

National Review on Enabling Environment (Laws and Policies)

For the

Eastern Africa Coastal Forest Eco-region Programme WWF-EARPO

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ACRONYMS

MADER - Ministry of Agriculture and Rural Development

DNFFB – National Directorate of Forestry and Wildlife

NEPAD – New Partnership for Africa Development

ProAgri – Investment Agrarian Program

WWF – World Wildlife Fund

EACFE – East Africa Coastal Forest Eco-Region

TPRM –

ZIRM –

1. Introduction

Mozambique occupies the southeastern seaboard of Africa from the Rovuma River mouth (10° 30'S) to the South Africa border (26°49'S), with a coastline of more than 2700 km length¹.

According to Mastri (1995)² the coastal population in the east developed as discrete centers linked primarily to trade, port and fishing activities apart from the political hubs situated in the interior. Some of 25 million people are estimated to live in the coastal zone between Somalia and Mozambique. This represents roughly 20% of the combines' population of the riparian nations on 12% of the landmass. Although in Mozambique, almost two third of the population lives near the coast, with dramatic growth rate in Maputo of 7,2%, but the overall density in this coastal corridor is not so high.

1.1 The Eastern Africa Coastal Forest Eco-Region Programme National Sites

White (1983)³ mapped the vegetation of Africa recognizing 18 distinct bio-geographical units comprising regional centers of endemism. Two regions occur in Mozambique: The Tongoland-Pondoland Regional Mosaic (TPRM) and the Zanzibar-Inhambane Regional Mosaic (ZIRM).

The ZIRM occupies the coastal belt from the Limpopo River (25° S) to the Tanzanian border in the north (and then to the southern Somalia 1° N). It is 50 to 200 km wide except where it penetrates further inland along broad river valleys.

Most of the ZIRM lies below 200m but in the northern part there are scattered hills and plateaus raising considerably e.g. the Makonde plateau (986 m) in northern Mozambique. The width of the coastal plain varies considerably and in the northern Mozambique is very narrow.

This region comprises c. 3000 plant species of which several hundred are thought to be endemic. Vegetation types in the ZIRM include; undifferentiated forest, edaphic grassland secondary wooded and grassland. Much of the area in the north of Mozambique is under cultivation and the original forest has been replaced by exotic tree such as cashew, coconut and mango.

The TPRM, which extends from the Limpopo River mouth (25° S) to the South African border in the south (and then trough to Port Elizabeth (34° S) in the south). The TPRM flora comprises an estimated 3000 species of which c. 500 are tree species. Approximately 40% of the tree species are considered to be endemic to the Region. Eighteen of the 35 *Encephalartos* are Tongoland-Pondoland endemics whilst 12 of the 23 *Aloe* tree species are endemic to the Region.

¹ MICOA, 1998: The Biological Diversity of Mozambique, p. 55

² Lawrence Mastri, 1995: Towards Environmentally Sustainable Development in Africa – Post-UNCED Series. Building Blocks for Africa 2025, Paper n° 25. p. 8

³ White, F. (1983): The vegetation of Africa, Paris. UNESCO

In general, almost all the forest patches in the two regions are threatened by expanding agriculture, over harvesting of wood and non wood forest products and in some cases urbanization and mining, although relatively intact forest patches can be found in along the coastline. Vegetation types can be found in this area include: sand forest, dune forest, swamp forest, riverine fringing forest, mosaics of woodland and thicket bush land, grassland (including seasonally inundated grassland) and mangroves.

The coastal forests are under four categories of ownership: government, community land, Association land and private. According to Salm (1983) Mozambique has 51% (Parque Nacional das Quirimbas not included) of the total protected coastal area of East Africa, much of which is mangrove, marsh and dune.

Mangrove forests are floristically well developed in the northern and central sectors of the coast and less so along the southern part. Saket and Matusse (1992) estimate, based on satellite image indicate that the mangrove cover 396.080 ha in Mozambique. This represent a reduction of 3,9 % since 1972. Among the most destructive activities affecting mangrove ecosystems are clear felling for the establishment of solar salt pans (mainly in the northern region), charcoal production, and large-scale removal of firewood.

The WWF – National Report review on Enabling Environment (Laws and Policies) of the Eastern Africa Coastal Forest Eco-Region Programme try to highlight the state of environment accordingly with the required enabling environment in terms of policies, laws and governance. The present report represents a further commitment of Mozambique as part of the EARPO. The report is a comprehensive account compiled under one cover of existing information related to the most important national conservation policies and laws, regional initiatives and international agreements of conventions. As such, the report provides up to date information that will be useful for natural resource users, planners and managers, particularly for those interested on coastal forest, as well as serving as reference point for implementation of EACFE programme.

