



Department of Political Science and Public Policy

CIVIL SOCIETY AND GOVERNANCE IN MOZAMBIQUE: A CASE STUDY ANALYSIS
OF THE MAKING OF THE NEW MINING AND PETROLEUM LAWS IN 2014

Nádia Margarida Armando Júlio

Dissertation submitted as partial requirement to obtain a Master's degree in
International Studies

Supervisor:

Professor Edalina Rodrigues Sanches, Guest Assistant Professor at ISCTE-IUL, Center for
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The sentiment of longing has eternalized your presence, *mom and dad*, and as time went by, the pain of distance safeguarded my heart. At this moment, I do not have words that allow me to justify in all justice my eternal gratitude for the unconditional support I had from my family, especially for those great women. "*mom, aunt Melita, aunt Victó, aunt Olinda, aunt Silvina, Mariana, Guida and Guguiye*". I want you to know that you have contributed to the transformation of a dream into reality. I hope that the realization of this stage of my life will serve as a future inspiration for my nephews *Kalyne* and *Hernany* and, in particular, to my sister *Muaidja*. I am very grateful to my teachers and in particular to my dissertation supervisor *Edalina Sanches* for her patience and above all for her naturalness and her encouragement during this process. To my colleagues and friends who have always been by my side for all kinds of support, thank you very much for everything.

Ndza Bonga Yehova!

ABSTRACT

With the boom of mineral resources from the middle of the 21st century onwards, Mozambique has been targeted by countries seeking investment in the extractive industries sector. Internally, this subject has generated important debates among – but not exclusive to – political parties in the sense of greater regulation of the sector. This led to the formation of a coalition of key actors in Mozambican civil society (CS) leading to the advent of a CS platform for natural resources and extractive industries. However, in 2012, the Mozambican government took an important step in preparing the sector for the upcoming transformations. It is in this sequence of events that, in the same year, the revision of mining and petroleum laws appeared, which led CS to appeal for the need for transparency in the sector. This was accompanied by advocacy campaigns by CS, particularly of the platform referred to above. Thus, this study intends to answer the following question: what is the typology (or nature) of the existing relationship between CS and the Government of Mozambique? The study favours a qualitative methodology based on a case study and self-completion interviews directed at actors in CS that were selected due to their relevant roles in the advocacy campaigns for the approval of the Mining and Petroleum Laws in 2014. The results demonstrated that the relations established mainly have components of complementarity, since this process was driven by different strategies of CS actors as well as the Government of Mozambique. This case study contributes to the literature on the relations between the state and civil society in hybrid regimes. Future studies will be important to verify the extent to which those results are found in other areas of Mozambican politics and what developments have occurred over time.

Keywords: Civil Society, Platforms/Forums, Government, Complementarity, Mining Law, Petroleum Law

SUMMARY

Com o *boom* dos recursos minerais a partir de meados do século XXI Moçambique ficou na mira dos países que procuram investimentos no sector da Indústria Extrativa. Internamente esta questão gerou importantes debates entre os partidos políticos no sentido de uma maior regulação do setor mas não só. Tal facto induziu a formação de uma coligação de atores-chave da Sociedade Civil (SC) moçambicana levando ao surgimento de uma Plataforma da SC sobre Recursos Naturais e Indústria Extrativa. Todavia, em 2012, o Governo Moçambicano deu um passo importante ao preparar o setor para as transformações que se avizinhavam. É nesta sequência que, no mesmo ano, surgiu a Revisão das legislações de Minas e Petróleos, o que levou a SC a apelar para a necessidade de transparência do setor, que foram acompanhados por campanhas de *advocacy* por parte da SC, em especial, da Plataforma acima referida. Assim, o presente estudo pretende responder à seguinte questão: qual a tipologia (ou natureza) das relações existentes entre a SC e Governo de Moçambique? O estudo privilegia uma metodologia qualitativa, baseada num estudo de caso e em entrevistas por autopreenchimento dirigidas aos atores da SC que foram selecionados em função do papel relevante nas campanhas de *advocacy* para a aprovação da Lei de Minas e Lei dos Petróleos em 2014. Os resultados alcançados demonstram que as relações estabelecidas têm sobretudo componentes de complementaridade, uma vez que este processo foi conduzido por estratégias diferentes por parte da SC bem como do Governo de Moçambique. Este estudo de caso contribui para a literatura sobre as relações entre estado e sociedade civil em regimes híbridos. Estudos futuros serão importantes para verificar em que medida estes resultados se verificam noutras áreas da política moçambicana e que evoluções têm ocorrido ao longo do tempo.

Palavras-chave: Sociedade Civil, Plataformas/Fóruns, Governo, complementaridade Lei das Minas, Lei dos Petróleos

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LIST OF ACRONYMS

(Italics is used for name in original language)

AAAJC	<i>Associação de Apoio e Assistência Jurídica às Comunidades</i>
ABC	<i>Agência Brasileira de Cooperação</i>
AENA	<i>Associação Nacional de Extensão Rural</i>
AGIR	<i>Ações para uma Governança Inclusiva e Responsável</i>
AMA	<i>Associação do Meio Ambiente de Cabo Delgado</i>
AWEPA	Association of European Parliamentarians with Africa
CCM	<i>Conselho Cristão de Moçambique</i>
CIP	<i>Centro de Integridade Pública</i>
CS	Civil Society
CSOs	Civil Society Organisations
CTV	<i>Centro Terra Viva</i>
CRM	<i>Constituição da República de Moçambique</i>
DW	<i>Deutsche Welle</i>
EITI	Extractive Industries Transparency Initiative
Frelimo	<i>Frente de Libertação de Moçambique</i>
IESE	<i>Instituto de Estudos Sociais e Económicos</i>
IMF	International Monetary Fund
ITA	International Trade Administration
JICA	Japan International Cooperation Agency
MDM	<i>Movimento Democrático de Moçambique</i>
MIREME	<i>Ministério dos Recursos Minerais e Energia</i>
NGOs	Non-governmental Organisations
LNG	Liquefied Natural Gas
OMR	<i>Observatório do Meio Rural</i>
PQG	<i>Plano Quinquenal do Governo</i>
Renamo	<i>Resistência Nacional Moçambicana</i>
SM	Social Movements
WLSA	Women and Law in Southern Africa
WWF	World Wildlife Fund for Nature

CHAPTER 1 GENERAL INTRODUCTION

Civil society (CS) is one of the oldest subjects of study in social and human sciences. Many authors have contributed to the deepening of methodological and theoretical issues about this concept, both in the European and American contexts and in the African context. The objective of this research is to understand the relationship between CS and the government in Mozambique. This is a relevant research topic more than a quarter of century since the signing of the General Peace Agreement, which hallmarked the two-fold transition from war and one-partyism to peace and democracy. While recent events (namely the resurgence of armed conflict in 2012) suggest that the path towards peace and democracy is far from linear, there have been landmark political changes followed by a considerable growth of the number of organisations in Mozambican CS. This introductory chapter seeks to provide a general framework for the topic, which includes the initial questions, the research objectives and the structure outlined for the study.

1.1 Introduction

The study of CS in Africa has acquired new emphasis on the processes of political liberation initiated in the beginning of the 1990s, the last objective of which was the implementation of a formal democracy¹. Among many others, the Ghanaian researcher Gyimah-Boadi (1996:118-119) was one of the authors who emphasised the most central role of CS in this conjuncture, contributing to the successful preparation of elections and the installation of governments and opening space for CS proliferation in this context. The studies by Bratton & Van de Walle (1997) and Kraus (2007) also corroborate this view, since they point to the importance of trade unions, professional associations, student groups, etc. in triggering the popular protests that led to political openness.

¹ Gyimah-Boadi (1996) highlights the 1990s as the beginning of "formal democracy" and the period in which CS emerges in Africa under external influences, such as the fall of communism and pressure from the international community. Citizen's dedication supports a process of transition by opening up new political directions, such as the preparation of elections and the installation of new governments, opening the door to new contours of democracy.

A minimalist definition of CS – proposed by CIVICUS – suggests that it is an *"arena beyond family, state and the market where people associate to advance common interests"* (Heinrich & Fioramonti 2008). However, there are several authors who point out that it is difficult to apply this conceptualisation in Africa. According to Dias (2011: 136-139), the existing understanding of who represents CS in Africa departs from this paradigm. The CS concept is variable according to specific contexts, and it may include unions, non-governmental organisations (NGOs), urban and modern associative movements, and civic organisations derived from religious institutions. In Chapter 2, we will return to this conceptual debate, as it is relevant to this study.

In Mozambique, CS – namely through the Christian Council of Mozambique (CCM) and the Catholic Church (Van Den Bergh, 2009) – played a central role in the process of transition to peace and democracy. Furthermore, both the 1990 Constitutional Revision and the General Peace Agreement of 1992 contained provisions aimed at liberalising the performance of the parties and organisations of CS.

According to article 78 of the CRM of 1990, *"the participation of social organisations is seen as a fundamental element for the promotion of democracy"*, which is understood as a basis of guarantee for increasing the sense of collective ownership in government actions. Over the years, the official discourse has been favourable to the performance of CS, seeing its participation in the governance process as positive. For example, the government's five-year plan (2010-2014) points out that, for the consolidation of democracy, *"the program governance should involve all interests and social forces, which guarantees them more opportunity to be accepted as legitimate, allowing them to be heard"*.

Despite the transformations that have occurred since 1990 aiming at political liberalisation in Mozambique, the country is still considered a hybrid democracy where democratic institutions and authoritarian practices prevail (Morlino 2008, Sanches 2014, Sanches 2018). Although regular elections have existed since 1994, the results have translated into the systematic domination of FRELIMO, leading the opposition parties, notably RENAMO, to question the quality and integrity of the elections. Over time, no significant advances in the process of democratic consolidation have been made (Forquilha 2007: 76), and the resurgence of armed conflict in 2012 is also an expression of the fragility of democratisation processes in post-conflict contexts.

It is within this setting of political hybridity that we try to understand the ways in which CS acts in the Mozambican context and, more specifically, what the nature of the relations between CS and government is.

In the case of Mozambique, the notion of who represents CS is comprehensive and may include formal and informal urban, rural, academic, professional, and voluntary organisations. Organisations from different areas collaborate with each other by performing functions based on belief, investigation, knowledge, provision of services to community-based organisations, platforms, thematic networks, and movements and forums (Topsøe-Jensen *et al.*, 2015). Nevertheless, recent studies have enriched the debate surrounding the performance of CS in Mozambique. Authors such as Homerin (2005), Francisco (2010), Brito (2012), Adalima & Nuvunga (2014), and Nipassa (2017) focused on the participation of CS and the new challenges of the Government of Mozambique in discussing issues related to the legitimacy, autonomy, and dependence of CS on governance. In his study, Nipassa (2017) somewhat raised the issues of pressure, lobbying, and advocacy on the part of different CS organisations, organisational platforms, and/or forums such as advocacy campaigns for government publication of policies on extractive industries.

In 2007, networks of CS organisations focused on extractive industries emerged and started a campaign of lobbying in which they appealed for clarity in the approval of contracts for the exploitation of natural resources, leading the government to publish such mining exploration contracts in 2013. Consequently, the lobbying campaign contributed to the approval of the Mining Law of 2014 (Nipassa, 2017:7), revoking the Mining Law of 2002.

