



# ***Avante consulta! Effective consultation***

**March 2005**



Esmè Joaquim and Simon Norfolk from Terra Firma Lda, with Duncan Macqueen from the International Institute for Environment and Development (IIED) have prepared this tool from work in the forestry and land use sector in Mozambique.

## Summary

**This tool proposes a set of steps that aim to empower communities in local consultations that are intended to identify who has the rights to manage natural resources in an area and how this management should be carried out and monitored. It has been written within the context of the policies regarding land and forestry rights in Mozambique, but the methodology could be applied in other situations where the co-management of natural resources is being encouraged and the poor must compete with other, often stronger, stakeholders to ensure that their rights are recognised.**

**The tool involves steps that help a community to prepare for the consultation, to develop a common vision and position for the subsequent negotiations, to ensure that any agreements made are clearly captured and can be enforced in the future and to have a role in how any agreements will be monitored.**

In Mozambique, local community groups have been recognized as entities in the legislation dealing with rights to land and forest resources. The legislation has also awarded these community groups the right to use and benefit from land and forestry resources, even though the State remains the legal owner of all natural resources.

However, because there is a policy that encourages investment in rural areas, there are procedures that allow for the State to allocate rights to land or to forest resources to third parties from outside the local community. These are often commercial companies or individuals who want to manage and exploit the resources for profit.

When a third party requests such rights to land or forestry resources in a particular area, the procedures require the State to first oversee a consultation process between the third party and any community affected by the request. During this consultation process the communities have the right to object to the application or to set conditions on its approval. In effect the consultation process represents an opportunity for community groups to negotiate the conditions on which natural resources in their area will be managed and exploited.

The legislation does not, however, establish a uniform method for these consultations. Research into the impact of forestry legislation on communities has identified the need to strengthen and standardize the community consultation process. There is also a lot of evidence that suggests that the consultations about the use of land in community areas are in need of improvement. This tool aims to standardize the consultation process irrespective of the type of rights that are being applied for. It also aims to ensure that the process is an inclusive one and that local community groups have the necessary information to make informed decisions.

## What is this tool?

The legislation regarding consultations are very vague on how to organise a consultation process, who to include and what should be discussed. The Mozambican Forestry and Wildlife legislation simply states that there should be a 'meeting', whilst the Land legislation implies a much more in-depth process<sup>1</sup>.

This tool attempts to harmonise the process of community consultations under Mozambican legislation. The main elements, however, could be applicable in a range of other contexts where there is a need to effectively involve a community group in decisions regarding natural resource use. The tool concentrates on providing clear guidelines for:

1. the content of a consultation process and how it should be organised;
2. establishing the responsibilities of each stakeholder before, during and after a consultation;
3. establishing enforceable agreements between the local state authorities, third party applicants of use rights and local community groups;

---

<sup>1</sup> See Annexure 1: Form 3 - This form should however be compared with the pro-forma community consultation Minutes form which is used by government representatives (Annexure 1b)

4. the monitoring of compliance with the agreements after a consultation process;
5. the resolution of potential conflicts in the future.

### **Why is it necessary?**

There has been an increasing recognition of the need to involve local people in decision-making processes concerning the use of resources throughout the world. World Bank and other financial institutional support for rural development projects is often contingent on the involvement of local populations. Forest certification schemes include a range of principles and indicators designed to measure and evaluate the participation and inclusion of local people in the management of resources and the degree to which their rights are protected. Although the need has been recognised, more often than not the methods and tools to ensure effective participation have received little attention. This may be as a result of a lack of political will and commitment to the process, but may also simply be because of a lack of capacity and experience on the part of the responsible agencies.

In the Mozambican context there are many shortcomings that have been identified in the community consultation process. Research into the impact of forestry legislation on forest-dependant communities in Mozambique has identified the need to strengthen and deepen the community consultations. Consultations undertaken in terms of the land legislation in Mozambique have also been criticised as weak, partial, incomplete or ineffective. Further afield, there are indications that in countries and contexts as diverse as Brazil, Malaysia, Chile, Canada, Australia and the United States, social issues, particularly land and user rights, are not being truly addressed in forest certification schemes<sup>2</sup>.

Although the Mozambican legislation is clear that the consultations are intended to be an empowerment tool for local communities, so that they benefit from the third party exploitation of natural resources, the methodological tools for ensuring this are weak.

The Mozambican context has an additional element that makes the consultation process an important moment in time: land and forest concessions are generally granted to third parties on leasehold of 50 years. These concessions are then renewable for a further period of 50 years, without any legal requirement for a new consultation process. Some concessions, especially forest concessions, can be very large and affect not only those communities that actually live within their boundaries, but also those from surrounding areas that rely upon the use of natural resources within the concession areas. The opportunity that is offered by the consultation process is therefore an important one for community groups. It may be their only chance to participate in decisions about the use of natural resources in their area for the next 100 years.

By approving an application, the community groups are in effect handing over the inherent rights that the law has granted to them. The consultation process is their opportunity to set some of the conditions under which they are prepared to do this.

### **Who can use this tool?**

This tool was developed for the specific purpose of empowering communities in the consultation and negotiation process. It can however be used by **all** parties to a consultation. If the main elements of the tool are adhered to, it is more likely that enduring agreements will be reached and that there will be much less chance of conflict in the future. Many applicants for use rights of land or forest resources are intending to invest considerable finance and resources into their operations and a thorough consultation process prior to this will help ensure that they create the conditions for a lasting 'social licence' to operate in an area.

The legislation in Mozambique is clear that the parties involved in the process of a consultation or negotiation are the affected communities, the applicant who wants to obtain use rights and the local government representatives. All of these parties could potentially benefit from ensuring that the main elements of the tool are incorporated into their discussions.

---

<sup>2</sup> Fern, February 2004

The legislation assumes that local government representatives will facilitate the process. It is however, permitted for external parties (such as NGOs or development agencies, etc.) to have a role in the facilitation of a consultation process, particularly since they are not a formal part of the negotiation itself and can therefore remain impartial. Research has shown that many local government officials welcome the involvement of external agents, particularly where these groups have a stock of social capital with local communities that may not exist in their own relations<sup>3</sup>. One other important factor, however, is that local government officials, especially in the more remote areas, are often under resourced and do not have the time required to undertake a truly participatory consultation process.

### **The main elements**

There are 4 main phases of a community consultation process:

1. Preparation phase
2. Negotiation phase
3. Decision phase; and,
4. Monitoring phase.

Figure 1 below shows these phases as a diagram, with indications of the main elements contained in each phase.

In following these phases, there are a number of additional considerations that must be taken into account. For example, it is essential that the consultation process fulfils a number of objectives:

1. it must include all the community groups that may be affected by the application;
2. it must be based upon a common understanding, or consensus, amongst all of the interest groups in the affected communities;
3. it should result in real and lasting benefits to the affected communities;
4. it should minimise the possibility of future conflicts over access to natural resources;
5. it should result in agreements that can be monitored and are enforceable by both the communities and the applicant.

---

<sup>3</sup> Government representatives often find themselves in a 'Catch-22' situation where they are simultaneously legally obliged to satisfy themselves that the community is in favour of the application but are also under considerable political pressure to ensure that all applications are dealt with quickly, as any delays are considered to be impeding the development of the country.