2. Policies

The Government of Mozambique adopted several sectoral policies with assumption that environmental issues should be integrated in decision-making process, ensuring that issues of environmental impact assessment and public participation are also integrated in licensing and authorization for implementation of development activities.

Thus, the Law n. 20/97, October 1, created in this regard was **the National Council for Sustainable Development**, as an advisory body to the Council of Ministers and for auscultation of the civil society opinion on environmental issues, which ensure an effective and correct co-ordination and integration of principles and of sound environmental activities in the development process of the country, with the following responsibilities:

- To express on sectoral policies related to natural resources management;
- To express one's opinion on complementary legislation proposals to the Law n. 20/97, October 1, including creative proposals and sectoral reviews of legislation related to natural resource management;
- To express on proposals of ratifying international conventions related to environment;
- To elaborate proposals for creation of financial incentives or to stimulate the economic sector to adopt environmentally sound procedures in the use of natural resources;
- To formulate recommendations to ministers of different areas of natural resources management.

In way, to ensure that the environmental issues are taken to account on making-decision process several legislations were approved, imposing an obligation to conduct environmental impact assessment, to carry out development activities related to environment.

There are no policies directly related to coastal forests but most of them are related to environment, forestry and wildlife and, can be applied accordingly to specific case to the EACFE Programme. For example the Forestry and Wildlife Act n.10, of 7th July 1999, classifies the national forest heritage as follow:

- a) Conservation forests: constituted of vegetal formations located in the protection areas subject to a special management regime;
- b) Productive forests: constituted of vegetal formations of high forest potential located outside the protection areas;
- c) Multiple use forests: constituted of vegetal formations of low forest potential located outside the protection areas.

Thus, the coastal forests in Mozambique fall in conservation forests and multiple use forests, where most of polices refers to and, their objectives fit in well with the overall objectives of the present proposal of the EACFE programme.

2.1 Environmental Co-ordination Policy

As Sustainable Development is a stated Government policy principle, the responsibility for environmental management has to be shared by all ministries and sector policies must integrate environmental dimensions. The coordination and integration of these sectoral policies is one of the major responsibilities of Ministry of Environmental Affairs (MICOA). In this role, one of the tasks of the Ministry was to co-ordinate the formulation of a **National Environmental Management Plan** (NEMP), which is the master plan for the environment in Mozambique.

NEMP contains a National Environment Policy, Environment Umbrella Legislation and Environmental Strategy. It is a programme of sectoral plans, containing projections for medium and long term, aiming to lead the country to sustainable socio-economic development.

Two of the three areas of concern defined were: coastal forests and rural areas and communities. For rural areas agriculture and forestry issues are highlighted. On coastal areas mangrove degradation, coastal pollution and erosion are the main issues to be addressed.

For fulfilling the obligation of the Government of Mozambique with regards to the Convention of Biodiversity has been established the **Biodiversity Unit**, which comprises permanent and *ad hoc* members representing relevant government agencies (to ensure cross-sectoral integration) and civil society.

The Unit liaises with **the National Council for Sustainable Development** (linked to the Council of Ministers) to ensure that the biodiversity considerations are incorporated into all sectoral plans, programmes and policies.

The Resolution n. 5/95, of 3rd August – National Environmental Policy has the following objectives:

- To ensure that the environment and natural resources management can be made in way that they can maintain their functional productive capacity, to satisfy the present and future generation;
- To develop an environmental awareness in the civil society, in way to integrate the public participation in environmental management;
- To assure the integration of environmental components in socio-economic planning.
- To promote the local community participation in planning and decision-making process in use of natural resources;
- To protect ecosystems and essential ecologic processes;
- Integration in regional and international efforts for finding solution for environmental problems.

2.2 Agriculture, Forestry and Wildlife Policy

The Ministry of Agriculture and Rural Development (MADER) has formulated an **Agricultural Policy** which states in its primary declaration that all agricultural activity will have as its basis:

“...the sustainable use of natural resources and the guarantee of social equity”.

The Resolution n. 11/95, of 31st October – Agrarian Policy, whose objectives are similar to the Land Policy, despite this focusing its priorities on adoption of strategies for improving food production for poverty alleviation. Thus, this policy recommend the need of sustainable use of natural resources, particularly land, enhancing biodiversity conservation and participation of communities and local authorities in management of natural resources.

The Agrarian Policy is aimed of recovery the agrarian production to ensure food security and promoting the increase of marketing opportunities of export products. The implementation strategy of the policy was designed the National Programme for Agrarian Development (ProAgri). ProAgri is a program of public investments in agrarian sector in coordination with other activities, such as, transport and communication infrastructure and strategies for national food security.