Both the Mining Law and the Petroleum Law were approved as the last acts of the Mozambican President Armando Emílio Guebuza in an economic context in which, according to Topsøe-Jensen *et al.* (2015), Mozambique was opening up to foreign capital after discoveries of coal reserves in Tete in 2009 and natural gas in the Rovuma Basin (Cabo Delgado) in 2012, as well as the discovery of natural gas in the Basin of Rovuma (Cabo Delgado) in 2012 that attracted international investors.

On one hand, there were persistent hotspots of instability in the country resulting from political tensions among the belligerent parties, so the laws were passed without consensus. The votes were counted with a total absence of RENAMO on the parliamentary bench (Notícias newspaper, 08/08/2014). On the other hand, according to Macuane, Buur & Monjane (2017), citing

Mabanza (2013), the discovery of mineral resources may have intensified political instability in the country resulting from autocratic tendencies and state bureaucracy.

In an article published in *Export.gov* on 17 June, 2017, the *International Trade Administration* (ITA) emphasised that extractive industries would be the sector that would contribute better to the prospects for Mozambique.

These laws were intended to adjust the legal framework of the sector once the country opened to foreign capital after the discovery of one of the largest unexplored coal deposits in the world, Tete thermal coal in 2009, as well as discoveries of minerals such as gold and graphite, which would put the country at a great competitive advantage over mining prices in the regional context when compared to its neighbour, South Africa.

In this context, the problem or the starting point that led to this decision making process and the definition of the proposed theme has to do with the lack of knowledge, or at least insufficient knowledge, of the implications of CS participation in governance in Mozambique in the recent past, as well as the impact of the various political decisions presented in the period between 2010 and 2014 on the Mining Law of 20/2014 and the Petroleum Law of 21/2014.

Therefore, before the complexity of interpreting CS fields of action on the political decisions of the Government of Mozambique, it is relevant to develop an analysis of the influence of CS, trying to identify the political agenda of the government and to what extent it was or was not influenced, conditioned, diminished, or manipulated by CS. In this period of time, we will look particularly at the emergence and role of civic associations in Mozambique in the period between 1975 and 2016, when the number of organisations evolved from 709 to 4079 (see Appendix A). We will also discuss the role played by the so-called (and new-born) CS from the analysis of the set of political decisions translated into legislation and which, framed in another production of a complementary nature, will constitute the *corpus* to be investigated.

In short, we want to answer the question: what is the typology (or nature) of the relationship between CS and the Government of Mozambique? This general issue is examined in the context of two laws: the Mining Act and the Petroleum Law approved in 2014. In observing those laws, we were interested in understanding which mechanisms of action were/are used and if there is room for manoeuvre for key actors in CS to influence political decisions.

1.2 Objectives of the Study

General:

- (I) To characterise the relationship between CS and the government in political decisions in Mozambique.
- (II) To understand the level of involvement of CS in political decisions in Mozambique.

Specific:

- (I) To contextualise and to describe the birth of CS in Mozambique.
- (II) To identify and map the main actors of CS (referring to the case study).
- (III) To relate CS's actions regarding the political decisions implemented in Mozambique in the approval of the Mining and Petroleum Laws of 2014.

1.3 Structure

The dissertation is divided into five chapters: general introduction, theoretical framework, work methodology, contextualisation, and analysis and interpretation of the results.

- *Chapter 1* – Introduces the content of this research and enunciates the concept of CS adopted from the definition of *CIVICUS*. Here, the questions of research, objectives, and the structure of the research are presented.
- *Chapter 2* – Within the theoretical framework, we frame CS in four theoretical dimensions: in political theory, in the context of international relations, in social movements as a form of participation, and in governance, which is the theoretical area that has shown to be the most relevant for the research.
- *Chapter 3* – After selecting the field of analysis for the research, the methodology is then selected based on a case study using a qualitative method that involved documentary analysis and paper interviews in order to conduct the research.
- *Chapter 4* – We contextualise the research based on the literature review about the participation of CS in Mozambique in (4.1), participation of NGOs in Mozambique (4.2), involvement of Mozambican CS in the 2010–2014 mandate (4.3), extractive industries in Mozambique *versus* platforms and forums from 2010 to 2014 (4.4), and platforms of CS on natural resources and extractive industries *versus* the proposed Mining Law and Petroleum Law approved in 2014 (4.5).

- *Chapter 5* – The analysis follows and the results are presented in two sub-chapters: the characterisation of CSOs and CS involvement in governance.
- *Chapter 6* – The conclusion and recommendations for future research.

CHAPTER 2

THEORETICAL FRAMEWORK

In this chapter, we analyse the different meanings and approaches in the study of CS. In this sense, in order to construct a conceptual framework that supports the model of the study, we start from the framework of CS in political theory, its approach in international relations theory, its approach to social movements as a form of participation, and finally, the concept of CS in governance. We will place more emphasis on this last approach, as it contains the main contributions that help us frame the CS role in governance processes in Mozambique.

2.1 Civil Society in the Political Arena

In the theories of Gramsci (1974) and Hirschman (1984), CS involves a set of individual or collective initiatives for the public good and is formed by a group of freely associated people, who can fit into the fabric of society, performing diverse actions in a participatory manner. It is from this notion that Bratton (1994) distinguishes that for the associated life to become institutionalised, it must be expressed in the form of an organisation where the organisational structure constitutes a gathering of citizens who come together because of identity or interest to pursue a common goal. For the author, this concept is to be considered when those people construct a different sphere of influence and even work "against the State".

In the same vein, authors such as Azarya (1994) and Harbeson, Rothchild, & Chazan (1994) seek attention for a model of organisation in association form that can be connoted with an active CS, where the benefits of "public participation" help balance the power of the state over citizens. However, the authors acknowledge that not all associations can be considered to be part of CS, because of the precondition that these should not be formed or controlled by the state; otherwise, they would simply be agents of state hegemony and would weaken CS.

In this context, Cohen & Arato (1994) associate "participation" with the model of democracy where, in order to classify or define a particular political class as democratic, the "periodicity of conduct of elections and respect for civil rights, regardless of type of public or private institutions existing in the State" should occur. Although the models of democracy are very variable, this model should be evaluated.

In a different way, the CS concept was shaped to serve the purpose of "Good Governance"² rather than a deeper understanding of social formations and the associations that represent both them and the state (Kasfir, 1998). In the same vein, many academics reflect on a "participatory democracy"³, which proposes ways for the government to be more dependent on the people, interconnecting the relationship between civil society *vis-à-vis* democracy.

This thought was progressively refined by theoreticians like Tocqueville (2008), who considered the art of association as a fundamental principle of democracy. In the author's view, the science of "associativism"⁴ is regarded as the mother of progress; in order for people to remain or to become civilised, they must develop or perfect the art of association in the same proportion as the equality of conditions.

Therefore, looking at the nature of the debate and contemporary theories, democracy is seen as the only way for the government to respond to the needs of the majority by accepting the freedom of "public opinion", thwarting vicious cycles, promoting peace, and warranting citizens' rights, freedoms, and aspirations, thus contributing to the efficiency of governments (Ibrahim, 2015 *apud* Rubin, 2001). In this context, it is particularly relevant to discuss the perspective that embraces the notion of public opinion in the concept of democracy. According to Habermas (1996), "public opinion is converted into communicative strength and power within society". In the view of the author, the rise of CS translates opinions that reflect a modern logic and propels a levelling of formal public rights within a society.

Therefore, we can verify a diversity of approaches described in political thought by Gramsci, Hirschman, Habermas, Bratton, Cohen & Arato, Kasfir, and Tocqueville. This is contrary to the various debates related to globalisation, where CS is thought to integrate the transnational perspective of relationships that are established between non-state actors in the field of

² (Bovaird & Löffler, 2003) consider that "Good Governance" derives from the concept of public governance, which involves several ways in which stakeholders interact with one another when it comes to public policy. Thus, good governance would be the negotiation of all of the parties involved in a single problem, with the objective of improving the results of public policies.

³ The participatory democracy is addressed in the sense of the possibility of including citizens in order to contribute to the various decision-making processes in a state.

⁴ For theoreticians like Tocqueville (2008), the theory of "associativism" is a fundamental characteristic of democracy, since it includes the participation of people in a group that aims to achieve several common objectives, and associations are regarded as the cause of union and progress.

international relations (2.2), include new tendencies of social demands that are defended by lobby groups in order to promote social movements (2.3), and, finally, play a role in governance (2.4).

2.2 Civil Society in the Area of International Relations

As actors of international relations, Santos & Ferreira (2012) identify civil societies as "pressure forces"⁵ that make their effects felt by reinforcing the multilateral tendency derived from the articulation established between state and non-state actors. The authors identify a tendentially globalised CS, which is evidenced by the capacity of active participation of actors and transnational lobby forces from the individual to the most altered forms of collective organisation.

The existence of a "global or transnational" CS⁶ addressed by Herz & Hoffman (2004) became the main contribution of the 21st century, contrary to the usual discourse that CS was an essential element of the process of democratisation or even the main source of solidarity and social integration (Cohen & Arato, 1994). Truyol & Serra (1993) characterised forces and lobby groups of "social, cultural, intellectual, economic, political, religious and ideological union", which identify CS as a set of spontaneous exchanges, personal contacts, and generators of phenomena between co-ordinated transnational relations.

Rosenau (1997), Boulding (1991), Truyol & Serra (1993) also analyse transnational relations and CS. The authors argue that there is influence exercised by the "transnational interactions" that produce effects of alteration in the international behaviours of states. They admit that there is a phenomenon of progressive awareness of individuals and societies about certain subjects that transcend the *geocultural* context of their territorial expression and that affect everyday life.

It is in this context that Santos & Ferreira (2012) point to the "State, sovereignty, territoriality and borders" as factors that must be put into question in the elaboration of consequent solutions to global problems. According to the authors, demographic issues such as migration,

⁵ Pressure forces were identified by Habermas (2006) in his studies as voluntary groupings that operated outside the sphere of the state that exerted a force capable of influencing the decisions of state power.

⁶ Global or transnational civil society in the view of Herz & Hoffman (2004) constitutes the existence of groups, individuals, or even social classes whose characteristics and actions are supra-territorial and at a global level that interact and develop beyond the state.

refugees, hunger, education, basic sanitation, climate change, unequal distribution of wealth, environmental degradation, and transnational organised crime can deepen interdependencies. The authors look at the participation of CS in the governance process and affirm that the fundamental question is due to representativeness and legitimacy. Having a look at non-governmental organisations (NGOs) as CS actors, it is clear that they gain more power and goodwill to work together and influence government decisions

It is in this way that it becomes relevant to address the actions of non-state actors such as CSOs and NGOs, which not only channel significant contributions in terms of the direct effects inherent to the functions performed, but also integrate themselves into decision-making areas such as governance.

2.3 Social Movements (as a Form of Participation of CS)

The theories of the classical model often consider groups that provoke political tensions and the discourses of leaders and followers who are positioned to change institutions in a radical way. These social movements were identified and modelled after the revolutionary movements that were once conceived as mass mobilisation disputes from an antagonistic state, where the aim of the "revolutionaries" was to replace an oppressive form of state power with one that was oriented to different goals (Alexander, 2006). These movements were associated with an idea of revolution that produced a distinct tactical orientation to the violence of power and, in turn, this collective action can be understood as a struggle for position. Della Porta (2005) considers social movements as organising networks and individuals with common values who mainly use unconventional forms of political "participation" to achieve their political goals. However, the author points to a current contradiction of these movements in relation to the balance of participation and representation, highlighting the "traditional social movement" as an example. Without resources, it places confidence in the voluntary work of its members, where participatory models of democracy play an important role in market governance and liberalisation, and thus taking social justice and participatory democracy into consideration.

