management partner	Facilitation skills and knowledge of managing a conservation area	NGOs
<i>2. Concluding partnership agreements (required as part of application process)</i>			
2.1 Community members carry out institutional mapping in order to identify institutions and potential partners for establishing synergies and partnerships	Facilitation of institutional mapping	Facilitation, Knowledge of institutional mapping process	NGOs
2.2 Develop and Conclude Partnership agreements for enterprise development	Assist CBO committee in negotiating good partnership agreements/	Facilitation. Knowledge of what needs to be in a partnership agreement/	CBO committee, NGOs, legal representative for

	contracts with private sector or other partners.	contract, & how to protect communities from exploitation by others	community (govt. legal aid) ANAC
2.3 If appropriate, develop and conclude Partnership Agreement for management of the CCA including management of tourism and natural resources such as, agriculture, fisheries, forestry, and wildlife.	Assist CBO committee in negotiating good agreements with appropriate partner	Facilitation. Knowledge co-management models and developing partnership agreements	NGOs ANAC
<i>3. Information Gathering</i>			
3.1 Gather information for application: - existing NR use and customary practices			CBO committee, NGOs

3) Application and Declaration of the CCA

The third main step in forming and operating a Community Conservation Area is the Application and Declaration stage when the community makes its application to ANAC for the CCA to be approved and registered. The key activities for the CBO are to:

- Complete the proposal document required by law;
- Obtain signatures of the District Government and Traditional Authority;
- Submit the proposal document to the regional or provincial delegation of ANAC or, if that does not exist, to the Provincial Directorate that deals with matters related to conservation areas of the province. This should include the minutes from the community/public consultation meetings to show the legitimacy of the process.

If the authority receiving the proposal is satisfied, it submits it to ANAC for verification. If ANAC is satisfied all requirements have been met, the creation of the CCA can be approved by the competent authority which is the Council of Ministers if over 10 000 ha in size, the minister with oversight of the conservation areas if between 1 000 and 10 000 ha and the provincial government if the CCA is 1 000 ha or less.

ANAC and provincial Authorities will need a procedure and criteria in place for review and approval of CCA proposals.

This will include a filing system in place for keeping of records of proposals and other data relevant for each CCA, and a record of decision-making in the approval process.

Table 3 summarises the Application and Declaration stage.

Table 3. The Application and Declaration stage: Steps, support activities, capacity requirements and assistance

Steps support needs/	Support activities	Skills & capacity required by support agencies	Who assists
<i>1. Community Conservation Area Application</i>			
I.1 Fill in the application form	Where possible, assistance to CBO in ensuring the form is filled in correctly with all the necessary information included or attached	Knowledge of the legal requirements and of the specific requirements of the application form	ANAC and NGOs
I.2 Obtain signatures of District Govt. and TA			CBO committee, with support from NGOs as needed
I.3 Submit proposal and documents to regional or provincial ANAC office or the Provincial Directorate that deals with matters related to conservation areas			CBO committee
<i>2. Declaration process</i>			
2.1 ANAC or relevant Provincial Directorate reviews proposal, returns with request for more information or proposal is approved		Procedure and criteria in place for review and approval of CCA Filing system in place for keeping of records of proposals and other data relevant for each CCA	ANAC
2.2 ANAC verifies documentation and sends to competent authority for approval			ANAC/ Competent Authority
2.3 Lessons learned and recommendations to ANAC from the process followed.			NGOs/ Provincial officials

4) Planning for Implementation

Once a CCA has been formed and has been created it needs to carry out some basic planning before it becomes fully operational. *First* the CBO representing the community managing the CCA needs to develop a vision for what it wants to achieve and establish some key objectives and strategies to guide its operational activities. *In terms of the legislation*, it then needs to develop a management framework that identifies the Administrator of the CCA, defines the powers of the Administrator, appoints a Management Board with the Administrator, arranges for day-to-day management and sets management objectives.

The CCA then needs to carry out a *sustainability assessment*. The CCA needs to develop a realistic business plan for ensuring that it can cover its operating costs and make a surplus for community benefit, depending on the benefits it has identified.

Table 4 provides a summary of the Planning Stage

Table 4. The Planning Stage

Steps	Support activities	Skills & capacity required by support agencies	Who assists
<i>I. Community Conservation Area starts planning to become operational</i>			
I.1 CCA develops management framework including the Administrator for the CCA, the Management Board, the day-to day park management and management objectives	Facilitation	Facilitation, knowledge of process for development of management frameworks Ability and experience to ensure inclusion and gender equality in the process	NGOs, ANAC
I.2 CCA carries out business/sustainability planning	Facilitation	Facilitation, knowledge of business/sustainability planning process and development of sustainability plans	NGOs, relevant experts, (ANAC)

Implementation and Monitoring

The Community Conservation Area now needs to move into the implementation stage. There are three main areas of implementation:

➤ **Natural Resource Management:**

If necessary the CCA needs to update the Management Plan developed as part of the proposal for the CCA before its creation. The CCA then needs to implement the Land Use/NR/tourism plans, a natural resource monitoring system, and identify utilisation options.

➤ **Institutional development:**

Community Conservation Areas need to ensure that the committee remains representative of members and acts in their interests. Members and the committee need to develop mechanisms to ensure participation of members in decision-making according to the provisions of the CCA

constitution. CCAs need to ensure that AGMs are properly conducted, so that members can approve budgets. They also need to develop administrative systems, financial management systems, and develop staff policies, asset management policies, etc.

➤ Enterprise development:

Community Conservation Areas need to develop their own businesses and establish joint ventures with business partners where appropriate. This involves understanding the tourism industry, understanding markets, carrying out feasibility studies, developing business plans, and operating the business.

CCAs will need support in all three of these implementation areas. It is important that they receive expert support from agencies or individuals that are fully competent in these areas. For example, in the area of enterprise development it is important that Community Conservation Areas receive training and advice from persons who have business experience.

There are important aspects of the implementation stage that are the specific responsibility of the ANAC. These are:

➤ Monitoring of compliance and progress

It is the responsibility of ANAC to ensure that Community Conservation Area, once registered, comply with the policy and legislation. ANAC has a mandate to protect natural resources on behalf of the nation and to ensure that those institutions with devolved rights over natural resources are accountable to the nation. ANAC personnel will need **Standard Operating Procedures** to indicate issues for which compliance must be monitored, the monitoring procedures and the steps to be taken if Community Conservation Areas are not in compliance.

➤ Ongoing policy and legal review

In order to ensure that policy and legislation remain responsive to the situation on the ground and do not become outdated, there is a need for regular review of the policy and resulting legal provisions. ANAC should carry out such a review every five years, based on policy and legal analysis and data on overall programme performance provided by the National CBNRM Network (R-GCRN) Monitoring and Evaluation system (see below). This review will be carried out in a transparent manner with the involvement of all relevant stakeholders.

Table 5. The Implementation and Monitoring stage: Steps, support activities, capacity requirements and assistance

Steps	Support activities	Skills & capacity required by support agencies	Who assists
<i>I. Institutional development</i>			
I.1 Strengthen internal governance and accountability (including operation of committee,	Facilitation, technical assistance, training	Facilitation, institution building and training, especially in developing accountability, holding of AGMs, internal	NGOs, ANAC

elections, AGMs, internal communication/ information dissemination, financial management)		communication, book keeping/financial management, gender equity	
1.2 Develop work plans	Facilitation and training	Organisational development/strategic planning/facilitation	NGOs, ANAC
1.3 Develop management/operational procedures (e.g. employment codes, asset management, filing systems, etc.)	Facilitation and training	Knowledge of management/operational procedures and requirements for putting these in place, facilitation and training	NGOs, ANAC
<i>2. NR Management</i>			
2.1 Review and revise Management and other plans if necessary and then develop <ul style="list-style-type: none"> - Systems for monitoring forest health and use/wildlife trends/ tourism/habitat; including compliance with resource use rules/LUP, etc. - NR management activities 	Technical assistance: Establish/maintain community data collection through development of local level monitoring system; Implement management activities identified in the Management Plan	Facilitation/planning/ NRM technical expertise; knowledge of use options; use of local level monitoring systems; NR management activities	NGOs, ANAC
<i>3. Enterprise development</i>			
3.1. NR-based enterprise development <ul style="list-style-type: none"> - Market/viability studies - Develop business plan - Develop skills for specific enterprise technology and 	Training and technical assistance, facilitation	Business management skills, specific enterprise skills (e.g. running a campsite) Knowledge of markets, business viability assessments, and business plan development; training/facilitation Knowledge of business opportunities	NGOs, private sector ANAC

business management - Award of concessions to the private sector - Ongoing management of Joint Venture or operation of own businesses		Knowledge of concession procedures	
4. Compliance			
4.1 CCA Annual reporting to ANAC	Assist Community Conservation Area in ensuring they have the appropriate data	Knowledge of the reporting requirements	ANAC, NGOs
4.2 Compliance monitoring by ANAC	Monitor compliance with legal requirements	Knowledge of legal requirements, knowledge of standard operational procedures for compliance monitoring, including actions to be taken if there is non-compliance	ANAC
4.3. Monitoring and Evaluation	Monitoring of performance of individual CCAs and national CBNRM programme progress	M&E knowledge & skills, including gender sensitive monitoring	National CBNRM Network (R-GCRN) ANAC/DNDEL
4.4 Ongoing policy development by ANAC	Revision of policy and legislation where appropriate based on results of M&E	Policy development skills	ANAC Policy planners, R-GCRN

Annex B. Tools for local communities and ANAC in promoting CCA Governance and management

B1. Example of a simplified management plan for community conserved areas

The following is an example format for a simplified management plan for community conserved areas that is based on the format used in Namibian conservancies and proposed for 'conservancies/CCAs' being promoted by the Gorongosa NP in neighbouring communities.

Management Plan of the Community Conservation Area

DATE:

1. Background

(Brief background information):

Size of the community area,

Location: district, province

Average rainfall

Average temperatures

Human population

Main livelihood activities

Wildlife populations (where appropriate)

2. Conservancy/CCA assets and existing capacities

Through community participatory meetings identify the assets and capacities of individuals, associations and local institutions that can contribute to success. Establish village resource maps.

Include village assets and resource map developed by the community reflecting the following:

- Natural assets: village boundaries, main crops, livestock, trees, forests, wetlands, hills, rivers, streams, soil types (e.g. good soil for crops, not so good and poor soil for crops)
- Physical assets: houses, buildings, roads, paths, water points, markets, shops, churches, government buildings, schools, hospitals, clinics, and other important infrastructures

3. Community Vision and Objectives

Vision (Overall vision of the community for land and NRM management: Result of visioning exercise conducted with community)

Objectives to achieve the vision

(Result of visioning exercise conducted with community)

1.

2.

3.

4.

(NB. It is best not to have too many objectives – try to keep it down to 4 at most)

4. Key strategies to implement the objectives

Objective 1:

Strategy 1

Strategy 2

Strategy 3

Etc.

5. Authority of the Management Plan

1. Brief explanation of the participatory meetings and process that led to the development of a vision and objectives for the conservancy and for the development of the management plan including approval at an AGM

2. Statement along the following lines: This management plan must be accessible to all members, who should adhere to the provisions of the plan. It is part of the Management Committee's mandate and every staff member's responsibility to implement this plan. They must therefore be familiar with its contents.

6. Reporting

Explain the reporting responsibility concerning the management plan e.g.

The Conservancy Committee should use the management plan and accompanying work plan as a foundation for regularly reviewing implementation progress. In addition the conservancy committee must report on progress on implementing the management plan to the conservancy AGM.

7. Zonation Plan

Aims:

Aims of the zonation plan e.g. to reduce conflict between settlement, farming, livestock and wildlife; to promote the most appropriate natural resource based activities in key areas to meet the objectives of the conservancy.

Principles:

e.g.

- *The plan is dynamic and may need to be amended from time to time as an adaptive response to social, environmental or business opportunities and/or threats.*
- *The Conservancy Committee shall ensure that the zonation plan is understood by and agreed to by as many conservancy residents as possible and must be approved at an AGM.*

Zonation map

Include zonation map here

Explanation of the zones

Develop a table to explain the zonation and associated rules and guidelines e.g.

No	Area	Allowed Use	Use Not Allowed
1	Settlement & Cropping Size and comments:		
2	Multiple Use – Livestock Priority Size and comments:		
3	Forest management area		
4	Commercial agriculture area		
5	Exclusive Wildlife – Tourism Size and comments:		
6			

	Exclusive Wildlife – Corridor		
	Size and comments:		
7	Fish Reserves		
	Size and comments:		
	Etc.		

8. Management plan

Sustainable crop and livestock farming

Aim: *what the community wants to achieve*

Principles: *guiding principle*

Actions: *actions to achieve the aims*

Commercial farming

Aim:

Principles:

Actions:

Forest Management

Aim:

Principles:

Actions:

Wildlife Management

Aim:

Principles:

Actions:

Human Wildlife Conflict

Aim:

Principles:

Actions:

Tourism Development

Aim:

Principles:

Actions:

Fisheries Management

Aim:

Principles:

Actions:

Etc.

Monitoring

Aim:

Principles:

Actions:

8. Action Plan

A basic matrix should be used to develop an action plan for each category above that captures what will be done, by who and by when e.g.

I. Forest Resource Management			
<i>Activity</i>	<i>Actions</i>	<i>Responsible</i>	<i>Due By</i>
Forest inventory	Carry out inventory in main forest areas	Forest guards & Dept. of Forestry	October 30 2020

The Management plan should be accompanied by Community information posters:

I. Zonation map

2. Village assets and resource map developed by the community
3. Summary of vision, objectives and main management approaches (see below for example from a Namibian conservancy)

Huab Conservancy Integrated Eco-system Management Plan 2006/2007

VISION

To sustainably manage & use wildlife & natural resources for the purpose of the betterment of the quality of life of the residing community (socially, economically, environmentally and culturally) & to achieve self-sufficiency of the conservancy

OBJECTIVE 1
To sustainably manage & use wildlife and natural resources
Management plans
WILDLIFE:
Objective: to increase wildlife and have multiplied species through sustainable management systems in order to enable the community to benefit from consumptive and non-consumptive utilisation of wildlife, for improved livelihoods and so that people and wildlife live in harmony
Actions:

- Develop a zonation plan which considers members' needs and the overall objectives for wildlife management
- Reduce unlawful harvesting of wildlife through law enforcement
- Re-establish wildlife through a game introduction plan
- Develop & implement a human wildlife conflict management plan
- Implement and refine a natural resource monitoring plan
- Create awareness and empower people to see value in wildlife
- Create incentives for members to manage wildlife by promoting sustainable harvesting of wildlife for economic and social benefits

FORESTRY:
Management Objectives:

- ✓ To utilise woody & non-woody forest resources
- ✓ To conserve biodiversity for future generations
- ✓ To graze livestock
- ✓ To maintain forest cover for wildlife conservation
- ✓ To create income generating projects
- ✓ To conserve medicinal plants
- ✓ To protect forest resources against forest fires

Actions:

- Forest patrols by game guards
- Establish nursery
- Establish fire crew
- Control grazing
- Sustainable harvesting
- Encourage forest regeneration
- Silviculture
- Preserve sacred sites in the forest area
- Zonation of harvesting blocks





OBJECTIVE 2
To promote economic development in the conservancy based on the sustainable use of natural resources
Strategies

1. Establish/Develop tourism facilities:
 - New lodges and campsites
 - Joint ventures (with existing lodges)
 - Cultural tourism
 - Craft centre
2. Establish Trophy Hunting and Premium Hunting
3. Plantations and Sustainable Use of Indigenous Plants
 - Bee keeping
 - Community gardens
 - Devils claw plantations and harvesting
 - Date Plantation (negotiate take over of existing plantation at Eerste Begin)
 - Firewood harvesting and sale
 - Mushroom growing
4. Investigate other potential enterprises

OBJECTIVE 3
To build the capacity of the conservancy committee and members to manage the conservancy well
Strategies

1. Staff Training
 - Training needs assessment
 - Training plan for Conservancy Coordinator
 - Training plan for other staff & Conservancy Committee
 - Training plan for enterprise development
1. Broad-based financial management training
 - Training for Farmers' Union, Water Point Committees, conservancy members

OBJECTIVE 4
To promote accountability and transparency in conservancy decision-making
Strategies

1. Participatory revision of the constitution to increase awareness and ownership
2. Increase accountability through improved information
3. Improve accountability of committee to members




B2: Example of Draft Application form for the Declaration of a Community Conservation Area

REPUBLIC OF MOZAMBIQUE

ANAC

APPLICATION FOR THE DECLARATION OF A COMMUNITY CONSERVATION AREA (Área de conservação comunitária) UNDER ARTICLE 24 OF THE DECRETO n.º 89/2017 DE 29 DE DEZEMBRO

1. Name of community conservation area.....

2. Name of chairperson of the organization representing the community

.....

Address.....

3. Description of the geographic boundaries of the area in respect of which the application is being made (provide coordinates).....