To reinforce the MADER’s vision and capacity, the main priority of ProAgri will be development of tools and guidelines for management and sustainable use of natural resources in order to achieve the following general goal⁴:

“To guaranty a sustainable natural resource management, which produce economic, social and environmental results, based on appropriate conservation and management plans, education, information and monitoring systems, involving community interests, public and private sector.”

In the Land Policy, the land still belongs to the State as stated by the Constitution (1975, 1990). The objective of the policy is first, to ensure the rights of Mozambicans over land and other natural resources, especially creating an enabling environment for development and growth of the household or family-farm sector. Second, to encourage investment from the commercial sector as well as sustainable and equitable use of resources.

The definition of the community land as a category of land use is an essential basis for the Policy and Strategies of Forestry and Wildlife that has community based natural resource management (CBNRM) as an important path towards participatory and sustainable management of the natural resources.

In relation to sustainable use of natural resources, strategies are spelled out in relation to three principal components, namely,

- Conservation of soils and bio-diversity,

⁴ MADER 2003: Documento Estratégico do ProAgri II. República de Moçambique

- Involvement of local authorities and communities in activities of conservation, control and production and
- Participation of the agrarian sector in the management of water resources.

The National Directorate of Forestry and Wildlife (DNFFB), has the responsibility for managing forestry and wildlife resources in Mozambique. **The DNFFB Forestry and Wildlife Strategy** - Resolution n. 8/97, April 1st - takes its lead from the Agricultural Policy and has its overall objective:

“To conserve, utilize and develop forest and wildlife resources for the social, ecological and economic benefit of the present and future generations of the Mozambique people”.

The policy defines four main objectives: **economic, social, ecological and institutional**. The economic objective intends at encouraging sustainable management and contribution to the GDP by the private sector. The participation of the community in integrated management of natural resources and fire is seen as an important policy objective in the current formulation. It represents a paradigm shift from the emphasis on participatory reforestation to the participatory management of the natural resources. The ecological objective is to protect, manage and use areas of conservation in order to achieve the sustainability of land use and maintain the biodiversity. Finally the institutional objective is to improve the organization of the sector as a whole, training of personnel, and reinforce the technical and administrative capacity at provincial, district and local levels.

Thus, the DNFFB is responsible for the management of gazetted protected areas in Mozambique as well for the management and conservation of wildlife and forestry resources outside of the protected areas.

The Forestry and Wildlife Policy seeks to promote Community-based Natural Resources Management Projects in areas adjacent to gazetted protected areas and in the multiple use forests.

2.3 Tourism Policy

The Government of Mozambique has adopted a set of guidelines for the development of the tourism industry as formulated in two documents: **the National Policy for Tourism and the Strategy for Tourism** Development in Mozambique. A guiding principle of the Tourism Policy is:

“The promotion of initiatives which assure the maintenance of ecological integrity, preservation of the environment and the sustainable use of the natural resource so as to improve the quality of life of local people”.

The National Tourism Policy will inform national, provincial and district level planning and strategy development. It provides a platform for tourism interaction with conservation, environment, agriculture and other related sectors at all levels.

2.4 Fisheries Policy

In 1996 the Government of Mozambique has adopted a new **Fisheries Policy** – Resolution n. 11/96, of 28th May - and Implementation Strategy, which seeks to maximize economic benefits whilst ensuring the sustainability of the resources. This policy has also in view to contribute for food security and reduction of the employment taxes.

2.5 Energy Policy

The energy constitutes one of the main factors of economic development and poverty technologies alleviation. The availability of energetic resources (hydrologic, natural gas and mineral coal) gives to the country better conditions to satisfy not only national demand but also the energy needs to all austral region.

The biomass energy (firewood and charcoal) represents about 80% of total annual energy consume. Actually, only 5% of populations have access to electric energy, it made up that in 129 districts about 48 has. The wood-based fuels, as main source of energy, for the majority of rural population and for a significant part of urban population, mainly, to the population with low income. Firewood and charcoal feed also a considerable part of industry such as bakers', textiles, tea and tobacco, contributing for deforestation in specific zones in the country.

Thus, the Government of Mozambique approved in 1998 the Energy Policy that establishes as principal objectives the following:

- To promote reforestation in way to increase the availability of firewood and charcoal;
- To improve efficiency in use of energetic resources;
- To promote development of energy conversion and use of sound technologies (solar and wind energy and biomass).