Della Porta (2005), citing Bohman (1997), further points out that deliberative democracy, in theory, is a purpose that occurs among individuals able to develop capacities that give them

access to the "public sphere"⁷. Once in public, they should be given enough respect and knowledge in order to be able to influence decisions. Here, the participation of individuals is also considered positive in terms of specific contribution to knowledge construction. The public sphere embraces several diversities. For Castells (2008), it constitutes an inseparable field of two fundamental dimensions in modern societies, among which is "Civil Society and State". It not only includes "media" and spaces of public interaction, but also can be seen as a cultural repository of ideas and projects that fuel public debate. It is through the public sphere that CS conflicts with this public debate and, ultimately, influences the decisions of the state, thus establishing an interaction between the CS and the state.

2.4 Civil Society and Governance

The increase of non-state actors in the provision of public services leads us to think about the dichotomy of governance and civil society or even about the relationship between the predominance of one and concept of the other. It is for this reason that we find it pertinent within the theoretical framework, which fits within the field of analysis of the present study, to finally bring the role of CS in governance into the discussion, which may help lead to a better conceptual perception and better choice of the ideal model for the present case study.

Regarding the CS and governance subject, authors such as Tandon & Mohanty (2000) point to factors that led to greater disenchantment of people *vis-à-vis* government institutions, such as the rapid decrease in the capacity of certain institutions to respond to diverse interests and expectations of the population, the growing gap in government policies and their practical elaboration, the growing distance and alienation of the poor and marginalised from elite-dominated government institutions, and the persistence of problems of poverty, exclusion, and marginalisation in many countries of the world.

It is in this context that Bevir (2010) maintains that the notion of governance is considered as government process being carried out as an organisation in formal or informal territory through

⁷ For Kaene (1998), public sphere is a concept that is intended as a spatial relationship between two or more people connected by a communication link. The author mentions the relationship between power, which operates with a particular kind of interaction, and debates in public circles. The author identifies societies as being composed of public spheres of different levels according to the problems and circumstances of the moment.

laws, norms, power, or language. In this author's view, this notion differs from the government itself, which focuses on actions and not on the state and its institutions. Thus, social organisations become much more involved in the practice of social activities and state supervision.

The World Bank was the institution that most popularised the notion of governance (Tandon & Mohanty, 2000). Authors such as Williams & Young (1994) point to the involvement of CS as voluntary organisations and NGOs as institutions that participate as intermediaries between the government and the people in the governance processes in order to build a pluralistic structure. In the authors' view, CS's role in governance is linked to the promotion of responsibility, legitimacy, transparency, and participation.

For Bevir (2010), responsibility is addressed in a context of hierarchical relations, service delivery based on transparency, facilities, and incentive structures for "Good Governance", which is incorporated into the discourse on development, according to Ghaus-Pasha (2004). The author argues that without an appropriate governance structure, developing countries will not be able to sustain economic growth. In other words, they will not be able to have a rapid reduction of poverty.

The existence of a responsible CS could contribute to promoting democracy and encouraging good governance. Thus, not only governments but also civil societies are required to practice transparency through the publication of reports, comments, clear procedures, and conduct of actions by decision-makers, because it will only be accessible to citizens in this way (Rondinelli & Cheema, 2003). According to Weiss (2000), in governance processes, governments continue to be the main agents in the provision of public goods, despite the growing involvement of non-state actors such as CS, voluntary agencies, NGOs, and corporate agencies in solving social problems.

This growing involvement of non-state actors leads us to question the approach of authors such as Coston (1998), who classified the relationship between CS, in this case "NGOs", and government based on different dimensions such as resistance to the government or the acceptance of institutional pluralism, the relative balance of power in the relationship, and the degree of formality and, by extension, the level of nongovernmental linkage. According to Coston (1998), in the governance process, the relationship between CS and government depends on the circumstances, although, for the author, it seems inevitable that governments will increasingly accept institutional pluralism. Thus, the type of relationship will depend on the government and the willingness of NGOs to engage in formal relations.

In his study, Najam (2000) also adopted the definition of NGOs as being a vast network of "non-profit, voluntary, charitable organizations, associates who are wholly or largely independent of the Government". According to the author, it is on the basis of this concept that NGOs are considered to have an "interest in public policies". Najam (2000) proposes a 4Cs analysis of the relationship between the government and the tertiary sector⁸ (in this case, NGOs) based on the objectives (or purposes) of "NGO-Government" institutions and their strategies for (or means of) achieving a particular goal. It is this model of analysis that we will use to frame our research, given its similarity in the selection of the chosen institutions (NGOs and government).

According to Najam (2000), the 4Cs model presupposes that in the governance process, as CS organisations participate in the elaboration of certain government policies, there may be "Cooperation, Confrontation, Complementarity or Co-optation". These occur in certain combinations, such as: (i) co-operation – when the government and the organisation seek objectives and use similar strategies, (ii) confrontation – when they seek different goals and use different strategies, (iii) complementarity – when they pursue similar goals, but the strategies are different, and (iv) co-optation – when they opt for similar strategies but for different purposes. Thus, the 4Cs model proposed by the author is summarised in Fig 2.4.1 below.

		Goals (Ends)	
		Similar	Dissimilar
Preferred Strategies (Means)	Similar	Co-operation	Co-optation
	Dissimilar	Complementarity	Confrontation

Figure 2.4.1: The 4Cs of NGO-Government Relations (Najam, 2000: 384)

Using this perspective, we will consider fundamental elements of the relationship between CS and the government in terms of regimes of hybrid character for the case study. In regimes where

⁸ The tertiary sector incorporates civil society as an integral part of the system, which operates for the good of the public and the provision of social services at local and international level (Evers & Laville, 2004).

authoritarian practices prevail, there are greater obstacles for CS's performance, since governments can block CS's participation, weaken its autonomy with highly restrictive legislation, and even co-opt organisations through vertical relationships and patronage (Kew & Oshikoya, 2014). As Mazepus (2012: 8) emphasises, CS can play a fundamental role in regime change or in the support/maintenance of it. Citing Migdal (2001), Mazepus (2012: 8) also considers that relations between CS and the state are "dynamic" and can often vary through new alliances and new laws. Thus, these relationships are always shaped by changes in the social, political, and economic needs of citizens.

If we focus on the 4Cs model applied by Najam (2000) and look at the nature of the regime in Mozambique, we find fewer elements of a co-operation relationship between CS and government. In this sense, we consider that the relationship between CS and government is mediated by the characteristics of the regime.

Based on the theoretical model that analyses the role of CS in governance, we present the methodology of the study in this chapter. As a starting point, it uses the understanding of the various forms of participation of CS within a collective that were enunciated in the previous chapter and that are summarised in the figure below. The field of analysis that is observed in figure 3.1 represents the fundamental object of the research. To analyse the existent or non-existent influence of CS in governance, we have selected CS actors – in this case NGOs, CSOs and social movements – that acted individually in the campaigns for the Mining and Petroleum Laws that were approved in 2014 and that have joined the Platform on Mineral Resources and Extractive Industries.

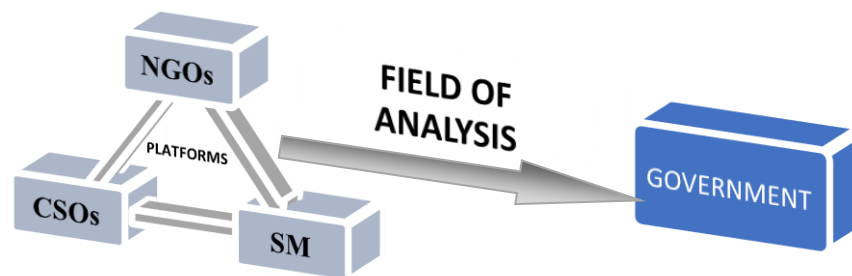


Figure 3.1.1: Civil society organisations (CSOs), social movements (MS), non-governmental organisations (NGOs), and government Source: Author’s own elaboration.

3.1 Methods and data

This research is based on a case study. According to Thomas (2011: 513-514), a case study concerns the analysis of people, decisions, political projects, institutions, or other systemic forms that are holistically studied through one or more methods. In a more precise definition, case studies concern "intensive research using the qualitative or quantitative method in one or multiple cases, where the researcher's goal is to understand a larger dimension of similar cases" (Seawright and Gerring, 2008: 296). When selecting the case, the objective is to explore a phenomenon intensively, trying to verify to what extent certain theoretical and empirical postulates are fulfilled or not fulfilled. Hence, many case studies allow us to generate interesting hypotheses for future research.

In the course of this investigation, we try to cross-reference various types of data, including collecting concrete experiences through testimonies given by CS organisations. The bibliographical research sought to contextualise the areas of discussion of the CS concept and its application to the African and Mozambican context, particularly highlighting its involvement in the third wave of democratisation⁹. In addition to being a qualitative work, we used other strategies to collect and analyse data, namely document analysis and self-completion interviews.

3.2 Documentary Analysis

This process consisted of the perusal of various documents, namely newspapers, decrees, laws, and papers produced by governmental and non-governmental institutions inside and outside of Mozambique. This phase of the research involved the queries of some web pages as sources :

<http://www.dw.com/pt-002/ongs-querem-participar-da-gestao-de-recursos-naturais-em-mocambique/a-6556470>, accessed on 18 November 2017.

Since we intended to study CS's scope in Mozambique, this site made it possible to access news stories that explained of the creation of a platform of CS that emerged with the objective of promoting transparency and improvement in the government management of the natural resources and extractive industries. In the next phase, we accessed the papers published by the Public Integrity Centre (CIP) through the site: <https://cipmoz.org/index.php/pt/industria-extractiva/507-revisao-da-lei-do-petroleo-nao-ha-consulta-publica-nao-ha-transparencia>.

In this study, the emphasis was on documentary analysis. The published information revealed the lack of public consultation and transparency on the part of the Mozambican authorities after the publication of the revision of the Petroleum Law in the government portal in 2013. In the next phase, we accessed the consultation of the legislation published in the government portal: http://www.mireme.gov.mz/index.php?option=com_phocadownload&view=category&id=5:lei&Itemid=150. On this website, it was possible to access the legislation on the Mining Law and the Petroleum Law, which were approved by the Assembly of the Republic of Mozambique in 2014 and which will be duly dealt with in the chapter on analysis and interpretation of the results of this research.

⁹ In addressing the party systems in the African context, Sanches (2010), citing Bogaards (2004), states that the third wave of democratisation is characterised by the introduction of competitive multiparty elections that result from the predominance of historical parties.

The procedure for this method of gathering information seemed to be the most appropriate, since it allowed the selection of contents about extractive industries in Mozambique, the Mining Law and Petroleum Law, and CS organisations that participated in advocacy campaigns and lobby campaigns directed at the legislation under a study approved in 2014. The use of this technique proved to be relevant, since it allowed the selection of the case study.

3.3 (Self-completion) Interviews

In order to respond to the proposed research objectives, it was essential to gather the views and perceptions of CS's key actors. These were selected based on the relevant roles they played in the advocacy campaigns of the Mining and Petroleum Laws approved in 2014.