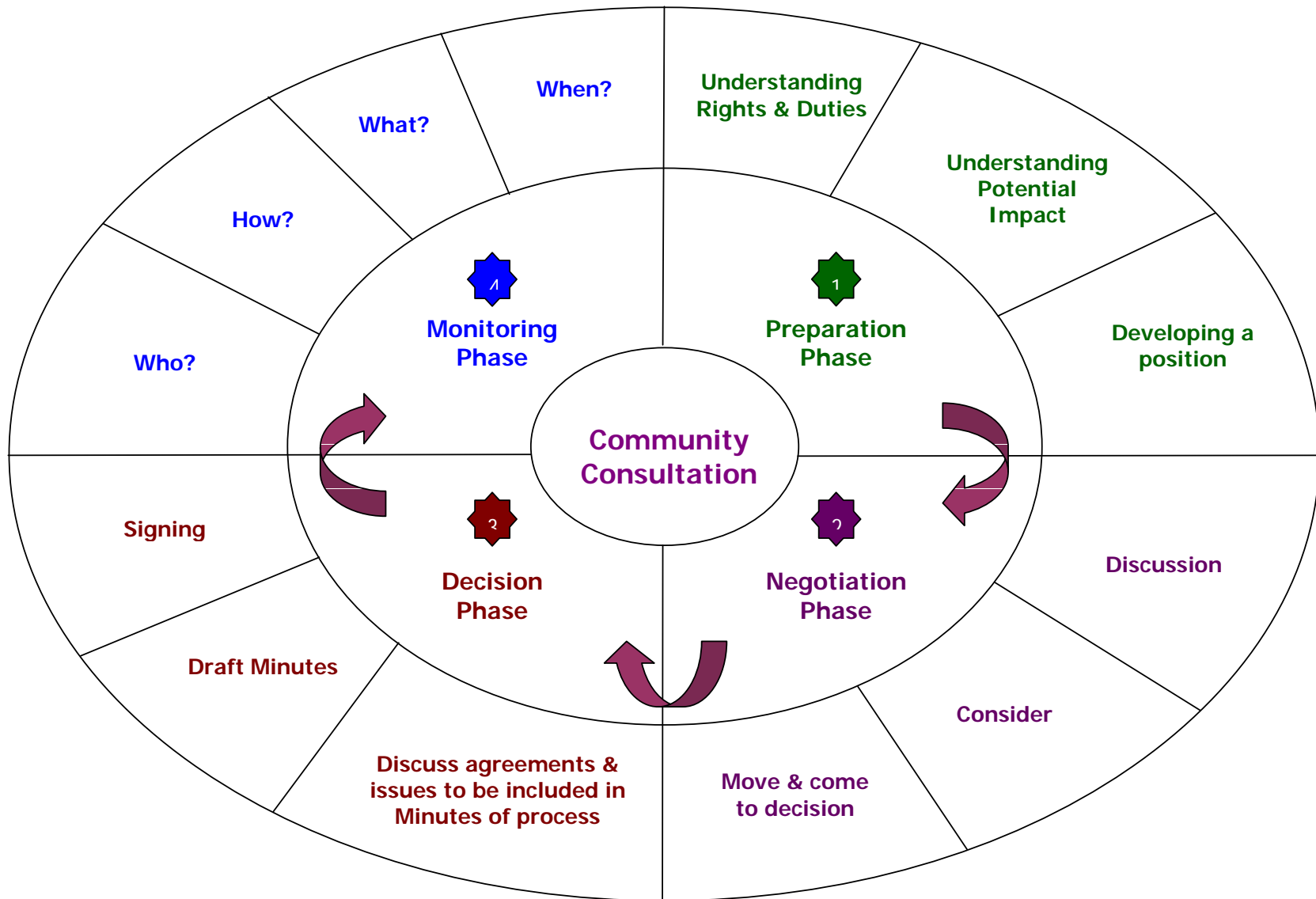


Figure 1: Phases in the Community Consultation Process

### **Text Box 1: Outputs of preparation phase**

- A participatory map illustrating the rights and usage in terms of the law, to be used during the discussions with the rights' applicant (see example below: Figure 2: Participatory map drawn by community in Zambézia province, Mozambique;
- A matrix of potential positive and negative impacts on the community (see example above: Matrix 1 : Potential impacts of a forest concession;
- A matrix regarding potential areas of benefit and cooperation (see example above: Matrix 2 : Potential issues for negotiation;
- A Venn diagram indicating possible linkages between the community, the applicant and the State.

## **1. The preparation phase**

This is the most important phase of a community consultation process and it is therefore essential that all members of the community are included. This means that it should include:-

- The community living within the area earmarked by the rights' applicant;
- The communities using forestry and wildlife resources within the area earmarked by the rights' applicant;
- Community members who have acquired rights within the area earmarked by the rights' applicant, for example simple licence holders; and,
- Community structures and any other organisations or groups within the community (including legal, social or traditional entities).

A facilitator should also ensure that any person claiming to represent a particular group does in fact, have the mandate to do so.

This phase has **three** main elements:

### **1. Understanding rights and duties**

Here the community establishes the rights and duties it has in terms of existing legislation. The community therefore underlines its present resource use as well as that of others, such as simple licence holders in terms of the Forestry and Wildlife Law.

This can best be done through a participatory mapping exercise, first with the various interest groups within a particular community and then triangulated, with community participation, so that a single final map is produced that can be used in the Negotiation Phase. See Figure 2: Participatory map drawn by community in Zambézia province, Mozambique

Pictures of community groups in Mozambique (left) and Angola compiling maps of resource use:



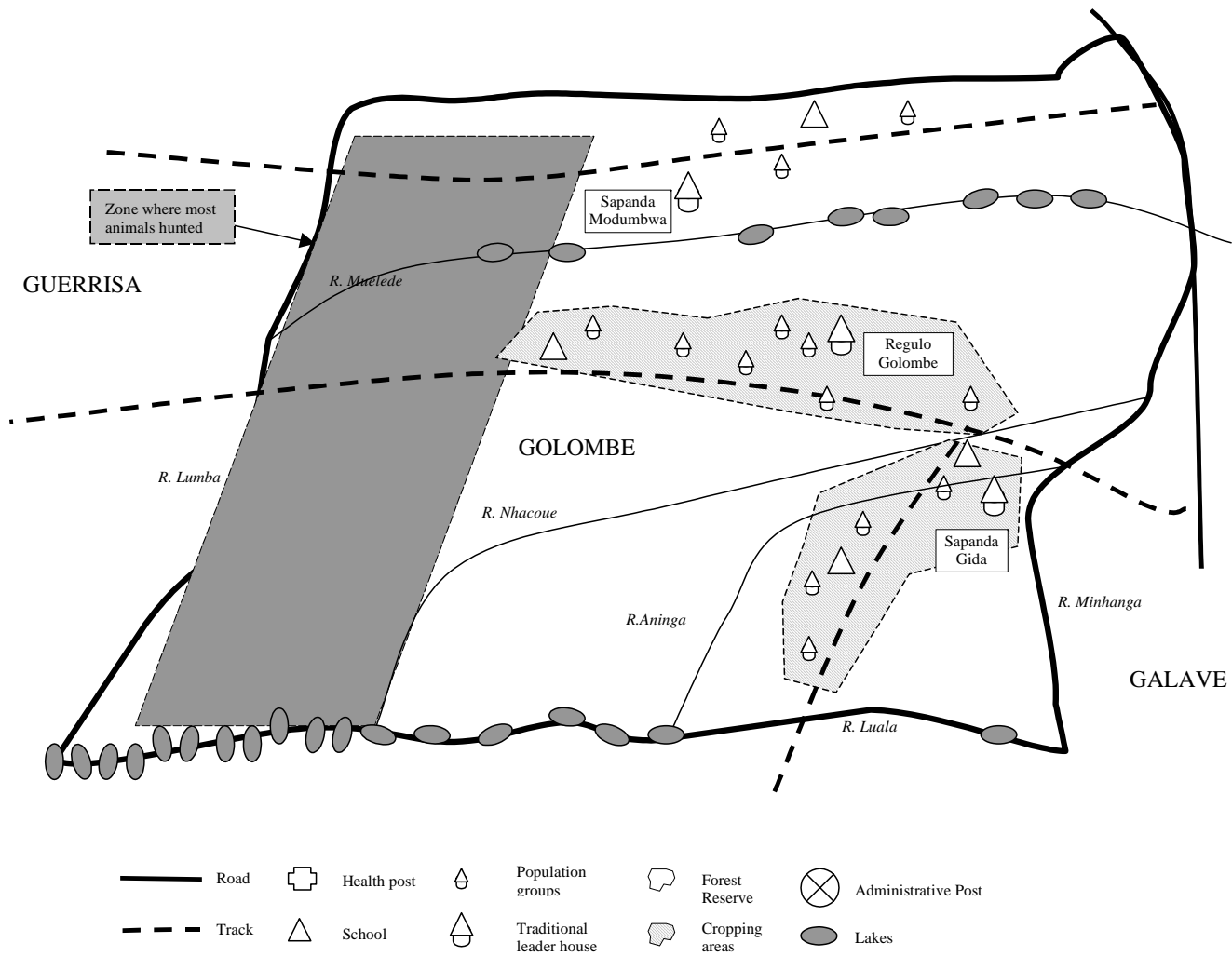


Figure 2: Participatory map drawn by community in Zambézia province, Mozambique



## 2. Understanding the potential impact on communities if a concession is granted

The community, through a series of discussions, has the opportunity to consider exactly what the impact of a concession might be. This ought to include impact on its resource use as well as impacts on livelihood strategies now and in the future.

A useful method that a community can use to try and unpack what these impacts might be is to compile a few matrices regarding what people do and what they think any impact might be. See Matrix 1 : Potential impacts of a forest concession below for an example.

**Matrix 1 : Potential impacts of a forest concession**

Impact	Rainy season			Dry season		
	Men	Women	Both	Men	Women	Both
Improved access into the area						
Entry of strangers						
Use of heavy machinery						
Employment opportunities						
Safety issues						
reduction of resource use						
Reduction of land use						
Access to markets						

Key:

Positive 😊	Negative 😞	Uncertain 😐
---------------	---------------	----------------

## 3. Developing a position

Once a community has been able to map out its rights and identifies the potential impact of the concession, it will be able to develop a position, which it can use when entering into the negotiation phase with the rights' applicant. By discussing how negative impacts can be changed, the community is given the opportunity to develop a position regarding the application. For example, if improved access is seen as a negative impact, because of the potential for greater poaching of wild animals by outsiders, a means to mitigate this could be through the community requesting that the applicant establishes security checkpoints and employ community guards. However, one must ensure that communities try to be as realistic as possible and that a simple 'wish list' is not drafted in this process. It is also essential that roles and responsibilities in the consultation process are clarified and discussed (See Table 2: Roles & Responsibilities).

For the community to be completely prepared for the negotiation phase, it must understand what benefits it could obtain from a concession within its area. If it is a forest concession, the community must be informed of the elements that could benefit them, and that ought to be included in forest management plans, such as:

- Employment opportunities;
- Training and capacity building;
- Local community partnerships and benefits;

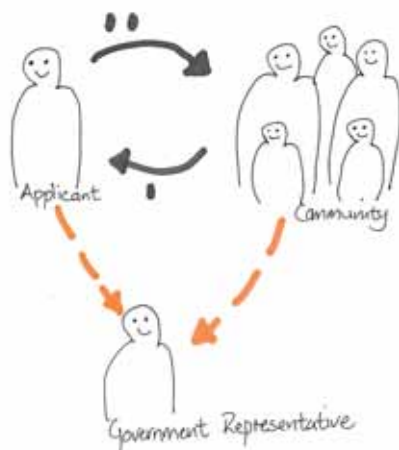
- Non-timber forestry products and their management;
- Social impacts, etc.