The Energy Policy in its sub-sectoral strategy of renewable energy and wood-biomass ensure its sustainability highlighting the following:

- Implementation of community-based natural resources management programmes;
- Reforestation projects through fast-growing species appropriate to local conditions;
- Dissemination of approachable and improved technologies for efficient use of wood-biomass for population and industry.

Nevertheless regulatory functions, supervision, forestry management and control of production activities and biomass supply, namely firewood and charcoal, constitutes part of DNFFB rights.

2.6 Water Policy

The Resolution n. 7/95, August 8 – National Water Policy has the aim to ensure a better utilization of available water resources through planning and sustainable use, in order to satisfy the peoples needs and economic development. The general policy related to water management and conservation establish in paragraph b), number 1, article 2, to define in relation to inlands water, the general legal regime of protection and conservation activities in catchments areas.

The river basins and deltas management such as of the Zambeze, Pungue, Save and many others rivers are covered in this policy. Although, the catchments areas, edges of lakes and rivers fall in regimes of protection zones defined by the Land Law and Regulation.

3. Legal Framework/Legislation

In Mozambique, the coastline has about 2.770 km length characterized by high habitat diversity, including dunes, estuaries, bays, islands, corals, mangroves and different policies and laws are applied to in their protection, conservation and management. Only part of the coastline falls under protected areas such as the Maputo Special Reserve, Bobole and Pomene Forest Reserve, Bazaruto and Quirimba National Parks. Although parts of the coastal forests out side protected areas are constituted by high biodiversity and endemic species.

Thus, depending on its potential, location and form of use and considering the Act n. 10, 7th July 1999, the coastal forests can be found in conservation and multiple use forests and classified in different protection categories.

- National Parks – demarcated areas of total protection, meant for propagation, protection, conservation and management of wild vegetation and animals, as well as protection of sites, landscapes or geological formations of special scientific, cultural or aesthetic importance for public interest and recreation, which are representative of the national heritage.
- National Reserves - areas of total protection meant for the protection of certain species of rare, endemic, endangered and evidently diminishing flora and fauna and fragile ecosystems such as wetlands, dunes, mangroves and corals, as well as the conservation of the flora and fauna found in those ecosystems.
- Areas of use and with cultural and historic importance - areas meant for the protection of forests of religious interest and other sites of historical importance and of cultural use, in conformity to the customary norms and practices of the respective local communities.

3.1 Forest act

This Act establishes basic principles and norms on the protection, conservation and sustainable use of forest and fauna resources, within the framework of integrated management, for the socio-economic development of the country. The Act define forest as the vegetation coverage that can supply timber or plant products, host fauna and impact direct or indirectly on the soil, climate or on the water regime.

Although, the Act does not refers directly on coastal forests, provides in connection with the Land Law definitions and creating conservation areas and in Article 6 and others of the Land Law and, Article 10 of this Act enclosed the limitations on the use and occupancy of land in protection areas.

Referring to the people living in the protection areas, they do not have any right, although does not exist any article of the act, which, impose that they have to live out those areas. Considering that most of the protected areas in the country have communities.

Is to emphasize that this legislative gap empty all spirit of the law, because it does not fulfil the objective of conservation of biodiversity and fragile ecosystems or of animal or plant species, as well encourage conflicts between people and animals.

In Chapter 3 of this Act refers to regimes of sustainable exploration of forest resources, which observe the following:

- Exploration by a simple licence
- Exploration by a forest concession contract

The terms and condition for the exploration of the forest resources in the regimes foreseen in the previous paragraph are established by a decree of the Council of Ministers

In Chapter 5, Article 27, the Act refers to restocking of forest and fauna resources and stats that:

- The State shall promote the repair of degraded areas through forest plantation, preferably in dunes, river basin and fragile ecosystems.
- When deforestation, fire or any other voluntary act causes degradation, the offender is obliged to repair under the terms and conditions to be defined by specific regulation.
- The transformation of the degraded areas into other forms of use in the protection areas is not allowed, and they must be restored to their original condition.

In Chapter 6, Article 31, refers to management of forest and fauna resources and participatory management and stats the following:

- The representatives of the local communities shall constitute local resource management council, the private sector, association and local State authorities with the aim of protecting; conserving and the promotion of sustainable use of forest and fauna resources are hereby created.

With this set of regulatory use and management of forests and forest resources of the current forest act, it is still possible to achieve the objectives of the EACFE programme. There are, in the coastal forest possibilities to expand or creation of new-gazetted protected areas and promotion of community participation, and joint-management of the forests.

The Act may be weak on community participation and benefit sharing mechanisms as well on empowering procedures at local level, however, the Government of Mozambique through the Ministry of Administration is carrying out a decentralization policy, which establish in Decree 15/2000, 20th July, articulation forms of State local authorities with local communities.