These actors participated in civic actions as organised groups of CS in a platform network on mineral resources and extractive industries. The following organisations are included in the list of actors: Public Integrity Center (CIP), Terra Viva Center (CTV), World Wildlife Fund for Nature (WWF), National Association of Rural Extension (AENA), Cabo Delgado Environmental Association (AMA), and Association for Legal Assistance and Assistance to Communities (AAAJC). The Action Program for Inclusive and Responsible Governance (AGIR) and the Women and Law Organization in Southern Africa-Mozambique (WLSA) are not part of the Platform on Mineral Resources and Extractive Industries but participated as independent organisations in the approval of the Mining Law and Petroleum Law in 2014.

Initially, the request for interviews was made to all organisations, and the goal was to conduct interviews via Skype. However, because of technical difficulties, none of the organisations were willing to respond and instead chose to fill out a questionnaire. The interview script (see Appendix C) in Table I and Table II contained questions regarding the analytical dimensions to be explored and analysed, namely the characterisation of selected CSOs for the case study, main areas of intervention of the same organisations, participation in governance processes (in the case of the Mining and Petroleum Laws), the mechanisms used by these CSOs in governance processes in Mozambique, and the level of government receptivity in CS interventions in governance processes.

3.4 Research Limitations

The first obvious limitation was the difficulty of accessing information published by the Assembly of the Republic of Mozambique, the legislative body that approved these Laws in 2014. In this legislative body, it was only possible to access the reports on the Parliamentary Committee on Constitutional Affairs, Human Rights and Legality from 2014, as well as the report on the Parliamentary Committee on Agriculture, Economy and Environment from the year that the laws were approved. Hence, there was a need to analyse the relationship between CS and government. Therefore, we turned to the platforms and forums of CS on natural resources and extractive industries involved in the advocacy campaign in the draft of the Mining and Petroleum Laws in order to be able to hear their views on the subject.

Another limitation on the evident information collection was the shortage of primary sources, namely documents that portrayed the involvement and participation of CS in the design of the Mining and Petroleum Laws.

The third limitation was a lack of direct contact with former or current cabinet members, in order to provide statements about the approval process of the laws approved in 2014. Having cabinet members' perspective would have been ideal to level the analysis, but unfortunately our contacts did not produce a successful outcome. In an effort to bridge this gap we consulted several online newspapers to try and find statements regarding the aforementioned laws¹⁰.

¹⁰ Mozambican news sites: <http://www.verdade.co.mz/>; <http://www.jornalnoticias.co.mz/index> ; <http://opais.sapo.mz/>; but also Portuguese ones: <https://www.publico.pt/>.

CIVIL SOCIETY IN MOZAMBIQUE: A CONTEXTUALISATION

This chapter, provides a general overview of the Mozambican civil society. It focuses on the evolution of CS looking at NGOs participation, social movements and at the networks of platforms and forums of CS involved in proposing the Mining and Petroleum Laws approved in 2014.

4.1 CS in the Mozambican Context

The chains of thought of Bayart (1986) and Chabal (1986) amplify the need to understand CS in Africa.

“... Although we may discuss that the concept of CS does not apply outside of European history, I will provisionally define it as the society in relation with the State, to the degree in which it is confronting the state or, more accurately, as the process through which society attempts to ‘violate’ or neutralize the simultaneous ‘totalisation’ unleashed by the State. The notion of CS is, therefore, an ambivalent (and not only conflicting) concept...” (Bayart, 1986:111).

“... Without doubt, the ideal liberal democracy, if it were possible, would be a great improvement over that which exists in the majority of African countries in their governments. But it is not exactly possible, because liberal democracy was the historic result of particular circumstances in which capitalism moulded the relation between State and Civil Society in Western Europe. The ideal Government in Africa today would be something different and whatever that would be, could only be conceived in terms of a historic analysis relevant to the relation between State and CS. Although there may be disagreement between the meaning of Civil Society in Africa...” (Chabal, 1986:14).

The authors cited above made the need to understand the notion of CS in southern societies clear,¹¹ although in some arguments they have made it clear that there are areas of uncertainty about the

¹¹ Southern societies rise in the context of international relationships to designate the current social and economic connections in place of the previous divisions of 1st, 2nd, and 3rd world countries. In the opinion of Sorj (2005), the world should accept the fact that there are contradictions as much in the perception as in the interests of CS (NGOs) from the south and the north in each national society.

understanding of CS in Africa in the context of understanding democracy in relation to the state. It is therefore relevant to review the history of this concept on the African continent.

In the case of Mozambique, the focus of our study, the magnitude of literature about CS is associated with the ideals of pan-Africanists and the struggle against the regimes in force during the colonial period, which inspired the preparation of some Mozambican leaders in the formation of the new state (Francisco, 2010:51).

This situation allowed for the implementation of a single party system that put FRELIMO (the fruit of the merger between three nationalist regional movements, UDENAMO, MANU, and UNAMI) as the “only and legitimate representative of the Mozambican People” (Brito, 2009: 6). The limitation of participation by CS in this phase of Mozambican history was considered by Francisco *et al.*, (2007:22), Brito (2009), and Francisco (2010:52) as being weak, given the political hegemony of the state as a party. Since then, associative life continued to observe different dynamics. In the 1980s, humanitarian organisation appeared, according Francisco (2010), as a consequence of the occurrence of natural causes like drought, hunger, and worsening economic conditions.

After the end of the civil war, the participation of CS in the country was highlighted as an urban phenomenon in the space nearest to the implementation of the republic. In this period, not only did the regime change to a multiparty system, but also the armed conflict was resolved and the pacification of the country in the short and long terms occurred (Sanches, 2014:63).

In the heat of a new situation inaugurated by the arrival of peace, Mozambique, a belligerent state in conflict (1976-1992), opened its doors to a new political reality marked by the participation of people associated in a different manner (Van den Bergh, 2011)¹². The author highlighted the involvement of the CCM and Catholic Church that marked a new scenario in the peace and reconciliation process of the country. Neves (2009) affirms that this period witnessed the organised capacity of men and women, which extended itself to a new state. This movement was highlighted

¹² Lucia Van Den Bergh, a previous representative of the Association of European Parliaments for Africa (AWEPA), on the new dynamics of some social organisations in the country. In her book, the author sets out frank and honest conversations with more than 50 people who took part in the peace, democracy, and political stability processes in Mozambique, namely politicians, deputies, people that conducted the elections, and finally community and CS organisations.

for allowing a recognition of men and women as social actors that showed their motivations for and defence of common causes.

It is within this conjecture that Gyimah-Boadi (1996), discussing CSOs including Christian associations, considered that these were and/or are a strong contribution for the democratisation of African countries. For the author, the renovation of and the interest for democracy gave impulse to CS as actors and forces to pressure political reforms on the continent after 1994, as was the case of NGOs. In the context of Mozambican politics, since the first multiparty elections of 1994 – as well as subsequent elections held in 1999, 2004, 2009, and 2014 – the results always translated into a victory for the FRELIMO party and RENAMO as the principal force of opposition. In 2009, a third party appeared in the political context that interfered with the bipolar scenario dominated by FRELIMO and RENAMO: the Democratic Movement of Mozambique (MDM), which managed to elect deputies (Sanches, 2014:48-53).

In 2012, 20 years after the signing of the General Peace Agreement and with the rising opposition of RENAMO, several incidences of violence linked to the discovery of mineral resources and the imminent signing of the contract for liquid petroleum gas (LPG) were recorded. In this sequence of events, a ceasefire allowed for a dialogue between these party forces – FRELIMO and RENAMO – which was mediated by an international team, and RENAMO demanded the nomination of provincial governors in the provinces rich in resources, where it claimed to have won a majority in the national elections of 2009 (Macuane, Buur & Monjane, 2017).

According to Sanches (2014), the 2014 elections were held in the country in a particularly difficult context that revealed the weaknesses of the peace process and the democratisation of Mozambique.

4.2 Participation of NGO's in the Governance of Mozambique

The network of NGOs in Mozambique came about in the context of humanitarian assistance in the 1980s. After that, the statute of national NGOs was approved in 1991 in the ambit of the multiparty Constitution of 1990 (Homerin, 2005).

In many African countries soon after the political transition in the beginning of the 1990s, the relationships between the state and civil society changed to a more collaborative focus aimed

at development. According to Homerin (2005), in Mozambique, CS organisations such as NGOs and economic associations performed an important role in the state by creating partnerships, especially in the areas of developing infrastructures and poverty reduction policies. NGOs are considered important actors of CS in Mozambique because they contribute to the consolidation and capacitation of government actors with a view of strengthening joint actions and strengthening partnerships for development (Macuane *et al.*, 2012). The nature of these organisations combines activities that provide basic services with the promotion of citizenship. Taking into consideration the fiscal challenges that NGOs face, Macuane *et al.*, (2012) show that partnership with the “government” is of extreme importance for the provision of services.

In this sense, in the Government of Mozambique’s (PQG) 2010–2014 five-year plan, the Mozambican government affirms that democracy imposes a respect for “political plurality” and for diverse “forms of participation” of the people in making decisions about matters of national interest.

4.3 Involvement of Mozambican CS from 2010 to 2014

If we look at CS organisations as fundamental actors within a society, they become more active in influencing government decisions and acting in concert (Francisco, 2010). The author considers that the basic question to be considered in the process of governing should be the representability and legitimacy of CSOs.

In the PQG (2010–2014) objectives defined by the government were set out with strict collaboration with CS about political formations, religious confessions, the academic community, and all of the social actors, working to build a just and democratic society that is united and has the utmost tolerance for the following priority actions:

- (i) To reinforce the participation of CS in local development with special attention to consolidation of local consultative councils.
- (ii) To promote partnerships with the organisations of CS to teach citizenship.
- (iii) To reinforce the functioning of consultative local counsels to ensure popular participation, the development of communities, and CS’s activity in government.
- (iv) To develop programmes that would assure the connection between literacy and informal educational programmes, in partnership with CS.

- (v) To establish the mechanisms for permanent dialogue and the institutional co-ordination with CS within the ambit of women and social action.
- (vi) To strengthen the participation of CS to monitor government action in order to combat corruption by means of the capacitation of development observatories and district consulting councils.
- (vii) To ensure respect for human rights by means of sensitisation and divulgation actions, involving other actors/authors of CS in addition to state institutions.
- (viii) To make cross interventions from base structures, to consolidate public-private partnerships, and to work with CSOs, empowering these organisations for challenges that they may face as they rise and permanently monitoring the evolution of efficiency of responses.

For Francisco (2007), CS could be considered an influencing factor for policies that are conducive to achieving good governance. On the side of the government, CS contributes to the development of a democratic state by means of concrete actions and the mobilisation of resources. If we look at the emergence of the CS concept in the Mozambican context, we can confirm the existence of various concessions for classification. Notions such as associative movements, non-governmental organisations, and religious associations apply to this concept.

These recent transformations in Mozambican society resulted in the citizens developing a conscience about their roles in the governing process, according to Brito (2014). The author states that it is in this way that the uprisings of 2010 and the “protests” of 2013 contributed to participation of CS in the monitoring of the government and pressuring the responsible government parties to be accountable to society for the decisions made and the way in which they managed public funds (see Appendix B – the table highlights the cases in which the actions of CS resulted in legislative changes in Mozambique).

During the period of 2008 to 2014, Mozambique witnessed (i) social protests resulting from increased living costs, namely for transport, basic products such as bread, electricity, and water, which marked the first sign of social and urban discontent about the government at the time (*Revolt against Hunger*) (Brito *et al.*, 2015), and (ii) campaigns objecting to the ProSavana programme that involved CSOs from Mozambique, Brazil, and Japan (“No to ProSavana” campaign; DW, 2014).

