Improved forest governance in Mozambique
Stakeholders positions and recommendations

SUMMARY:
This position paper presents the results of stakeholder workshops held in six provinces, with additional information gathered from key informants and literature review. It presents the country context, challenges and 10 recommended actions for improved forest governance. In addition, it outlines forest governance lessons from the region, as was requested by the workshop participants; and finally presents conclusions related to the dialogue process.

The main success of the dialogue process was twofold: First, the involvement of the Provincial Prosecutor’s office that was seen to be particularly productive and an excellent step forward. Second, the assessment and the update of the provincial forest action plan elaborated to respond to the Maputo Declaration. Consequently, the stakeholders provided their contributions and agreed to the accomplishment of the action plan for sustainable management of forest resources.

This paper has been produced as part of a Project on Dialogue Promotion for the Sustainable Management of Forest Resources. Considering its neutral institutional position and role, IUCN’s was invited to facilitate provincial dialogues. The workshop dialogues were organized in partnership with provincial Civil Society Organizations and the Provincial directorate of Land, Environment and Rural Development, through the Provincial Services of Forest and Wildlife. Though the position paper does not necessarily represent the official view of any institution including IUCN.

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1. Cabo Delegado, Zambezia, Tete, Manica, Sofala and Inhambane
2. Done in Cabo Delgado, Zambezia and Inhambane
3. A province commitment resulting from Maputo Forest Conference that took place in November 2017
4. The workshop reports
6. IUCN founded in 1948 is an international membership organisation that includes both state and civil society members (including those in Mozambique) that provides balanced scientific advice through 6 voluntary commissions, www.iucn.org
7. AAACJ, ADEL Sofala, Kawaedza Simukai, Mahahlale, AMA, RADEZA
**CONTEXT**

Mozambique has a forest cover of 38% (31.6 m ha\(^8\)) and more than half of this area (17m ha) is productive forest, managed commercially. However, it is estimated that the timber harvesting contributes less than 5% to the country’s GDP and, provides only 1.5% of the potential exploitation value\(^9\). Thus the forests in Mozambique are producing only a fraction of their value to the nation.

Mozambique continues to lose its forest cover at a rate of 0.58% per year\(^10\). The main drivers of forest loss are a complex and linked mix of the following: illegal logging, shifting/subsistence cultivation, burning, illegal charcoal production and commercial agriculture. Escalating demand from China and more recently from India has increased illegal logging pressure which is threatening the future of the forestry sector and there is widespread agreement that more needs to be done to address this critical issue. It was reported in 2015 that the country lost at least USD 540 million from 2003 to 2013 due to illegal logging to China\(^11\).

**CHALLENGES OF FOREST GOVERNANCE AND DIALOGUE PROMOTION**

Weak governance is considered the overall most important and critical factor for the problems that the sector experiences\(^12\), and is the case along the whole value chain. During the dialogue promotion process the following challenges were highlighted in relation to the compliance with the good governance principles\(^13\):

1. **Lack of transparency** and appropriate policy/legal framework in the devolution or transfer of user rights to the appropriate level (usually the community) and in the issuing of logging licences. Transparency is also affected by the low availability of key relevant data in the forest sector\(^14\);
2. **Fairness and equity** in the benefit sharing – the benefit sharing and incentives mechanisms generally fail in implementation. This is partly because of the unclear legal process for communities to access in one side and on the other side, in the effectiveness of its use toward forest management and conservation – i.e. where and how it is used;
3. The overall resources allocation to the sector by central government is below the level the sector requires making it a challenge to achieve efficiency in resource use;
4. **Ineffective** legal and institutional mechanisms contribute to the weak and unsystematic control of the logging areas;
5. The level of community **participation** in the forest management decisions tend to be more passive instead of active, with limited capacity to influence the decision in the sector;
6. **Weak accountability** is influenced by the lack of clarity on the use of forest legislation that inhibits the prosecution of forest infractions. There is overall weak coordination mechanisms between the institutions involved, which results in overall poor enforcement of forest laws.

**Challenges to the dialogue promotion process:**

1. Trust between different parties is improving but not sufficient for all issues to be put openly on the table in this kind of forum. A number of sensitive issues were, as a result, not discussed.
2. There is a large number of stakeholders for the good governance of forest and not all of them were as a consequence included. A deeper level of dialogue with all stakeholders and with sufficient representation, will require additional resources. Further options may be organise dialogues by sub-sector themes with participation of the main actors for each theme.