The current Act present some weaknesses e.g. lack of concrete regulation of bushfire and use of NWFP, which lead to several implementation problems such as:

- Lack of responsibilities and conflicting competencies between different institutions what shows weak institutional coordination;
- Lack of incentives to promote an adequate management, reforestation and natural regeneration;
- Weak enforcement by serving officers and political interference and lack of clear regime of incentives for the serving officers.

But, it is necessary to highlight the low human capacity, incoherent research, which leads to weak knowledge of national biologic diversity and lack of specific action plans of degraded areas and or of coastal forests. Poor management and increased degradation of natural forest resources due the:

- No detailed forest survey or management plan exists;
- No boundary demarcated or retrenchment surveys required for forest concessions purposes;
- Inefficient use of commercially valuable forest resources;
- Rural communities are not involved in the licence process for forest exploitation or conservation of forest reserves;
- The growing demand for firewood;
- The expansion of agriculture and inadequate agriculture practices;
- Forest burn due to the shifting cultivation, hunting and honey gathering.

3.2 Land Act

The Mozambican Land Law and the various legislative instruments, those regulate the acquisition and use of natural resources such as mineral resources, water, forestry and wildlife.

The Land Use Regulation, which emphasized that, the land belongs to the State and hence to the farmers and urban dwellers. It was prohibited to sell or lease the land. Nevertheless, the economic situation and political environment led to the need for change

on the legislation to accommodate all the stakeholders and reduce the conflicts that seemed to rise particularly in the last years. This law brings a significant change in terms of the treatment of the customary land laws and the involvement of stakeholders in decision-making on land use.

However, there is a step forward with the recognition of the customary land ownership as well as the methods and principles of traditional land management. Furthermore, it is recognized that different regions have different customary land laws, which means that the policy and legislation have to be flexible enough to accommodate these differences.

The delimitation of community areas including areas for agriculture or with other resources such as firewood, construction material, hunting areas, pasture land as well as provision of land for the following generations is another step towards encouraging farmers' long term investment.

The rights that characterize the Mozambican framework for land use and occupancy related to forest and communities may be differentiated as follows:

1. Water, mineral resources, forests, maritime coastline, energy are classified as belonging to the public domain; while a customary right to access for personal use is recognised, the commercial exploitation is subject to State control and regulation;
2. In rural areas, individuals and communities may acquire land use and benefit rights under the formal law by virtue of customarily derived use and occupancy rights; or by virtue of ten years prescriptive use and occupancy;
3. Limitations on the use and occupancy of land including total protection zones, partial protection zones, public interest or administrative servitudes, rights of way and other servitudes.

Another important distinction to keep in mind is that although the Land Law and other legislation recognise the customary natural resource use rights of local communities and individuals, local communities and individuals do not enjoy exclusive or controlling rights or even a priority in the exploitation of the natural resources located within their community lands (or otherwise linked to the land areas actually occupied), even when reinforced by demarcation or delimitation of the community boundaries. This limitation is expressed in Article 3 of the Technical Annex of the Land Law Regulations. This article provides that the delimitation and/or demarcation of areas occupied by local communities shall not block the conduct of economic or other activities if the consent of the community has been obtained⁵. In other words the ability of the local community to

⁵ See for example article 17 of the Forestry and Wildlife Resources Law. It provides that before the grant of a forestry concession, a hearing or a renegotiation shall be conducted by the State local administration with the local communities. Article 18 provides that third party use must safeguard the use that is necessary for the local communities subsistence. The underlying notion

control the exploitation of ‘their’ natural resources will effectively depend on their ‘bargaining power’ as perceived by themselves and by third parties.

Furthermore, while recognising local community customary rights to forestry, wildlife and other natural resources for subsistence purposes, the respective legislative instruments generally require a license for development and exploitation of such resources. For example under the Forestry and Wildlife Law, while members of local communities have access to licences for hunting and lumbering, this Law provides that exploitation for commercial purposes is subject to licence or concession.

3.3 Environment Act

The Government of Mozambique approved the Environment Act in July 1997. The objective of this act is to provide a legal framework for use and correct management of environment and their components, in way to ensure sustainable development in the country.

The act contains provisions directly related to conservation of biologic diversity, prohibiting all activities affecting conservation, reproduction, quality and quantity of biologic resources, especially those endangered. The act also provides an especial protection to endangered species either to the isolated botanical components or the groups, due to their potential, genetic, biological, cultural and scientific value.