4. The following must be attached to this application:

4.1 A proposal containing:

4.1.1 A description of the classification, characteristics and objectives of the intended conservation area;

4.1.2 The justification for the proposed creation of the conservation area;

4.1.3 Identification of all local communities living within the area covered by the creation of the conservation area and a statement that the communities will be allowed to stay in the conservation area accordance with the provisions of Law No. 16/2014 and Decreto n.º 89/2017 de 29 de Dezembro;

4.1.4 Information on the consent of the communities in principle to the creation of the community conservation area (details of community participation in the process of deciding to make this application) and notification if any communities have opposed its creation;

4.1.5 Statement of intent concerning the management of the CCA and commitment to develop a Community Management Plan once the CCA is approved;

4.1.6 Proposed community development agenda and means of using income – statement of intent to use income for the management of the area and benefit of the community and a commitment to develop a full development agenda after approval;

4.1.7 Proposal for any partnership agreement and identification of the partners thereof, if applicable.

4.2 Land registration certificate in the name of the community (DUAT)

4.3 The constitution of the CBO representing the community applying to establish the CCA.

Signed..... Witnessed.....
Chairperson

5. Technical Opinion and Recommendation by ANAC:

Attach the opinion and recommendation

6. Approval

Approved/Not Approved..... Date.....

Signed.....
Minister

B3 Principles and Example of a Format for a CBO Constitution

Constitutions are a crucial part of ensuring good governance within community institutions. The constitution provides guidance on how to address key issues that require decisions and provides guidelines for holding elections and accountability of office bearers to members.

Key principles for developing a CBO constitution are the following:

- The process for developing the constitution should aim to involve as many community members and stakeholders as possible;
- At the same time, the process needs to be practical and affordable;
- The constitution should contain things that won't need to be changed again soon, as it is a time-consuming and difficult process to make changes and get them approved by members.
- Detailed procedures (e.g., for staff employment, use of vehicles and equipment, etc.) should be developed separately as these are often subject to more frequent change;
- The constitution should be owned, understood, and be accessible and available to all.

All constitutions should be tailored to the circumstances and wishes of the community concerned.

However there are standard issues that need to be covered:

- CBO Purpose or Objectives.
- Operating Principles (e.g. fairness, inclusivity, participation of members in key decisions).
- General powers and functions e.g:
 - Natural Resource Management (as determined by legislation and the Management Plan);
 - To employ staff and consultants and to enter into contractual agreements with partner organisations (both government and private) and individuals;
 - To raise, administer and manage funds for the operations and benefit of Members;
 - To enter into contractual agreements with donors;
 - To implement the decisions taken by members in general meetings;
 - To institute or defend legal proceedings by or against the CCA;
 - To generally manage and administer the CCA for the benefit of members, having all the necessary powers and authority to do so;
 - To acquire, hold, use and dispose of movable and immovable property as considered appropriate by the Members;
 - To appoint a Management Committee and elect a Chairperson and Vice Chairperson.
- CBO Membership including:
 - Criteria for membership;
 - Method for becoming a member;
 - Termination of membership;
 - Rights , Responsibilities and Powers of Members.
- CBO Structures, e.g. depending on the circumstances of the CCA:
 - Management Committee and sub-committees;
 - Sub Structures (sub-units/villages/clusters/area) where appropriate;

- How Sub-structures are represented in the main management committee;
 - Membership, Roles and Powers of the different level structures;
 - Elections of committees, office bearers such as Chairperson, Secretary, etc.
 - Criteria for election to committees (e.g. no criminal record and gender and age balance).
- Meetings:
- Members' meetings such as General Meetings (GMs), Extra Ordinary General Meeting (EGM) and Annual General Meetings (AGM) in light of the devolved structures and powers;
 - Committee Meetings – conduct of meetings, taking of minutes;
 - Quorums for the different meetings;
 - Decisions that can be made at different meetings and levels.
- Financial and Benefit Management:
- Qualified Signatories to accounts and authorization of expenditure (Criteria such as not husband and wife or closely related persons);
 - Appointment of suitable person to handle finances and financial books e.g. bookkeeper or financial manager;
 - Procedure of allocating, using and accessing resources and income: CCA income belongs to the members so all decision-making on how income is used, especially on budgets, will be done by community meetings and the community will give instructions to the elected committee;
 - Limitation of the share of funding for administration and other operational costs to a specific percentage of the budget;
 - The budget must include funding for natural resource management;
 - The community must approve finances and receive progress reports every quarter.
- Asset and Stock Management:
- How are they procured and who is responsible?
 - How are they accessed?
- Dispute Resolution.
- Dissolution of the CBO.
- Amendment of the Constitution – how this can be done.

B4. Tool for assessing governance in existing Natural Resource Management Committees (CGRNS)

Existing CGRNs could provide the foundation for establishing CCAs. Before existing CGRNs are brought into the new approach, they should be assessed for their current transparency, accountability and inclusivity. The following questions can form the foundation of an assessment of the status of governance of the existing CGRNS:

- How many Council members – how many women?
- How many women are in decision making positions?
- Are the Community Councils legalized? If so, what is the evidence?
- How do you select your representatives?
- How many times do Committee members meet per month?
- How many times do Committee members meet with the entire community members?
- How are the decisions made within the communities?
- How money is kept?
- How do you report on your expenditure and who to?
- How do you plan the application of money you get from resources use?
- What are the main projects you support from the money you are getting?
- Do you participate in resource monitoring, how do you monitor?
- How the information collected during the monitoring events is used for decision-making?
- Was your community delimited? If so, what is the evidence?
- Do you know your boundaries?
- Does your community have DUAT for hunting concession or other natural resource use?
- Do you have a management plan or have you zoned your land?
- How do you set the hunting quota?
- Do you monitor the hunting safari operations? How do you do this?
- What do you do in order to avoid over-exploitation of wildlife resources?
- What do you do if arresting illegal hunter?

In order to make a more in-depth assessment of gender issues and inequalities, social bias and the existing level of inclusion of women the following should be used in separate interviews or focus group discussions with male and female community members:

Collect this information on the respondents

Sex, Age, Civil status, Number of children.

Questions:

- What do you do for income and subsistence?
- What type of activity would you like to do to increase your income?
- Who manages your household's income?
- Do you have a formal role/leadership position in the community/a community association or committee? Which?
 - If yes:
 - What have you contributed with in the meetings?
 - What have you learned?
- If you are not in a formal/role leadership position, do you know of women who are? If so, what do they do as leaders/committee members?
- Do you speak about women's rights in the community? For example, in what way?
- Who in the community decides how the community's income from wildlife/natural resources are spent? Men/women?
- Is it easier for men or for women to become active members of a committee/association? Why?

- Are there some groups in the community who are less able to participate in decision-making, for example elderly, youth? Why?
- Did you receive any kind of training the last 2 years? In what subjects?
- What kind of training or new skills do you need/would you like to have (ask specifically about conservation, income and dealings with external stakeholders)?

The data obtained from this process should be used to work with the CGRNs to improve any weaknesses identified.

B5. Tools for ensuring gender balanced participation in community decision-making and natural resource management activities

Overcoming constraints to female participation

As part of ensuring the greatest possible degree of community participation in decision-making and natural resource management it is important to ensure gender balance in meetings and processes. Women are often users of particular resources and have specific roles in the use of the land. Yet their voice is often overlooked in planning activities and decision-making. There are often cultural, educational, practical and other barriers to female participation and these need to be identified and addressed appropriately. The following are examples of some of the constraints to female participation and some means to address these constraints:

- Women may have household chores, child care responsibilities, or need to be working in the fields at the time of a meeting and therefore might not attend and might not receive the information from the meeting:
 - Time meetings for when women can also attend and hold them in places accessible to women who often lack access to transport;
 - In all cases where women were unable to attend meetings, ensure there are means for them to be informed about the outcomes.
- Women might attend community meetings or be elected on to committees, but are not confident about speaking up:
 - During meetings encourage women to participate – raise topics that they might have a particular interest in to get the ball rolling;
 - Provide public speaking and confidence building training for female leaders;
 - Use confident and articulate female leaders as role models for others.
- Women might *de facto* control use of certain resources, but project interventions then provide control to the men:
 - Find out who uses the resources and who controls use in the community before intervening with new proposals.
- Men resist female participation in meetings and decisions, or become jealous if women earn income, sometimes even becoming violent:
 - Be aware of potential backlash against women and talk often to women about their situation;
 - Gaining male support for female participation might not happen immediately, but culture does change over time. In NRM programs, the role of women as resource users is a strong argument for their full participation in processes and meetings.
 - Work with men to change attitudes towards female participation and identify male champions who support women as active stakeholders in NRM.
- Training opportunities are often only offered to men or accessible to men:
 - Ensure that training opportunities are offered to women as well as men;
 - Ensure that women are able to access training opportunities by making sure they take place at suitable times and venues – it is important that women not only have access to collective decision-making, but also gain much-needed technical skills which are an important part of empowerment.

Building capacity and enhanced gender sensitivity in community associations and committees⁵

⁵ Contributed by Kira Ugaz-Simonsen, SPEED+ Gender Specialist

Community co-management of conservation areas offers various opportunities for economic growth, habitat conservation and improved livelihoods and nutrition for communities. For these potentially positive impacts to be distributed equally between men and women, to avoid risks of perpetuating existing inequalities, and to ensure that both men's and women's needs are met - gender and women's social and economic empowerment implications should be assessed in any project aiming at supporting a co-management system for conservation.

Further, evidence reveals that conservation and sustainability efforts are more likely to be successful when women's priorities are considered, and when women actively participate in decision-making in communities and cooperatives that manage natural resources (Leisher et al. 2016: <https://environmentalevidencejournal.biomedcentral.com/articles/10.1186/s13750-016-0057-8>).

The following provides preliminary recommendations for mechanisms that can ensure women's participation in community committees and other decision-making bodies that manage conservation efforts, as well as equal access to economic opportunities. The most relevant recommendations should be assessed in relation to the particular context of the community, but all can be used for the co-management of community protected areas.

Associations and committees often control information and decision-making in communities. Apart from these decision-making bodies, decisions are made by community leaders who tend to be men, so enhancing women's active participation in committees and associations is crucial. However, due to gender biases, gendered division of labor and cultural traditions, these tend to have poor gender balance and little representation of women's needs and opinions. Training and support can build their awareness on gender equality and social inclusion and increase their capacity to represent men and women in communities.

Suggested key actions:

- **Ensure equal gender and age representation in the committees and associations**, both in terms of active membership and in key positions such as presidents. This can be done by introducing specific requirements for the composition of the bodies, so that for example 50% of leadership positions and of general membership must be filled by women. Leadership quotas are important, as these will enable women to actually be involved in decision-making and get access to new skills and knowledge. Similar targets for young and elderly people can also be introduced to ensure age representation.
- **Train association/committee members and leaders – both men and women** on women's and men's equal rights, gendered needs and issues such as unequal division of labor, women's and men's roles in land/resource use and decision-making, and gender-based violence (GBV). Facilitate discussions in the associations/committees of the advantages of gender inclusivity in community decision-making and conservation.
- **Provide technical training to all members and leaders** of the associations/committees, ensuring that women have access to the same training and skills as men. Avoid only training leadership; prioritize women and young members for training and participation in activities. In all training activities and community meetings, ask women specifically to share their opinions, perceptions and questions, for example through sex-divided focus groups or personal interviews. Invite women to specific community sessions, choosing a time and place that is adequate for them, and deliver the information using easily understandable terms and local language.
- **Establish practical methods for the associations/committees to help guarantee women's qualitative participation**; as having women present in numbers does not guarantee that they actually have any influence. For example, targets for men and women as active members, keeping records from meetings of women's and men's inputs to discussions, and assessing the knowledge level of male and female members on key issues. Implementing partners should have a strong role in monitoring how the associations/committees function

and ensure the qualitative participation of men, women and youth. Introduce practical measures to ensure that women can participate, for example childcare or facilitating a meal to the family to compensate for the time spent outside the house, which will also reduce the risk of GBV.

- **Identify positive female and male role models** to give more women incentive to be part of an association/committee – for example, a man that supports his wife to be a member of a committee, or a woman who has experienced positive benefits from being active. Make small video recordings of the cases in local language and share them in the same and other communities.
- **Improve the communication to more marginalized community members**, especially women and illiterate people - about the existence and work of the association/committee, for example through periodic meetings with the community, conducting house visits or using other appropriate mechanisms to ensure that both men and women are reached with this information and can benefit from and give inputs to the work of the association/committee. All relevant information should be available in local language to ensure inclusion of all community members.

Enhance access to economic opportunities, including technical training, formal jobs and income generating activities

Better paid and higher-skilled jobs are often more available to men for a number of reasons, including gender stereotypes, decision-making dominated by men as well as the difficulty of combining the work with tasks typically carried out by women, including childcare and household maintenance. Also access to the information needed to increase economic opportunities may be limited for women, for example because the language is not adequate or because the information is not easily available. Increasing access to this valuable information as well as designing job opportunities that take women's challenges into account can help women better realize their economic potential and access equal economic opportunities. As women tend to reinvest a greater portion of their earnings into family nutrition and education, there are multiple benefits from strengthening women's income.

Suggested key actions:

- **Ensure that employment opportunities and economic activities are made available to both male and female community members**, prioritizing both married women and female heads of households. New job opportunities should be distributed fairly, taking into account women and men individually and not just families' access to income;
- **Avoid maintaining women in certain low-skilled types of jobs** – if women are included in different work areas and in management, this will increase their economic empowerment and give further incentive for more women to seek job opportunities. While some job categories may be difficult to combine with married women's daily tasks, most jobs can actually be carried out by both men and women, and women should be given the opportunity to gain experience with typically male dominated jobs;
- **Provide technical training to men and women**, prioritizing getting the information to women, young and older people as well as non-Portuguese speakers. Ensure that technical training, new skills and other inputs are available to community members on their own terms, taking into account the limited availability and mobility of women and some men; for example, conduct group trainings in communities, in local language and at times when female community members are available;
- **Strengthen income-generating activities and value-chains where women are already active/can easily get access:** While it is important to provide access for women to management and job categories that are traditionally dominated by men, this requires long-term awareness-raising and training of men and women. A quicker way to provide women with opportunities while this process is undergoing, is to support activities that are

traditionally dominated by women or where women's involvement seems natural for the community. Good examples from Namibia are women's work in the production of crafts and ingredients for perfumes <https://www.irdnc.org.na/pdf/IRDNC-Lessons-from-the-Field.pdf>. These women-only groups give good opportunities for training women in creating business plans, managing supply and other skills that will give them better opportunities for both strengthening existing activities and venturing into other income-generating activities in the future;

- **Women should be trained and empowered to develop sustainable businesses**, to depend on themselves, and not external counterparts or community leaders, to find new sources of materials, means of transport etc. This can for example include building up strategic partnerships and train women in improved techniques for processing or transporting products;
- **Combine job opportunities with training and social approaches:** As jobs may be scarce, creating employment for women only can create conflicts, if this is not combined with some opportunities for men and/or other types of incentive to the families. There may be a need to dialogue with communities and co-workers to discuss and seek to minimize gender-related discrimination and family conflicts as well as to educate community leaders on the benefits of gender equality;
- **Enhance access to education for women**, for example by improving access to primary school, providing literacy courses and other alternative education programmes that can be adjusted to women's lack of mobility. Work with images, videos and flash cards; these methodologies can better transfer complex messages to people with limited literacy. Using them encourages broader participation and acknowledgement that less literate people can also participate and make decisions;
- **Document and build upon positive best practices**, such as women who have strong roles in community resource management or have led a successful income-generating activity. Such women can serve as positive role models for others. Identify and share information on this type from one community to the other to inspire other less gender sensitive communities to generate more opportunities for women.

B6. Example job description for ANAC CBNRM Extension Officers

ANAC CBNRM EXTENSION OFFICERS

Functions Tasks

The extension officer is responsible for ensuring that the following functions and tasks are carried out. Often the officer will need to liaise with other organisations to ensure the specific services are provided to CCAs.

Provide information & awareness to communities,

Periodically assess awareness

Ensure information is distributed

Implement awareness-raising strategies

Ensure participation/seek co-operation with all stakeholders (NGOs, line ministries, CBOs, Private Sector)

Liaise & keep constant contact with stakeholders

Support & assist the establishment of CCAs

Facilitate process of establishment

Submit CCA applications

Assist CCAs with inventorying of Natural Resources

Provide training

Organise inventory support

Ensure compliance to inventory standards

Facilitate/help with resource management plans

Facilitate process of compilation

Guide on use of standard format

Provide technical support to established CCAs for improved management of Natural Resources

Monitor & evaluate existing practices

Guide implementation of improvements

Train community forest/game guards in NRM techniques

Monitor CCAs as to compliance with legislation and compliance with the CBO constitution)

Determine compliance
Report deviations to HQs
Respond to CCA needs to rectify the situation

Provide conflict resolution

Analyse situation
Facilitate process of resolution
Report all case procedurally & give progress updates until resolved

Assist CCAs with financial & organisational management practices

Co-ordinate delivery of NGO training services to his/her region

Assist CBOs in developing partnerships and agreements with the private sector and/or NGOs

Ensure the agreements are negotiated with input from the CBO
Ensure agreements are fair to both parties

Provide mapping services

Organise mapping services from suppliers
Ensure participation by legitimate authorities

Annex C. Templates for legal Agreements between ANAC and CCAs and between CCAs and the private sector

CI. Agreement between the CCA and ANAC

AGREEMENT FOR THE EXPLOITATION OF NATURAL RESOURCES

BETWEEN

THE NATIONAL CONSERVATION AREAS AGENCY OF MOZAMBIQUE (ANAC)

AND

THE MANAGEMENT ENTITY OF XXXXXXXXXX, COMMUNITY CONSERVATION AREA OF
THE DISTRICT OF XXXX IN THE PROVINCE OF XXXXX

Parties

This Agreement for the Exploitation of Natural Resources is executed between:

a) THE NATIONAL ADMINISTRATION FOR CONSERVATION AREAS OF MOZAMBIQUE (ANAC), hereinafter referred to as THE FIRST PARTY

b) THE MANAGEMENT COUNCIL OF XXXXXXXXXX, COMMUNITY CONSERVATION AREACOF THE DISTRICT OF XXXX; hereby known as THE SECOND PARTY

The Management Entity of the Community Conservation Area and the ANAC will hereinafter be jointly referred to as “the Parties”.