Revolt against Hunger (2008/2013) – with the biggest concentration of protests in the cities of Maputo and Matola – were protests organised by popular groups on a micro scale and replicated afterwards in other cities in the country. According to Brito *et al.* (2015), the mobilisations of these

protests took place by means of messages that circulated virally on mobile telephone networks and other means of communication, which resulted in the government finding it difficult to control the nature of the protests. The message of the protesters was about the increased cost of living and the relationship between citizens and the state.

The absence of concrete means of communication made it very difficult to investigate who was really behind these protests. Reflecting on the protagonists of the protests, Bussoti (2010) raises the first hypothesis that it dealt with a truly spontaneous protest. In fact, this hypothesis presents itself as a result of a vacuum in civil society, because the youth involved would not have had the capacity to organise popular movements on such a significant and violent scale within the country. In the second hypothesis, the author raises the possibility of an “invisible hand”, or even planning through organising entities such as unions and opposition parties.

The campaign, *No to ProSavana (2012-2015)*, was a reaction to the ProSavana programme, which is a tripartite co-operation programme for agricultural development of the tropical savannah in Mozambique. It started in 2011 with resources from the Brazilian Cooperation Agency (BCA), Japanese International Cooperation Agency (JICA) and the Institutes of Agrarian Investigation of Mozambique (IAIM) (Fingermann, 2013).

The project includes the principles of “South-South Cooperation”¹³ held by the Brazilian government at the time, which was led by former Brazilian president Lula da Silva. In his empirical study, Fingermann (2013) refers to the campaign, No to ProSavana, and included organisations seen in the provinces of Niassa, Nampula, and Zambezia (in the centre and north of the country) that protested against the implementation of the programme. It is in this way that, based on excerpts of a conversation with members of the National Union of Peasants in Niassa, DW (2014) confirms that “secrecy, omission, manipulation, criminalisation, deliberate disturbance of peace of contradicting documents as well as the manipulation of leaders of peasant organisations” were the source of the protests on behalf of CS.

The CS groups developed from a role of merely holding the government accountable to one of being active participants in research and advocacy (Francisco *et al.*, 2007), contributing to greater pressure over the state and international institutions, which in turn contributed to improving politics within Mozambican society. It is within this guiding spirit of research that we endeavour

¹³ South-South Cooperation is based on the horizontal relationship between developing countries looking to find new ways to cooperate on values and premises that would draw them away from the new paradigm of globalisation and development (Bueno, Faria & Bermudez., 2013).

to explore this evolution of CS organisations, specifically those that are associated in a joint fashion and represented through platforms and forums, and even more specifically those that were involved in drafting the Mining Law 20/2014 and the Petroleum Law 21/2014.

4.4 Extractive Industries in Mozambique *versus* Platforms and Forums (2010-2014)

In the literature on extractive industries in Mozambique, there are at least two perspectives to keep in mind: on the one hand, that of Mussagy (2015), which puts forward the fact that the capacity for foreign investment and the exploitation of natural resources must be determining factors for elevating the economic growth potential of Mozambique, and on the other hand, that of Castel-Branco (2009), who, in his study of the development and challenges of mineral resources in relation to extractive industries in Mozambique, highlights “creating environmental awareness” in relation to natural resources by virtue of these only being renewable when there is a balance between the rate of production and the rate of extraction or exploitation.

These two topics related to extractive industries in Mozambique lead to the ideas of Aaronson (2011: 50-53), according to whom there is the need for citizens to be the principal beneficiaries of the extraction and sale of resources while they still exist. For the author, who cites examples of countries like Nigeria, Mali, and Peru, the need for transparency in the area of extractive industries places organisation of CS and NGOs (local and non-local) as key players in the preservation of mineral resources.

Other authors, such as Frei, Chaveiro & Macaringue (2016), point out the danger of appropriation and expropriation of mineral territories in Mozambique, because these practices benefit the holders of the capital that “(re)organise the local territories with the purpose of slowing down the demands of capitalist development”, prejudicing the local communities that are taken away from their zones and thus giving rise to land and natural resource conflicts in their survival base.

According to the newspaper *Notícias* (07/26/2014), citing the previous Minister of Mineral Resources (who is the regulating authority of this sector) speaking at the presentation of the proposed revision of the Mining Law, the discovery of large reserves of minerals put the country on a national and international trajectory that would impose the need for adjusting the legislation in force prior to 2014. At this time in the country and on the continent, the debate about the need

for all public and private actors intensified, and the communities each performed roles to guarantee that the discovery and the exploitation of natural resources would in fact be a blessing and not a curse (AR-VII/Parecer/379/16.07.2014).

This scenario of new discoveries of mineral resources dictated the expansion and growth of investments that were supported by a legal regime that directed mining activity, namely law 14/2002 of 26 June, the Mining law, and its regulations approved by Decree n° 26/2004 of 20 August, Decree n° 62/2006 of 26 December, and Decree n° 20/2011 of 1 June.

The prospects of the extractive industries sector were very much contested by RENAMO. The biggest opposition party considered that the discovery of resources would benefit only the political elite close to the ruling party; therefore, it demanded much more transparency in the management of the resources. In their studies, Macuane, Buur & Monjane (2017), citing Gordon (2015), allege that the discovery of these resources was the direct consequence of the return to conflict. In addition, other authors such as Green & Otto (2014) highlight the fact that certain types of natural resources were being discovered in zones of RENAMO's influence, which were situated towards the north of the country where the opposition had gathered more votes.

According to the IMF (2014), it is within this international juncture that the growth of the extractive industries made it necessary for the country to join the Initiative for Transparency in the Extractive Industries (EITI),¹⁴ taking into account that clear principles that assured greater transparency, equity, and sustainability in the exploitation of mineral resources were necessary. In addition, in 2012, Mozambique was considered to be in full compliance with the EITI, complying with the 2010 report (IMF, 2014).

Since this natural resource boom in Mozambique in the mid-2000s, authors such as Selemane (2009) showed the need for public access to information on the transactions related to natural resources and, fundamentally, for fiscal transparency. For this reason, organisations like the CIP, a “pioneering organism highlighting the Extractive Industry since 2007 and launching publications about the sector in the country”, Institute of Social and Economic Studies (IESE), Observatory of Rural Means (OMR), Terra Viva Center (CTV), and platforms and forums

¹⁴ EITI is a global initiative of a voluntary character launched in 2002 by the then British Prime Minister Tony Blair aimed at improving governance in countries rich in mineral resources by means of the verification and publication of payments from companies and income collected by governments in the oil, gas, and mineral sectors (source: <http://www.itie.org.mz/index.php/iniciativa/que-e-itie>).

connected to the extractive industry have shown the need for good governance in the sector by means of debates, lobbying work, and practical advocacy for transparency (Selemane, S/D).

According to Nipassa (2017), the years from 2003 to 2005 were marked by the rise of some of these organisations congregating in networks of platforms and forums in Mozambique. For the author, platforms and forums often represented spaces created to establish communication between CS, the government, and donors capable of influencing the development of public policies.

Since then, from 2007 onwards, platforms and forums aimed at the natural resources and extractive industries sectors appeared in the country, including Consultations about Forestry, Forum of Community Maintenance of Natural Resources, Friends of Forests, G20, JOINT, Forest Dialogue, National Forum of Biofuels, Platform of Climate Change, and Forum of Conservation, which work in specific sectors or on specific topics.

Each one of these mechanisms that unites a – generally small – group of NGOs and that belongs to a network of platforms or forums has shown the need for the government to open up and show transparency in the management of resources. In this respect, Table 4.4.1 mentions the platforms, forums, and NGOs linked to the natural resources and extractive industries in Mozambique.

Table 4.4.1: Platforms, forums, and NGOs linked to the natural resources and extractive industries (source: <http://www.wwf.org.mz/oportunidades/consultoria/index.cfm>)

Active platforms	Civil Society Platform on Natural Resources and Extractive Industries, Consultation Forum on Land, Consultation Forum on Forests, Community Forum on Resource Management, ROSA, JOINT, Forest Dialogue, Platform on Climate Change and Conservation Forum.
Existing and not very active Platforms	Friends of Forests, G20, National Biofuels Forum, LINK
Provincial platforms	Sofala, Manica, Zambézia, Nampula, Cabo Delgado, Niassa, Tete.
NGOs	CTV, UNAC, ORAM, IUCN, CIP, KUHUKA, RUTH, SEKELEKANI, IESE, LIVANINGO, WWF, CARE, OXFAM, SAVE THE CHILDREN, SNV, RADEZA, KWAEDZA, SIMUKAI, WE EFFECT, LUPA.

4.5 Platforms of CS on the Natural Resources and Extractive Industries *versus* the Proposed Mining Law and Petroleum Law

The revision of the Petroleum Law published in 2012 highlighted the need for enriching the Petroleum Law, 3/2001 to better attend to the needs of the global petroleum industry (RL, 2012).

For Nuvunga (2013), the proposal would constitute an important step in the preparation for the extractive industries sector to face the challenges that were approaching, in response to the needs of the government and the interests of petroleum companies, since the revision allowed for the incorporation of important aspects linked to the questions of infrastructure, the sharing of income, control and the protection of the environment (Abrahamson *et al.*, 2013).

According to Nuvunga (2013), this revision came about as a consequence of the discovery of natural gas in the Rovuma basin and the resulting prospects for the production of liquid natural gas (LNG), which would present a challenge for Mozambique in the process of reformulating its legal framework “in order to guarantee that new challenges for the sector were achieved in a secure, just and efficient way so as to attend to the needs of the country” (Abrahamson *et al.*, 2013).

At the time, the proposal made available by the Ministry of Mineral Resources (MMR) started a “debate” linked to the proposed Petroleum Law. In this logic, appeals from CS were made regarding the need for transparent governance and open public debates due to the strategic importance of extractive industries in the socioeconomic development of Mozambique (Nuvunga, 2013).

Still in 2012, the government presented a proposal to revise the Mining Law, preceded by a process of collecting contributions whose debates were about mining activity for the income of states, the inclusion of participation of Mozambicans in mining exploration, and the activities of rendering services to companies in the sector. Following the publication of the proposed revision of the Mining Law in 2012, the CIP (2012) made a general evaluation of the draft of the Mining Law that expressed the need for well crafted questions and the systematisation of the content and drafting.

CHAPTER 5

THE MAKING OF THE MINING AND PETROLEUM LAWS: VIEWS FROM KEY ACTORS IN CIVIL SOCIETY

This chapter presents evidence on the interviews (see Appendix C for a script of the interviews) carried out, seeking to depict the nature of relations between key actors in civil society, and the relevant government actors. Thus, we will make a characterisation of the CS organisations that participated in the advocacy and lobbying campaigns aimed at approving the Mining Law and Petroleum Law (some of which were part of the Platform on Mineral Resources and Extractive Industries) and debate the question of the relationship between CS and the government, especially in the case of the Mining Law and the Petroleum Law.

5.1 Characterisation of the Organisations that Were Interviewed

Six organisation that form part of the Platform on Natural Resources and the Extractive Industries, which carried some weight in the approval of the Mining Law and the Petroleum law approved in 2014, and one organisation (WLSA) that participated in the advocacy campaign were selected (CIP, CTV, AENA, WWF, AMA, and AAAJC).

The organisations that were interviewed had different levels of involvement in the campaigns.

According to Fátima Mimbiri,¹⁵ in the area of the extractive industries, CIP, while a private law collective and legal entity endowed with legal personality, “seeks to promote Good Governance of resources, it presupposes that the Government will sign contracts that are fair and beneficial for the country. To achieve these objectives, the CIP uses a system of naming and shaming to highlight bad practices, whether of public servants, or of companies, and above all exposes the appetites of the political elite that end up influencing government decisions”.