This can be used in preparing for issues to be negotiated during the following phase. See Matrix 2 : Potential issues for negotiation below.

**Matrix 2 : Potential issues for negotiation**

Issue negotiated	Who	When	How or What?
Employment of labour	Applicant	Within x months of concession awarded	List of employment offered and number of people to be employed
Improving road access	Applicant & community. Applicant provides machinery and community provides labour	Within x months of concession awarded	Which access roads?

A Venn diagram similar to the one below can then be drawn with the community to give them an idea as to how to proceed during the negotiation phase. It must clearly indicate the lines of communication. The Venn diagram below is regarding employment opportunities. The Applicant communicates with the community regarding the people he will be employing and what skills are required. The community then informs him, or sends him possible candidates. The dots indicate the timeframe (one dot = one week for example). The red lines indicate who is approached in the event of a problem arising. For instance, the applicant has not adhered to the agreement, for example has not employed the number of people promised, or the community has not sent any suitable candidates. It must be noted that it might not always be necessary for the government representative to be involved.



#### 4. Guidelines for facilitation

It is also vital that the facilitator prepares thoroughly for this phase. The following are some guidelines:

- Understand the rights and duties that communities have in terms of any applicable legislation. See Table 3, Table 4, Table 5 and Table 6 for examples of rights and duties in legislation from Mozambique.
- Understand the nature of the application.

- Different applications will require a different type of preparation depending on the nature and size of the application, and the obvious costs or benefits to be achieved. It will not be necessary, for example, to spend days of preparation and consultation for a land application of 1 hectare.
- Understand what the requirements are for each type of application - for example, a forest concession application will require a formal Management Plan. It is important that the facilitator is aware of the components of these management plans (See Annexure 2).
- Know the boundaries of the application – are they well defined or not?
- Identify the community and what their previous experience is.
- Understand the demographics of the community – are there mostly young people, mostly women, what livelihood strategies do they use?
- What third party rights exist in the area?
- Who is the applicant and what is his/her experience and/or reputation?
- What resources the government representatives have? Are there any in the district? Will they have had the time to explain rights and duties to the community? What is their relationship with communities - is it good or bad?
- Understand the objectives of each exercise and how it is to be conducted as well as each output.
- Understand the 'economic' potential of the area.

It is important to ensure that communities understand the various phases of negotiations. Negotiation skills training with role-plays would be essential.

## 2. The negotiation phase

### **Text Box 2: Outputs of the negotiation phase:**

- A matrix of issues negotiated;
- An outline of proposed benefits for the community and how they will be achieved;
- An outline of the expectations of the community;
- An outline of the expectations of the applicant;
- Venn diagram depicting lines of communication;
- Venn diagram depicting steps of dispute resolution.

This is the phase where all the parties come together and start discussing what they want and how they aim to achieve it.

It is important that each party that is present during this phase has the authority to represent whomever he/she claims to represent. The community should therefore have already decided who would represent them at this meeting and what mandate these representatives have. The same applies to the rights' applicant and the government representatives.

The main elements of this phase are:

### **1. Discussion**

The applicant should explain the following:

- What type of application is being made, allowing for questions of clarification regarding the application.
- Why that particular area is chosen.
- How it proposes to achieve its aims.
- What benefits are foreseen for the community?
- What benefits are being offered to the community? It is essential that, if different benefits are being offered to various categories of communities, these differences are clarified and certain.
- What community rights might be affected by the approval of the concession? For example: grazing land, hunting rights, etc.

The applicant should use a map to indicate the proposed boundaries of the concession area and to illustrate which activities are planned and where they will take place. Any areas where the communities' rights could be affected should be highlighted.

The community representatives should then be given the opportunity to:

- Ask questions on clarification regarding the proposed concession and its respective development plans.
- Ask questions regarding any proposed benefits, etc.
- The community then explains its use rights within the proposed concession area, using the map drawn during the preparation phase.
- The applicant should be given the opportunity to ask questions regarding the map for clarification.

- The community then explains the issues on the matrix that it has prepared regarding the potential impact of the concession.
- Both parties can then discuss how best to mitigate any negative impacts.

It is important that both parties be given the opportunity to 'breakaway' and have private discussions amongst themselves. The period for the breakaway should be determined by the community representatives that are present, as they have to ensure that whatever they agree to at this point is also agreed to by the people they represent. It also provides the space for people to ensure that they have understood what the application is about, what is at stake and what benefits they might gain from it, or not. The applicant might also need time to discuss certain issues with those he is representing so his requests for time should also be considered. It is essential that neither party feels pressured into a time period that they do not feel comfortable with, especially if they think that the period to discuss this is too short.

This breakaway must be used to also take time to consider all the proposals put forward by the applicant. Although the Forestry and Wildlife legislation is clear that the entire process of consultation is a meeting, it is our opinion that the meeting be broken at this point. The reasons are that people need to have time to think through all the offers and ensure that there are no misunderstandings later.

If for instance employment is being offered, the community has to ensure that it has the following information:-

- What skills are required?
- Do people in the community have those skills? If not will the applicant provide training? When, how?
- How many people will be employed?
- How will the people be chosen?

The list above is just a guideline of things to consider.

## **2. Consider**

The community is given the opportunity to consider the proposals submitted by the applicant. It is essential that the community ask itself:

- Who?
- When?
- How or What?

regarding each of the proposals made by the applicant (see Matrix 2 : Potential issues for negotiation above).

However, the most important question should be whether this will improve their lives and those of their descendants.

The matrix regarding potential areas of benefit and cooperation must be updated or revised here by the community so that it can be used in the discussions needed in the next phase.

The community must understand that they do not have to agree to anything that they do not feel will bring them any benefits or rewards. The legislation is clear in that they can make the decision to approve or not an application. If the community is not in favour of the application they must state so clearly and provide reasons for their decision.

## **3. Move and come to a decision**

The parties once again get together for discussions.

If the community agrees in principle to approve the application, the following issues need to be discussed:

- Discuss the potential areas of benefit and cooperation (those identified by the community in the matrix from the preparation phase and those that may have been proposed by the applicant) and try and reach agreement on the issues raised.
- The applicant is given the opportunity to raise questions or any other issue indicated in the matrix. The applicant can also include other areas of cooperation or benefits.
- All the parties jointly discuss lines of communication. During this discussion, a Venn diagram can be produced that describes the agreed lines of communication for future reference.
- All parties can discuss how disputes will be resolved. This ought to include lines of communication; timeframes for resolving disputes and, if disputes are not resolved within the timeframes, what further steps each of the parties can take to reach resolution of the conflict.  
[A Venn diagram can be produced so that all parties know what to do and who to speak to when something happens that could lead to a conflict - this can be based on the diagram developed by the community during the preparation phase.]
- How the agreements can be monitored and who will monitor them. The monitoring timeframes must be included here. If the applicant does not fulfil his/her obligations the concession can be cancelled by the state and it is essential that all the parties are aware of this. (See page 17 and 18 for land and forestry concessions.)

The facilitator prepares the minutes of the meetings.

If the community disagrees in principle with the application, the following needs to be discussed:

- The reasons for not approving
- The applicant can be given the opportunity to improve the offer or try to convince the community to change its mind. If this does occur, it will be important to repeat the steps in the consideration phase
- The facilitator prepares the minutes of the meetings including the reasons for non-approval.
- The parties sign the minutes and in this case the process is concluded here.

### 3. The decision phase

#### **Text Box 3: Outputs of decision phase:**

- A table of agreements reached;
- Minutes of the process;
- A map which should reflect where the community and where the applicant will use various resources.

This is a phase where the agreements discussed during the negotiation phase are thrashed out and the exact details of all the agreements are finalised. It is essential that during this phase that expectations are not raised and that all parties involved consider each proposal as objectively as possible.

The main elements of this phase are:

#### **1. The finalisation of the agreements**

When finalising any agreements it is important that people understand what the agreement entails, who does it involve, who does it exclude, who does it affect and how. We suggest that the parties draw a table with the various actions etc. See Table 1: Agreements reached in terms of employment opportunities below for an example.

**Table 1: Agreements reached in terms of employment opportunities**

Agreement	Start date	Who chooses?	Training needed?	When training will be provided	Type of employment (full time/part time) with/without contract
Employ 3 community guides					
Machine operators to be employed					
Road builders					
Administrative staff					
Cleaning staff					
Technical staff					

#### **2. The preparation of the minutes**

The drafting of the minutes is vital for the monitoring of the agreements reached. It is therefore very important that each party understands his/her role and what the other parties expectations are regarding that role. The minutes should also reflect exactly what was agreed and therefore drafted in a way that is simple and easily understood with as few ambiguities as possible.

#### **3. The signing of the minutes**

The signing of the minutes is simply a formal and final activity that represents the goodwill of all the parties. It also fundamentally concludes the community consultations and negotiations. All parties

will then all have a document that clearly reflects not only what happened during the consultation process but also the agreements reached.

#### 4. The monitoring phase

**Text Box 4: Outputs of monitoring phase:**

- An annual progress chart indicating activities; achievements, date it was reviewed; who did the review and other comments;
- A list identifying the people who have the ultimate responsibility of ensuring that agreements reached are adhered to;
- Minutes of meetings with communities regarding status of agreements;
- Tangible benefits directly related to the agreements entered into.