The act obligates the government to ensure that adequate measurements should be taken into account for maintenance and regeneration of fauna, as well for habitats rehabilitation through control of inadequate practices or the use of potentially toxic substances for animal species and their habitats.

3.4 Water Act

The Water Act based on National Water Policy foresee the availability of water, through integrated management of hydrologic resources, optimizing the benefits for the communities, taking into account different interests, either current or future beneficiaries. Must also the environmental impacts be taken into account.

This Act aimed to define the public domain of hydrologic resources and the general management policy, which establish in sub-heading b) number 1 of Article 2, define in relation to inlands-water, the general juridical regime activities of protection and conservation, survey, use, control and enforcement of hydrologic resources.

The Act in the Article 57 establish that “the sites to be established catchment’s infrastructure of water for consume, the banks of artificial lakes, as well the adjacent

is not that the local communities have any presumptive or inherent right to develop and exploit the natural resources within the boundaries of their communities.

areas, will be subjected to protection zone regimes defined in Land Act and Regulation”. Concurrently, at same regime will be subjected the adjacent zones of water catchments.

The Article 7, refers that the States action of water management will be carried out by the Ministry of Public Works and Housing (MOPH), inspired by the following principles:

- Unity and coherency in management of hydrologic basins of the country, as well the undergrounds water;
- Institutional coordination and community participation in decision-making process related to the water management policy;
- To ensure the compatibility of water management policy with the general territory zoning and maintenance of environmental balance.

The hydraulic works will not be approved without previous analysis of their social, economic and environmental impacts.

3.5 Marine Act

The Act 4/97, 4th July, define the rights over the marine zone along the Mozambican coastal line. The Act creates an Exclusive Economic Zone and confers States’ sovereignty to explore, use, conserve and manage the natural resources living in seawater and adjacent zones and in underground, as well to all economic activities. Taking into consideration the environmental conservation of specific areas or preservation and protection of marine species, the act rules that can be established the following:

- a) Marine National Parks
- b) Marine Natural Reserves
- c) Marine Protected Areas

Thus, this Act rules part or entirely proclaimed national parks, such as Bazaruto and Quirimbas whose forests fall in coastal forest definition.

3.6 Mining Act

The act define that mining activities should be carried out observing management principles, in accordance with laws and regulations related to use of mineral resources, as well as for environmental preservation and protection, including social, economical and cultural aspects.

In this act, the Article 36 refers that are environmental principal tools the following complementary studies:

- Environmental Impact Assessment;
- Programme
- Plan
- Monitoring Environmental Program
- Environmental Audit

- Control of Risk and Emergency Situation Program

The Mining Act respected precepts of the Land Act related to other land uses, referring in Article 43 that the land use and occupation necessary for carrying out mining activities is regulated by arrangements on land use and benefit constant in the Act 19/97, of 1st October.

4. National, Regional and International Agreements

Mozambique has signed and ratified the four multilateral environmental agreements (MEA's). At the Rio Conference in 1992 President Chissano emphasized the incompatibility between poverty and sustainable environmental management and, the need to start with the establishment of national policies, which promote social justice and eliminate poverty and misery (Virtanen and Palmujoki, 2002).

Table 1: The main multilateral environmental agreements ratified by Mozambique

Name of the MEA	Established	Ratified by Mozambique	Coordinating Agency
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	1973	1981	DNFFB
Convention on Biological Diversity (CBD)	1992	1996	MICOA
Convention to Combat Desertification (CCD)	1994	1996	MICOA
Framework Convention on Climate Change (FCCC)	1992	1994	MICOA

Source: Office of the UN Resident Coordinator 2000

Along with the African Convention on the Conservation of Nature and Natural Resources, CITES is the first MEA ratified by Mozambique with the objective of conserving biological diversity.

In addition to the above conventions, Mozambique has signed the following multilateral environmental agreements:

- The Convention concerning the Protection of the World Cultural and Natural Heritage (ratified in 1982),
- The Vienna Convention for the Protection of Ozone Layer (1993),
- The African Convention on the Conservation of Nature and Natural Resources (1981),
- The Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment in the Eastern Africa Region (1996),

- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1997),
 - The Bamako Convention on the Ban of Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1997),
 - The Protocol on Shared Watercourses Systems in the SADC Region (signed in 1995),
 - The Zambezi River Basin Multilateral Agreement (1987),
- and ratification of the Cartagena Protocol on Biosafety and the Kyoto Protocol are presently in process.