Regarding characterisations of these organisations, it is possible to confirm that the CIP uses engagement with institutions – above all – in a platform of dialogue about the political proposals and reforms that the entity possesses (Mimbiri, 2017).

¹⁵ Fátima Mimbiri is responsible for the extractive industries division of the CIP and answered the questionnaire about the involvement of CS in the approval of the Mining Law and Petroleum Law.

The CTV acts throughout Mozambique. Its objectives are “to contribute to a better technical-scientific foundation for environmental decisions so that the appeals for public participation in environmental management included in policies, strategies, and in national environmental legislation are positively received by a CS with capacity to make informed and relevant contributions in that area”.¹⁶

AENA is an organisation that promotes the sustainable management and governance of natural resources in a way that facilitates the socioeconomic development of rural communities by means of strengthening capacity, as well as creating and sharing knowledge.

The objective of WWF, which is an organisation with almost five million associates spread over five continents and with a presence in Mozambique, is to stop the degradation of the planet and to promote the conservation of biodiversity, the reduction of pollution and of waste, and to assure the sustainability of natural resources.

AMA is an environmental association created in 1990 by a group of youths in the city of Pemba, Cabo Delgado in the north of Mozambique, which has one of the biggest natural gas reserves in the world. With the objective of safeguarding natural resources, the Association Friends of the Environment is a reference for the sensitisation and strengthening of communities in the management of natural resources and the environment, and it is made up of more than seventy members of different origins. In addition to participating in big strategical decisions related to the management of natural resources and the environment, the interventions of the organisation are centred on the strengthening mechanisms of community participation and consulting in decentralised planning.

AAAJC is an organisation that transmits its interests by means of initiatives in processes that are generally conducted in networks of platforms with other CSO partners. WLSA is an organisation that views the empowerment of women in the sense of bringing about changes in the law, public policies, access to the administration of justice, and social practices so that women may have the means and opportunities to combat discrimination.

¹⁶ Manuela Wing is responsible for the Education and Environment Information programme and answered the questionnaire about the involvement of CS in the approval of the Mining Law and Petroleum Law.

5.2 The Relationship Between CS and the Government: the Case of the Mining Law and Petroleum Law

This subchapter describes the themes considered pertinent to the relationship between CS and the government in the case of the Mining Law and the Petroleum Law. For this analysis, we take into account a set of questions that will help us tackle the general objectives of the research, namely (i) to understand the acting mechanisms between CS and the government in political decisions in Mozambique and (ii) to classify the types of existing relationships between CS and the government in political decisions in Mozambique.

5.2.1 Mechanisms Through Which Civil Society and Government Act: the Case of the Mining Law and Petroleum Law Approved in 2014

In the first year of the 2010–2014 legislature, as in prior mandates, the Government of Mozambique was the entity that made the most submissions for the approval of laws by the Parliament. For example, in 2010 in its first session of the VII legislature of the Assembly of the Republic, it made 29 legal initiatives, of which 16 came from the government and only 13 from the parties with seats in the Assembly of the Republic (Banze, 2011).

In the first year of the VII legislature, the RENAMO parliamentary caucus led the legal initiatives by presenting 11 legal projects, which is a productivity rate of 68.75%. Notwithstanding the fact that it was the majoritarian party, FRELIMO presented 25% of the proposed laws, while the MDM presented 6.25% (Banze, 2011).

According to the newspaper *Notícias* on 07/26/2014, during the same mandate, revisions to the Mining Law and the Petroleum Law were proposed as an initiative of the government. In fact, this was an important topic in the political agenda, and the official discourse was one of transparency and commitment with international standards and also of the need of protecting national interests. The following statements of the Former Minister of Mineral Resources Esperança Bias, are illustrative of this:

The Government is legislating so there are no marginal negotiations, so that everything is done in compliance with the legislation. The contracts are public today, everyone has access to them, and it is all on the Ministry's website¹⁷.

The assignment of rights for the initiation of extraction activities will respect national interests in relation to the defence, navigation, research and conservation of marine resources, existing economic activities and the environment in general¹⁸

The proposed revision of the Mining Law that contained 68 articles and occurred 12 years after the approval of the first Mining Law. For the government, this proposal attempted to introduce other terms and conditions for the transfer of mining rights as a way of allowing the state to collect fair income by virtue of these rights and harmonising it with international best practices. In accordance with the aforementioned newspaper, this law was generally approved by the FRELIMO parliamentary caucus with 152 votes, and with 4 votes from the MDM bench and 43 abstentions from RENAMO.

In this first phase of the process, CS did not participate; in fact, even in the critical/final phases of the process, there was a “closure” of the government, forcing some CS organisations such as the CIP to look for other forms to be involved in the process (Mimbiri, CIP).

Thus, a process started that consisted of a public battle to achieve greater transparency in contracts for the exploitation of natural resources. We will discuss these strategies that CSOs used in the process that culminated in the approval of the Mining Law and the Petroleum Law in 2014 in detail and support them with testimonies of the organisations involved in this study.

In the case of WWF Mozambique, “the organisation attempted to guarantee the biggest reach in public participation and active participation by means of critical reading and observations or contributions to enrich the legislation” (Pequenino, WWF).

¹⁷ <https://www.publico.pt/2014/09/21/mundo/entrevista/esperanca-bias-a-bacia-do-rovuma-ainda-tem-muito-para-dar-1670042> (accessed on 12/12/2017)

¹⁸ <http://www.jornalnoticias.co.mz/index.php/politica/20980-producao-de-gas-e-petroleo-ar-estabelece-quota-para-consumo-interno.html> (accessed on 12/12/2017).

At this level, WWF assumed its role based on the definition and preference of its strategies within this political context. Thus, for the participants, both in the government and in CS, the change of the legislature would be an important gain for the Mozambican State given the new challenges that were dawning.

The National Association of Rural Extension (AENA) was one of the CS organisations that “made concrete proposals to the government to appeal for the use of means of rural communication in the process of sharing information that could contribute to the participation of communities” (AENA).

AENA also proposed “legislation on the benefits for Mozambicans in contracts for the exploitation of natural resources, the relevant compensation of improvements, decent resettlements, corporate social responsibility, environmental questions, and forms of checking on the government” (AENA).

In the meantime, this process was characterised as being regressive on the part of the government.

Thus, civil society (in the case of CIP) had to go after the Parliament (Mimbiri, CIP).

By means of the platform of organisations of civil society on the natural resources and extractive industries, the organisations united and contacted the government. Therefore, from the formal point of view, the platform became an institutional actor in the process.

The actors made “use of newspapers to share the information about public consultations and sent letters to request contributions from institutions that have, as their mission, supporting the government to improve the legislative process (Wing, CTV).

In the meantime, the CSOs continued to put pressure, and to voice discontent with the way the process was being carried out. For example, during the revision of the Petroleum Law:

There was no public consultation, as happened during the Mining Law and fiscal laws. And the CIP exposed the government critically and publicly (Mimbiri, CIP).

Through the testimonies of the members of the organisations interviewed, we could confirm that there were no restrictions from a legal point of view on these organisations taking part in the process. The organisations used strategies and mechanisms for action, namely expressing their views vividly and openly through newspapers and reaching out to their networks in the platform. Despite the number of engaged CSOs being relatively small, compared to the number of existing organisations in the country, we could observe signs of proactivity and horizontal cooperation in the behaviour of the entities taking part in this process.

To analyse the nature of the typology of the relationship between CS and the government, it is important to have this background in mind; that CSOs were active and particularly interested in the political, economic, and environmental implications (among others) of the Mining and Petroleum Laws. In the following section the positioning of the government in this process is presented.

5.2.2 Levels of Receptivity of the Government in Relation to CS

In response to the proactivity of CSOs, the Ministry of Mineral Resources and Energy (MIREME), at the time headed by Esperança Bias, and the tax authority became the direct interlocutors of the platform.

Naturally, because it is a proponent of mining and petroleum legislation (AENA).

This way, it started a connection in the formal communication during the process. As a result of the pressure from civil society and the publication of articles, promotion of debates, organisation of seminars, lobby, and an intense campaign of advocacy afterwards, on 3 December 2013, the government announced the publication of contracts for the exploration of natural resources. Even so, the National Association of Rural Extension (AENA), an organisation taking part in the platform:

(..) highlighted the need for transparency relating to the documents that give an account of the participation of Mozambicans in the exploration contracts (those that had 5% of the shares). (AENA).

AENA was interested in knowing who these Mozambicans that held such a percentage were:

“the value of the income that would be channelled into the communities, the question of fair compensation (what was meant by fair how did it apply, that is, the regulation), as well as the role of the High Authority of the Extractive Industries,¹⁹ which could not be subordinated to the Ministry of Natural Resources, but indeed to the Assembly of the Republic” (AENA).

This preoccupation was also highlighted by the Association for the Legal Support and Assistance to Communities (AAAJC).

For AAAJC, there was a conflict between CS and the government in relation to the entity under which the High Authority should be held accountable, because the government wanted the High Authority of the Extractive Industries to be subordinated to the Council of Ministers, while the CS wanted it to be subordinated to Parliament, considering that this was the organ representing the people. The existence of this conflict made it clear that the influence of the government is very strong. The Parliament never pronounced its stance on this topic referring to the creation of the High Authority of the Extractive Industries (Chucate, AAAJC

Although WLSA did not contribute with any exact proposal regarding the drafting of the laws, the organisation was involved in the dissemination activities and participated in the advocacy campaign, performing:

(...) interviews with provincial directors for the environment, energy, finance, education, health, and permanent secretaries on provincial and district levels (AENA).

After a cycle of negotiations between the government and the platform, on 18 August 2014 the Mining Law was approved. In light of this it becomes pertinent to look at the attitude of the parties involved in this process. Some of the testimonies collected suggest that the government eventually recognized the role of CSOs:

¹⁹ At the time of the approval of the Mining Law, the Assembly of the Republic of Mozambique created a High Authority for the Extractive Industry, an entity that should have been established by the government by the end of 2015. The role of the AAIE is summarised as the oversight of the mineral resources coming from extractive industries (source: <http://www.verdade.co.mz/destaques/democracia/54863-alta-autoridade-da-industria-extractiva-deve-ser-independente>)

Yes, the government has come to recognise civil society contribution to the contributions that have been made in this process (WWF).

Yes, strategically it was necessary that this be done (AMA).

The government recognised that the proposed laws were drafted by means of a broad consultation of civil society, the private sector, and other intervening parties without, however, highlighting only one sector (AENA).

Counter to this Mimbiri (CIP) stated that the government did not recognise the role of CS, while the Parliament acknowledged their importance, so much so that the Committee on Constitutional Affairs, Human Rights and the Committee on Agriculture, Economy and Environment issued statements about the involvement of CS. By way of example, the latter Committee:

Received the CIP about the reformulation of article 7 of the Mining Law that was taken into consideration²⁰ (Mimbiri, CIP).

As mentioned in the methodological section, it was not possible to rely on testimonies from the key governing actors engaged in this process to countervail some of these views. Still the evidence collected on the side of CSOs allows us to draw some tentative conclusions on the nature of interactions between CSOs and the government. In fact, CSOs were quite proactive and engaged in series of actions to try and influence the law making process. The role of CSOs seemed to have been recognised at some point by the government and also by the parliamentary committees. Episodes of direct confrontation or of co-optation were not conveyed in the interviews: both sides seemed to have followed non-overlapping strategies but aimed at a similar outcome – to create more effective and transparent laws to regulate the extractive sector. This means that the nature of CSOs and government relations were closer to the complementarity ideal type. We develop this point further in the concluding section.