Preamble

WHEREAS the Land law recognizes local communities as legal persons, defining them as “a grouping of families and individuals, living in a territorial area that is at the level of a locality or smaller, which seeks to safeguard their common interests through the protection of areas for habitation or agriculture, whether cultivated or lying fallow, forests, places of cultural importance, pastures, water sources and areas for expansion”;

WHEREAS the Management Entity of the xxxxxxxxx Community Association is the manager of the xxxxxxxxxxxxxx Community Conservation Area located in the xxxxxxx District, xxxxxx Province, in terms of Article 22 of the Law 5/2017 and Article 63 of Decree Nr. 89/2017;

WHEREAS the area was established by the Ministry that oversees conservation areas as a Community Conservation Area and the responsibility to manage, use and conserve fishing, forest and wildlife resources, including the Ecotourism of the Community Conservation Area was delegated to the aforementioned Management Entity;

WHEREAS the Management Entity represents the xxxxxxxxxxxxxxxxxxxxx communities, so that they can benefit from this agreement.

CONSIDERING THAT, the National Conservation Agency of Mozambique (ANAC), is mandated to oversee the management of Conservation areas established in terms of the Law 5/2017;

SO, IN THESE TERMS, the following is concluded:

ARTICLE I

(Object)

1. The object of this contract is the utilization and development of natural resources in the xxxxxxxxx Community Conservation Area.
2. The natural resources mentioned in the previous number include fishing and forests resources, wildlife and activities related to ecotourism.

Article 2

(Contract Documents)

This contract consists of this main body and the following Annexes, which form an integral part of it:

- a) Annex “A” Maps with description of the limits of the Community Conservation Areas and respective resources;
- b) Appendix “B” Description of the existing communities in each Community Conservation Area and respective Management Committees;
- c) Annex “C” Forecast of the annual plan for the exploitation of natural resources in the Community Conservation Area;

Article 3

(Duration)

1. This contract has a duration of 20 (twenty) years, renewable.
2. The renewal of the contract will depend on the Second Party’s compliance with the natural resources exploitation plan and all legal provisions, a positive assessment of the implementation of the contract and the willingness of the resident communities to remain as part of a Community Conservation Area.

Article 4

(Monitoring and Evaluation)

1. It is incumbent upon the Government through the First Party, assisted by the executive organs of decentralized provincial and district governance to continuously assess and evaluate the implementation of this contract.
2. The assessment referred to in the previous paragraph should result in an annual report describing the activities implemented, with a clear indication of the strengths and weaknesses, and the respective proposals for improvement.

Article 5

(First Party rights and obligations)

I. The First Party's Rights are:

- a) Participate in the elaboration of the Management Plan of the community conservation area and its implementation;
- b) Sanction and approve the Management Plan of the Community Conservation Area.
- c) After the creation of the conservation area, and on receipt of an application by the management entity of the Community Conservation Area, carry out an inspection to verify compliance with the requirements for the creation of the conservation area, as provided for in the Law and Regulations.
- d) Monitor compliance with the law by the management body of the Community Conservation Area, once the area has been declared officially operational.
- e) Monitor and evaluate performance and results of the community conservation area in terms of ecological aspects and community benefits.
- f) Have access to all information related to the activities carried out by the management body of the Community Conservation Area, including financial information.

2. The First Party's obligations are:

- a) Assist and advise the local communities on the creation, implementation, modification and termination of the community conservation area;
- b) Assist and advise the management entity of the community conservation area on the elaboration and follow-up of co-management agreements and concession agreements concerning economic activities;
- c) Provide support to the monitoring of natural resources;
- d) Support and facilitate, within the scope of its authority, the obtaining of authorizations and licenses necessary for the operation and development of the rights attributed to the Second Party, among others, hunting licenses, quotas and certificates for the export of trophies, including all CITES permissions.
- e) Support the management entity of the Community Conservation Area in the control of activities that may possibly interfere with the activities covered by this contract.
- f) Advise or provide information and give technical recommendations to the management entity of the Community Conserved Area on the use and conservation of natural resources in the area covered by this contract.

Article 6

(Rights and obligations of the Second Party)

I. The Second Party's Rights are:

- a) To manage the Community Conservation Area in terms of the Law 5/2017 and Article 63 of Decree Nr. 89/2017;
- b) Implement management activities in compliance with the law and regulations.
- c) Attract potential investors to utilize resources and generate income for the community conservation area.
- d) Be the holder of bank accounts to which the income resulting from the exploitation of the resources in the community conservation area will be channeled.
- e) Define how and where the income resulting from the exploitation of community conservation areas should be applied, provided that a portion of income is reserved for conservation management activities.

2. The Second Party's obligations are:

- a) Preserve the biological and socio-cultural heritage;
- a) Promote the sustainable use and benefit of natural resources;
- b) Comply with the norms of the Management Plan;
- c) Pass on ecological and socio-cultural knowledge from generation to generation;
- d) Protect wildlife corridors.
- a) Request and obtain all required licenses and / or authorizations for exploring natural resources in the areas covered by this contract.
- b) Submit to the First Party for approval the management plan within a period of at most 24 months, counting from the date of creation of the conservation area.
- e) Provide the First Party with access to all information related to the activities carried out by the concessionaires, including financial information.
- c) Submit to the First Party an annual report on the exploitation of natural resources from the previous year by March 30 of each year, accompanied by the annual plan of activities for the following year.
- d) Respect and enforce the licenses and or authorizations for the exploitation of natural resources that have been approved.
- e) Contribute to the awareness and mobilization of members of local communities with a view to:
 - i. Reduce poaching, prevent illegal fishing and illegal exploitation of forest resources;
 - ii. prevent uncontrolled fires, prevent and reduce soil erosion, prevent and reduce contamination and indiscriminate use of natural resources, prevent and reduce the use of poisons and illegal methods of fishing and hunting, illegal mining and prospecting;

f) Make the annual financial report of its activities to the government, which must be presented together with the annual activity report,

Article 7

(Activities permitted in community conservation areas)

1. Provided that they are duly authorized by license, the following activities can be carried out in the Community Conservation Area:

- a) Tourism activity;
- b) Hunting, fishing and exploitation of the forest resource;
- c) Catching live animals and collecting eggs;
- d) Beekeeping;
- e) Scientific research.

2. In the Community Conservation Area, the exploitation of natural resources for the own consumption of local communities is permitted, in terms of the Management Plan and includes: conservation agriculture, harvesting and/or extraction of non-timber forest products, medicinal plants, agro-forestry activities, fishing, small game hunting for subsistence purposes, animal husbandry.

3. The exercise of economic activities by local communities must be previously authorized by the Administration of the Community Conservation Area.

Article 8

(Agriculture and animal husbandry)

Where agriculture by local communities in the Community Conservation Area is permitted, it is subject to the following conditions:

- a) Each family may only work the area authorized by the conservation area administration;
- b) Mechanical equipment may not be used.

Article 9

(Fishing activity by local communities)

Where fishing by local communities in the Community Conservation Areas is permitted, it is subject to the following conditions:

- a) The season and the fishing gear are established by the ministry with oversight of fishing, on a proposal of ANAC;
- b) The places where fishing is done are defined in the Management Plan.

Article 10

(Hunting for own consumption by local communities)

Where hunting for own consumption by local communities in the Community Conservation Area is permitted, it is subject to the following conditions:

- a) The terms, places, season and hunting gear shall be determined by agreement between the local communities represented by the natural resources management committees and the entity managing the conservation area;
- b) The entity managing the conservation area determines the quotas and the species hunted by the local communities;
- c) Traps or other similar or equivalent means may not be used;
- d) If any animal referred to in the previous paragraph is killed due to its posing an imminent danger to human life, it shall be delivered in its entirety to the entity managing the conservation area;
- e) The hunting of any animal is authorized by the entity managing the conservation area,

Article 11

(Exploitation of forest resources)

1. The exploitation of forest resources in the Community Conservation Area by the residing local communities must comply with the provisions of the applicable legislation and with the terms and conditions set forth in the Management Plan.

2. The exploitation of forest resources in community conservation areas and their buffer zones by entities from outside the area of jurisdiction of the Community Conservation Area can only be undertaken in partnership with local communities, in addition to having to comply with the applicable legislation and the Management Plan.

Article 12

(Beekeeping by local communities)

Where beekeeping by local communities in the Community Conservation Area is permitted, it is subject to the following conditions:

- a) Deforestation within the Community Conservation Area is forbidden;
- b) Uncontrolled burning to extract honey is forbidden;
- c) Extraction of honey in conservation areas using traditional or any other unsustainable methods is forbidden.

Article 13

(Changes to the contract)

1. This contract can only be changed in whole or in part by written agreement between the Parties, specifying the clauses to be amended and the resulting new text, to be attached to this contract in the form of an Addendum, becoming an integral part the original text.
2. This contract, its annexes and its amendments will be valid only when signed by representatives duly accredited by the Parties.

Article 14

(Termination of contract)

1. The First Party may terminate this contract if the Second Party commits material violations to it, such as the following:
 - a) Deviation from the object of this contract, without the express approval of the First Party;
 - b) Prolonged suspension of management activities for more than 6 (six) months for reasons attributable to the Second Party;
 - c) Repeated non-compliance with legal provisions of Law 5/2017 and Article 63 of Decree Nr. 89/2017.
2. In case of any of the non-compliances defined in the previous number, the First Party must notify the Second Party, in writing, so that he can solve the problem within 60 (sixty) days. The Second Party shall resolve the situation in this period, under penalty of the First Party being able to terminate the contract, by written notification, sent to the Second Party, with acknowledgment of receipt, which will have immediate effects.
3. The Second Party may terminate the contract in writing, with 6 (six) months' notice, if the communities resident in the Community Conservation Area wish to terminate the Community Conservation Area in terms of the Law 5/2017 and Article 63 of Decree Nr. 89/2017.

Article 15

(Doubts, disputes and conflicts)

1. Any doubts, disputes or conflicts that may result from the interpretation, execution or termination of this contract will be resolved through friendly negotiations between the Parties, in accordance with the rules of good faith, respect and cooperation that govern its execution.
2. One party will notify the other in writing of the existence of a conflict.
3. If the resolution is not possible under the terms of paragraph 1 of Article 19 of this contract, within thirty days after the delivery of the notification, the dispute will be placed before a competent arbitration tribunal composed of three arbitrators, in accordance with the rules of Law No. 11/99, of 8 July. However, if the Parties so agree, the arbitration will be conducted by a single arbitrator.

4. The arbitration tribunal will be established in the following three months, after which, if it has not been established, either Party has the right to apply to the Judicial Court to establish an arbitration tribunal.

5. All conflicts submitted to arbitration will be definitively resolved in accordance with Law No. 11/99, of 8 July.

6. The arbitration will be conducted in the city of xxxx at a location to be determined by the arbitration tribunal.

9. The arbitration decision will be final and binding on the parties, subject to appeal only in the cases provided for by Law No. 11/99, of 8 July and other legislation in force in the Republic of Mozambique.

10. As far as possible, the parties will continue to fulfill their contractual obligations and conditions, despite the initiation of the arbitration process and the existence of a pending dispute.

11. The dispute will be considered in accordance with the material law of Mozambique.

12. The arbitration tribunal cannot *decide ex æquo et bono*.

Article 16

Applicable Law

This contract will be governed and interpreted in accordance with the Laws of the Republic of Mozambique.

Article 17

Notifications/Addresses

1. Notifications and other correspondence shall be sent to the parties at the following:

Address of the First Party: _____

Address of the Second Party _____

Article 18

Final Provisions

1. This contract constitutes the only agreement between the parties, and there is no other contract, declaration or guarantee, except those specifically established in this contract, including the Annexes and Addenda.

2. No softening of the rules allowed by either party will be interpreted as a waiver by the compliant party from exercising its rights under this contract, nor will such a slowdown prevent the compliant party from enforcing its rights in the event of subsequent breach of any of the provisions of this contract.

3. In case of ambiguities or discrepancies, this contract and all its annexes and Addenda, shall prevail over all others.

Done and signed in the city of _____ on the _____ day of _____ 2020, in 2 (two) copies all of equal legal value, once signed and initialed by the parties.

First Party

Second Party

C.2 Draft Agreement between the CCA and Safari Operator

UTILISATION AND DEVELOPMENT CONTRACT FOR NATURAL RESOURCES IN THE
COMMUNITY CONSERVATION AREA OF xxxxxxxx

BETWEEN

THE COMMUNITY CONSERVATION AREA MANAGEMENT COUNCIL OF xxxxx

AND

XXXXXXXXXX, XXXXXXXXXXXX, XXXXXXXX, XXXX

Whereas:

The xxxxxxxxx Community Based Organisation is the manager of the xxxxxxxxxxxxxx Community Conservation Area located in the xxxxxxx District, xxxxxx Province, covering an area of xxx ha, established by Decree xxxx in terms of Article 22 of the Law 5/2017 and Article 63 of Decree Nr. 89/2017;

The area was established by the Ministry that oversees conservation areas as a Community Conservation Area and the responsibility to manage, use and conserve fishing, forest and wildlife resources, including the Ecotourism of the Community Conservation Area was delegated to the aforementioned Community Based organisation;

The Community Based Organization represents the xxxxxxxxxxxxxxxxxxxxx communities, so that they can benefit from this agreement.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX, LIMITED, is the Investor (chosen) (selected) who won the public tender launched by the Community Based Organisation of the xxxxxx Community Conservation Area for the utilisation of natural resources in the Community Conservation Area.

This Contract for the Utilisation and Development of Natural Resources of the Community Conservation Area of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx is signed, between:

The Community Based Organization that is the Management Entity of the Community Conservation Area of xxxxxxxxxxxxxxxxxxxx, holder of the right to manage and develop the natural resources of the Community Conservation Area of xxxxxxxxxxxxxxxxxxxx, hereinafter designated as First Party, in this act represented by xxxxxxxxxxxxxxxxxxxx, on behalf of the Management Entity of the Community Conservation Area of xxxxxxxxxxxxxxxxxxxx, with sufficient powers to represent the area in question, as set out in the constitution of the xxxxxxxxx Community Based Organisation.

2. The renewal of the contract for the utilisation and development of natural resources will depend on the fulfillment, by the Second Party, of the plan for the utilisation of natural resources, on the positive annual assessment of the implementation of the contract by the first party, and on the existence of a good relationship with the Local Communities in the Community Conservation Area.

3. The First Party reserves the right to terminate this contract, if proven, that the degree of compliance with the planned investment and the other obligations of this contract as from the second year of the effectiveness of this contract are unsatisfactory in terms of the progress in the development of the management and utilisation of natural resources and the development of ecotourism activities in the Community Conservation Area as established by the monitoring and evaluation process set out in the next Article.

Article 4

(Monitoring and Evaluation)

1. It is incumbent upon the Ministry that oversees the conservation areas and the Government, through the National Conservation Agency of Mozambique (ANAC), and the executive bodies of decentralized provincial and district governance, to monitor and continuously evaluate the implementation of this contract.

2. The assessment referred to in the previous paragraph should result in an annual report describing the activities implemented, with a clear indication of the strengths and weaknesses, and the respective proposals for improvement.

Article 5

(Rights and obligations of the First Party)

1. The rights of the First Party are:

- a) Discuss and approve the annual management plan for the utilisation of natural resources.
- b) Appoint representatives who will be members of the management bodies of the Community Conservation Area.
- c) Monitor the implementation of activities of utilisation of natural resources in the Community Conservation Area.
- d) Monitor compliance with the management plan and the conservation law by the second party.
- e) Have access to all information related to the activities carried out by the second party.

2. The First Party's obligations are:

- a) Support the Second Party in the identification and utilisation of the potential of the Community Conservation Area.
- b) Request and guarantee the issuance of all licenses and / or authorizations legally provided for the exploitation of natural resources in the Community Conservation Area covered by this contract, among others, hunting licenses, quotas and certificates for the export of trophies, including all CITES permissions.
- c) Support the Second Party in the control of activities that may interfere with the activities that are the subject of this contract.