The monitoring phase does not strictly fall directly within a community consultation process, but it becomes the most important if communities are to use the process as an empowerment tool.

The elements of this phase are:

##### 1. What will be monitored?

It is important that all parties are aware of what is being monitored. The best way of establishing that there is no confusion is to ensure that all agreements are clearly recorded in the minutes of the consultation process. In relation to land applications all agreements reached during the negotiation.

In relation to forest concessions the management plans provide additional guidance as to what needs to be monitored. The matrixes produced, provide good guidelines that can then be “ticked off” as the development proceeds.

##### 2. Who is going to do the monitoring?

The State must do the monitoring to ensure that the applicant is abiding by the development plans it submitted, considering that it was on that basis that the application was approved. Nonetheless, it does not detract from the fact that the people who are directly affected by the concession must be involved in ensuring that all agreements reached are adhered to.

##### 3. How will it be monitored?

The parties will have to agree to this during the consultation process. Possibly, the best solution is to decide to have meetings on a regular basis to discuss developments. Therefore, if it is a land application, and there has been a delay in the applicant receiving the provisional right of use and benefit of land, and therefore no construction has begun, this can be explained to the community without the community having to think that this person has simply disappeared.

##### 4. When will it be monitored?

It is important that realistic timeframes be set for monitoring progress. A suggestion could be that the development plans (be it a land application or a forest concession) be organised in phases and that a meeting be held between all the parties at the end of each phase. This will give people the opportunity to discuss what happened in the previous phase but also what will happen in the next phase.



When discussing plans for the next phase it is important that the matrix (such as Table 1) be updated so that they can be used at the end of the phase to check if all the agreements were achieved.

This phase can vary considerably, depending upon the type of application (land or forestry) and the nature of the agreement:

### **Land concessions**

In terms of the Land Law once an application is approved a provisional right of use and benefit is granted to the applicant. If the applicant is a foreigner, the applicant will have two years to fulfil the development plans. However, if the applicant is a national (either a person or a company), it will have five years to fulfil the development plans that form part of the application. This clearly means that all agreements reached have to bear in mind the short timeframes involved. Furthermore, due to the relative short term within which development plans have to be fulfilled this means that monitoring of agreements is also short term.

### **Forestry concessions**

Forest concessions, because they require short, medium and long-term management plans are easier to enter into long-term agreements that can be monitored regularly.

In the proposed outline of the contents of Forestry Management Plans it is suggested that short-term management plans should include:

- Evaluation of forestry activities carried out during the past 12 months such as inventories; blocks exploited, species, production. etc.
- Infrastructure developed, roads built or repaired, etc.
- The number of employees (full time and part time basis) as well as a clear indication as to which of these are drawn from the local communities, as well as possible new employees.
- Summary of community meetings, achievements, future plans, etc..
- Planned future community consultations and meetings.
- Description of the aims of these meetings.
- Description of partnerships or joint activities planned.
- Diagrams of planned improved or new access roads.
- Forest inventory.
- Production areas.
- Other activities.

Medium term management plans that generally refer to a period of approximately five years should include the following:

- An evaluation of the previous 5 years.
- Primary and secondary roads to be built within the next 5 years (if necessary).
- Forest inventory.
- Detailed map of production area.
- Silviculture activities.
- Mitigation of social and environmental impacts.
- Monitoring and evaluation activities that have been undertaken and those that will be done in the future.

### **The limitations**

There are two obvious limitations to a tool such as this. The most obvious is that it is rather specific to the Mozambican context. However, it is believed that the basic guidelines of the consultation process can be used in a variety of similar situations in which local people are being consulted about natural resource issues in a particular area.

The other limitation is that this is a very thorough process and will obviously not be appropriate in all cases, as mentioned above. However, one should bear in mind irrespective of the size of the application (especially considering land applications) that inherent rights are cancelled by the granting of a concession. Therefore, the elements described in this tool can still be followed, but perhaps on a more informal basis. For example, the participatory map can be produced during the meeting with the all the stakeholders. It should also be borne in mind that when all the stakeholders meet and discuss the implications of an application that they are in fact starting to build a relationship. If there is no confusion regarding the different parties' intentions, then this relationship can only be a positive and mutually beneficial one for all parties.

This tool is an attempt at standardising community consultations and in doing so also attempting to ensure that if a forest concessionaire follows this process he/she is also adhering to some of the principles set out in the Forest Stewardship Council principles and criteria.

## **Bibliography**

www.fsc.org: Principles and Criteria of forest Stewardship

Land Law 19/1997 of 1 October

Land Law Regulations Decree 66/98 of 8 December

Technical Annex to the Land Law Regulations Ministerial Diploma 29-A/2000 of 17 March

Forestry and Wildlife Law 10/99 of 7 July

Forestry and Wildlife Law Regulations Decree 12/2002 of 6 June

Comissão Inter-Ministerial para a revisão da legislação de terras (FAO 2000): *Manual de delimitação de terras das comunidades*.

Johnstone, R and Cau, B.M, Norfolk, S (2004) *Impact of recent legislation and the extent of compliance on the forest dependent poor in Mozambique*, Terra Firma, Lda, Maputo, Mozambique.

Macome E e Salmão A, MCRN (2003): *MCRN: Parcerias a Chave de Sucesso Manual de Negociação* (1º Draft), Maputo

Mansur, E & Flimão E.J (2003) *IRAAPISMu: Uma proposta Metodológica para Envolvimento das Comunidades Locais*, Unidade de Apoio ao Maneio Comunitário – (UMC) & Direcção Nacional de Florestas e Fauna Bravia (DNFFB) Maputo

Ozinga, S with Krul, L, *Footprints in the forest: Current practice and future challenges in forest certification* (FERN February 2004)

**Table 2: Roles & Responsibilities**

STAKEHOLDER	DURING CONSULTATION		AFTER CONSULTATION	
	Role	Responsibility	Role	Responsibility
<b>Private investor</b>	Applicant for resource user rights within an area traditionally exploited by local communities Commercial enterprise	Present plans for operation and activities to be undertaken and areas to be affected Define realistic socio-economic impacts based on capacity to implement	Source of assistance for implementation of agreed inputs Investor and developer - guarantor of provision of agreed benefits	Inclusion of consultation outcomes into MP short, medium and long term strategies, Collaboration in M&E of social impacts. Establish and maintain effective community links Actively encourage cooperation with the community in planning and implementing benefits
<b>Government</b>	Facilitator / Mediator Provider of public services and planning Guarantor of legal compliance and protects legal rights and duties of all parties involved	Prepares and leads the consultation process Coordinates local socio-economic plans and wider government development plans Prepares the Minutes (Acta) of consultation process	Law enforcement M&E agency	Evaluate MP in light of proposed mechanisms for implementation and M&E of commitments made
<b>Community</b>	Traditional resource user Stakeholder whose consent determines the allocation of user rights to third parties Development target group	Identify traditional practices linked to resource use Identify areas of cultural and historical importance Determine main expectations and concerns in relation to impact of private investment Identify and prioritise needs	Stakeholder in the implementation process On the ground monitors	Commit to co-participate in addressing these needs and mobilize locally available resources Participate in M&E
<b>NGOs(if present)</b>	TA / Capacity building Facilitator / Mediator	To work with all parties involved in the process	Monitoring and assistance	Capacity building

**Table 3: Rights and Duties in terms of Forestry and Wildlife Law No 10/99 of 7 July**

Forestry and Wildlife Law No 10/99 of 7 July			
Article	Duty	Article	Right
		10	To have area that is of cultural use and historical value to be declared as a protection zone and to be delimited. See also article 7 of Regulations to the Forestry & Wildlife Law
		13	The right to use forest and wildlife resources in protection zones in accordance with the traditional norms and practices.
		17	The right to be consulted and to negotiate use and access rights before the issue of a forest concession.
		18	Protection of all third party rights and local community rights to access and use of natural resources, for own consumption, in a Forestry exploitation area for commercial, industrial or energy.
		21	Hunting by simple licence, for own consumption in multi-use forests and in the areas of use and historical cultural value areas.
		25	Right to hunt animals when defending people and their belongings, against actual or imminent attacks by wild animals if their capture or frightening away is not possible.
		31	The right of participation in Local management of natural resources councils.
		35	Local communities who are resident in a forest concession area have the right to a percentage of the fees from forestry and wildlife exploitation area. See also article 102 of Regulations to the Forestry & Wildlife Law
		37	The right to be part of the forestry resources policing.
		38	Community policing agents have the right to stop people at forestry and wildlife control posts.
		39	The right to a percentage of fines to be issued for transgressions to benefit the various intervenient parties in the process of policing and controlling of wildlife and forestry resources See also article 112 of Regulations to the Forestry & Wildlife Law

**Table 4: Rights & Duties in terms of Regulations to the Forestry and Wildlife Law Decree No 12/02 of 6 June**

Regulations to the Forestry and Wildlife Law Decree No 12/02 of 6 June			
Article	Duty	Article	Right
8	Access to resources Even if for own consumption should not prejudice the norms of protection and conservation	2	The right of consultation in proposals to create national parks and reserves
17	Licensing period To be done between 2 January to 15 February each year	5	Use rights of third party rights to be taken into account when determining the area of a buffer zone.
24	Cannot use precious woods classified as 1 <sup>st</sup> , 2 <sup>nd</sup> and third class, as well as species classified as rare, protected, or with a historical or socio-cultural value for charcoal and firewood unless the logs are deformed or cut incorrectly and cannot be used industrially	6	Right to participation in Management plan of protection zones
27(2)	When degradation has been caused by deforestation, fire or any other voluntary act, the person who has caused the damage is obliged to effect the recuperation of the degraded area in the terms and conditions to be defined in a specific regulation, independently of other civil or criminal proceedings which could arise.	15	Local communities can at any time exploit forestry resources for own consumption and are exempt from paying a fee for same. But these resources can only be carried within the administrative post in which the local community is resident.
27(3)	In protection areas, it is not permitted to transform the degraded area into another use area. This area should be recuperated to its previous condition.	16	Right to exploitation of natural resources for commercial, industrial and energy reasons by simple licence.
29(2)	He is for which ever reason has caused the decline of wildlife is obliged to effect the repopulation of the affected species, in the terms and conditions to be defined by a specific regulation, independently of any other sanctions that can take place	18	Right to be consulted before simple licence issued to third party.