²⁰ Article 7 of the Mining Law relates to mining contracts and mentions state participation in mining activities, local minimum content, a plan for technical professional training, a memorandum of understanding between companies, local government, and communities, and dispute resolution mechanisms (AR-VII/Parecer/379/16.07.2014)

CONCLUSION AND FUTURE INVESTIGATION

The last chapter of this dissertation presents the conclusion, where we reflect on the relationship between CS and the government, which, in context of our analysis, is classified as predominantly of “complementarity”. Firstly, we present the main results of the study depicting the interactions between the CS and the government and the formal arrangements made by CS to help its proposals get the attention of the government. Secondly, we reflect on the implications of this study for further research.

6.1 Conclusion

The analysis conducted in the preceding pages sought to examine the nature of CS and government relations in the context of a hybrid regime.

Focusing on the Mozambique, we highlighted the signing of the General Peace Agreement as an important mark, because it created the political, social and legal conditions for the emergence and development of a new CS. Over time there has been a considerable increase in the number of CSOs, but we still know little about the nature of their interaction with the state.

Seeking to help fill in this lacuna, this study was oriented towards a deeper research of the participation of the Mozambican CS in governance. The CS has played a pivotal role in the recent political history of Mozambique, namely promoting peace and political change, monitoring the quality of elections, advocating for human rights and for good governance.

Nevertheless, this participation of CS was always reinforced to the degree that new challenges were imposed on the Mozambican state. It is within this context of new challenges that the Government of Mozambique and CS came across the discovery of natural resources in 2000, which resulted in the Council of Ministers of Mozambique proposing a revision of the Mining and Petroleum Laws.

Therefore, our focus of investigation was about the participation of CS in the government, specifically when the Mining Law and Petroleum Law were approved in 2014. We wanted to know what the nature of the relationship between civil society and the government was during the process

of formulation and approval of these laws. For this purpose, we collected testimonies from seven key organisations.

The organisations interviewed considered that the process was not easy: they had to be proactive and coordinate action, this resulted in a series of advocacy and lobbying campaigns carried out both individually or organised through the platform concerning the natural resources and extractive industries.

During the investigation, two aspects come across as relevant. On one hand, the principle of good governance that is patent in the government's 2010–2014 five-year plan, which reaffirms this strict collaboration with CS organisations. On the other hand, during the mandate led by Armando Emílio Guebuza soon after the publication of the revisions of the laws mentioned, CS and government institutions sought to affirm a continued role of responsibility before the government. In society in general, this situation aroused an interest in questions regarding participation in decision making and even about the necessity for transparency in the management of resources, which was a very important factor that marked the participation of CS.

In the process of the approval of the Mining and Petroleum Laws, a factor of extreme importance that highlighted the participation of CS was the communication between the government and CS (a pertinent point considered in this investigation).

The big objective of the investigation was to understand the nature of relationship between the CS and government. We came to the conclusion that the typology that best illustrates the interactions in the case study herein is “complementarity”. This is so, because CS and the Mozambican government both relied in different strategies but wanted effective laws to be approved. This is not to say that there were not of “tension”; in fact, according to AAAJC, the process was marked by some episodes of divergence between CS and the government in relation to the entity to which the High Authority of the Extractive Industry should be accountable. However the process was more characterised by complementary elements than confrontational ones. The associations mentioned, in the case of CIP and AAAJC, pointed to the way in which the government positioned itself for not recognising the role of CS in the process, while the parliamentary committees proved more hospitable. Other CSOs however, stated that there was recognition from the government.

6.2 Perspectives for Future Investigation

From these collected experiences in the case study, this research can contribute to the improvement of governance in Mozambique. We believe that future studies about these themes should better explore the means of communication of CS and the strategies that CS utilises to reach its objectives. As far as advocacy and lobbying strategies are concerned, one can question whether CS deals with a viable strategy or whether it largely reaches its objectives as far as the approval of laws are concerned.

The present study sheds light about the relationships between CS and the government in a key sector of the Mozambican economy. However, up to what point does this apply to other areas? Future studies employing a comparative approach and utilizing more data, are necessary to provide a more satisfactory answer to these questions.

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APPENDIX A: Non-profit institutions and establishments according to the period of establishment, 2014-2015 (source: <http://www.ine.gov.mz/operacoes-estatisticas/censos/censo-das-empresas/as-instituicoes-sem-fins-lucrativos-em-mocambique-resultados-do-segundo-censo-nacional-2014-2013-2015/view> Consulted 16/112017)

	Total de Unidades	
Período	N°	%
Before 1975	1 090	9,8
1975-1984	709	6,3
1985-1994	1 709	15,3
1995-2004	2 894	25,9
2005-2016	4 079	36,5
Not specified	697	6,2
Total	11 178	100

APPENDIX B: Cases in which Civil Society action resulted in legislative changes in Mozambique (source: Topsøe-Jensen et al., 2015)

Case	Date and Scope	Cause	Initiative and Actors Involved	Measures and Strategies	Outcome
Revision of the old law and passing and promulgation of a new Family Law	The process began with the World Women is March in 2000 National	Questioning of inequalities in power relations between women and men in the family sphere and public sphere, more concretely in access to social, economic and political resources	Fórum Mulher, WLSA, MULEIDE, Association of Women in Law	Presentation of a draft bill and lobbying and advocacy with decision makers (government, Parliament and President of the Republic)	Passing of the new Family Law (Law 10/2004 of August 25)
Law against Domestic Violence	The process began in 2000. National	Struggle against gender violence and the lack of specific legislation on domestic violence against women	Group of civil society organizations led by Fórum Mulher	Formation of the Technical Group for preparation of the draft law, made up of social scientists from WLSA and the Centre for African Studies and lawyers from other organizations. The policy dialogue came about mainly at national level, but the local-level women is rights groups also provided an important contribution – documentation of cases of violence and dissemination of the draft law. Creation of the Movement for Approval of the LCVD – various organizations involved, with capacity and experience of organizing and implementing campaigns.	Passing of the Law against Domestic Violence (Law 21/2009 of July 21)

Right to Information Law	2005 Nacional	Freedom of expression and access to information	MISA Mozambique Participation by journalists, provincial committees of MISA Mozambique, FORCOM and CESC, provincial governments, Mozambican NGOs and citizens.	Formulation of the draft law and delivery in the Assembly of the Republic (Parliament). Informal meetings with members of Parliament and sending of a letter requesting the passing of the Law to each one of the 250 Members of Parliament. Musical concerts and taking of public positions. Seminars and discussions.	Passing of the Right to Information Law (Law 34/2014 of November 26).
Advocacy campaigns on the part of CSOs for the publication by the government of the extractive industry contracts	Process initiated in 2007 Maputo	Lack of transparency in the contracts for exploitation of natural resources	CSO platform on natural resources and extractive industry	Publication of articles. Discussions and seminars. Campaigns, lobbying and advocacy.	Following an intense advocacy campaign on the part of the CSOs, the government announced on December 3, 2013 the beginning of publication of the contracts for exploitation of natural resources. ²
Transport operators strike	February 5, 2008 Maputo and Matola	Rise in the price of petroleum fuel	Mozambican Federation of Transport Operator Associations	Violent popular demonstrations	The government took the decision to provide subsidies to the transport operators.
International campaign – People Acted by Vale	2011 National and	Right to the land	Environmental Justice, Baobab House, Association for Legal Aid to Communities –	Demonstrations starting in 2012 organized by the population resettled by Vale. International campaign contesting the resettlement of the communities a	

	international		AAJC Academic Action for Development of the Rural Communities – ADECRU	acted by the coal mining on the part of the Vale company	
Campaign against Pro-SAVANA	June 2014 National, regional and international	Right to the land and defence of the local production systems and livelihoods of the small-scale farmers	Among others: UNAC, Fórum Mulher, Akilizeto, Living Earth Centre, OMR and Sekelekane	Sending of a letter to the President of the Republic. Launching of the “NO to Pro SAVANA” campaign. Public debates, seminars and international conferences International coordination (Mozambique, Brazil and Japan) Appeal to the SADC during the SADC Peoples’ Summit, where the issue was discussed in plenary session and a statement submitted for review by the Heads of State.	Internationalization of the campaign. Following the protests, the donors and implementers organized several meetings for consultation with the movements, platforms and communities. Support to the cause on the part of the CSOs and Confederations of CSOs of Brazil and Japan, and of political parties with parliamentary seats (Japan).
Campaign against promulgation of the “Laws on Benefits for former Heads of State and	16/05/2014 National and international	Contesting of the rules for retirement and benefits for former Heads of State and Members of Parliament	FORCOM, CESC, Fórum Mulher, JOINT, Human Rights League and CIP coordinated the campaign, which was joined by various other protagonists and the population.	Two studies drawn up analyzing the impact of the increased benefits and gifts for the Members of Parliament (one from the economic perspective and another from the social perspective). Two position and demands from civil society. Four press conferences. Peaceful march. The issue was on the public agenda	The President of the Republic did not promulgate the law. Afterward an altered version of the law was promulgated that envisages fewer benefits and gifts than

Members of Parliament”				within the country and beyond its borders: a big march was held in Cape Verde undertaken by peer CSOs of the Mozambican CSOs.	envisaged in the initial version.
Migration from analogue to digital	Maputo and provinces 2013, 2014 and 2015	Contesting of the lack of information concerning the process of migration from analogue to digital. Contesting of the responsibility for paying for the expenses involved in the process: purchase of the converters, process of conversion of Radio Mozambique and TVM, etc.	Various organizations of civil society, coordinated by FORCOM, CESC, Sekelekane, JOINT and Fórum Mulher	National Conference in April 2014 in Maputo. Public events, press conferences and public debates in the media. Taking of positions on the part of civil society. Pressure for civil society to be part of the Digital Migration Commission (COMID). FORCOM/community radio stations undertook various radio programs to inform the communities on the issue.	The government postponed the migration sine die that had initially been set for June 2015. Representation by civil society on COMID was approved.
Campaign against articles considered discriminatory in the proposed new Criminal Code	2014 National	Promotion of legislative protection of children’s rights and gender rights	Civil Society Platform for Review of the Criminal Code/Platform for Struggle for Human Rights in the Criminal Code. WLSA and Fórum Mulher	Debates. Review of the discriminatory articles in the draft Criminal Code.	Article 223 of the proposed revision of the Criminal Code. The articles that envisaged marriage between the victim and the rapist and regarding criminalizing of begging and of adultery were all removed from the Criminal Code.

APPENDIX C: Interview Guide

Table I: Questions 1 to 5. Objectives: Identify and characterize organizations; main areas of intervention of organizations; strategies of the organizations.