- d) Make every effort to ensure that the employees and management personnel of the first party are treated with courtesy and that their rights are respected in accordance with the law and this contract.
- e) Advise or provide information and give technical recommendations to the Second Party on the use and conservation of natural resources existing in the areas of the Community Conservation Area covered by this contract.
- f) Support and facilitate, within the scope of its authority, the obtaining of authorizations and licenses necessary for the operation and development of the rights attributed to the concessionaires.
- g) Not to assign, negotiate or transfer the concession or part of it to any other entity without the written permission of the second party while this contract is still valid and in force.
- h) To serve as a link between the Second Party and the local communities in the Community Conservation Area.

Article 6

(Rights and obligations of the Second Party)

I. The rights of the Second Party are:

- a) Obtain from the First Party all the support with a view to requesting and obtaining all the licenses and / or authorizations legally provided for exploring natural resources in the Community Conservation Area object of this contract.
- b) Implement the activities taking into account the law and the annual activity plan.
- c) To have access to all the information related to the existing natural resources in the Community Conservation Area, to the existing local communities and their respective leaders, and other information deemed pertinent.
- d) Charge tourist fees and hunting fees and other fees that it deems pertinent, as long as they do not contravene the legislation.
- e) If the First Party carries out any censuses of game animals specifically for the Community Conservation Area which is the object of this contract, the Second Party may participate in the selection of the entity to be contracted for that purpose, according to terms to be determined in subsequent negotiations between the parties.

2. The obligations of the Second Party are:

- a) Submit an annual report on the utilization of natural resources from the previous year by February 28 of each year, accompanied by the annual activity plan for the following year.
- b) Obtain approval from government entities where appropriate, for all operations and developments, under the terms of the Law, including licenses and authorizations.

- c) Respect and enforce the licenses and or authorizations for the exploitation of natural resources that have been approved.
- d) Support the Community Conservation Area management council in controlling the activities of exploiting natural resources and in particular:
 - i. Reduce poaching, prevent illegal fishing and illegal exploitation of forest resources.
 - ii. prevent uncontrolled fires, prevent and reduce soil erosion, prevent and reduce contamination and indiscriminate use of natural resources, prevent and reduce the use of poisons and illegal methods of fishing and hunting, illegal mining and prospecting.
- e) Provide the annual financial report of its activities to the Community Conservation Area Management Council, and the government, which must be presented together with the annual activity report.
- f) Comply strictly with the rules for the protection and conservation of the environment in the Community Conservation Area, under the terms of the law, the Management Plan, and any other rules in force,
- g) Support the Community Conservation Area Management Council in inspecting and monitoring activities related to wildlife, in order to support the effective bio-ecological balance and sustainable use.
- h) Make every effort to ensure that local communities are treated with courtesy and that their rights are respected in accordance to law.
- i) Comply with investment and development plans in accordance with the exploitation Proposal submitted in the Bidding Document.
- j) Not to assign or transfer the concession or part of it to any other entity without the written permission of the first party.
- k) Develop, build and maintain access roads and an internal road network, using appropriate equipment for road construction, at levels approved by the First party and in consultation with the Provincial Directorate of Public Works. Within 3 years, the Second party will:
 - i. Repair access roads;
 - ii. Build a minimum of xxx (xxx) km of main, secondary and tertiary roads;
 - iii. Repair and maintain fundamental bridges, so that all main accesses are operational.
- l) On termination of this contract, transfer all asset and infrastructure built by the second party to the first party. Employ by contract around xxx Mozambican workers (permanent and seasonal) at the local level, creating suitable accommodation, permanent and seasonal latrines and drinking water supply, which are in accordance with the Annual Activity Plans.
- m) Promote professional training programs, especially on the following topics as appropriate:
 - i. Management, use and protection of wildlife;
 - ii. Hospitality management and skills;

- iii. Technical skills related to the tourism industry; and
- iv. Professional hunting, track and skinning;

and train local community staff as far as possible to management level within the operations of the Second Party.

- n) The Second party will provide a comprehensive radio communication system and establish permanent security camps in strategic locations within the Community Conservation Area, so that the anti-poaching force can effectively patrol the management area.
- o) Build a main landing strip with 1,500 (fifteen hundred) m in accordance with the legislation in force in the Republic of Mozambique, to serve the respective hunting camp and management facilities. Any additional airstrips will be identified and agreed with the Community Conservation Area Management Council.
- p) The Second Party will implement a Community Development Plan, as defined in the Tender Application Document and the Annual Activity Plan, focusing especially on the following programs *(N.B. the programme should be negotiated, according to the needs of each CCA and could include the following:*
 - i. *Social and Infrastructure Support Program;*
 - ii. *Health Support Program;*
 - iii. *Education Support Program;*
 - iv. *Human Resources Development Support Program;*
 - v. *Agriculture Support Program.)*

Article 7

(Fees)

1. All Fees must be paid by bank transfer or certified check.
2. Payments made overdue more than 45 (forty-five) days after the deadline, will have an increase in interest at the rate of 15% per year
3. Fees in respect of hunting and/or eco-tourism, or utilization of other specified resources will be paid by the second party in the following terms:
 - a) In respect of Hunting fees:
 - i. The Non-Guaranteed Fee is paid for the hunting of each species of animal that is granted to the Community Conservation Area in its annual quota. The Second Party shall pay the Fee corresponding to each animal to be hunted each time it seeks to obtain a hunting license from the First Party.
 - ii. A Guaranteed Hunting Rights fee is payable annually in the amount of xxxx increasing each year according to the annual national inflation rate with:

- a. At least 50% of the annual management concession fee, must be paid within thirty (30) days after the signing of this contract, in the first year and before the end of February in subsequent years.
- b. The remaining 50% must be paid no later than 31 July of each year.

b) In respect of tourism fees:

- i. Operating Fee: Starting from Effective Date, the Operator shall pay the First Party in arrears within _____ Days (*normally 30 or 60*) following the end of each _____ (*normally month or quarter*) an operating fee of:

Calendar Year _____: % of net turnover (Signing date to December)

Calendar Year _____: % of net turnover (Signing date to December)

Calendar Year _____: % of net turnover (Signing date to December)

Calendar Year _____: % of net turnover (Signing date to December)

(These percentages and periods will be agreed as part of the negotiating process before the contract is drafted. They should actually be part of the original proposal that is offered by the investor / operator.)

- ii. The Tourism Operator is liable to pay a minimum operating fee of Mts _____ per annum. This minimum fee should increase annually in line with the annual national inflation rate.

c) In respect of utilization of other resources :

(Specify the resources and the negotiated fee)

Article 8

(Infrastructure development and construction)

1. Any construction (buildings, roads, bridges, etc.), whether temporary or permanent, that is part of the management plan or is an addition to it, must be done in accordance with the law.
2. The constructions referred to in the preceding paragraph must respect local habits and traditions, namely the existence of graves, places considered sacred or traditional.

Article 9

(Responsibility for loss and damage)

1. During the term of this contract, the Second Party will maintain one or more insurance policies against all risks, covering operations, including damages to customers, workers and facilities.
2. Each Party will hold the other Party **not** responsible for any obligation resulting from complaints made against it by third parties, including any of its respective workers or customers, for loss, accidents or direct damage resulting from that Party's negligence.

Article 10

(Force Majeure)

1. The parties' liability for delay or total or partial failure to comply with the obligations of this contract ceases in cases of *force majeure*, unless the Second Party wishes to continue at its own risk.
2. Extraordinary and unpredictable events, the effects of which occur regardless of the will of the Parties and which significantly affect the performance of the work, will be considered cases of *force majeure*, namely:
 - a) Acts of war or subversion, hostility or evasion, riots, rebellion, terrorism, piracy, among others;
 - b) Epidemics, atomic radiation;
 - c) Serious floods, cyclones, landslides, earthquakes;
 - d) Other natural cataclysms that directly affect the scope of the benefits resulting from this contract.
3. Any Party may terminate this contract if the suspension of work in case of *force majeure* lasts for a period exceeding 9 (nine) months.

Article 11

(Changes to the contract)

1. This contract can only be changed in whole or in part by written agreement between the Parties, specifying the clauses to be amended and the resulting new text, to be attached to this contract in the form of an Addendum, becoming an integral part the original text.
2. This contract, its annexes and its amendments will be valid only when signed by representatives duly accredited by the Parties.

Article 12

(Termination of contract)

1. The First Party may terminate this contract if the Second Party commits material violations to it, such as the following:
 - a) Deviation from the object of this contract, without the express approval of the First Party;
 - b) Prolonged suspension of management and utilization for more than 9 (nine) months for reasons attributable to the Second Party;
 - c) Repeated non-compliance with the objectives, investments and activities established in the Annual Activity Plans, for reasons attributable to the Second Party;
 - d) Failure to deliver the Annual Reports on time by the Second Party;

- e) Failure by the Second Party to deliver an Annual Activity Plan in accordance with the requirements of this contract, provided that the Parties have made every effort to conform these plans to periods not exceeding two months;
- f) Failure to pay timely fees due from the Second Party;
- g) Non-compliance by the Second Party with the terms of Article 12 regarding the coverage of losses and damages;
- h) The Second Party fails or neglects to take reasonable safety precautions for any of its employees or guests.
- i) Repeated and systematic opposition to the exercise of inspection or systematic non-compliance with the applicable laws and regulations in force, as well as the repeated non-compliance with rules related to the obtaining of authorization and operation licenses by the Second Party;
- j) Declaration of bankruptcy.

2. In case of any of the non-compliances defined in the previous number, the First Party must notify the Second Party, in writing, so that he can solve the problem within 60 (sixty) days. The Second Party shall resolve the situation in this period, under penalty of the First Party being able to terminate the contract, by written notification, sent to the Second Party, with acknowledgment of receipt, which will have immediate effects.

Upon termination pursuant to this Clause the First party shall be entitled to recover from the Second party damages, loss and expenses suffered by the First party due to the Second Party's default or breach including any outstanding payments in accordance to this Agreement.

3. During the three months preceding the end of the contract or a different date that may be agreed between the Parties in writing for the end of the contract, the First Party has the right to take the necessary measures to guarantee continuity and to facilitate the transition of the management of the Community Conservation Area, as long as these do not negatively affect the operation of the business, assets and income of the Second Party.

4. The Second Party may terminate the contract in writing, with 6 (six) months' notice, duly based on proven and irrefutable facts, if the First Party is not timely and systematically fulfilling its obligations under the terms of this contract. The Second Party reserves the right to remove the assets and equipment assigned to the management area, to a location that it considers most convenient, within a period of 3 (three) months after the date of termination that takes place in terms of this article.

Article 13

(Doubts, disputes and conflicts)

1. Any doubts, disputes or conflicts that may result from the interpretation, execution or termination of this contract will be resolved through friendly negotiations between the Parties, in accordance with the rules of good faith, respect and cooperation that govern its execution.

2. One party will notify the other in writing of the existence of a conflict.

3. If the resolution is not possible under the terms of paragraph 1 of Article 19 of this contract, within thirty days after the delivery of the notification, the dispute will be placed before a competent arbitration tribunal composed of three arbitrators, in accordance with the rules of Law No. 11/99, of 8 July. However, if the Parties so agree, the arbitration will be conducted by a single arbitrator.
4. The arbitration tribunal will be established in the following three months, after which, if it has not been established, either Party has the right to apply to the Judicial Court of to establish an arbitration tribunal.
5. All conflicts submitted to arbitration will be definitively resolved in accordance with Law No. 11/99, of 8 July.
6. The arbitration will be conducted in the city of xxx at a location to be determined by the arbitration tribunal.
7. The arbitration procedures will be conducted in Portuguese.
8. The Portuguese version of this contract will be the only one used by the arbitration tribunal to resolve disputes that result.
9. The arbitration decision will be final and binding on the parties, subject to appeal only in the cases provided for by Law No. 11/99, of 8 July and other legislation in force in the Republic of Mozambique.
10. As far as possible, the parties will continue to fulfill their contractual obligations and conditions, despite the initiation of the arbitration process and the existence of a pending dispute.
11. The dispute will be considered in accordance with the material law of Mozambique.
12. The arbitration tribunal cannot decide *ex æquo et bono*.

Article 14

(Applicable Law)

This contract will be governed and interpreted in accordance with the Laws of the Republic of Mozambique.

Article 15

(Notifications/addresses)

1. Notifications and other correspondence shall be sent to the parties at the following:

Address of the First Party: _____

Address of the Second party _____

Article 16

(Final provisions)

1. This contract constitutes the only agreement between the parties, and there is no other contract, declaration or guarantee, except those specifically established in this contract, including the Annexes and Addenda.

2. No softening of the rules allowed by either party will be interpreted as a waiver by the compliant party from exercising its rights under this contract, nor will such a slowdown prevent the compliant party from enforcing its rights in the event of subsequent breach of any of the provisions of this contract.

3. In case of ambiguities or discrepancies, this contract, and its all annexes and Addenda, shall prevail over all others.

Done and signed in the city of _____ on the _____ day of _____ 2020, in 2 (two) copies, in Portuguese, all of equal legal value, once signed and initialed by the parties.

First Party

Second Party

Annex D: Lessons Learned from Mozambican CBNRM Initiatives

DI. Tchuma Tchato Project

Background⁶

Introduction

Tchuma Tchato is a Community Based Natural Resources Management (CBNRM) Programme which is taking place in Tete Province. The main focus is to ensure community participation in resource management while getting tangible benefits from resources utilization. The main resource is wildlife from trophy hunting but also to some extent fisheries from taxation of artisanal fishing and tourism accommodation.

The programme started in Magoe District, Chinthopo Ward in 1994 (covering an area of 2.500Sq.Km) due to conflicts between the Safari Operator and local communities over access to wildlife resources. It was the first formal CBNRM project in Mozambique.

Programme Objectives

The main objectives of the programme are as follows:

- To promote conservation initiatives in the region;
- To promote sustainable utilization of natural resources;
- To involve communities in conservation and utilization of natural resources;
- To ensure communities are getting tangible benefits from resource utilization;
- To minimize conflicts over land and other resources use.

Evolution of the programme

The Safari Operator (Mozambique Safaris) was allocated the hunting concession by Central Government in Maputo to run his business in Magoe district without previous consultation with local communities.

Wildlife was a valuable resource to indigenous communities as they were getting protein and income from selling of bush meat and other by-products. Conflicts arose and local communities were arrested for poaching wild animals. There was a need to identify viable solutions which could provide an enabling environment for involving local communities in the management process and getting tangible benefits from resources utilization.

A co-management model was identified through involvement of local communities, public sector (SPFFB and DNFFB) and private sector (Mozambique Safaris), each with its role:

Local Communities: Participate in resource monitoring (patrols and reporting of illegal incidents), contribute in quota setting, receive money from resource utilization and make decisions on how to spend the received money, make decisions regarding human-wildlife conflict in coordination with Government and safari operator.

Public Sector: Adoption of conducive Policies (to benefit local communities), assist communities in signing contracts with the private sector, technical assistance (e.g. Government rangers, human-wildlife conflicts, former Tchuma Tchato managers were Government officials), issuing hunting licenses, convict illegal users and assist communities to identify development priorities.

⁶ Based largely on the 2017 Verde Azul report and information from T Lindimba. Other sources are cited as appropriate

Private Sector: Running the business, participate in quota setting, pay hunting fees from which 33% is allocated to communities, ensure the meat from hunting operations is provided to local communities, assist in human-wildlife conflicts resolution, provision of jobs to local communities, identification of other business opportunities such as sport fishing and game viewing.

Legal framework:

The legal instrument that protects the implementation of Tchuma Tchatu in Tete province is an Inter-Ministerial Agreement document (Diploma Inter-Ministerial 92/95) signed by the Minister of Agriculture and Fisheries, the Minister of Justice and the Minister of Finance. The Diploma stated that 33% of revenue from hunting fees goes to the communities, 33% to the District Government and 34% to the Central Government.

Apart from this document there is another Agreement signed by the Provincial Directorate of Agriculture and Fisheries of Tete, for revenue sharing accrued from Artisanal Fishing which states that: 40% goes to the Central Government, 30% to the local communities, 20% for Tchuma Tchatu management and 10% to the District Government.

The distribution of income from hunting safaris was revised by a new agreement document (Ministerial Diploma 63/2003) as follows:

- 33% goes to the local communities;
- 32% to the Provincial Government for management of Tchuma Tchatu (pay salaries to the game scouts, buying uniforms, maintenance of infrastructure, fuel, food);
- 20% to the District Government;
- 15% to the Central Government.

The income distribution to the community is made by the government after receiving the concession fee from the safari operator.

The communities under Tchuma Tchato Programme do not hold Land Title Deeds (DUATs). The Community Scouts do not have legal rights to arrest illegal resource users. They have to report to the Government Officials. Village Management Councils do not have legal authority to enforce natural resource management rules.

Application of funds

There are procedures for the management of funds:

- There are bank accounts opened to keep communities funds;
- The money is supposed to be used according to the approved plans;
- Main use is construction of community infrastructure – e.g. schools, clinics, provision of clean water, community markets, grinding mills, community tuck-shops, running community rotational microfinance system, buying vehicles for transportation of community goods.