Regulations to the Forestry and Wildlife Law Decree No 12/02 of 6 June			
Article	Duty	Article	Right
37(2)	All citizens, and in particular the local management of resources councils, as well as licence holders shall collaborate in the necessary vigilance for the protection of forestry and wildlife resources and informing the closest authorities of any infringements	21	The licence for the exploitation of forestry resources in areas where the occupants have the right of use and benefit require consent of the titleholder, and partnerships can be established in the exploitation of these resources under terms which are to be agreed to by the parties
43(c)	Personal liability lies with the forestry and wildlife agent, accredited official and community agent which does not take the measures foreseen in the present law, its regulations as well as any other legal obligation he may have in collaborating in the exercising of vigilance and has not done so	26	Communities have the right to refuse to provide a favourable opinion in the application for the forest concession.
45	the hunter has to assume complete responsibility for any damage caused to third parties as well as any damaged caused by his assistants, companions, dogs, instruments and means of hunting used	27	Right to be informed of forest concession applications and to complain regarding a forest concession application in the areas.
46(2)	cannot hunt during the period 1 October to 31 March	28	To participate in the formulation of the forestry concession contract
49	Special duties of hunters	35	Right to be consulted regarding forest concession and simple licence applications.
	a) hunt only the animals indicated in the licence	36	The right to be notified of the consultation 15 days prior to the meeting taking place.
	b) use instruments and means permitted in accordance with the licence issued	42	Right to request that the forest exploitation right is revoked when the rights' holder does not observe the terms and conditions established
	c) not abandon any injured animals unless they have escaped to a protection zone, buffer zone, coutada or game farm	52	Right to receive the meat of animals, when possible, that are hunted in the area by hunting guides
	d) not to destroy nests of birds, reptiles or eggs	62	Community hunting areas are considered as:- <ul style="list-style-type: none"> <li>• hunting in areas of historical cultural value;</li> <li>• hunting in areas of multiple use</li> <li>• hunting in official coutadas</li> <li>• hunting in productive forests</li> </ul>

Regulations to the Forestry and Wildlife Law Decree No 12/02 of 6 June			
Article	Duty	Article	Right
	e) cannot create a line of more than 6 hunters	63	Community hunter has the right to hunt to but has to be recognised as such.
	f) cannot transport animals which have been cut up in such a way that it is difficult for policing agents to recognise the species or gender of the animal	64	Community hunters have the right to be issued with a Model E Licence for hunting small game for own consumption and are exempt of paying fees.
	g) cannot transact in animal remains whether they are green or dried, except in legal exceptions	72	The remains of animals that are hunted and killed whilst protecting people or goods, when considered safe for consumption shall be distributed for free to local communities, after a portion is removed for the people involved in the hunt.
	h) use all means to not abandon injured animals especially those species that are considered dangerous	95	Right to participate in the management of forestry and wildlife resources. COGEP
63	Community hunters shall observe all the duties that are foreseen in article 49 and especially ensure the protection of the communities against attacks to people and goods by wild animals	97	COGEPs have the right to propose the cancellation or the revocation of a particular project when it is verified that it does not fit in with the real provisions of rural development or sustainable use of forestry or wildlife resources
68(1)	the requirements for killing an animal in defence of people or goods are as follows:	98	COGEPs have the right, when requested, to represent the interests of its members viz local communities, private sector, associations and organisations to the State towards the interest of these in the management, conservation, exploitation and in obtaining benefits resultant there from
	a) an actual or an imminent attack	102	Right to financial benefits for local communities established at 20% of the fees from forestry and wildlife exploitation area
	b) the impossibility of chasing animals away	108	Right to involvement in the controlling process ascertained
68(2)	an actual attack is considered where one or more animals are following or attacking people or goods and an imminent attack means where one or more animals is moving towards or entering a property or home with strong indications that they could attack people or goods which exist there	112	50% of the amounts raised from each fine shall go to the Forestry & wildlife officials, and community agents who participated in the process as well as local communities or any citizen which had denounced the infraction.

**Regulations to the Forestry and Wildlife Law Decree No 12/02 of 6 June**

<b>Article</b>	<b>Duty</b>	<b>Article</b>	<b>Right</b>
68(3)	impossibility of chasing animals away shall refer to dangerous animals or if not dangerous animals those that are not moving after use of normal chasing away techniques		
68(4)	goods and human life are crops, domestic animals, homes, vehicles and other specific goods of economic or social value		



**Table 5: Rights & Duties in terms of Environmental Law No 20/97 of 1 October**

<b>Environmental Law No 20/97 of 1 October</b>			
<b>Article</b>	<b>Duty</b>	<b>Article</b>	<b>Right</b>
23	Any person which verifies violations to this law or any other environmental legislation, or which reasonably presumes such violations are imminent has the duty to report same to the police or any other administrative agents who are closer to the fact.	13	Right to participate in the management of environmental protection areas.
		21	Right to access of justice:-  any citizen who believes that his rights, in terms of this law have violated  any person who as a consequence of a violation of the provisions of the environmental legislation, suffers any personal offences or damage to property, including the loss of crops or profits can judicially process the causer of the damages or the offence and demand repairs or reparation.
		22	Those that believe that their rights to an ecologically balanced environment are violated can request the immediate suspension of the offending activity

**Table 6: Rights & Duties in terms of Water Law No 16/91 of 3 August**

<b>Water Law No 16/91 of 3 August</b>			
<b>Article</b>	<b>Duty</b>	<b>Article</b>	<b>Right</b>
22	Cannot alter the quality of the water or its natural flow.		

**Annexure 1a: Form 3**

**PHASES OF THE PARTICIPATORY PROCESS**

Province \_\_\_\_\_ District \_\_\_\_\_  
 Locality \_\_\_\_\_ Community \_\_\_\_\_

Activity	Outcome		Date	Document attached (√)	Participants (men/women/leaders/others)	Work Group Facilitator(s)
	Report	Map				
Historic profile						
Social organization						
Utilization of natural resources						
Spatial occupation						
Population dynamics						
Participatory Map 1						
Participatory Map 2						
Other maps						
Sketch map						
Identification of conflicts						
Mechanisms to resolve conflicts						
Economic activities with an entrepreneurial character*						
Other undertakings						

\* Undertakings already authorized or still in application phase

Work Group

\_\_\_\_\_ (Signature)

**PRO- FORMA DOCUMENT FOR COMMUNITY CONSULTATION MINUTES**

On \_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_ a meeting for a community consultation tool place with the community of \_\_\_\_\_

Due to the fact that Mr(s) \_\_\_\_\_ had requested an area within their territory of \_\_\_\_\_ ha in the locality of \_\_\_\_\_, Administrative Post of \_\_\_\_\_ District of \_\_\_\_\_ of the province \_\_\_\_\_ for the following aims \_\_\_\_\_

The meeting was lead by \_\_\_\_\_ and he/she counted the involvement of (number) \_\_\_\_\_ of technicians of the Provincial Forestry & Wildlife Services (PFWS), as well as (number) \_\_\_\_\_ of community members of the \_\_\_\_\_ community.