The foremost problem in the implementation of the Convention in Mozambique is lack of sufficient inventory data about biological diversity in general, and especially about the species listed, for example, by CITES. In this case, the management authority, which is also responsible for issuing the permits and certificates, is DNFFB. The scientific authority is the National Institute for Agronomical Investigation (INIA), also within MADER. DNFFB has extremely limited resources for carrying out inventories or supporting others to collect the necessary data. Combined with inadequate enforcement capacity, the current resource problems make DNFFBs management capacity insufficient.

5. Poverty Reduction Strategy Initiative

In recent years the objective of alleviating poverty and sustaining growth through sound and equitable management of environment has become widely accepted by the main international organizations, such as UNDP, OECD, EC, and the World Bank (Virtanen and Palmujoki, 2002). In this context poverty is viewed as encompassing both income and non-income dimensions of deprivation – including lack of income and other material means; lack of access to basic social services such as education, health and safe water; lack of personal security; and lack of empowerment to participate in the political process and in the decisions that influence one’s life OECD 2001; Steel *et al.* 2002). In southern Africa forests provide a major share of goods and services (Clarcke *et al.* 1996), and poor people in rural areas are especially affected by natural resource degradation because of their limited assets and their relatively great dependence on such resources, usually managed as common property.

PARPA and NEPAD

The Action Plan for Poverty Reduction (PARPA) and the New Partnership for Africa Development (NEPAD) are complementary in several aspects (see Table 2). While, one outlines strategies and concrete action plans at national level against absolute poverty, the second defines ways to alleviate Africa for severe levels of economic poverty. The great dilemma reside in fact that, although the continent is rich in natural resources is still dependent on external help.

Table 2: Development of priorities of PARPA and NEPAD

Priority	PARPA	NEPAD
Education	X	X
Health	X	X
Agriculture and Rural Development	X	X
Infrastructure	X	X
Governance	X	X
Macro-economic and financial management	X	X
Energy	X	X
Access to the market		X
Environment	X	X

Source: Strategy and Action Plan for biological Diversity in Mozambique, 2003.

The efforts of Government of Mozambique in way to implement the Cairo 94 Agenda, in relation of public policies elaborated the National Population Policy, which is strength related with PARPA, and specify and prioritize actions to be undertaken by different sectors in way to reduce the actual level of poverty of 70% to 60% by year 2004. The PARPA incorporates several components of PNP, Food Security Strategy, Strategic Plan against HIV/AIDS, Action Plan Pos-Beijing, and so on.

Spatial Development Initiatives

The Spatial Development Initiatives (SDI) constitutes priority areas with great potential to enhance investments in productive sector. The main corridors are Nacala, Zambeze Valley, Beira, Limpopo, Maputo and Libombo. All of them have great influence in the coastline and covering richest zones of natural resources for commercial exploitation and conservation purpose, such as the productive forest areas of northern Sofala, which includes vast conservation areas of Gorongosa, Marromeu and Gazetted Hunting areas, the pristine forest dunes in Xai-Xai, and the well known center of endemism of Maputaland in the south.

Those development opportunities are intended to provide jobs in way to alleviate the pressure on natural resources and to improve social and economic conditions of the population. Parts of population living in those corridors are peasants developing shifting cultivation, exploitation of forestry resources, fishing, hunting, and collection of non-wood forest products (honey, fruits, and medicinal plants) using traditional techniques. But, because of the lack of local capacity, the objective could not be achieved that means; the communities would not be capable to take the advantages of the perceived investments.

6. Conclusion and recommendations

6.1 Conclusions

Although at national level and under international laws and regulations several legal framework and decrees were approved, and most of the major issues in the coastal zones are recognized and understood in terms of the full extent, and impact of the problem, addressing these issues is still problematic.

Among other things, there is a need for an integrated approach to management of the coastal zone also places a especial emphasis on appropriate institutional arrangements and accommodations between stakeholders.

This also requires cooperation between government sectors in clarifying their roles and jurisdictional responsibilities over coastal resources, and harmonizing their policies and management interventions in line to agree on objectives for the coastal zones.

Institutional mechanisms are also required to resolve the many user conflicts arising over increasingly limited resources in the coastal zone, and the overlapping jurisdictions of government agencies with authority on the coast (for example, MADER, Ministry of Fishery, Ministry of Tourism, Ministry of Public Works and Housing, Municipalities and other government institutions), and a commitment to their sustainable use.

An important factor that has contributed to the rapid degradation of natural resources and habitats in the coastal zone has been a weak enforcement of existing laws and of traditional use right has important implication for the management of coastal resources as well. Also many coastal resources, such as fisheries, mangrove forests, and wetlands, are considered common property resources within the legal jurisdiction of local or state authorities.

Community barriers (myths and rites) to over-harvesting have been breached by migrants and economic refugees with little incentive to ration there off take and exploitation competition has led to a breakdown of traditional management practices.