However, there are some major challenges in the application of community funds:

- Lack of accountability and transparency in management of community funds by their leaders;
- Lack of inclusion of all social groups during definition of priorities;
- The technical assistance from the management units is not sufficient to allow appropriate management of community funds and community projects;
- Community members are not returning back the loans from micro finance systems;
- Government interference in management of community funds.
-

Community benefits:

- Access to resources including bush meat and medicinal plants;
- Promotion of local employment (at the main camp, Safari Operator, Community Scouts);

- Human wildlife conflicts resolution (electric fences to protect community fields);
- Construction of schools, community shops, grinding mills, etc., through the money accrued from wildlife resources.

Potential Benefits:

Government Level, Forest and Wildlife Department:

- Sustainable resource use;
- Maintenance of biodiversity;
- Good way of conflict resolution;
- Rural development.

District Level:

- District development;
- More Government capacity to solve financial problems;
- Building linkages between local Government and local community;
- Realized decentralization process for decision making to the local level.

Private Sector

- Less responsibility for private operator to invest in conservation activities - reduction of patrol efforts;
- More credibility of safari operator-best practices due to community involvement;
- More income with fewer costs to private operator.

Major achievements

- ✓ The Government of Mozambique has adopted the community conservation approach in the National Legislation from Tchuma Tchato experiences;
- ✓ The Program catalyzed the process of decentralization in decision making regarding wildlife conservation to the provincial level;
- ✓ Conflicts between stakeholders in conservation and resource use have been reduced;
- ✓ Positive change on community perception and their attitudes towards conservation;
- ✓ The money received from wildlife revenues is used to promote community development projects;
- ✓ Expansion of Tchuma Tchato to other districts within Tete Province.
- ✓ Adoption of similar approaches elsewhere, e.g. Chipanje Chetu in Niassa Province

Project Expansion:

With the success of Tchuma Tchato in 1996 it was expanded to Daque covering Magoe, Cahora Bassa and Changara districts with the total size of 9,000 km². Then it was expanded to Zumbo, Maravia, Chifunde, Chiuta and Macanga districts covering the total area of 3,928,911 ha with 59 communities (village level). The viable hunting areas are in eight hunting blocks covering 2,203,051 ha.

For management purposes they have created four management units being: Bawa and Daque (Magoe District), Zumbo unit (Zumbo district) and Chiritse Unit (Chiuta, Maravia and Macanga districts). These units have a structure that includes: Head of the Unit; head of the Rangers (fiscais), head of communications; head of community development; head of Administration and Finance and Rangers.

However, the management structures for the four management units were not completely filled due to lack of staff and funding to attract qualified staff to work for Tchuma Tchato. Thus, the units work only with a head of unit, the head of *fiscais* and the *fiscais*, with the result there is a focus on day-to-day management activities.

Operative management units face enormous challenges due to the lack of means and equipment necessary for the work of the *fiscals* and support infrastructure for technical staff and administrative staff.

Revenues Channelled to Tchuma Tchato

From 1996 to 2015 the Tchuma Tchato Programme generated total revenue of 77.9 million meticaïls from Safari Hunting. Between 2011 and 2015, 445 tourists hunted at Tchuma Tchato area and most came from USA, France, South Africa and Spain.

The major animal species hunted are elephant, lion and leopard depending on the government obtaining from CITES special hunting permits. In terms of quotas used, including other animal species, a total of 1,625 animals were hunted between 2011 to 2015. There was a slight reduction of animals hunted from 2013, which led to a reduction of income from hunting safaris. One of the reasons is the prohibition of importation of elephant and hippo trophies to the USA.

Establishment of Magoé National Park

Magoé NP was established under the Decree n° 67/2013 of 11th of November with a total area of 355,852,045 ha, covering Magoé and Cahora Bassa districts. The area has 3,736 people living there. The establishment of the park has reduced the available hunting blocks from eight (2,203,051 ha) to six (1,918,185 ha), which will reduce the hunting revenue generated by Tchuma Tchato.

There are other challenges. The park has been functioning with the financial resources from Tchuma Tchato – to pay community scouts' salaries and to cover running costs. In addition there is the need to promote integrated management with the hunting blocks from the remaining Tchuma Tchato area. There is also the issue of how the park residents receive benefits compared to when they were part of Tchuma Tchato under which they were getting 33% of hunting fees. Would this now be reduced to 20% of park fees?

Further, the MNP is managed by ANAC at national level, while Tchuma Tchato is managed at provincial level, potentially making it more difficult to develop co-management between the park and neighbouring Tchuma Tchato areas.

Roles of Stakeholders

Central level: ANAC-MITADER:

- Assist the program in implementing usage policies and community participation;
- Carry out the monitoring of program activities;
- Collect revenue from hunting activities;
- Promote the program's image in relation to the potential tourism and biodiversity;
- Assist local communities in the process of legitimizing human rights
- Land tenure.

Provincial and local level: DAC-DPTADER and District Governments

- Assist the operational management units to better facilitate the intervention in biodiversity conservation and local development with the implementation of the program, including conflict resolution;
- Carry out the licensing of the hunting activity in accordance with the legal provisions for guidance by Tchuma Tchato;
- Channeling of revenues to each of the beneficiary actors in the Ministerial Diploma 63/2001 of 18 June 2001.

- Assist local communities in the land delimitation process communities and their zoning, conflict resolution, education and environmental awareness;
- Assist local communities in negotiating and resolving conflicts with safari operators and investors;
- Assist local communities in controlling and chasing away problem animals;
- Assist local communities in preparing plans and implementing community micro projects and local development.

Private sector

- Infrastructure development: construction and opening of access roads and roads, water supply system, including rehabilitation and maintenance of health posts and other social infrastructure;
- Investment in the tourism area with the establishment of tourist establishments, lodges and other facilities;
- Promotion and direct and indirect job creation locally for residents;
- Accountability for the management of the concession area;
- Conflict management, fire management and promotion of local development;
- Development of the management plan;
- Promotion of integrated inspection in partnership with other actors, management of conflicts;
- Fire management;
- Promotion of local development.

Community institutions

Each village involved in the Tchuma Tchato Programme has established a Village Natural Resources Management Council (CLGRN) which operates in coordination with local Government leaders and traditional leaders (Chiefs). There were 59 in 2016. The members of village councils are elected during the public meetings by the entire communities and the involvement of women is promoted. The composition of council members depends on the size of the village and the resources they have. Each Village Council has a president, vice-president, secretary, treasurer and community development officer.

The Council members represent the communities and are the ones who keep money and are supposed to implement the community projects after consultation with the entire community during public meetings.

All Community members are entitled to select their representatives to be Community Scouts who work in collaboration with Government rangers and staff from the safari operator.

The roles of the Village NR Management Council are as follows:

- Manage the resources at village level;
- Decide what projects should be promoted according to the available funds;
- Give inputs on quota setting;
- Human wildlife conflict resolution;
- Sensitization to the entire communities in relation to environmental management;
- Organize traditional ceremonies at the beginning and end of hunting seasons;
- Provision of community scouts;
- Management of the local community projects;
- Election of community representatives;
- Send representatives to the Superior Council for NRM.

A Superior Council for Natural Resources Management coordinates the Tchuma Tchato Programme at Ward level with the following roles:

- Coordination with the local community management councils, including the programme planning process;
- Get and manage money accrued from benefit sharing;
- Prioritization on where the money should be channelled (each year each community gets money);
- Represent the communities at provincial level;
- Interact with the private safari operators, in relation to the NR management and social obligations;
- Solve problems related to conservation and any other important issues at ward level.

Community fiscais

The selection of community inspectors (*fiscais*) is carried out by the communities themselves, and candidates must be residents of the community who demonstrate maturity, and suitability, who are respected by the community and enjoy the confidence of the community. The groups of community inspectors were created with the aim of ensuring the protection and conservation of natural resources against illegal activity that spread throughout the program area, and these perform the following functions:

- Carry out inspection activities in collaboration with communities and State wildlife authorities;
- Educate and raise awareness about the conservation of biodiversity and the environment;
- Collect data on the state of natural resources and raise awareness of communities;
- Collaborate with other institutions related to the conservation and use of natural resources.

Fiscais are hired by the program. Their salaries in 2016 ranged between 3,1649.00 and 6,262.15 meticals.

Use of funds

Program Management Unit (Provincial Level)

The funds channelled to the Management Units (32% of revenues) are supposed to be used for the operation of the program, and cover expenses of inspectors' salaries, acquisition of uniforms, maintenance of the infrastructures of the units, food and other needs of the inspectors.

Central government

The funds channelled to INATUR (15% of revenues) are supposed to be used for promoting and marketing the Tchuma Tchato program including the production of advertising matter to promote the image in the national market and at international level, and guarantee participation in intranational and local tourism fairs and safaris. However, INATUR has not been benefiting from this amount because it is withheld at source in Tete province.

Thus, the central unit at the local level takes care of these functions using the funds that would be channelled to INATUR, not only for program promotion and marketing activities but for strengthening the program operation.

District Government

In general, there is no clarity about the use of 20% of program revenues that are retained at the local level. However, funds channelled to districts should cover expenses related to HWC conflict mitigation, chasing away problem animals, and monitoring the activities of the program. Some reports indicate that the beneficiary districts divert the funds for other expenditure at the local level such as for the Health sector, PRM, SDAE and others. The district governments do not have a structured plan for the use of funds from the revenues of the Tchuma Tchato program and there is no established structure for control and supervision over the use of these funds. Filimão *et al* (2000) suggested there

was a lack of commitment among local governments regarding the use of the income to improve natural resource management and conservation.

Results of the Tchuma Tchato SWOT Analysis

During a Field visit to the Tete Province Capital, Tete 24-27 November 2019 a SWOT analysis of the project was conducted with provincial officials and other key stakeholders. The results were as follows:

Strengths

- Existence of Diversified Resources;
- Border control in place – Immigration and border police;
- Anti-poaching taking place;
- Community involvement;
- Environmental education taking place;
- Existence of Safari Operators: Social responsibility, wildlife management, payments to Tchuma Tchato, water provision for communities;
- Existence of the Diploma for the distribution of income;
- Meat from PAC and hunting goes to community;
- Local knowledge about living with wildlife;
- Political will to support Tchuma Tchato;
- Existence of government conservation legislation and legal framework;
- Existence of roads and easy access by boats;
- Existence of human resources with conservation knowledge;
- Decision making on hunting quotas.

Weaknesses

- No zoning programme;
- Lack of proper community structure to manage income and decide on sustainable projects and do business management planning;
- Poor road condition and lack of road access in rainy season;
- Lack of contracts between communities and safari operators – difficult to measure social responsibility compliance;
- Lack of legal instrument to ensure contracts between communities and operators;
- Other activities such as crocodile farming, sport fishing, lodges and mining where communities are not involved;
- Not all communities are registered legal institutions;
- Timber cutting through licensing leads to over exploitation – not compatible with conservation in Tchuma Tchato area;
- Weak or no presence of NGOs to support Tchuma Tchato communities;
- Weak community capacity and knowledge and training;
- No coordination among safari operators;
- Weak communication between safari operators and communities;
- Illiteracy of the communities;
- Lack of active involvement of women in decision making;
- Increased poaching due to lack of human, financial and other resources;
- Income going to provincial agencies does not always go back to support management activities in the field;
- Leakage of income from hunting and tourism to outside the country;

- No qualified Mozambican safari operators;
- Lack of sufficient qualified personnel for management of project;
- Lack of full use of wildlife economy products;
- Lack of understanding of the safari industry by government and communities;
- Institutional instability affects conservation negatively;
- Lack of communication between ANAC and provincial authorities;
- Lack of supervision of hunting and monitoring of report.

Opportunities

- We can learn from Tchuma Tchato experience which is a source of research;
- New legislation – conservation law and community conservation areas;
- Political will is there as demonstrated by the conservation law providing for community conservation areas;
- Existence of wildlife that can bring more tourists/existence of biodiversity as tourist attractions;
- All Tchuma Tchato Areas are along the Cahora Bassa Lake;
- Opportunity to seek donor funding;
- Local community has knowledge on conservation and is supportive;
- Existence of wildlife migration corridors across international boundaries.

Threats

- Poaching of wildlife and other natural resources;
- International pressure against trophy hunting;
- Potential species extinction in the area;
- Human population growth;
- Habitat loss and human encroachment;
- Climate change;
- Human wildlife conflict;
- Immigration from other countries;
- Uncontrolled fires;
- Mining;
- Lack of quota for community hunting;
- Animal disease;
- Unsustainable fishing methods;
- Poisoning of elephants;
- Invasion of exotic species due to aquaculture projects;
- Water pollution from kapenta fishing;
- Siltation from Musengezi River;
- Other anthropogenic factors causing negative impacts on ecosystems.

Solutions

- Need zoning programme/Resettlement as part of a zoning programme;
- 100% income to communities/revision of the Diploma for distribution of income;
- Proper community structures/build and or strengthen community institutions;
- Build capacity of communities to manage income and take good decisions;
- Improve road infrastructure;

- Marketing and communication to seek donor funding;
- Need indigenization of hunting industry;
- Need contracts between communities and operators and communities and government/legal instrument to enable this;
- Explore how to help Tchuma Tchato support establishment of community conservation areas;
- Make policy recommendations on how communities can benefit from other resource use;
- Provincial MITADER should stop issuing timber licenses in conservation areas – should coordinate with the national Forestry directorate;
- Government should establish the support council for community areas;
- Encourage NGOs to direct support to Tchuma Tchato communities and the establishment of community conservation areas/seek support from the national CBNRM network/seek more funding to get support from national and local NGOs;
- Engage private sector to promote community capacity building, including NGOs;
- Need long-term sustainability plan to identify how donor funding can be phased out and internal funding increased to a sustainable level/Use existing revenues more efficiently for management and staff capacity building;
- Establish appropriate communication mechanisms between stakeholders e.g. regular meetings;
- Coordinate with Ministry of Education and Human Development to promote community;education programmes/literacy campaigns;
- Recruit more staff on the ground;
- Explore policy options to explore leakage of revenue out of the country;
- ANAC and Provincial authorities should come together to find ways to improve communication and cooperation.

Suggested approaches to enhance gender equity

- An improved co-management framework can strengthen women's participation in community decision-making and ensure women and men benefit equally from income generated from the conservation area;
- Providing training and job opportunities for women and men can strengthen communities' role in conservation area management and provide female economic empowerment opportunities;
- Gender training for communities and other stakeholders to enhance knowledge of the positive impact of gender balanced biodiversity conservation.

Results from questionnaire to Private Sector Operators:

I. Chawalo Safaris

1) Does the operator have a DUAT and authorisation to work as a safari operator;

A DUAT on the 200 hectares where our camp is situated. On the Hunting area we have a contract with the Government and the local Community.

2) Data from operations:

Number of tourists and their origin annually over past 5 years

+/_ 20 hunting tourists per annum. Mostly from the USA and a few from other countries. We used to do a lot of South Africans with tiger fishing but the local people have caught all the fish in the area, so cannot sell a fishing trip any more.

Annual income past 5 years

Pass.

No. animals hunted annually past 5 years

Varies greatly. Most hunters coming to this area though target big game animals such as a buffalo, crocodile, hippo, leopard etc., and plains game is shot mostly as opportunity arises. So number of animals is not as important as specie and number of days spent.

No. of community members employed

25

Income and other benefits to the community

Their income varies depending on their position, skills etc. From \$ 70 to \$ 300 per month. This feeds many families. We also have initiated many projects in the area and have built clinics and schools.

3) Does the operator work directly with the community or through the provincial administration, any agreement with community or provincial administration?

Mostly through local government departments, so that there is a record. I believe though that local government also likes to be involved with any projects as it makes them look good.

4) Relationship with community: any meetings between operators and community committees, how often, any dispute resolution mechanisms;

Our relationship and standing with the community changes depending on what we have done for them lately. Currently we are not on such good terms as we have been very strict on poaching and illegal fishing and because of that we have not done any projects. So they are fairly unhappy at the moment.

5) Does the manager of the safari operation believe the community is satisfied with this relationship: and that it could be improved?

No, at the moment they are not satisfied. It is a very difficult balance to achieve between having the Community happy (satisfied) and keeping them from destroying the area.

6) Do people live in the hunting areas and are there areas where people fish, farm and hunt for subsistence;

Yes, but they seldom stick to these areas and when we chase them out of the area then they become unsatisfied.

7) Are there established methods for addressing Human Wildlife Conflict?,

There are. We as operators undertake to do our best to minimise the conflict but the local Community do not do anything to assist as they view wildlife as a nuisance. They often ask us to shoot an animal they say is causing problems just so they can have meat. It is not an easy task to get the right balance as some of the real culprits are high value animals that would bring in a lot of revenue if we could wait for a client to hunt it.

8) Does the operator employ his own rangers and who trains them? What is the relationship of rangers with the community?

Yes, we train them ourselves. The relationship between the rangers and the Community also depends on what we have done for them recently and if we have caught any poachers etc.

9) Do managers of the safari operators have a good relationship with the district prosecutor, judge and chief of police? How does the operator report on poaching issues – do they get help of a lawyer?

This is a delicate question but to be really honest, the local police, prosecutor etc., are more interested in how the local people will vote at the next election. So they will mostly take the side of the people even when they are wrong. They are only friendly and on our side if we constantly give them meat, fuel, transport etc.