The participants of the meeting, expressed themselves regarding the application of occupation of the land in question, and the following were noted:-

1. Mr(s) \_\_\_\_\_ offered his/her opinion in the following terms \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Mr(s) \_\_\_\_\_ offered his/her opinion in the following terms \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Mr(s) \_\_\_\_\_ offered his/her opinion in the following terms \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Mr(s) \_\_\_\_\_ offered his/her opinion in the following terms \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Mr(s) \_\_\_\_\_ offered his/her opinion in the following terms \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In conclusion the following was agreed to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Annexure 2: Forestry Management Plan Proposed Format<sup>4</sup>

Index  
Cover  
Inside cover  
Summary

### **1 Identification of the concessionaire**

### **2 Basic information regarding the area of the concession**

- 2.1 Its location and the boundaries of the concession area
- 2.2 Climate
- 2.3 Topography
- 2.4 Access roads
- 2.5 Flora
- 2.6 Fauna
- 2.7 Socio-economic characteristics
- 2.8 Forestry industry
- 2.9 Principal environmental impacts

### **3 Forestry Resources**

- 3.1 Forestry formations
- 3.2 Species (general frequency and by type)
- 3.3 Commercial volume
- 3.4 Diametric distribution
- 3.5 Natural regeneration
- 3.6 Non-wood forest products

### **4 Objectives of the forest management**

### **5 Components of the management plan**

- 5.1 Concession:
  - 5.1.1 Zoning of the concession: area of production; area of conservation; area for infrastructures
  - 5.1.2 Roads
  - 5.1.3 Production blocks
- 5.2 Silviculture operations
  - 5.2.1 Operations before forest exploration
  - 5.2.2 Operations during the exploration
  - 5.2.3 Operations after the exploration
  - 5.2.4 Management of non wood forest products
- 5.3 Forest production
  - 5.3.1 Forest growth
  - 5.3.2 Cutting cycles
  - 5.3.3 Admissible cutting
  - 5.3.4 Partitioning of exploration
  - 5.3.5 Forest exploration

---

<sup>4</sup> Prepared by Almeida Siteo, Adolfo Bila - MADER - DNFFB

- 5.3.6 Aim of producing logs
- 5.4 Non wood forest production
  - 5.4.1 Coal;
  - 5.4.2 Honey
  - 5.4.3 Others
- 5.5 Protection activities
  - 5.5.1 Controlling access to the concession
  - 5.5.2 Protection against fires
  - 5.5.3 Protection against diseases and pests
  - 5.5.4 Protection against illegal exploration
- 5.6 Industrial processing
  - 5.6.1 Industrial park
  - 5.6.2 Basic equipment
  - 5.6.3 Industrial products
  - 5.6.4 Markets
  - 5.6.5 Promotion of secondary species
- 5.7 Local communities
  - 5.7.1 Rights of communities
  - 5.7.2 Benefits for communities
  - 5.7.3 Partnerships and agreements
  - 5.7.4 Mechanisms to resolve disputes or conflicts
- 5.8 Environmental and social impacts
  - 5.8.1 Environmental impacts
    - 5.8.1.1 Main environmental impacts;
    - 5.8.1.2 Actions for mitigation and compensation
  - 5.8.2 Social impacts
    - 5.8.2.1 Main social impacts
    - 5.8.2.2 Actions mitigation and compensation
- 5.9 Research
  - 5.9.1 Inventory programme
  - 5.9.2 Studies regarding the growth and dynamics of the forest;
  - 5.9.3 Studies regarding the effects of forestry
  - 5.9.4 Cooperation with research institutions
- 5.10 Organisation and administration
  - 5.10.1 Administrative structure
  - 5.10.2 Personnel and job descriptions/responsibilities
  - 5.10.3 Training and capacity building of labourers
- 5.11 Registration and revision of management plan
  - 5.11.1 Format of periodical reports
  - 5.11.2 Information and communications systems
  - 5.11.3 Carrying out of the management plan
  - 5.11.4 Register and data files
- 5.12 Monitoring
  - 5.12.1 Internal audits and inspections
  - 5.12.2 External audits and inspections

- 6 Conclusions and recommendations**
- 7 Limitations of the management plan**
- 8 Bibliographic references**
- 9 Annexures**
  - 9.1 Maps
    - 9.1.1 Map indicating the boundary of the concession area
    - 9.1.2 Forestry map
    - 9.1.3 Map indicating access roads
    - 9.1.4 Map indicating infrastructure
    - 9.1.5 Map indicating protection areas
    - 9.1.6 Map of silvicultural operations
- 10 Bibliography**

## **A. COVER**

The cover ought to include the principal title of the document, for example "Management Plan for the Concession area of .....", it should indicate the number of reference of the volume, the month and year in which it was drafted and prepared.

## **B. INSIDE COVER**

Should contain the name of the concessionaire and the name and address of the entity, consultancy company or consultant who drafted the management plan.

## **C. SUMMARY**

The summary should not exceed 5 pages. It should be written in simple language, that is appropriate or the understanding and wide dissemination of the management plan. It should further include an A4 size map indicating the location of the concession.

The summary should contain the most important information of the concession, in a clear and comprehensible manner where a reader who is not specialized in forestry can understand. It should include, for example, in a concise manner, the general information of the concession, the management objectives, the principal activities that are to be carried out in the area, the conservation and management of guidelines for fauna and flora in the area, the impacts and benefits that are expected from the carrying out of the plan.

The information of the summary should focus the attention of the reader to crucial area of the plan in order to allow for an easy understanding to those who are interested or effected.

Special attention should be given to difficult decision making elements which could create some concerns within the public. For more detailed or technical information, the reader could be directed to specific documents that form part of the management plan.

### **1 Identification of the concessionaire:**

It should clearly indicate the complete identification of the concessionaire, with a brief description of experience in the forestry sector, either within or outside the country. The identification should include the name of the company and the official address.

### **2 Basic information regarding the area of the concession:**

In this section an actual description of the area and the region where the concession is situated is described. This should be brief, a kind of diagnostic situation of the area. There should be some description of the physical, fauna, flora and actual state of the forest, the social and economic context of the region and its main constraints. Furthermore the following should also be included:-

#### **2.1 Location and the boundaries of the concession:**

Indicate the geographical location of the concession area, including the province, district and administrative post. Provide geographical coordinates of the furthest points of the concession and attach the relevant map of the area.

This information ought to be used as a rapid reference to the area as well as for the exact localization of the area in order that it can facilitate the process of inspections and surveillance. The geographical coordinates should be gathered in the field using a GPS (or topographical maps with a scale of not less than 1:50 000).



## 2.2 Climate

Indicate climatic system of the region where the concession is located, indicating the average annual temperature and its variations throughout the year; annual mean rainfall and its variations throughout the year. This information can be obtained from the Meteorological Services. This information is of use when drafting the plan of forestry activities such as cutting; road repairs; silvicultural preparations, planting etc.

## 2.3 Topography

Information regarding the variation in altitudes of the area. This information can be obtained through a topographical survey or by studying topographical maps which should not have a scale of less than 1:50 000. This is important so as to identify areas where there is a risk of erosion such as steep inclines and water courses which have to be protected. Furthermore, it can also be used to plan roads and yards. The relevant map has to be annexed.

## 2.4 Access roads

Indicate the access routes that are currently found in the area, including national and secondary roads which are in the area or nearby. This information can be gathered either in the field or from 1:50 000 maps. This information is necessary to estimate transport costs and access to markets and industry (sawmills and other timber transformation plants). Attach the relevant map.

## 2.5 Flora

A brief description of the forest types found in the area (use the Saket 1995 classification and the Mozambican forest classification system in use) indicating the structure (dominant heights, number of strata, density of trees), the dominant species (commercial and non-commercial) and their diameters. Detailed information should be included in Chapter 2. Should further indicate the occurrence of protected species or species that are in danger of extinction. This information should be obtained from the forest inventory. Attach the forestry map if there is more than one type of forest cover. This information is necessary to visualize the type and quality of the product which can be utilized.

## 2.6 Fauna

Indicate the occurrence of animals (small, large and/or medium) in the area. As far as possible should include relevant information on all animal groups such as mammals, reptiles, birds, fish etc which occur in the area. Special attention should be given to protected and animals at risk and those that have an economic value. This information should be obtained from indirect and direct observations, field surveys and specialised literature.

In the event that there are animals (quantity and/or type) which justify and fauna management plan, then should also be done. This plan ought to be drawn and be compatible with the forest management plan.

## 2.7 Socio-economic characteristics

Describe the socio-economic situation of the area, indicating the main economic activities engaged in by local communities, including agriculture, cultural systems, crops, markets, utilisation of forest products (firewood, charcoal, poles etc) for commercial (profit) reasons. Local industries found and sources of income should also be included.

This information ought to be obtained from surveys and direct observations in the field and is used to draft a plan for the integration of the local communities into the activities of the forest concession.

## 2.8 Forestry industry

Description and character of the forestry industry established or to be established including the type and capacity of machinery to be used, how it will be moved from the felling area, transportation, sawing and secondary transformation. This information should be obtained from the concessionaire or directly from the industry to be established. This information will assist in estimated the production capacity (exploration and transformation) and justify the area of the forest concession.

## 2.9 Principal environmental impacts

Description of the principal environmental impacts resulting from the forestry activity (exploration, removal and transformation), agriculture and other economic activities within the concession area. Should give particular emphasis on negative impacts on water courses and sources (if present), slopes, animal and plant species that could be affected by the exploration and will need special treatment, noises/vibrations produced by machinery amongst others. The negative impacts should be minimized as far as possible and the operation plans should reflect this aspect.

## 3 Forestry Resources

In this section a summary of the forest inventory should be given including the following:

### 3.1 Forest formations

Description of the types of forest and the area which they occupy including a map of distribution of forest formations and a table indicating dendrometric characteristics by forest type. Should further include the frequency of commercial species (by commercial class), number of trees that are ready for harvesting per hectare (and commercial class), number of young trees (by commercial classes). This information is obtained from the forest inventory and is used for the estimation of the capacity of the production and regeneration of the commercial species and for the planning silvicultural activities and treatments.

### 3.2 Species

List of all species and their average occurrence per hectare and per forest type. Must include the commercial class of each species and the minimum diameter permitted for felling. This information is to be used in estimating the commercial volume available for felling as well as the planning of silvicultural activities and treatments.

### 3.3 Commercial volumes

State the commercial volume (indicating the criteria and formula used and the minimum diameter considered for the calculation) by commercial type including the total commercial volume. The average volume per hectare of each forest type should also be indicated. This information is used to confirm the cutting areas of the concession area and projecting the industrial capacity as well as planning forestry production.