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13. Forest Governance principles are: Accountability, Effectiveness, Efficiency, Fairness and Equity, Participation and Transparency
14. Exploitation quotas, licensing, production, processing, industrial production, employment, export
RECOMMENDATIONS FROM THE DIALOGUE PROCESS AT PROVINCIAL LEVEL

These recommendations are derived from the stakeholder forums focus in response to the challenges on the compliance to the overall forest good governance principles:

1. Maintain dialogue and strengthen stakeholder platforms on forest governance: Continue to hold active and focused dialogue and trainings in order to improve the inter-institutional coordination between the stakeholders. This will clarify stakeholder mandates and responsibilities and accountability. This entails strengthening the existing consultation and dialogue platforms at all levels.

2. Increased awareness of the judiciary on need for strong forest governance: Due to the increased and successful involvement of the prosecutors in the better forest governance, more people are being held accountable for forest crimes. More needs to be done to raise awareness of the judges, so that, through more appropriate sentences, the judges play more proactive/preventive and deterrent role in addressing illegal logging.

3. Improve community forest tenure and governance: As part of ensuring the fairness and equity in the benefit sharing it is important to improve the legal status of the community forest ownership, d both for community-managed forests and those forests allocated to a private company as a logging concession. Such concessions would be much better established as private-community partnerships, where the roles, responsibilities and benefits of each party is clearly identified and formalised, and that effective governance structures are established.

4. Investment in community awareness and enhanced participation: Awareness should not be only to improve knowledge, but also to improve access to information and provide incentives for community forest management. The good governance monitoring report in 2012 recommended the importance of citizens participation in all decision making processes, “There is much to be done to allow the participation, especially regarding the information sharing techniques and in the mechanism for participation of interested parties. It is important that participation is seen as a part of the rule of law and not just as formality or as a barrier to the development process.”

5. Strengthen benefit sharing mechanisms: The delivery mechanisms for concessionaire fulfilment of the legal obligation to share 20% of the legal logging revenues with concerned communities needs to be significantly strengthened. Currently little of the mandated 20% of revenue reaches the communities and when it does distribution is not equitable. Thus this very positive policy does not act as an incentive for good forest governance. Benefit sharing must be equitable and based on the principle that when community benefits are not commensurate with the resources being logged, then the likelihood is high that some community members are will collude with illegal loggers.

6. Policy and legal amendments: In order to improve and ensure the effectiveness of the existing legal mechanisms, it is important to create conditions for operationalization, monitoring and evaluation of these legal instruments. For instance, there is a need also to define mechanisms for the use of 15% of the reforestation tax – according to the actors involved in the dialogue the option for reforestation may be the outsourcing or the Civil Society Organization and its partners and, it must be linked to the national forest landscape restoration process.

7. Establish a forest ombudsman: To improve accountability, establish a forest ombudsman or justice provider to allow communities and citizens to formally complain when their rights have been abused and their cases be taken up and progressed. The forest/environment/land justice provider should be based within the national ombudsman’s office.

8. Increased funding for law-enforcement and compliance: The government funding for the forest sector is well below that required for minimal effective operations. Insufficient transportation for existing government personnel who themselves are already very thinly stretched. It is important to ensure that the sector has adequate funds to carry out its mandate and to improve its performance.

9. Establish an independent data generation and dissemination mechanism: The forest sector in Mozambique is not currently sufficiently transparent. Key data related to forestry is not freely accessible to stakeholders or the public. Limited data on inventory, harvesting quotas, licensing, production, processing, industrial output and employment or export is publically available. The available data is not always considered to be a true reflection of the situation on the ground. It is recommended that there is a need to improve information and data strengthening and maintaining independence throughout monitoring processes. Periodic inventory should contribute to costs benefit analysis and elaboration of concession management plans.

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10. **Public Tenders, provincial inventory and management plans:** The process of allocation of logging licenses should be based on a transparent public tender process. Financing conditions must be created so that the sector at provincial level can produce effective inventory and define the management plans of the logging areas.

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**REGIONAL LESSONS AND INNOVATION**

Lessons from multiple countries over the last 20 year indicate that forest management devolved to the community level does work and can greatly support the control of illegal and unsustainable forest use. Effective Community Forest Management (CFM) requires a number of key measures to put in place and if these ingredients are missing the ability for CFM to effectively address illegality timber harvesting is, however, reduced. Thus partial devolution often undermines CFM and can cause it to fail, which is sometime in the interest of groups who benefit most from illegal activities. The following describes these measures and how perverse policy provisions can make them fail.