10) Mozambique legislation makes provision for the formation of Community Conservation Areas as part of the protected Area Network. Does the operator think this would be a good thing to do in the Tchuma Tchato area?

I would be inclined to say that a better agreement and contract directly with the Community would be a better arrangement, with the blessing of ANAC and not go the same route as Tchuma Tchato as they lack funding and do not have finances for anything.

11) Apart from wildlife are there any income generating activities based on natural resources that are taking place in the community? Who is engaged in such activities and how are they done (men/women – individual or in groups)?

There used to be a good sport fishing operation but that is no longer viable as the local people have over fished the area too badly. We are looking into other ways, such as birding safari's, hiking trails, canoe safari's. These will be all group activities for males and females.

There is an illegal trade in timber by the Chinese. We are trying to get them out.

12) Is there any market for the products?

Not sure. We are still working on it.

12) Is there any institution that is supporting the communities to promote such activities and what do they do?

If any of these activities were done they would be done between ourselves and the community.

13) Are there other resources that have potential but are not used?

Not really in our area. There is so much water in the river but the soil is too poor to farm. Possibly fish farming.

2. Sable Hills

1.O operador tem DUAT e autorização para trabalhar como operador de safari?

SABLE HILLS MOÇAMBIQUE, Lda. , trabalha na área desde 2002, na base de um contrato celebrado com o Governo Provincial de Tete.

Não possui DUAT , embora tenham sido feitas consultas comunitárias para o efeito e os processos foram entregues ao SDAE no Distrito de Magoé, sem contudo terem dado provimento.

2.Número de turistas e sua origem nos últimos 5 anos

2.1 No período em referência 2015 -2019 visitaram a Sable Hills Moçambique ,Lda, 14 Americanos , 5 Sulafricanos , 2 Belgas e 1 Português.

É de referir que no ano 2017 a Empresa não realizou nenhuma actividade por razões organizacionais .

2.2 Referente ao Rendimento anual nos últimos anos foi 450.000mt , incluindo os pagamentos de salários dos trabalhadores, construção e reabilitação das infraestruturas , combustíveis e lubrificantes , reparação das viaturas e acessórios, Licenças e taxas anuais, dentre outras despesas.

2.3 No tocante ao número de animais abatidos nos último cinco anos , temos o seguinte registo:

6 Búfalos;

17 Crocodilos

4 Hipopótamos

7 Impalas

1 Zebra

2 Cabritos

3 Leopardos

5 Galinhas de mato

4 Hienas malhadas

1 macaco-cão

2.4 A Empresa presentemente conta com 4 Trabalhadores locais .

É de referir que nos transatos trabalhou com 7 trabalhadores locais e sempre que foi necessário recrutou sazonais em número de 10 para efectuarem a limpeza das picadas e outras actividades, como também para as actividades de reconstrução das infraestruturas.

2.5 No âmbito das nossas obrigações sociais entregamos as comunidades de Catôa 1e 2 duas moagens e em Catôa 1 fornecemos materiais para a construção de uma Escola com 2 salas. Infelzmente alguns materiais foram desviados por alguns membros da liderança comunitária local.

3) O operador tem trabalhado em coordenação com as comunidades locais ou directamente com administração provincial, se tem algum contrato com as comunidades ou com o Governo provincial?

O operador trabalha em termos de licenciamentos e outros expedientes com a Direcção Provincial do Ambiente e Desenvolvimento Rural de Tete , com a Administração do Parque Nacional de Magoé e com as lideranças Comunitárias Locais nos aspectos de coordenação local e fiscalização.

Referir que temos agido prontamente sempre que nos é solicitado apoio no âmbito de conflito Homem fauna bravia.

4) Relacionamento com as comunidades Locais

Com o novo figurino e com a atribuição de novos blocos onde a Empresa desenvolve as suas actividades e de acordo com o plano de actividades da Empresa serão realizadas reuniões com as comunidades e consequentemente a criação de Comitês de Gestão.

Em termos de resolução de conflitos e sempre que ocorra são realizados contactos pontuais com as Lideranças Comunitárias dos povoados locais para o efeito.

5) Será que o gestor da empresa acredita que a comunidade está satisfeita com essa relação: o que achas que deveria melhorar?

Como Gestor da Empresa , acredito que as comunidades querem mais do que temos feito , contudo, as mesmas deveriam trabalhar mais para combater a caça furtiva , as queimadas descontroladas, na proliferação e criação de aldeias de pescadores sem a obediência do plano de manejo do PNMagoé, na pesca com recursos nocivos e em áreas protegidas. Portanto recomendação , deve –se trabalhar mais na educação ambiental , na educação cívica e patriótica no sentido de elevar a consciencialização sobre a importância da protecção dos recursos naturais.

6) Será que a população vive dentro das áreas de caça e existem locais de pesca, machambas e a população caça para subsistência?

Nos novos blocos atribuídos a Empresa , acredito que os problemas vão ser menores do que em Dewe, onde existem aldeias ,desmatção de forma desorganizada e que certa maneira afecto os corredores dos animais._

Onde existem aglomerados populacionais ,a problemática de caça furtiva existe quer ela praticada para a subsistência ou furtiva.

7) Será que existem métodos para resolução de conflitos homem fauna bravia?

Pela experiência existem vários métodos , desde que as populações eses obedeçam as recomendações e cumpram com os bons princípios de convivência com a fauna.

Também é necessário compreender que a situação de falta de bombas de água nos aglomerados populacionais ao longo da Albufeira de Cahora Bassa , o que leva que estas recorram ao rio e donde os crocodilos atacam nas com frequência constitui um factor negativo e por outro lado a prática de pesca de forma desorganizada como se apresenta actualmente constitui um factor de risco e de ataque constantes por hipopótamos que frequentemente atacam as canoas. Po outro lado a construção de casa nos corredores dos animais ,em particular elefantes e búfalos também contribui para a ocorrência de conflitos entre o homem e a fauna.

Portanto é necessário , senão urgente a libertação das áreas que constituem corredores dos animais ,com maior destaque para o abeberamento deste.

8) Será que o operador emprega seus próprios fiscais e depois lhes treina? Qual a relação existente entre os fiscais e a comunidade?

A empresa tem os seus fiscais treinados pelo Projecto Tchuma Tchatu e trabalham em conjunto , mas devido a nova conjuntura e da incerteza ora criada ,com o surgimento da PNMagoé tivemos que reorientar o staff e presentemente estamos a coordenar com a Administração do Parque conforme o nosso plano de actividade para o recrutamento formação de 6 fiscais.

A relação entre os fiscais e as comunidades foi sempre boa , contudo contra os infractores e que agem de forma contrária as orientações , as medidas são aplicadas.

9) Será que o gestor da empresa de Safaris tem boas relações com o Procurador da Republica no distrito, do juiz e Comandante da Policia? Como e que o operador tem participado casos de caçadores furtivos – será que conseguem apoio do juiz?

Felizmente as relações com as autoridades Judiciais e da PRM são óptimas, Todos os casos que foram apresentados as instâncias policiais tiveram o devido acolhimento e tratamento.

10) A legislação Moçambicana estabelece uma prerrogativa para formação de Áreas de Conservação Comunitária como parte da rede de Áreas Protegidas. Será que o operador acha que esta abordagem vai ser melhor aplicada dentro das Áreas do Programa Tchuma Tchato?

O programa Tchuma Tchato é um programa das comunidades e para emponderar as comunidades locais, assim sendo e desde que estas estejam organizadas em Comitês de Gestão , com bons princípios de gestão , transparência , com líderes comprometidos a causa das comunidades, aí poderão responder o desejado .

Por outro lado O Tchuma –Tchatu como programa deve ser autónomo administrativa e financeiramente, sem interferência do Governo.Cabe ao Governo apoiar. Outro senão e para recordar que as taxas pagas para a caça cinegética nas áreas já incluem os 25% e os fundos provenientes da actividade podem impulsionar o desenvolvimento e aumentar a renda .

11) Para além da fauna bravia existem outras actividades de geração de renda com base nos recursos naturais que estão a ser promovidas na comunidades? Quem está envolvido no desenvolvimento de tais actividades e como é que estão a ser desenvolvidas (envolvimento de homens/mulheres – individualmente ou em grupos)?

Infelizmente não estamos satisfeito com a questão da pesca na Albufeira de Cahora Bassa , pelas seguintes razões:

- Seria muito bom e talvez como medida urgente ordenar as áreas onde devem desenvolver a pesca , para permitir um controlo e estatística do que se pesca , como se pesca , que tipo de meios se usam , quem são os pescadores, quais os benefícios que a actividade dá ao Estado;
- A actividade de pesca artesanal em particular deve ser regida com regulamentos próprios e que seja praticada somente por nacionais;
- Que se crie centros de comercialização do pescado . o que permitiria arrecadar maior receitas e inspeccionar a qualidade do pescado;
- Para um melhor controlo e organização dos pescadores ,estes deveriam se organizar em cooperativas ou outro molde de organização para poderem receber do Estado ou ONGs os devidos apoios e assessoramentos.

Existe algum Mercado para estes produtos?

Como referimos anteriormente a maioria do peixe é processado e salgado e seco e posteriormente transportado para os Países vizinhos, RD Congo e mercados locais a nível da Província e no País. O peixe é bastante apreciado e gostoso

Se existe alguma instituição que apoia as comunidades na promoção de tais actividades e se existirem o que tem feito?

Penso que O Governo tem apoiado com meios (redes , boias, cordas , barcos,motores e outros materiais) aos licenciados , através do Instituto de Desenvolvimento Pesqueiro.

Se existem outros recursos que são que podem ser promovidos mas que não estão a ser usados agora?

A nossa maior aposta será a implantação de infraestruturas e meios para a promoção de turismo de recreação e passeio na Albufeira de Cahora Bassa em BOAT HOUSES , a exemplo de Kariba .O potencial é invejável.

Mozambique Safaris, Zumbo

Does the operator have a DUAT and authorisation to work as a safari operator;

Yes we do. We have a DUAT and authorisation.

Data from operations:

At this moment we could not give all the details you ask for because in Spain, where I live, where we are in a situation of confinement in our homes:

- Number of tourists and their origin annually over past 5 years;
- Annual income past 5 years;
- No. animals hunted annually past 5 years;
- No. of community members employed.

I can inform you that our fixed employees are 14, in addition to about 8 temporary employees who are hired at the beginning of the season to fix the runways:

- Income and other benefits to the community

Does the operator work directly with the community or through the provincial administration, any agreement with community or provincial administration?

We keep agreements with the provincial administration and we have relationships also with the district authorities.

Relationship with community: any meetings between operators and community committees, how often, any dispute resolution mechanisms;

We try to attend all the meetings summoned with operators as well with the community leaders. We keep in touch with all of them.

Does the manager of the safari operation believe the community is satisfied with this relationship: hat could be improved?

We believe that the community is very satisfied with the activity that Mozambique Safaris develops in its area. Mozambique Safaris carries out infrastructure support actions every year for the main population centres outside the district capital. Thus a Maternity, a Health Centre (Mpangula) has been

built, which operate very effectively in collaboration with the health authorities of Zumbo, as well as an important school in another nucleus of population (Chantanda).

Do people live in the hunting areas and are there areas where people fish, farm and hunt for subsistence;

Yes, they do. There are quite a few population centres that are in the hunting area and are authorized to fish and cultivate agricultural products. Occasionally, we provide them meat from the hunt.

Are there established methods for addressing Human Wildlife Conflict?

We attend to the requests made by the district authorities to solve the conflicts of the population with wildlife.

Does the operator employ his own rangers and who trains them? What is the relationship of rangers with the community?

We have our own staff of guards and they all know the rules and activities that they must carry out. The activity of the guards and the community is very correct, and we maintain good relationships.

Do managers of the safari operators have a good relationship with the district prosecutor, judge and chief of police? How does the operator report on poaching issues – do they get help of a lawyer?

We have a very good relationship with all the authorities mentioned. We report the poaching to the district chief of the Delegacia Provincial do Turismo e Terra, who coordinates with the police chief.

Mozambique legislation makes provision for the formation of Community Conservation Areas as part of the protected Area Network. Does the operator think this would be a good thing to do in the Tchuma Tchato area?

We believe that all actions taken for formation are positive for the community.

Apart from wildlife are there any income generating activities based on natural resources that are taking place in the community? Who is engaged in such activities and how are they done (men/women – individual or in groups)?

Our company tries to acquire some agricultural products from the community itself, as well as grass and *capi* for buildings and other local products.

Is there any market for the products?

No, there is not any market. Only individual *agricolas*.

Is there any institution that is supporting the communities to promote such activities and what do they do?

We do not think so.

Are there other resources that have potential but are not used?

We do not know.

QUESTIONÁRIO PARA EMPRESAS MINERADORAS E AUTORIDADES DA HIDROELECTRICA DE CAHORA BASSA (HCB)

1. Nome da Empresa.
_____Vale Moçambique, SA_____
2. Localização
_____Moatize - Tete_____
3. Actividade Principal.
_____Mineração_____
4. Nome e posição do inquerido.
____Mauricio Simbine – Especialista de Meio Ambiente_____
5. Será que a empresa está informada da existência do Programa Tchuma Tchato?
_____Sim_____
6. Será que a empresa tem interagido com o Programa Tchuma Tchato?
_____Não_____
7. Qual tem sido a natureza da tal interação?

8. Terá a empresa realizado a Consulta Comunitária durante o processo de obtenção do DUAT?
_____Sim_____
9. Qual tem sido o tipo de relação existente com a Comunidade na área da Concessão Mineira ou na zona da barragem?
Boa. A empresa juntamente com a comunidade e outros stakeholders elabora um plano de engajamento que estabelece as formas de interacção e actividades conjuntas.

10. Será que a empresa tem o contacto com a comunidade?
Sim.

-
11. Qual tem sido o tipo de contacto e qual tem sido a periodicidade de tais contactos?

A empresa dispõe em todas as comunidades de um grupo de monitores seleccionados pela comunidade e que fazem o interface rotineiro. Este esforço complementa um leque de actividades de investimento social nas áreas de desporto, cinema comunitário, cultura e outras que consolidam a relação com as comunidades locais.

12. Estará a empresa a providenciar qualquer tipo de apoio a comunidade e.x. financeiro, apoio material?

Existe vários tipos de programas. Alguns tem como objectivo mitigar os impactos das operações conforme inscritos no Plano de Gestao Ambiental e outros, fazem parte da contribuição da empresa no desenvolvimento local.

13. Se a empresa tem dado apoio a comunidade, de forma poderá melhorar?

Abrindo mais espaço para que a comunidade participar cada vez mais no processo de identificação de necessidades de investimento social.

14. Terá empresa pensando em dar apoio para conservação da área em forma de *Offset* de seus impactos ambientais e/ou como parte de acções de responsabilidade social corporativa?

__A empresa tem uma parte da sua concessão reservada para a conservação ambiental__

15. É possível que este apoio seja canalizado através do Programa Tchuma Tchato de modo que possa assistir as comunidades na gestão de recursos naturais?

_De momento a empresa está focada na gestão dos impactos sócio-ambientais nas áreas de influência directa do projecto.

16. Estará a empresa com vontade em providenciar outro tipo de apoio?

Lessons learned

A number of lessons can be identified from the experience of implementing the Tchuma Tchato Project. Filimão *et al* (2000), writing about the early years of the project found the following:

- Local community structures and community committees for natural resource management cooperate well and have demonstrated a high degree of responsibility in these four years of programme implementation;
- The local knowledge regarding natural resource management substantially improved the conservation practices in the area, as exogenous practices lacked expertise for its establishment. Clear examples are fire control and animal control (elephants and large carnivores);
- Clear definition of roles and full participation of stakeholders are key factors for successful CBNRM. This includes governments at local, provincial and central levels;
- Sharing benefits is a potential source of conflict when the sharing or the use of the funds shared is not absolutely transparent and understood by all parties;
- Monitoring and evaluation are fundamental in a process-oriented programme that learns by doing;
- Conflicts are likely to increase as the programme evolves, so participatory and multidisciplinary teams have to be prepared to face this problem and manage conflicts accordingly.

Other lessons that emerge from the literature on the project and from the November 2019 field trip to Tete city are the following:

- Sharing income dilutes the benefit to all parties, particularly to communities, and government is likely to divert the income to other needs when its own financial resources are scarce;
- The incentives associated with CBNRM activities in Tchuma Tchato are not inappropriate for many householders. However, the low value of benefits delivered at the household or individual level raises questions about whether CBNRM can be sustained in the long run on the basis of these incentives, particularly where the direct costs (related primarily to HWC) are high (Suich 2013);
- When communities receive income through government, they are essentially passive beneficiaries of hand outs – they are not earning the income from their own NRM management activities and this reduces their sense of ownership over the resources and the project;
- Trophy hunting is the only source of income that provides direct incentives to Tchuma Tchato communities. There is a need for diversification source of incomes to include taxes from concession fees, sport fishing and accommodation fees;
- Support to communities in governance, NRM and enterprise development needs to be consistent and persistent over time and needs to be well-resourced.