### 3.4 Diametric distribution

Present in tabular and graph form the diametric distribution of all species per commercial class and per forest type. This information is used for the planning of silvicultural treatments and to estimate the regeneration capacity including projections for forest incomes.

### 3.5 Natural regeneration

Indicate the size of trees considered as 'regeneration' (non established trees) and the criteria used for their measurement and observation. Indicate the quantity and

percentage of regeneration per commercial class and forest type, pointing out the species that are more abundant and the commercial species, their general condition and health, describing the general condition of the non-established trees.

### 3.6 Non-wood forest products

Identify and list all non-timber forest products which occur in the concession indicating type, uses and methods of harvesting. One should further indicate their occurrence by forest type and where possible, quantify and qualify the identified products.

This information is necessary to define a use plan for the management of non-timber products if justified, and including community participation therein.

## 4 Objectives of the forest management

The general objective established in the Forestry and Wildlife Law is to “protect, conserve, use and develop in a reasonable and sustainable manner the forestry and wildlife resources for the economic, social and ecological benefit of all Mozambicans now and in the future” and this should be clearly stated in the objectives of the management plan.

Therefore, there should be equity between the specific objectives of production and conservation, between the exploration of timber and other non-timber forest products as well as between the economic and social and environmental objectives.

Besides the general objectives it should also include specific objectives and the concrete methods to be used to achieve the long, medium and short term goals.

## 5 Components of the management plan

In this section the principal activities of management that are to be used within the concession should be presented.

The guidelines of management are made on the basis of the information contained in the previous chapters, i.e. basic information, data from the forest inventory of the concession area and management objectives.

Here, only the principal long term activities to be development should be included. The medium term (5 years) and short terms (1 year) activities should be presented in management plans that are submitted annually and every five years.

The main components to include are as follows:

### 5.1 Concession

#### 5.1.1 Division of concession area

The concession area has to be planned in a manner which conforms to the legal requirements as well as to the objectives of the concession. The following areas are necessary in a concession area:

- i. Production area: this is the area that will be used for timber exploration. It can be used for regeneration plantations as a way of guaranteeing future harvesting.
- ii. Conservation area: areas which are for the conservation or protection of fragile ecosystems (slopes, water sources and courses), rare species etc. This area is not for harvesting, but may be used for tourism, research or any other purpose as long as it does not include the felling of trees.
- iii. Area for infrastructure: usually an area which is used as an industrial and/or residential area where buildings will be erected and is not used for forest exploration.

### 5.1.2 Roads

Present a construction plan for roads and forest tracks within the concession area indicating the 'class' of track, its total length, the equipment and the material to be used in its construction.

### 5.1.3 Production blocks

The area of production should be divided into operational blocks which are annually utilized. These blocks correspond to the forest management units where the interventions are made in a uniform manner. The blocks out to take into account the forest type and its respective volume density. Generally, the size of the blocks should give an indication of the total production volume of the area, the capacity of utilisation and the period of rotation (function of volume growth). Each block should be able to provide enough timber for a period of one year. Furthermore the number of blocks should equal the number of cutting cycles.

## 5.2 Silviculture operations

The silvicultural operations are applied in the area of production depending on the requirements. These can be made with an aim to guarantee sufficient regeneration for the following harvest; eliminate combustible material before the dry season; eliminate trees with diseases or pests etc.

The following are some activities that can be carried out in the area of production.

### 5.2.1 Pre-exploration operations:

These operations are aimed at conducting an efficient utilisation with minimum costs and damage to the remaining forest and minimum negative environmental impact. Within this group of operations one may include the rehabilitation of forest paths/tracks, bridges, clearings, cutting of vines, marking of trees for felling and planning the network of removal of timber. The operational details should be included in the respective annual operational management plan.

### 5.2.2 Operations during the exploration:

The felling and removal of timber are the main activities which are carried out during the forest exploration. During this phase it is important to guarantee that these activities are carried out with minimum damage to the remaining trees and therefore the felling and removal should be done in a managed manner where the waste products can be used. Other important activities should also be included.

### 5.2.3 Operations after the exploration

Forest exploration often causes disturbances within the forest which can be negative. At the end of the exploration (one year thereafter) a survey should be made of the situation of each of the blocks utilised in order to verify the status of regeneration and the necessity for other silvicultural activities as well as the repairing of access roads, reopening of water courses which could have been affected by the exploration activities.

### 5.2.4 Management of non-timber forest products

The utilisation of non-timber forest products within concession areas should comply with established guidelines in the Regulations and the respective management plan. It should be taken into account that the utilisation/exploration of these products can have undesirable consequences for regeneration and growth of the forest or disturb other life forms within the concession area. For example, the utilisation of seeds from a specific tree for medicinal or nutritional purposes could diminish its regeneration and if the particular tree is used for timber it could affect the production of timber.

### 5.3 Forest production

#### 5.3.1 Forest growth

Forest growth is an increase in the size (diameter, base area or volume) per cycle. This information is estimated per forest type and per commercial group, generally expressed in m<sup>3</sup>.ha<sup>1</sup>.year<sup>1</sup> for the volume growth or cm. ha<sup>1</sup>.year<sup>1</sup> for diametric growth. The growth is estimated by periodically measurements of the trees in permanent or temporary plots. In the event that there is no information on the growth for the area of the concession, it is permitted to use information derived from similar areas. The concession ought to have its own research plots for the estimation of these values for local conditions. Where data exists regarding growth, they can be used to gauge growth and income models in order to make production projections and plan the exploration activities.

#### 5.3.2 Cutting cycles

The cutting cycle is a period, in years, where two cuttings take place within the same area. When the exploration is selective on the basis of minimum cutting diameter, the cutting cycle could be shorter than a level cutting. The cutting cycle is estimated in terms of the commercial volume stock, forest growth, minimum cutting diameter and the company's exploration capacity. The cutting cycle is equal to the number of compartments within the production area of the forest.

#### 5.3.3 Admissible felling

The admissible felling is the maximum value that the forestry company can utilise in a given year within the forest concession area. this value is estimated in relation to the capacity of the exploration, transport and transformation of the company and the productivity of the forest. If the concession area, or commercial volume and the size of the blocks have been duly estimated, and the company complies with the production measures a guaranteed sustainable production can be achieved.

#### 5.3.4 Partitioning of exploration

This is one of the subdivisions of the production area which will be submitted to exploration in a particular year. It ought to be identified by the operational management plan and duly described in the year that it is to be utilised.

#### 5.3.5 Forest exploration

One needs to describe how the forest exploration will be carried out, including the following points:

- iv. Exploration technology: capacity and specification of machinery and equipment to be used in the felling, disbranching, marking, removal and loading of the timber.
- v. Selection and marking methods of trees: this operation ought to be done during the pre-exploration activities and should specify the criteria for selection of trees for felling. It ought further to establish a minimum number of trees (or base area) to be maintained for the guarantee of forest cover, the minimum diameter for felling and the type of tree to be felled.
- vi. Felling and extraction norms: should specify how the felling will take place including techniques of managed cutting, extraction of timber in terms of the road or track network and footpaths which have been duly planned for in order to cause the minimum damage to re-growth, height of log and the treatment of exploration waste-products.

- vii. Method of controlling exploration volumes: should indicate the formulas, instruments and register form of the volume extracted by specie.

#### 5.3.6 Aim of producing logs

The aim of producing logs should be in accordance with the admissible cutting in a manner that does not surpass the envisaged volume. This ought to specify the volume of the logs per specie to be produced per annum or per block.

#### 5.4 Non-timber production

In the case where a concession includes a plan for the use of non-timber products these should be included in the specific management plan. Its identification and quantity should be established in accordance with relevant norms depending on the nature of the non-timber products.

##### 5.4.1 Coal

Indicate and specify the process of producing coal from primary material (species, trees or branches, sizes to be used) the method of production (clay, metal or brick ovens), equipment to be used, production efficiency, planned quantities, location of areas of production, environmental and ecological impacts, as well as labour to be used in the process. In the event that communities will be involved, specify how the distribution of income from the activity will be made.

##### 5.4.2 Honey

Indicate if there is a potential for honey production within the area. Specify the type of hives, capacity for production, planned quantities, areas of production etc. In the event that communities will be involved, specify how the distribution of income from the activity will be made.

##### 5.4.3 Others

Specify the nature of the product including possible impacts and community involvement.

#### 5.5 Protection activities

##### 5.5.1 Controlling access to the concession:

The concessionaire is responsible for the protection of the area of his/her concession and therefore has to include information regarding a protection plan for the area. Must specify how the area will be delimited and demarcated in order that it can be differentiated from other neighbouring areas. The concessionaire must further indicate a plan to control access to the area included therein should be the means such as guards, community agents, officials etc.

##### 5.5.2 Fire prevention:

Description of plan for the establishment and maintenance of firebreaks including clearings and other infrastructure that is deemed necessary. Indicate the length and width of the clearings and the work plan for maintenance, should further indicate other activities such as controlled fires in order to minimize the negative effects of veldt fires.

##### 5.5.3 Protection or control of diseases and pests:

The methods and equipment to be used should be specified. In the event of annual activities in the area, it may be included in the silvicultural activities envisaged in the annual plan of forest exploration activities.

##### 5.5.4 Protection against illegal exploration:

This could be done in the same manner as the controlling of access to the concession. It must include details of community involvement, officials and guards in the controlling of the perimeter of the concession. The utilisation of forest products by communities for own use and for commercial uses has to be governed and agreed to between the concessionaire and the community.