The fundamental principles of effective devolved CFM is:

- a) Long term secure forest tenure, with clear boundaries between communities;
- b) Strong user rights;
- c) The decriminalization of all legitimate commercial wood use in community forests.

**Supporting actions are as follows:**

1. **Create incentives:** Income from protecting and managing at the community level must exceed the cost of that protecting and managing thus support to community-based legal commercial tree harvesting must go hand in hand with improved governance. It's just not about participation, capacity building or management plans, but about sustained incentives, including sufficient revenues from legal forest harvesting.

2. **Make legal community forest use user friendly:** A critical element is it making it legal for communities to harvest high value forest products. This reduces the existing barrier for accessing legal use and increases the incentives for them to prevent legal use. If the bureaucracy to harvest legally is reduce then, the illegal use stops. Community are usually very good at keeping outsider illegal harvesters out, even putting their lives at risk at times. Simple community enforce bylaws are much more effective than complicated management plans.

3. **Provide rights of arrest and illegal product revenue:** Strong legal rights to make arrests and get compensation from confiscated goods for communities is very effective. In Gambia communities derive 100% of revenue from sale of confiscated produces and in Zambia the proposal is 50% (still under discussion).

4. **Take Community Forest Management quickly to scale:** The costs to manage forest legally will always be higher than illegal logging, thus rapidly take CFM to scale to create a level playing field amongst key actors.

5. **Introduce a time limit** for approval process from the district forest office to issue transit permits etc, for wood products, if it was not approved in 30 days after request the communities could transport the wood to market without a permit. This limits the opportunity for corruption, makes legal use more attractive and motivates communities to help stop illegality.

6. **Support and incentivise district law enforcement** in support of community management: Significantly increase support for law enforcement from local authorities and provide incentives (alternatives to bribes).

7. **Enlist police support:** Communities need police support (e.g. natural resource police) – where necessary armed – that can be called upon to support them, especially when illegal operators use.
When CFM does not work due to policy disincentives:

1. **CFM is hard to understand:** Governments, or sectors within them, often make CFM too complicated which causes it to fail.

2. **Inequality:** If the playing field is not level eventually the motivation to do things legally and to guard the forest will stop.

3. **Limited commercial use:** Forest tenure and appointing community guards only without legitimising (decriminalizing) use of timber and other high-value forest products in CFM will not work. At best it simply displaces illegal use elsewhere, or the illegal operators wait until the supporting project ends and just return to illegal wood use. Where legal commercial use of wood is banned in community forests illegality returns.

4. **Onerous rules:** If the rules are too hard or expensive to follow: Making a trip back and forward to a district forest office that is 100km away to wait for a transit permit that you eventually have to bribe for, will make legal enterprises unprofitable simply turn CF members away from legality and back into illegality and into cahoots with outside illegal operators.

**SOME COUNTRY EXAMPLES:**

**Gambia:** In Gambia illegality stopped when communities had rights to all wood products.

**Tanzania:** In Tanzania almost 3000 villages are managing their own forest based on their own title deeds. They and are represented by MJUMITA, an association of thousands of community forest managers from 400 villages (www.mjumita.org). Many forests have, however, been established on a conservation basis which limits the commercial use and has displace forest exploitation to other forest areas hence not reducing deforestation. Where full commercial exploitation has been mandated communities have progressively improved their management and protected all their forests, in some cases are established effective sustainable harvesting protocols e.g. in South East Tanzania, where Africa’s first community owned sawmill in FSC Certified forests has been established Communities there are supported by Mpingo Conservation and Development Initiative (www.mpingoconservation.org).

**Zambia:** In Zambia each community forest has an honorary (not paid) forest officer which has the legal right to stop illegal harvesting, but the communities have full commercial rights over all forest products. (N.B. An honorary forest guard [or officer] with a community with no commercial wood rights would not work).

**Ethiopia:** In Ethiopia communities only had commercial rights to NTFPs and wood use for home consumption and this limits the effectiveness of CFM as illegal commercial wood use is likely to continue.

**CONCLUSIONS**

Stakeholder dialogue is an essential element in bringing transparency to the forest sector in Mozambique. Globally the world is looking toward forests playing an enhanced role in reducing poverty, mitigating and adapting to climate change, and providing valuable wood products for the development of nations. Mozambique is stepping up to this challenge, as witnessed by the Maputo Declaration and Action Plans, and needs to maintain momentum by continuing the dialogue process, learning lessons from the region and improving overall governance.