D.2 Chipanje Chetu

Background

Introduction

Chipanje Chetu is a Community Based Natural Resources Management Programme which is taking place in Sanga District located in Northern region of Niassa Province, covering a total of 6500 km². The area is within the Chiefdom (*Regulado*) of Chief (*Regulo*) Malinganile. The main focus is to ensure community participation in resource management as one of Mozambican Government priorities in allowing communities participation in sustainable resources utilization. The main resource is wildlife from trophy hunting and from taxation of concession fees, including tourism accommodation.

Until 1994, the exploitation of natural resources in Sanga District was done without complying with legal requirements or regulations which was imposing high pressure on natural resources due to illegal activities. Then, in 1994 the Provincial Services of Forest and Wildlife started to establish mechanisms for licencing resources users. However, most of the poachers coming from Tanzania still continued to promote illegal exploitation of natural resources mainly for timber logging and wildlife poaching.

In order to allow community participation in resource use there was a need to establish the Chipanje Chetu Programme which took place by the end of 1998 with technical and financial assistance from IUCN, including direct participation of Provincial Government institutions (Provincial Directorate of Agriculture, Provincial Services of Forest and Wildlife), Sanga District Administration and local NGO's (PORTUN and ACORD). At the moment several national and international institutions provide technical and financial support to the Chipanje Chetu Programme such as WWF, USAID ORAM and iTC.

The northern part of Sanga district was selected because the people resident in the area had an interest in such an initiative as they saw few agricultural or other development options, it had a relatively high abundance and variety of natural resources and low density of people, and the provincial government expressed support for the initiative (Anstey 2009).

The emphasis of the project from the earliest stages was on transfers of authority to the lowest level possible and local benefits as central to the process rather than the conservation of biodiversity as being a prime driver – in other words a focus on local governance of resources and local development (Anstey 2009).

Programme Objective

The main objective of Chipanje Chetu is to transfer the authority and functions over natural resources to local communities that will promote development through economic, social, and environmental benefits.

Main activities

The main activities taking place in Chipanje Chetu are as follows:

- The direct transfer of the process and community rights to access land and other natural resources;
- The establishment of local institutions to ensure these rights and exercise management, responsibility and distribution of benefits;
- Conduct anti-poaching operations. There are 24 Community Game Scouts recruited from the five Chipanje Chetu communities;
- Ensure the development of social projects from the money accrued from Safari Hunting and Tourism Concession fees;
- Monitor other illegal activities such as uncontrolled wildfires and water pollution;
- Monitor safari operations and number of tourists entering in the concession area.

The Management Model

The Management Model within the Chipanje Chetu Programme, is the **Community Management Model**, where local communities have direct control in management of natural resources. These communities are represented by the community natural resources management associations (COGECO, CBNRM Committees, Associations of interest groups). These groups lead the process of management of natural resources including the control of wildfires, anti-poaching operations, and community awareness campaigns for protection of natural resources.

The communities started to have access and control over the resources which include management of forest and wildlife, water resources, minerals and other natural resources. This process includes the application of national legislation, by allowing effective participation of Government institutions, local communities and a number of NGOs.

Community Institutions

There are five community management committees established in five communities (at village level) namely: Il Congresso, Matchedje, Madeira, Maumbica and Lilumba. Each committee has 12 members. In total there are 60 members for the five Committees, being 12 members for each committees. In terms of gender composition there is 50% men and 50% women.

Apart from these institutions the Chipanje Chetu programme has established some associations to respond to the need for different interest groups to promote economic activities that will sustain their basic needs. Some of these groups use the money accrued from wildlife trophy fees in the form of loans. There are beekeeping groups, farmers associations, saving groups, miners and carpenters.

Each Committee has the president, vice-president, secretary, head of anti-poaching unit and the remaining eight members do not hold leadership positions. Some may be considered as advisors depending on the level of expertise and experience.

At higher level there is the Community Co-Mamanagement Committee (COGECO), whose members are the representatives from the five committees.

The Roles of the Five Community Management Committees are:

- Select community representatives who will be community game scouts;
- Assist the community game scouts in anti-poaching operations;
- Involve local communities in decision making for allocation of funds from Safari Hunting and Tourism Concession fees;
- Sensitization to the entire communities in relation to environmental management;
- Organize traditional ceremonies at the beginning and end of hunting seasons;
- Manage local community projects;
- Election of community representatives, including the ones who will be represented at COGECO.

The Role of COGECO

The COGECO has a president, vice-president, treasurer, and secretary. In total there are 21 members who do not hold any leadership position. The role of the COGECO is to:

- Coordinate Chipanje Chetu activities within the five communities - Approve all committee level activities and plans including the financial reports of the money accrued from resource use.
- Channel funding to the five Communities from the private sector..
- Represent the Chipanje Chetu in different forums, including coordination with the Safari Operator and Government institutions at District, Provincial and National levels;
- Monitor the Safari Operations and tourists entering into concession areas;

- Coordinate the process of selection and monitor the behaviour of community game scouts working with Safari Operator;
- Before sending the quota proposal from the Safari Operator to ANAC or the Provincial Administration, share the quota information with the communities.

The committees are supposed to meet once a month with the entire communities to discuss issues related to the uncontrolled fires, levels of poaching, use of money allocated to the community projects and the future plans. A lack of accountability by COGECO leaders to the lower level committees has resulted in plans to ensure the income from Safari hunting goes directly to the five communities.

The Supporting Organizations

There are a number of Government and Non-Government Organizations which support the implementation of Chipanje Chetu, each with its role. Table 2 gives an illustration of the different institutions and their roles in Chipanje Chetu.

Table 2. Institutions operating in Chipanje Chetu and their Role

Institution	Role
Ministry of Tourism/ at the moment can be Ministry of Land and Environment	<ul style="list-style-type: none"> ✓ Protection and conservation of natural resources; ✓ Attraction of foreign and national investors; ✓ Promotion of development and sustainable use of natural resources; ✓ To collect income and pass it to the local communities; ✓ To ensure compliance with forest and wildlife legislation; ✓ To provide awareness campaigns to the communities to conserve natural resources.
District Government and District Services for Economic Activities	<ul style="list-style-type: none"> ✓ To ensure compliance with Forest and Wildlife Legislation; ✓ Collaborate with the Lupilichi Wilderness Investments in anti-poaching operations; ✓ To provide awareness campaigns to the communities to conserve natural resources; ✓ To ensure sustainable use of natural resources.
Lupilichi Wilderness Investment	<ul style="list-style-type: none"> ✓ Regulated and sustainable exploitation of natural resources; ✓ Anti-poaching operations; ✓ To collaborate with other stakeholders (Government, NGOs and local communities); ✓ To ensure access to the resources by local communities for their livelihoods; ✓ To pay tax fees according to the contracts signed.
WWF	<ul style="list-style-type: none"> ✓ Provide technical assistance in protection and conservation of natural resources; ✓ Assist the training of local community in conservation farming techniques and reduction of HWC.
Concer Universal	<ul style="list-style-type: none"> ✓ Assist the communities in management of natural resources; ✓ Train local communities in preparation of community projects in order to ensure proper management of community funds.
ORAM	<ul style="list-style-type: none"> ✓ Revitalization and support to the Community natural resources committee; ✓ Train the CBOs in natural resources management;

	<ul style="list-style-type: none"> ✓ Assist in legalization of associations; ✓ Dissemination of Legislation for use and access of natural resources.
iTC	<ul style="list-style-type: none"> ✓ Dissemination of national legislation and delimitation of community lands; ✓ Establishment and legalization of CBOs; ✓ Collaboration with other institutions for establishment of synergies for community development projects.
Local communities	<ul style="list-style-type: none"> ✓ Collaborate with responsible institutions for protection of natural resources; ✓ Operational actions to control wildfires; ✓ Sustainable resources management; ✓ Development of community projects with money accrued from resources use.
Community Based Organizations	<ul style="list-style-type: none"> ✓ Represent the communities in negotiation and interaction with other entities; ✓ Preparation of proposals for community projects; ✓ Manage community funds; ✓ Community awareness campaigns for sustainable use of natural resources; ✓ Development of mechanism for conflict resolution; ✓ Collaborate for control of illegal activities, including wildfires.

Management of Natural Resources

For control of natural resources there is one Government ranger deployed by the District Service of Economic Activities to assist the operations in the area, 54 rangers from the operator and 24 community rangers, whose salaries are paid by community funds. They report to the Community through the established committee (legally protected by the Government ranger) but the field operations are done in coordination with the rangers from the safari operator.

Although there are institutions involved in control of resources as stated above, there are biannual operations (done in April-May and August each year) where some other entities from provincial level are involved such as the police (PRM), Rangers from Agriculture and Tourism Department/Provincial Directorate of Land, Environment and Rural Development, and the Intelligence Services (SISE) among others.

Legal Framework of Chipanje Chetu

The establishment of Chipanje Chetu was based on the Forest and Wildlife Law (Lei N° 10/99), Land Law and the Environmental Law.

The Chipanje Chetu Community was entitled with Land Title Deed (DUAT) and has the Management Plan which is revised and approved by ANC at every five years.

The Community Natural Resource Committees together with COGECO were officially legalized and published in the National Bulletin. Due to the lack of transparency the communities revised the Statutes of COGECO so that money accrued from Safari Operators is channelled directly to the Five Communities instead of being handled by COGECO.

Operational Contracts

Before 2005 the safari operation was trusted to a Professional Hunter as an experiment. Then, the contract was passed to the Lupilichi Wilderness Investments, Lda. The initial contract was signed for

three years in 2007, after winning the open tender system. The new contract, under preparation has been proposed for 10 years and can be renewed automatically provided there is mutual consent.

Although the Contract is supposed to be signed between the Chipanje Chetu community and the Lupilichi Wilderness Investments, it was signed by the Provincial Government of Niassa on behalf of local communities.

As complementary obligations the Lupilichi Wilderness Investments will provide further support to the Chipanje Chetu communities as part of social responsibility obligations promised during the tendering process and within the annual operational plan which include:

- Support to the social and infrastructural programme;
- Support to the health programme;
- Support to the educational programme;
- Support to the development of human resources programme;
- Support to the agriculture programme.

The Payment Fees

Apart for hunting fees the Lupilichi Wilderness Investments will pay the annual fees to the Chipanje Chetu Communities as stated in the table below as provided in the contract;

Table 2: Annual Concession Fees to be Paid by the Lupilichi Wilderness Investments Lda.

Year	Annual Guaranteed Fees (in USD)
2020	34,000-00
2021	34,000-00
2022	34,000-00
2023	34,000-00
2024	34,000-00
2025	37,000-00
2026	37,000-00
2027	37,000-00
2028	37,000-00
2029	37,000-00
Total Guaranteed Fees	355,000-00

50% of these fees will be paid at the starting of the hunting season and the remaining 50% will be paid at the end of hunting season for each year.

Apart from these fees there are non-guaranteed fees, which are the fees paid for trophy hunting which will depend on the annual quota.

Also the Lupilichi Wilderness Investments will pay USD40.00 per hunting day, minimum of seven days per year in order to support the conservation initiatives.

There is also a trophy fee which is paid to the community for each hunted animal within the Chipanje Chetu concession area.

On any payments made after 45 days from the established payment period, the Lupilichi Wilderness Investments will pay additional of interest of 20%.

Since 2001, a small quota of large mammals has been allocated to a private company called Zambezi Hunters Safaris, through licenses issued by the Provincial Services of Forest and Wildlife for Niassa.

Benefits Sharing

Sport hunting has generated revenues that have been growing year after year as can be seen as an example in table 3.

Table 3.: Annual Revenue accrued from 2001 to 2004 and a portion channeled to the local communities

Year	Annual Revenues (in USD)	% to the Communities
2001	6 180.00	3,523
2002	7 400.00	
2003	11 432.00	
2004	30 000.00	
Total Revenues	54,932.00	

Through a special authorization from the Governor of the Province, this revenue is shared between the local community (57%); PCC management (23%) and the District Government (20%).

The money that goes to the community is shared to the five villages within the Chipanje Chetu area.

Community Interest Groups

The different interest groups were trained in different matters related to their subjects:

Beekeeping Group: Trained on basic knowledge on beekeeping, making of improved beehives, honey management and processing. The training was promoted by ORAM and iTC. After the training the different groups were given complete kits to start with their business.

Farmers Associations: These groups are more focusing on promoting the production of cash crops and use of conservation farming techniques. The groups were trained using the Farmer Field School Approach. They were supported by WWF, ORAM, Lupilichi Wilderness Investments and SDAE.

Miners Associations: There are two groups found in Nova Madeira Community (Chiganga and Madjaci). These associations were legally recognized and have Certificates from the Provincial Directorate of Energy and Mineral Resources. They were given a concession area of 500ha in order to exploit gold and are given an exploitation licence valid for one year and have to renew each year.

The Group of Carpenters: These groups are found in Il Congresso and Nova Mdeira, comprised of men only. They are tied to the CNRM Committee of each community. The equipment used by these associations was bought from money accrued from use of natural resources. They get the exploitation Licence from the Provincial Services of Forest and Wildlife where they get guidance on the species they may cut, the size specification, and the quota. They make furniture which is sold to the local market in order to reduce dependence from Tanzania and Lichinga.

Saving Groups: These are from Maumbica and Il Congresso, and are focused on the women. Normally they save about 10,00Mts every Friday until they complete the cycle at the end of the year. The money from the saving is used as a loan for different projects in the community. These groups were supported by WWF.

Major Potential Benefits:

- At Community Level
- There are bank accounts opened to keep community funds;
- The money is used according to the approved plans by the community members;

- Main use is construction of community infrastructure – schools, houses with improved material, boreholes, grinding mills, community shops, and purchase of equipment such as sewing machines and other community goods;
- Community transport that allow the movement of people and goods to the main towns and Lichinga;
- Communities have direct access to the natural resources (bush meat, minerals, and honey) and promote sustainable use;
- Maintenance of biodiversity which contributes to the function of the main ecosystem services;
- Existence of community institutions that contribute to the process of decentralization and good governance;
- Local financial services through loan systems (revolving funds);
- Promotion of community economic interest groups that allow access to the resources and promote incomes at individual level;
- Human wildlife conflict resources through community scouts and involvement of private rangers;
- Promotion of local employment (at the main camp of the Safari Operator, Community Scouts);
- There is an MoU signed with the Safari Operator that provides for the operator to pay concession and trophy fees to the community and also provide some other community benefits through social responsibility actions, such as building schools, clinics etc.

At Government Level, Forest and Wildlife Department:

- Sustainable resource use;
- Maintenance of biodiversity;
- Good way of conflict resolution;
- Rural development.

At the District Level:

- District development;
- More Government capacity to solve financial problems;
- Building linkages between local Government and local community;
- Realized decentralization process for decision making to the local level.

Private Sector:

- Less responsibility for private operator to invest in conservation activities - reduction of patrol efforts;
- More credibility of safari operator-best practices due to community involvement;
- More income with fewer costs to private operator;
- Continued existence of wildlife for hunting.

Key issues that need attention:

Although Chipanje Chetu is showing good results and impacts in improving the levels of benefit sharing from natural resources use there are still some issues which need to be considered:

- The decision making is more on deciding how money is channelled to the local communities and how it is used, but very little is done in deciding how the resources should be used, apart from the decisions made in quota setting → **need to provide clear authority in decision making for resource use;**
- Little involvement of entire communities in decision making for application of funds, including women and the most disadvantaged social groups → **the process of community empowerment should not be limited to the members of community management committees and local community leaders, but should involve all the community members;**

- The community has a contract with Safari Operators but it was signed by the Provincial Governor on behalf of the local community. The process of negotiation was more influenced by the local Government than the community themselves → **the process of negotiation should be led by communities themselves with facilitation of Government institutions and Civil Society Organisation (CSO);**
- There is no contract signed between Government and local communities;
- No systematic wildlife census is conducted in the region which makes it difficult to know the real wildlife population, important information that could assist in decision making → **it is important to have a clear plan and conduct regular animal counts, using scientific and/or participatory methods in order to have a knowledge of the wildlife population;**
- Lack of accountability and transparency in management of community funds by their leaders → **There is still a need to ensure strong community institutions and establish legal procedures in order to manage community funds with high responsibility.**

Lessons learned

- The establishment of Community Interest Groups that work together in specific small projects proved a useful mechanism for income diversification and involvement of community members;
- While these varied in success and revenue generated that could provide sufficient income for the 'Interest Groups' and sufficient profit to the Committees for dividends to the general community, they were important in providing experience for Committees in management and dispute resolution. They most importantly provided the chance to make mistakes and to do so at a scale of interaction (the small village) and revenue (low) in cycles that could lead on to adaptation and learning from the mistakes. These early 'adaptive cycles' of evolution promoting community agency were to prove important in later stages when risks, scales and revenues were much higher (Anstey 2000);
- The introduction of higher level committees – the COGECOs – led to increased bureaucracy and a lack of accountability by COGECO leaders to the lower level committees;
- The involvement of women was more prevalent in Chipanje Chetu than in Tchuma Tchato, as an equal number of men and women are elected to community management committees although there is a need for more work to be done to ensure women's influence and equal access to opportunities and benefits;
- The Chipanje Chetu area was delimited by iTC, which provides a starting point for the establishment of a CCA;
- The existence of a Management Plan proved important for guiding the sustainable use of natural resources from the start and providing legitimacy for the project in the beginning;
- In the early stages of the project, the decision of the Committee members from three different villages to develop their own rules or Bye Laws for resource use was particularly important in empowering those communities. These rules differed from those of the formal state laws in permitting many resource uses that the more bureaucratic formal laws prohibited but which are essentially unenforceable (Anstey 2000);
- It was when the bye law process started and the Committees saw that the scouts would operate under them to implement these new rules that most members of the Committees accepted that they really did have some new authority and that ownership of the process and programme was not with some outside agency or individual (Anstey 2000);
- The ability of the community scouts to deter outsiders' use of local resources and to operate within the local geography of the village in terms of local conflict helped in a shift from powerlessness towards a sense of ownership (Anstey 2000).