## 5.6 Industrial processing

### 5.6.1 Industrial park/zone

Describe the lay-out of the industrial site, including technical specifications and capacity of machinery.

### 5.6.2 Basic equipment

Description of the characteristics of the primary materials, including minimum sizes and maximum diameters and lengths, species and density. Indicate the capacity of the industrial zone (or warehouse) for the primary materials and equipment for its handling.

### 5.6.3 Industrial products:

Specify the industrial products including their dimensions, weight, type and quality. Indicate the processing (eg drying) which will be undertaken, the capacity of the area/warehouse and the machinery used for the handling of the final products.

### 5.6.4 Markets:

Indicate the markets for sale of produce (including unsawn logs) by type of product. Indications should also be given as to whether the markets are national and/or international.

### 5.6.5 Promotion of secondary species

Many species that occur in natural forests in Mozambique are not known in the timber markets even though they are common and have physical and mechanical properties which are comparable to known species. In order to increase the viability of concession area, it is necessary that concessionaires include in their plans, a programme for the promotion of these species.

## 5.7 Local communities

### 5.7.1 Rights of local communities

The rights that communities have within concession areas granted include the right to paid labour in accordance with the norms established by the Ministry of Labour, utilisation for own use of forestry resources, areas for cropping etc. these issues ought to be discussed and agreed to with the specific communities.

### 5.7.2 Local community benefits

The benefits for communities should be duly clarified. Besides benefiting from employment opportunities, local communities should also benefit from other facilities, such as the use of access infrastructure (roads) and social infrastructure which could be established within the area. A portion of the utilisation taxes to be paid by concessionaires is to be granted to communities, as envisaged by the Forestry Regulations and is the duty of the State to ensure that communities receive them.

### 5.7.3 Partnerships and agreements

Concessionaires can create agreements and prepare memorandums of understanding with communities and associations for various forest management activities, particularly those that improve community benefits. These procedures

should be clearly indicated and explained as to how they will work for the mutual benefit of the parties.

#### 5.7.4 Conflict resolution mechanisms:

Any conflicts which could arise between labour and the concessionaire should be resolved on the basis of an established mechanism. Workers must have the freedom to associate themselves to trade unions which will represent them not only in resolution of conflicts but also in negotiations regarding working conditions and salaries.

### 5.8 Environmental and social impacts

#### 5.8.1 Environmental impacts

##### 5.8.1.1 Main environmental impacts

Present an evaluation of possible environmental impacts resulting from the utilisation of the forest and the industrial processing. It should further include the effects of the industrial residues, their treatment, noise etc on flora and fauna populations, soils, rivers, water courses etc.

##### 5.8.1.2 Actions for mitigation and compensation

Description of the actions and methods to be taken to alleviate the negative impacts of the utilisation and processing of forestry products. Should further include ways of reducing the damage on regeneration of new growth, soils and the treatment of water and reduction of noise levels.

#### 5.8.2 Social impacts

##### 5.8.2.1 Principal social impacts

Indicate how the concession is going to change the way of life of the local communities. Local communities obtain for their own use and sale various forestry products, which will comply with a management plan as agreed with the concessionaire. On the other hand, itinerant agriculture and hunting using veldt fires, both common practices, are not regulated by a management plan. The establishment of a concession can have an impact on the way that communities will use the resources. However, a concession should provide some employment opportunities to communities and build local capacity including the training of community members to build social infrastructure etc so that they can improve their livelihoods.

##### 5.8.2.2 Mitigation and compensation actions

It should be indicated the processes to be used to minimize the negative impacts of the concession including issues such as health, education, employment security; utilisation of forestry resources by communities, hunting, agriculture and access to areas of the concession by communities.

### 5.9 Research

For the benefit of the concession itself, the availability of information is essential for the planning and carrying out of forestry activities. The majority of this data can be obtained by a programme of collection and analysis of data. National research institutions can assist in experimental plans and analyse and interpret the data.

#### 5.9.1 Inventory programme



An inventory is the manner in which one can estimate the availability of forestry products within one's concession. Although this is important, it is also expensive and therefore the concessionaire should establish an inventory programme which will allow for the obtaining of information that is necessary for the planning of activities. Pre-utilisation inventories should be more detailed and referred to in plans for managing activities.

#### 5.9.2 Studies regarding the growth and dynamics of the forest

The growth of natural forests is not well known, even though there are many variables such as the cutting cycle, the concession area will depend on these parameters. On the other hand, the commercial volume growth is the function of the list of commercial species and their abundance, and the list can in time change. There are various methods, which can be adopted by the concessions, of studying the growth of the trees. These could include a permanent sample block available, indicating the method of analysing the growth rings and the method using simulation models to show projection

#### 5.9.3 Studies regarding the effects of forestry:

The forest exploration has effects not only on the remaining population of trees, but also on the soil, water and other resources. The negative effects ought to be minimized. Guidelines should be established in order to minimize the negative effects.

#### 5.9.4 Cooperation with research institutions:

Various institutions exist that do forestry research or other related research. Various departments within UEM, CEF, UIF, INIA, IAC to mention a few, can assess the concessions in various aspects of research within the forest concession areas.

#### 5.10 Organisation and administration

##### 5.10.1 Administrative structure

Indicate the administrative structure of the forestry company and its organogram with explanatory notes. The organogram ought to represent the hierarchical structure of personnel and the relationships between the various levels.

##### 5.10.2 Personnel and job descriptions/responsibilities

Use the previously mentioned organogram to describe the responsibilities of the staff and the relationships between themselves.

##### 5.10.3 Training and capacity building of labourers

Describe the process of capacity building of workers in order that they fulfil their job descriptions and improve the productivity of the company.

#### 5.11 Registration and revision of management plan

##### 5.11.1 Format of periodical reports

On the basis of a certain period (no longer than 5 years) a progress report should be drafted in order that it can be used to revise the management plan and correct/ alter wherever necessary. The information contained in the report, should also be indicated in the management plan. The basic information should include production (volume) of logs and transformed products, the current situation of the forest indicating the population of remaining trees after the exploration has taken place, the income of the exploration and transformation, the labour situation, the relationship with local communities etc.

### 5.11.2 Information and communication systems

An information system that can assist the supervisory and monitoring work – internally and externally, should be installed in the concession. The system should include the organisation of files (paper and electronic) which are duly numbered and titled.

### 5.11.3 Carrying out of the management plan

The management plan may be revised in accordance with requirements. Any alteration however should be submitted for approval from the entity that issued the concession. The alteration of objectives and methods of production has to be approved by the entity that issued the concession. When justified, the concessionaire can revise the plan prior to the end of the period for which it was drafted. However, these alterations can only take place after approval of same has been granted.

### 5.11.4 Register and data files

Data regarding production, markets and forest management ought to be registered within a system that is easily accessible and that can be easily monitored, audited and controlled. The electronic files ought to use available software and the respective codes ought to be clearly described and explained.

## 5.12 Monitoring

### 5.12.1 Internal audits and inspections

For the good of the concession, it ought to have an internal monitoring team which is capable of following and verifying the compliance to the management plan from forestry, industrial, market, labour and local community activities. This team ought to present an annual report which will be the initial base for linkages between the teams of external monitoring, inspection and auditing.

### 5.12.2 External audits and inspections

The concession ought to establish clear rules of access for external teams of inspection, monitoring and auditing. The type of information requested and the position of the contact person within the company and the requested files should be clear.

## **6 Conclusions and recommendations**

The conclusions in the management plan ought to summarise the positive and negative impacts which will be caused due to the implementation of the plan, the advantages and disadvantages of the suggested options and any other relevant factors in order that a decision can be taken on the management plan. Within the conclusion the following, amongst others should be clearly indicated:-

- a) The level of production to be reached on the basis of available resources;
- b) The main management, protection and conservation guidelines for the forest resources;
- c) The economic, environmental and social benefits;
- d) The negative impacts and the respective measures to mitigate and compensate for same;
- e) The monitoring actions and accompanying implementation of the management plan.

One can also make recommendations for actions, methods or activities to be taken by the concessionaire or the competent authorities which will facilitate the adoption and implementation of the management plan for the concession.

## **7 Limitations of the management plan**

It should be indicated whether there were data or other information missing when drafting the management plan. Furthermore, pre-conditions or assumptions made in the estimates as well as in defining the principal norms of the management. In this section one can further include priority areas for research considering the lack of data or information in certain areas.

## **8 Bibliographic references**

Must indicate the bibliographic references consulted or referred to in the text. Sources of information should also be duly identified and referenced. Bibliographic references and scientific expressions should conform to international and national norms and measurements should be indicated in an internationally accepted system.

## **9 Annexures**

- 9.1 Maps
  - 9.1.1 Map of the boundaries of the concession
  - 9.1.2 Map of the types of forest
  - 9.1.3 Map of the access routes
  - 9.1.4 Plan of infrastructures
  - 9.1.5 Map of protection areas
  - 9.1.6 Plan of silvicultural operations

## **10 Bibliography**

DNFFB (2001) Guião para apresentação do inventário e plano de maneio para concessões florestais. DNFFB, Maputo. S.p.

MICOA (2001) Directiva para estudo de impacto ambiental de actividades florestais. MICOA, Maputo. 15 p

Higman, S.; Bass, S.; Judd, N.; Mayers, J.; Nassbaum, R.; (1999) The sustainable forestry handbook. EarthScan, London. 289p