

MZ09

Implementing CBNRM in M'punga

Key Points:

- 1** The Decree Law 15/2000 comes within the state/government decentralization process
- 2** As in colonial times, traditional chiefs now have right to wear a uniform and keep a part of tax revenue
- 3** Government agencies, traditional leaders and local people have different views on the decree
- 4** Chiefs may use the decree to claim more land and people in order to empower themselves

This Briefing is one of a series produced jointly by the Forum for Social Studies (Ethiopia), Centro de Experimentação Florestal (Mozambique) and the University of Sussex (UK). Each is designed to summarise research findings and encourage feedback. The Briefing is part of the 'Marena' research project, funded by the UK's Department for International Development.

Since the end of civil war in 1992 and the first multi-party elections in 1994, Mozambique was involved in the re-formulation of legal instruments and policies concerned with use and conservation of natural resources and the decentralization process. The Municipalities Law (1997), Land Law (1997), Environmental Law (1997), Forest and Wildlife Law (1999), and most recently a 'Decree Law' (15/2000) are some examples of the new legal framework.

One of the more relevant and 'innovative' issues in all these laws and legal instruments is the participation of rural communities. This means that the 'community' is viewed as a potential partner in the management of natural resources and promotion of rural development. The role of the rural community and their institutions is recognized as crucial in the new sustainable development approach.

This *Briefing* discusses how Decree Law 15/2000 has been perceived by different local actors, and the implications of these perceptions for Natural Resource Management. The discussion is based on the case of M'punga, an area to the south of the Beira corridor in Manica Province.

Decree law 15/2000: what is it?

Approved in June 2000, this legal instrument establishes some principles for the participation of 'community authorities' in public administration and the articulation between them and the local state/government. According to the decree, a 'community authority' could be a traditional leader or leaders, a village secretary (or *grupo dinamizador*) or other leader(s) that have legitimacy within a local community according to the local tradition.

These 'community authorities' are empowered to collaborate with the local state on a variety of issues relating to rural life and development such as education and health, social order and harmony, community mobilization, tax collection, and natural resources management. As in the colonial Decree Law nº 23.229 from 1933, the recent

Decree Law grants, to 'community authorities' the right to a uniform, state symbols, and a proportion of the tax collected.

This decree was introduced within the state/government decentralization process in order to, according to its preamble, 'valorize the social organizations of local communities and improve community participation in public administration' (Decree Law 15/2000:1).

Based on this Decree Law, traditional leaders from the Administrative Post of Dombe were asked to collect tax in their respective areas and to 'control' their people and the area. This included the responsibility to control forest fires. However, the form of involvement of this 'community authority', and their articulation with local government, remains vague. For instance, it is not clear how much they are to receive as a percentage on tax revenues, nor are the issues about which they can locally take decisions agreed.

Local government perspectives

For the Local Government, represented by the Administrative Post, this Decree gives



an opportunity to all communities to participate in the promotion of rural development, and legalizes what they have been doing since the end of the war. According to the head of the Administrative Post, the government has worked all along with traditional leaders in the process of community mobilization and reconstruction because, according to him 'in this area of Dombe the *mambos* have strong influence.' He added that since the war, traditional leaders have called for payments and uniforms in return for their collaboration with the government. This Decree Law responds to these claims, as well as giving the traditional leaders more responsibility.

Most importantly, according to the head of the Administrative Post, is the fact that this Decree Law will overcome the government's inability to cover the entire area and to 'do everything' and also will also 'consolidate the process of democratization, where participation is fundamental.'

The traditional leader's perspective

For Chief M'punga this Decree Law is a recognition of his role and comes as a response to his claims. For him, the uniforms will distinguish him and his assistants from other members of the community, imposing respect, recognition as leader and giving them the authority to enforce 'codes of conduct' in the community. On the other hand, he views payments to Chiefs as compensation for their work and commented that '*no one works without payment.*'

The local community's perspective

The re-introduction of tax payment, that was the immediate practical application of the

decree, is viewed by most of the community members interviewed as inopportune, since they lack the money needed to pay it. According to them, the priority should be the creation, by government, of a market for their crops. This would first guarantee the money needed to pay taxes, rather than asking for a tax when there is no way to pay. On the other hand, many agree that the Chief should have the right to wear a uniform, hold state symbols, and keep some of the money from tax collection as reward for their work, as happened in the colonial era.

For elders in particular, it is said this formal recognition will re-establish respect lost over the time. For instance one elder commented, '*we are able to talk underneath this granary only it is because is held up by pillars*'. This means that to enforce rules, the chiefs needs a base of recognition and acceptance.

Amongst younger people, two quite different opinions are held. Some argue that recognition of the Chief will be good, as it will help to minimize social problems such as robbery and anti-social behaviour. However, others argue that the government is trying to 'buy' the Chiefs in order to gain recognition from community and so derive political advantage.

Immediate implications of the Decree Law

Since the time that traditional leaders were first asked to collect tax in 2000, chief M'punga began to request more people to move into his area. According to him, '*more people represent a larger amount to be collected, so it is good if more people come to live in M'punga area.*' This has encouraged an increase in the local population, and as a result, a higher rate of

cutting of the forest for farming.

At same time, a border conflict between M'punga and his neighbour, Chief Sanguene emerged, as M'punga started to claim a larger area fell under his Chieftaincy. For instance, M'Punga demanded that the current primary school, which lies in his area, should called M'punga Primary School and not Sanguene Primary School as at present.

Concluding comments

If for local government this Decree Law aims to overcome the government's weakness in controlling the population and natural resources, for Chiefs it can constitute an opportunity or instrument of (re-) empowerment and a source of monetary benefits. Rather than promoting the sustainable use of natural resources, some Chiefs may be more interested in attracting people and enlarging their area of control, in order to get more money from tax collection. On the other hand the fact that the Chief needs a uniform to enforce his authority could reveal that the traditional bases of his recognition are under pressure.

MARENA Briefings (Mozambique)

- MZ01 Conflict, 'post-conflict', and traditional authorities
- MZ02 Traditional leaders and CBNRM
- MZ03 Elephants: problem or opportunity?
- MZ04 Charcoal, hunting and fires
- MZ05 Spirits and natural resources
- MZ06 Individuals and innovations
- MZ07 Community representation in CBNRM: the case of Moribane
- MZ08 Community representation in CBNRM: the case of Tsetserra
- MZ09 Implementing CBNRM in M'punga
- MZ10 Conflicting perspectives on the natural resource base

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