D.3 Gorongosa Restoration Project and community “conservancies”

Background

Introduction

Proclaimed in 1960, Gorongosa National Park covers an area of 4 086km² and historically, it has been regarded as Mozambique’s flagship national park. However, wildlife populations were decimated during the civil war.

Since 2008, the park has been managed by a long-term public-private partnership between the government and the Gorongosa Restoration Project (a U.S. non-profit formed by the Carr Foundation). In 2016, the original 20-year agreement was extended for 25 years, with the approval of the Council of Ministers.

The ultimate goal of the Gorongosa Project is expressed by its dual mandate of biodiversity conservation and human development. The basic assumption, increasingly supported by science as well as by GP’s own 15 years of experience, is that the quest for conservation is a human and nature dynamic that can only be effectively addressed holistically.

Human Development Programme

With around 200 000 people living in the park buffer zone, the GP recognises the need to gain the support of these residents for conservation. It’s Human Development Programme includes:

- Health—with over 150,000 people treated per year;
- Education—including the construction of a Community Education Center that hosts 4,000 local children every year, and the establishment of a Girls Education program that will reach 94 schools; and
- Conservation Agriculture—which reaches 4,200 farmers in 4 districts.

CBNRM in Gorongosa

Gorongosa has established a CBNRM component to its Human Development Programme. The CBNRM unit has institutionalized relations with 22 natural resources management committees (CGRNs) which represent 16 communities at the *regulo* level.

The CGRNs in the Buffer Zone are already delimited and receiving the legally mandated 20% of the revenues from the Park and other adjacent wildlife or forest concessions. However, their overall organizational development capacity to operate and provide meaningful services such as sustainable natural resources management to the communities they represent is very limited.

The GP CBNRM programme is taking advantage of the provisions in Mozambican Conservation Law for communities to establish their own Community Conservation Areas. The aim is to increase natural areas under protection, as well as the possibility of the community acting as protected area guardians and operators.

The GP will actively support these communities to establish and operate these ‘conservancies’ as the project is calling them, by working with them to delimit the area, prepare a business plan and submit a proposal for the classification of the area as a CCA in terms of the legislation.

In order to prepare its community engagement personnel for supporting communities in developing their CCAs, the GRP has taken the following steps:

- Reviewed the legislation for CCAs in order to understand the legal requirements.
- Based on the legal requirements and international experience, developed a document setting out steps in conservancy formation and operation which also identifies the support requirements during these steps;
- Explored governance options for the proposed CCAs;
- Explored potential income-generating options for the proposed CCAs;
- Developed and presented a preparatory training programme for its community engagement personnel based on the following:
 - Module 1: Introduction to CBNRM
 - Topic 1. Why work with communities
 - Topic 2. What is CBNRM? 5
 - Topic 3. What does CBNRM try to achieve?
 - Module 2. Benefits derived from CBNRM
 - Topic 1. The different types of CBNRM Benefits
 - Topic 2. The dual role of CBNRM benefits
 - Topic 3. Legal requirements for distribution of benefits within community conservation areas
 - Module 3. CBNRM structures and Governance
 - Topic 1. CBNRM institutions
 - Topic 2. Roles and responsibilities within CBNRM institutions
 - Topic 3. Good governance in CBNRM institutions
 - Module 4. Facilitation
 - Topic 1. What is facilitation
 - Topic 2. Key components of facilitation
 - Module 5. Participatory Visioning, Land Use Planning and Integrated Natural Resource Management Planning
 - Topic 1. Different types of participation
 - Topic 2. Participatory Visioning
 - Topic 3. Participatory Land Use Planning
- Developed training programmes for conservancies and the community engagement team based on the identified steps in conservancy formation and operation and associated support needs.

Funding arrangements

The funding model for Gorongosa has contributed significantly to its success (Baghai *et al* 2018). It has a significant and stable source of funding from a committed donor, providing continuity and long-term stability, while enabling GRP to leverage funding from additional donors

The model is also based on retention and reinvestment of park revenues, which is an exception to the standard procedure in other Mozambican national parks where revenues are remitted to government and only 80% is returned to the park, with 64% reinvested in the CA and 16% distributed to local communities. In the case of Gorongosa, 80% of revenue is re-invested in the park and 20% is directly dispersed to communities (Baghai *et al* 2018) .

The Carr Foundation has invested approximately US\$60 million into the restoration of Gorongosa, and has raised an additional US\$25 million from other institutional and individual donors. As a result, yearly budgets grew to nearly US\$7 million in 2017 (Baghai *et al* 2018) .

The retained revenues from tourism in the park reflect only a small percent of annual operating expenditures, but the aim is to increase this as much as possible.

Annex E. Lessons Learned from Landscape Conservation and Co-management

E1. Landscape Conservation

Landscape conservation initiatives include multiple land units under different forms of land tenure and management, but operating under a common set of objectives.

Landscape conservation approaches specifically recognise the role of non-state land holders in the conservation of the landscape and focus on the positive contributions to conservation that these landholders make. According to Phillips (2002) among other things, landscape conservation:

- Is concerned with both people and their environment;
- Is concerned with a range of natural and cultural values;
- Focuses on areas where people/nature relationships have produced a landscape with high aesthetic, ecological, biodiversity and/or cultural values, and which retains integrity;
- Views communities, and their traditions, as fundamental to the success of the approach, therefore stakeholder and partnership approaches are required, such as co-management;
- Usually involves management arrangements that are determined by local circumstances and needs, and resolved through decision-making at local government or community levels;
- Places a special emphasis on effective land use planning;
- Depends therefore on the presence of transparent and democratic structures which support peoples' active involvement in the shaping of their own environment;
- Brings social, economic and cultural benefits to local communities;

In addition, Phillips (2002:35) emphasises that it is never too soon to involve local communities in the planning of a landscape conservation area and “certainly well before the area is established”. He also notes the need to take into account gender equity because there are unequal power relations between genders that require involving both women and men in building a participatory and equitable approach to conservation and sustainable development.

Landscape conservation approaches also emphasise the importance of social and cultural values in natural resource conservation, the value of cultural heritage and the connection between natural and cultural diversity (Mitchell *et al* 2005). Community engagement in landscape conservation initiatives should pursue approaches which are based on an understanding of the inter-relationship between nature and culture, and should also build on the many intangible values of conservation to communities – spiritual, cultural and aesthetic.

E2. Co-Management

Collaborative or co-management is an approach often proposed as a mechanism for managing shared resources.

The IUCN guide to co-management of natural resources (Borrini-Feyerabend *et al* 2004) notes that different stakeholders usually have different levels of power and authority over resources. Co-management is viewed as a process aimed at sharing power more equally in terms of planning and decision-making. The guide emphasises the need for **negotiation** in this process and identifies distinct phases with specific activities (summarised below) to ensure the appropriate level of community engagement:

1. Preparation phase:
 - Gathering relevant information such as community historical occupation and use of land, comprehensive studies on human use of natural resources and their impacts on the ecosystem and the importance of natural resource use in culture and existing knowledge information. Recognising the value of community knowledge;
 - Making all information available to all participants;
 - Engaging the partners in participatory action research to develop joint understanding of the current issues, not simply external researchers using local people only as informants or labour;
 - Assisting local communities to organise and agree on their own interests, concerns and objectives for co-management (ensuring broad community involvement – not just a few leaders) and appointment of representatives to convey such “internal agreement” to the negotiation forum;
 - Preparing for the negotiation meetings: Ensuring that meeting procedures are culturally acceptable, that local community representatives are not overwhelmed in numbers by other participants, provision of interpreters, etc.
2. Negotiation phase – developing the co-management agreement
 - Agree on a long-term shared vision (ecological and social) for the NRM unit(s) at stake;
 - Agree on strategy to achieve the vision, based on a common understanding of the issues and obstacles that currently prevent the realisation of that vision;
 - Develop activities and plans for how to implement the strategy (usually including a co-management plan);
 - Agree on establishment of a pluralist organisation set up to implement the strategy and review it, as necessary, on an on-going basis.
3. Post agreement phase
 - Publicise the agreement until it is widely known using formats and media appropriate to local communities.

The guidelines acknowledge that a truly level playing field is often impossible to achieve because power differences will persist particularly through historical relationships among stakeholders. However, an open negotiation platform, agreement on rules and procedures and the presence of a competent external facilitator can be important steps towards guaranteeing at least a measure of fairness. It is also important to ensure that sufficient time is made available for a proper negotiation process. Community representatives might need to report back to their communities and obtain a mandate before proceeding.

The guidelines also emphasise the need not to gloss over major past injustices and losses but rather to recognise them and promote their fair and respectful “closure”.

Annex F: Enabling legislation for CBNRM in Mozambique

Rights of communities over wildlife as well as other resources such as forest resources. Under article 18 of the Forest and Wildlife Act 1999, local communities have free access to natural resources for their subsistence, even in areas where licenses to exploit forest or wildlife have been issued. However, only those recognized as community hunters are allowed to hunt for the community (art.63 of Decree 12/2002).

Communities also have the right to obtain simple licenses for hunting. This license is under responsibility of the *conselho local de gestão de recursos naturais*, (COGEP) in coordination with ANAC (article 21 of Forest and Wildlife Act 1999).

Role of Traditional Authorities - Community Authorities, as provided for by Decree 15/2000 Of 20 June

According to article 1-I of Decree 15/2000 Of 20 June, Community Authorities may be: traditional chiefs, neighborhood or village secretaries and other leaders recognised as such by their respective local communities.

On the other hand, Community Authorities are part of the *Conselho Local de Gestão de Recursos Florestais e Faunísticos* (COGEP), along with other designated members, namely (cf. Article 95 of Decree 12/2002 of June 6.):

- People or companies with interests in wildlife and forests;
- Associations or NGO's with interests in wildlife and forests or local development;
- The State.

The Community Authorities do not have rights over wildlife.

Land Rights - DUAT

There are 6 different ways for obtaining DUAT:

- Occupation based on traditional rules and practices;
- Occupation based on good faith;
- Through legal authorization (national individual people – for residence);
- Through legal authorization (national individual people – for business);
- Through legal authorization (national companies);
- Through legal authorization (foreign companies).

It is necessary to consider Ministerial Diploma n.º 67/2009, of 17 April which approves the “Guide on Organization and Functioning of the *Conselhos Locais*”. It is also necessary to consider the role of *Conselho Local de Gestão de Recursos Florestais e Faunísticos* (COGEP) and the role of the *Conselho de Gestão de Recursos Naturais* (CGRN). These two are different institutions.

The CGRN's are committees in which only community members are part of. The COGEP's are a participative management council, which includes representatives from the State, private sector, NGO's and the community.

To obtain the DUAT, local communities must first request delimitation of their land. For the delimitation, local communities are encouraged to create *Comités de Terras comunitárias*. The *Comité de Terras Comunitárias* is then supported by the CGRN in its request to obtain the DUAT.

The law also allows the government to give back (*delegar*) the management of natural resources to local communities (article 33 of Forest and Wildlife act), through a conjunctive Ministerial Diploma of Mitader and Tourism Ministers (article 99 of Decree 12/2002 of June 6), which may happen in protected areas, buffer zones, in *coutadas*, in forests and areas of multiple use. This was the case of Tchuma Tchato.

The DUAT provides people with the right on the piece of land for which they have been given authorization to use (cf. art. I of land law). However, those who require a DUAT must always obtain other licences or authorization required for specific activities, including a plan of exploitation, where applicable (cf. art. 19 and 20 of Land Law).

The owner of a DUAT always needs a licence to exploit forest and fauna resources which exist in the area where the DUAT has been given, except when it is for subsistence use (cf.. Art 9 of Forest and Wildlife Act). The same rule applies to all other natural resources, which exploitation depends on the environmental impact assessment result.

Community Conservation Areas

In 2017 the Mozambican Government introduced a new Conservation law with accompanying regulations that provide for a category of Community Conservation Area as part of the formal protected area system. According to the Conservation Law 5/2017, a community conservation area is an area of conservation of sustainable use in the Community public domain, under the management of one or more local communities where they have the right to use and benefit from land, for the conservation of fauna and flora and sustainable use of natural resources.

The objectives of CCAs are to:

- Protect and conserve the natural resources existing in customary use of the community, including conserve natural resources, sacred forests and other sites of historical, religious, spiritual and cultural use for the local community;
- Ensure the sustainable management of the natural resources to promote local sustainable development;
- Ensure access and perpetuity of medicinal plants used by community members and biological diversity in general.

To form a CCA, the community must first obtain a DUAT under the Land Law of 1997. It must also demonstrate the consent of its members for forming the CCA, provide geographic boundaries of the CCA, provide an initial management plan for the area and a constitution of the management entity for the area. Under the legislation communities are able to define themselves. According to the law, in a CCA, the community can enter into agreements and contracts with the private sector for the commercial use of natural resources and charge use fees which accrue directly to the community. This provides communities with the opportunity to earn more income than the 20% of government use fees that go to communities in non CCA areas. This in turn can increase the incentives at community level for sustainable use of natural resources and improved local management. It can provide the resources necessary for communities to reinvest income in conservation management rather than being passive recipients of income from government.

Annex G: Persons Consulted**Figure 7. Attendance list: Inception meeting of 11.10.19.**

Figure 8. Attendance list: Tchuma Tchato Project SWOT Analysis 26.11.19

Hotel Vip			WORKSHOP DE ANALISE SWOT TETE, 26 DE NOVEMBRO DE 2019					Data: 26/11/2019		
Provincia: Tete								Hora de inicio: 8:30h Hora de Término: 12:00h		
#	Nome do participante	Sexo M/F	Organização	Função	Contacto	Email	Assinatura	Governo	Sociedade Civil	Sector Privado
1	Calisto Agostinho	M	DR. Mugochi	Dep. Na. Est.	84952424		<i>Cal</i>	X		
2	Ilvo Zéliele Filoni	M	MPRIMA	el. Pesquisador	809937000		<i>Ilvo</i>	X		
3	Simão Sebastião	M	AAATC	Frc. F. (brot)	873525465	simao@sebastiao.com	<i>Simão</i>			
4	Luís da Silva Nogueira	M	PRM	Administrador	866649182	luisanogueira@pcc.com	<i>Luís</i>			
5	Custódio J. M. Murgu	M	Silvado. Moe	Técnico de Tan-	848987909	Custodio@mozambique.gov.mz	<i>Custódio</i>			
6	FERNANDO D. ALFERS	M	TECHUNDA ELIABETH	CHefe de UNIDADE	876037544	IVANAALFERES@igam	<i>Fernando</i>			
7	Jorge Pedro Valente	M	DPAADR	Técnico da Fave	84 7955039	jvalente55@yahoo.com	<i>Jorge</i>			
8	Edson C. D. Talizani	M	Técnica Relatório Fragor	Chefe de Circulade	876434310	mdizore27@yahoo.com.br	<i>Edson</i>			
9	PATISSONE PITA	M	DPAADR-DAC	TÉCNICO	848815168	ppatissone@gmail.com	<i>PATISSONE</i>			
10	Eliseu NJALCO	M	C/S Consultar	Tradutor	845136991	C/S consultores 87@gmail.com	<i>Eliseu</i>			
11	Frederico da Silva	M	C/S Tradutor	Tradutor	845136991	C/S consultores 87@gmail.com	<i>Frederico</i>			
12	Cesaltina Navele	F	OPTADR-DR	deleap	874887176	Chaveb7@gmail.com	<i>Cesaltina</i>			X
13	Rebecca Macinhico	F	OPTADR-DR	deleap	825701541	Rebecca@macinhico.com.br	<i>Rebecca</i>			
14	Jose' Natias Lago	M	OPTADR-DR	Técnico	869594750	natiaslago@gmail.com	<i>Jose'</i>			X

[illegible]

Other persons consulted	
Oscar Zalimba	Provincial Director: Environment and Territory Administration – Tete Province. Former Head of Provincial Department of Conservation Areas
Luis Namanha	Warden Magoé National Park
Damiao Alferes	Head of Zumbo Unit, Tchuma Tchato Program
Wez Katenga	Technician, Manda Wilderness Trust
Leonardo Abilio Antonio	Provincial Director ORAM - Niassa
Ibrahim Manguera	Manager Sable Hills Safari
Andre Rodrigues Villa	Manager Mozambique Safari - Zumbo
Russel Lovemore	Manager Safari Trails – Mozambique - Zumbo

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