<p style="text-align: center;">Questions</p> <p style="text-align: center;">CSO</p>	<p>1-What are your main objectives and what instruments do you use to fulfill your mission?</p>	<p>2- In the specific case of Law no. 20/2014, of August 18 (Law of Mines) and Law n. 21/2014 of August 18 (Petroleum Law), what was the level of involvement of CS organizations?</p>	<p>3- What channels of communication (eg with the government and possibly with other CSOs) were used during the process of drafting these laws?</p>	<p>4- Has your organization put forward concrete proposals? If so, which ones?</p>	<p>5- Have you sought to coordinate your positions in a broader dialogue with other CSOs? If so, which ones?</p>
<p>CIP</p>	<p>In the area of extractive industry is to promote good governance of resources, which presuppose that the government signs fair and beneficial contracts for the country, the country taxes properly and fairly, and communities are treated in a way that is conducive to the rights it has according to the law and with dignity. In order to achieve these objectives, CIP produces analysis texts on the decisions taken by the government, as well as on the processes, as well as proposals for reforms that are necessary to improve the management of the country's mineral resources. Likewise, the CIP uses a "name and shame" approach, but practices both public servants and companies and above all denounces the appetites of the political elite that end up influencing government decisions.</p>	<p>I can only speak on behalf of the CIP, although we know that other organizations have also participated / been involved. The CIP actively participated in the process of revising the laws, whether participating in public consultations or in dialogue with relevant government entities and parliamentary committees in the process of reviewing legislation. The CIP provided technical</p>	<p>There were consultations in parliament with the various actors, including civil society. On the government side, via consultation seminars, sharing of documents for comments.</p>	<p>Yes. The issue of transparency of contracts and revenues, revenue management, and reduction of project stability time to a period in which contractual terms can be revised to bring them into line with new legislation.</p>	<p>Yes. In the debate on tax and community rights issues, as well as resettlement.</p>

	Also, when appropriate, CIP uses the approach of engagement with institutions, especially in a platform for dialogue on the policy and reform proposals that the CIP has.	assistance to the committees on certain matters that were incorporated into the legislation).			
AENA	Objective: To contribute to improving the living conditions of rural communities, encouraging local initiatives and promoting sustainable management and governance of natural resources. Mission: Our mission is to facilitate the socioeconomic development of rural communities through capacity building, generation and sharing of knowledge and advocacy campaigns. And this process is done through the Organization's Strategic Plan, Annual Operational Plan and Intervention Strategies that highlight the area of Food and Nutrition Security, Gender Equity and Equity, Natural Resources and the Right to Food, Environment and Climate Change, and Organizational Development .	The process of preparing Laws 20/2014 and 21/2014, both of August 18, Laws of Mines and Petroleum and Gas respectively, were prepared through a wide consultation with civil society, especially the platform of extractive industry, which AENA is a member of the Coordination Group.	The extractive industry platform is the valid interlocutor for interaction with the government and this is the way of communication with the government, which was used in the elaboration of these laws.	the concrete proposals of the Civil Society were: Legislation of the following aspects: Benefits of Mozambicans Local content; Compensation on improvements; Right resettlements; Corporate Social Responsibility; Environmental issues; Government oversight	Yes, through the Civil Society Platform for Natural Resources and Extractive Industry.
CTV	A Mozambican non-governmental organization, established in 2002, which operates throughout Mozambique, aims to "contribute to a better technical-scientific basis for environmental decisions, so that calls for public participation in environmental management, included in policies, strategies and in national environmental legislation are answered positively by an CS with the capacity to make informed and relevant contributions in this area	The CTV participated in the public consultations that took place in the city of Maputo and received legislation for comment. In this process our legal colleagues actively participated in some of the articles that suggested changes or improvements we noticed that the	The use of newspapers to share information on public consultations and the sending of letters requesting contributions to institutions whose mission is to support the	They should use rural media (community radios) to share information and obtain community input.	Not applicable

		government accepted the comments.	Government to better the legislative process.		
AMA	Exploitation of natural resources through appropriate and sustainable practices; Contribute strongly to the implementation of national public policies; Contribute to community integration in all local and provincial development processes; To contribute to an increase in the levels of environmental education, taking into account the diverse gains in the quality of human life; Develop and strengthen the institutional and organizational component and build capacity	The level of involvement was considerably enough, leaving only the inclusion of CSO proposals to be desired.	Short and sudden public consultations	Not applicable	Not applicable
AAAJC	In relation to the Government, the AAAJC makes its interests known through advocacy and lobbying initiatives, which are usually conducted in a network or platform with other partner CSOs.	Public consultation was carried out at the level of the provinces, including the province of Tete. The AAAJC as a CSO participated in the consultations.	Public consultations promoted by the advisory body to the legislative body.	Reasonable except for the issue of community development funds (Article 20 of the Mining Law) and the issue of State expropriation of land in favor of the private sector and not for public utility (Article 27/2 Mining Law) and Promotion of National Business (Article 34 Mining Law)	There was none. All parties consulted were placed on the same footing, as is the case with almost all consultation processes in Mozambique.

<p>WWF</p>	<p>The Mozambican Civil Society to be able to communicate with each other uses the conventional means - communication via e-mails of member organizations and websites when they exist. The member organizations are organized in Platforms - in this case there is a Platform of Civil Society Organizations for the Extractive Industry and Natural Resources, recognized as a valid interlocutor with the Mozambican government and extractive industry companies</p>	<p>The level of involvement of organizations such as WWF Mozambique was to ensure that there was as wide a scope as possible in the process of public hearings and active participation through reading and critical remarks or contributions to enrich legislation. WWF Mozambique, in coordination with other civil society organizations, secured through work meetings the collection of subsidies and contributions during the process in which the mining and oil and gas laws were being drafted until their submission to the Mozambican Parliament.</p>	<p>The communication channels used during the drafting of these laws were workshops, round tables, seminars, e-mails, informal meetings among the key actors in the process</p>	<p>The means used were Workshops or working meetings with representatives of the stakeholders where each side presented their points of view and gave the opportunity for others to comment. When the final version was presented to the Parliamentarians of the National Assembly, they validated the Law.</p>	<p>The Civil Society Platform for the Extractive Industry has a Coordination Committee that is composed of some member organizations of the Platform. It was this smaller group that bridged the opinions that were collected in the Provinces in discussion meetings or in National Conferences that compiled the final opinions and channeled them to the Ministry of Mineral Resources. WWF and the member organizations of the Extractive Industry Platform did not need another intermediary to dialogue with the government. As previously mentioned, the Platform is a valid interlocutor recognized by the government itself.</p>
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Table II: Questions 6 to 11. Objectives: level of CS involvement; CS / Government communication link; level of government receptiveness

<p>Questions</p> <p style="text-align: right;">CSO</p>	<p>6- What was the level of government receptiveness to your proposals and claims?</p>	<p>7- Who were the government interlocutors with whom you spoke during the drafting of these laws?</p>	<p>8- Did these interlocutors belong to any ministry with a direct interest in the approval of the diplomas, or were they from other entities chosen by the government?</p>	<p>9- In your opinion, is the CSOs involvement in this process a result of the Government initiative or the proactivity of CSOs?</p>	<p>10- The process was peaceful or there were phases of some turbulence. If so, how did it manifest itself</p>	<p>11- Has the government publicly acknowledged the contribution of CSOs after passing laws in parliament?</p>
<p>CIP</p>	<p>In some cases receptive and in others, not at all. For example, on the issue of transparency of contracts there was no acceptance, (but) what the parliament later incorporated into the law.</p>	<p>MIREME and the Tax Authority, directly.</p>	<p>yes</p>	<p>In an initial phase it was initiative of the Government. But in the critical / last phases of the process, there was closure. Thus, civil society had to go behind the parliament.</p>	<p>There was turbulence in the revision of the oil law, that there was no public consultation, as happened with the law of mines and tax laws. And the CIP exposes the Government critically and publicly.</p>	<p>The Government does not, but the parliament does. The 1st and 5th committees recognized the contribution of civil society in their opinions.</p>
<p>AENA</p>	<p>There was an incompatibility that we may not very significant, although the pressure of civil society was reached in the first instance, since the aim was to adapt the legislation to the</p>	<p>The dialogue was not specific to AENA but involved other civil society actors. the Ministry of</p>	<p>the interlocutors were from MIREME and included some other entities.</p>	<p>The involvement of CSOs stems from the initiative and pressure of civil society and on the basis of this, the government</p>	<p>The turbulence of the documents was about the participation of the Mozambicans (5% as shareholders), who are the Mozambicans; the question of the percentage of revenues to be channeled to</p>	<p>The government acknowledged that the proposed laws were drafted through wide consultation with civil society, the private sector and other actors, without however</p>

	current situation. However, some issues have not been addressed by the Laws and current efforts are related to ensuring that they are	Mining Resources and Energy (MIREME) was the head of the process, of course because it is the proponent of mining and oil legislation.		has already felt the need to do so as a practice, as national legislation provides.	communities; the question of fair indemnisation (which means just and how to apply it, that is regulation), the high authority of the extractive industry that can not be subordinated to the Ministry of Mineral Resources, but to the Assembly of the Republic, among other matters.	highlighting only one sector.
CTV	In the cases in which the CTV has participated, fortunately we have had a good response from the Government, they agree to mark the meetings that we request and we present our concerns and they are answered in a positive way.	MIREME	Not applicable	Not applicable	Pacific	Not applicable
AMA	Low	Staff accredited by MIREME	yes	I would say, relationally. Pressure and need to prove to the international community that there is a political will to this end.	Pacific	Yes, strategically it was necessary that this be done

AAAJC	Reasonable except for the issue of community development funds (Article 20 of the Mining Law) and the issue of State expropriation of land in favor of the private sector and not for public utility (Article 27/2 Minas Law) and Promotion of National Business (Article 34 Mining Law)	With none!	The Government in general has not had a healthy relationship with civil society, due to the fact that in recent times there is a deficit of the law enforcement by the Government. In relation to the 2 laws in question, the AAAJC as CSOs is represented by the National Platform on Natural Resources and Extractive Industry and the Extractive Industry Transparency Initiative in Mozambique (EITI). In the scope of the Platform, the latter, a survey was carried out to evaluate the Mining Law, having concluded that the articles referred to in paragraph 4 did not meet expectations.	As already mentioned, little communication exists between the State and CS, especially when it is intended to pass laws. The processes in a fund are only to formalize a process that has already been decided by the technicians hired by the Government, who in most cases carry out extrapolations with the appropriate adaptations of laws of our legal neighbors, such as Portugal, RSA and very recently Brazil .	The Government does not see any use in the activities of the CS, so very recently it had produced a proposal to revise the Law of Associations without accepting any of CS contributions, the main interested party. Fortunately, the Constitutional Court considered this proposal unconstitutional.	The only known role represented by Parliament was the adoption of the Laws in question. To give an example that the parliament was not very committed to the process, look for the art. 25 of the Mining Law, which provides for the creation of the High Authority of the Extractive Industry. There is a conflict between CS and the Government regarding the entity under which the High Authority is accountable. The Government wants it to be the Council of Ministers; while the CS wants it to be under Parliament, since this body is the representative of the people. Parliament has not spoken on the subject, which suggests that the influence of the Government is quite strong.
WWF	The level of reception was generally positive but not all the	MIREME	Not applicable	Civil Society was proactive but the	It was a relatively peaceful process. There have been some	Yes, the government has come to recognize civil society

	<p>recommendations made were accepted and integrated into the final version of the Legislation</p>			<p>Ministry, as a result of the collaboration that was already taking place, was open enough to accept with interest the participation of Civil Society. Given the explosion of interest in the exploitation of natural resources in Mozambique, the government felt the need to strengthen its legal framework in the extractive sector</p>	<p>moments of tension as Civil Society has been pushing the Government for greater transparency with regard to the content of the contracts, namely the provision of information on who is the partner of the exploring companies and what are the fees charged either for contracts / licenses and on corporate revenues and the Government's reaction is not always positive with regard to the publication of this type of information. But it was not a very tense process</p>	<p>contribution to the contributions that have been made in this process.</p>
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