Compliance with sustainability objectives will depend in part on the degree of the ownership and participatory involvement realized by different stakeholders in different stages of coastal forest planning and management. Among the incentives necessary for such voluntary compliance is a partnership between the private sector, local communities and government through local authorities and municipalities, transparency in decision-making and management accountability.

6.2 Recommendation

As the legal framework in Mozambique is in place and the EACFE Program is committed to reinforce the capability of planning, and implementation of different initiatives it's recommended the following:

- Reinforcement of integrated coastal zone management, giving more emphasis on coordination between government institutions, local authorities, private sector and communities.
- Improvement of land use planning and multiple use zoning. Ecological inventories land use planning should result in better sitting of infrastructures and development activities to minimize impacts on human settlements, endangered and protected areas.
- Improvement of agriculture practices and management of coastal urban areas to address downstream effects. Sustainable agriculture techniques should be adopted generally as land tenure issues are resolved and incentive mechanisms are put in place, and should be introduced soil and water conservation techniques.
- Identify and link all national and international programmes, projects and initiatives, to the EACFE Program, designed for the areas in order to avoid overlapping of activities in same site.
- There is a need to improve the capability of human resources through formal and informal capacity building for all stakeholders. Visit exchange and hands-on training should be given the priority.

References

TERMS OF REFERENCES FOR NATIONAL INPUTS

1. INTRODUCTION

WWF EARPO, EACFE programme development was initiated early 2002. The initial process brought together stakeholder representatives from Kenya, Mozambique and Tanzania. This triggered the formation of National Task Forces (NTF) in the three countries.

This process has enabled drafting the initial draft-planning document, which identified the threats, priority sites and also established a set of ten-year milestones for the EACFE programme.

The draft action plan document was compiled from the proceedings of a regional meeting (Feb 2002) that saw the representation of the stakeholders from the three countries. This document has since then been updated to a draft version which incorporated inputs from the NTFs conducted towards the end of the year 2002. It has also included the new information from the Critical Ecosystem Partnership Fund (CEPF) profile for the eastern arc mountain forests and the eastern Africa coastal forests.

EACFE needs to have this planning process completed. The existing documents (Draft action Plan and Draft Vision Document 2003) have gaps that need to be addressed. These include existing national and regional initiatives (e.g. EAME, TCMP, EAC, SADC, UNEP), employing policy and policy instruments (enabling environment), institutional issues, timber trade, socioeconomic initiatives already existing within the ecoregion (including the poverty reduction strategies) and a broader partnership.

This WWF-UK support is planned to address these issues in a broader consultation, which will produce a funding proposal document to be submitted to WWF-UK for a longer term funding of four years beginning July 2004. It will also provide for areas that may be funded by another development agency with an interest to fund the EACFE.

Enabling environment (national reviews).

This will be a study and review of the policies and policy instruments that enable implementation of the envisaged EACFE activities. The activity will have the support of the WWF network including George Wamukoya of EARPO, Alan Hamilton, Haf Roberts & Richard Mc Nally of WWF-UK, and Jennifer Springer of WWF US.

The national consultant will review and integrate the following in the report,

- Existing policy instruments including guidelines and legislation.

The policies to be cited include those of environment, forestry, agriculture, wildlife, fisheries, beekeeping, community development, land and land use, and linking this to socioeconomic issues.

- Poverty reduction strategy initiatives.
This will include the review of existing poverty reduction strategies and status of their implementation, with a specific reference to the EACFE and related areas,
- International and regional agreements including global conventions, EAC, SADC, NEPAD and WEHAB and the link to EACFE.
This will include a review of the national activities and available reports that have been initiated and coordinated nationally as a result of these agreements. This should have a specific focus on EACFE contribution to the above agreements and conventions.
- Link to international agreements and the implications to EACFE.
This will include a review of the national contribution to global agreements, which may be enhanced by implementing the EACFE programme. Relevant agreements will include CBD, CITES, Ramsar, UNFCCC, and Desertification.
- Linking policy issues as they are captured in the EAME, Miombo and other national initiatives such as the TCMP (in Tanzania)
- Review relevant sections in the UNEP/UNDP/Dutch joint project on Environment and Institutions in Africa with focus on “Development and Harmonization of Environmental Laws
- Produce a national report of some 20 pages with annexes as addition

In addition to the above, the consultant will be available to review and make comments/suggestions on the draft Strategic Regional Programme document for the EACFE, including participating in the stakeholder workshop to be convened to review and adopt this document.

The WWF-EACFE coordinator, together with the regional consultant, will be available to provide guidance in the design of this study.