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Chapter

Community Collective Land Stewardship Contributions to Sustainable Rural Development: Lessons from Cubo, Mozambique

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Abstract

This chapter offers lessons on the ineffectiveness of community collective land stewardship as an enabling tool for local communities in semi-arid Africa to adopt biodiversity conservation to diversify their income and contribute to sustainable local-level rural development. While collective community stewardship of land could have transformed local land from an open accessed commodity into a collectively managed resource for community prosperity, and ensuring democratic decision-making, and permanent community benefits for generations, the Mozambique government's inability to effectively implement the statutes of its land law thwarted the Cubo community's dream to contribute to local sustainable development, due to competing land use. In the case of Mozambique, a number of factors contributed to the community's loss of its land to alternative use/agrofuel production, including the government's inadequate political will to enforce the land law's statutes; ineffective civil society to protect communities against the booming private interest in land for investment in agro-based businesses; blind loyalty of community members to their traditional leaders who are susceptible to corruption and manipulation by the private sector; illiteracy among community members, which renders them incapable of fully understanding their legal rights to land; and lack of financial capacity for the community to take legal recourse against the government's violation of its land law. We recommend that the new discourse on land tenure reform in Mozambique should: critically examine the effectiveness of how the government is enforcing its land tenure legislation; consolidate processes of accountable governance, transparency, and promotion of the rule of law. Additionally, Mozambique's civil society should: (a) proactively influence the government to prioritize implementation of existing laws and policies that promote devolved natural resources management to the local communities, and work on harmonizing cross-sectoral policies and legislation that improve management effectiveness of land and natural resources; (b) strongly advocate for implementation of Community-based Natural Resources Management models that strengthen locally accountable institutions for natural resource management and use—enabling local communities to protect their land and associated resources against foreign acquisitions; (c) improve transparency and effectiveness in enforcing the land law—to ensure that all its statutes are adequately implemented and

enforced. The Cubo community's experience of losing its collectively secured land to alternative uses exemplifies one of the challenges faced in integrating local communities in biodiversity conservation and rural development programs in southern Africa, wherein some situations, power and money could easily trump laws and rules.

Keywords: community collective land stewardship, biodiversity conservation, sustainable rural development, ineffective land law, land alienation

1. Introduction

Rural development can be defined as a process that seeks social change and sustainable economic development for the rural community's ongoing progress. The goal is to improve the rural people's livelihoods and preserve the environment at the local level, where changes can be seen and felt in a more immediate manner, guarantee intergenerational equity, and ensure that the current generation must not compromise the ability of future generations to meet their material needs and enjoy a healthy environment [1]. In most African rural areas, agriculture (crop and livestock production) is often the dominant, and sometimes the exclusive economic sector that is considered as the driver of rural development. However, dependence on agriculture as the mainstay for livelihoods and rural development is severely constrained in the semi-arid areas, where soils are poor, and rainfall is insufficient. Consequently, rural people skewedly depend on natural resources (forests, wildlife, fish, grazing land, etc.) which are openly accessed by users, without individual or collective commitment to manage or regulate the use, which often leads to depletion, and environmental degradation.

To address this tragedy of the commons, the Cubo community in Massingir District, Mozambique, guided by the Land Law of 1997, chapter 3, Article 9 and Decree 66 of 1998 secured land rights to collectively manage and commit it to biodiversity conservation through the establishment of a Community Conservancy. The Conservancy was established as a mechanism through which the communities could partner with the private sector, and directly participate in the wildlife economy, through ecotourism marketing, selling of live wild animals, production of game meat to supply in the ever-growing venison market in Mozambique, and other associated benefits, such as employment in fencing and management of the Conservancy.

This collective community stewardship of land would have transformed local land from an open accessed commodity into a collectively managed resource for community prosperity. Under this arrangement, community members who have relationships with the land were expected to practice democratic decision making, and ensure permanent community benefits for generations. This was the basis through which communities themselves would have contributed to sustainable rural development in the Massingir District, Mozambique. This dream was however not realized due to competing land uses, and Mozambique's government's inability to effectively implement the statutes of the land law and this exemplifies one of the challenges of using collective land stewardship as a mechanism for promoting sustainable rural development in Africa.

This chapter highlights the fragility of community collective land stewardship as a tool for enabling sustainable rural development and addressing the problem of the tragedy of the commons. It elucidates the community's socioeconomic status, and its rationalization to integrate biodiversity management and sustainable use of wildlife into its land-use options; outlines the process the community had followed in

acquiring land tenure security and its governance; highlights possible reasons for the Mozambique government's imposition of agrofuel production on a secured communal land, and provides lessons on Mozambique's non-committal to its own land law. Overall, this chapter exemplifies one of the challenges faced in integrating local communities in biodiversity conservation and sustainable rural development in Africa where power and money could easily trump laws and rules.

2. Cubo community's socioeconomic profile and rationalization to adopt collective land stewardship for biodiversity conservation as a strategy to improve their livelihoods, and contribute to rural development

The Cubo community comprises three adjacent villages (Cubo, Chivovo and Mbidzo), collectively referred to in this chapter as the Cubo community, inhabited by at least 2500 people of the Shangaan tribe. Based on a socioeconomic sample survey of 152 households, carried out by Munthali, et al. [2], the Cubo community occurs in a predominantly savannah woodland, typified by poor soils, and low and erratic rainfall (300-400 mm/annum). Consequently, conventional agriculture is generally unsustainable. Hence, people's livelihoods largely depend on livestock, forestry, and wildlife resources. At least 51 plant species are being utilized for food, medicinal purposes, timber, and firewood [2]. In addition, 21 wild animal species are being used for food leading to the extinction of almost all large mammals outside the protected areas [2].

As the population of this community is predominantly of middle age (49 ± 4.0 years), with a fairly large family size (5 ± 2 children per household), the pressure on natural resources can be expected to escalate with time, aggravating land degradation and poverty, which is already characterized by unacceptable indices, such as high illiteracy rate (56.2% among males and 83.8% among females); low employment ($\approx 6\%$ of the population); and high food insecurity (with 65% of male-headed and 50% of female-headed households) running out of food within 6 months of the year; and scanty household possessions [2]. Additionally, social amenities, such as schools and health facilities are scarce, and community members have poor access to clean drinking water. Household earnings averaged about US\$0.56/day [2], which was below the US\$2/day threshold recommended by the United Nations [3].

In recognition of the high levels of social dissatisfaction, the Cubo community opted to adopt biodiversity conservation, production of wildlife, and ecotourism development adjacent to the Great Limpopo Transfrontier Park (**Figure 1**). In southern Africa, local communities usually adopt biodiversity conservation through programs commonly known as Community-based Natural Resources Management (CBNRM). CBNRM has been variously defined as "a broad rubric encompassing a wide range of resource management programs that share a recognition of the participation of people who live near or interconnected with natural resources [4], or as a broad spectrum of new management arrangements and benefits sharing partnerships for the involvement by people who are not agents of the state, but who, by virtue of collective location and activities are well placed to enhance the present and future status of natural resources, and their own well-being [5]. The approach is a community based because the communities managing the resources have the legal rights, the local institutions, and the economic incentives to take substantial responsibility for sustained management and use of these resources. CBNRM has been firmly rooted in wildlife management with income earned from tourism and trophy hunting providing the main economic incentive for rural communities to invest in wildlife as a form

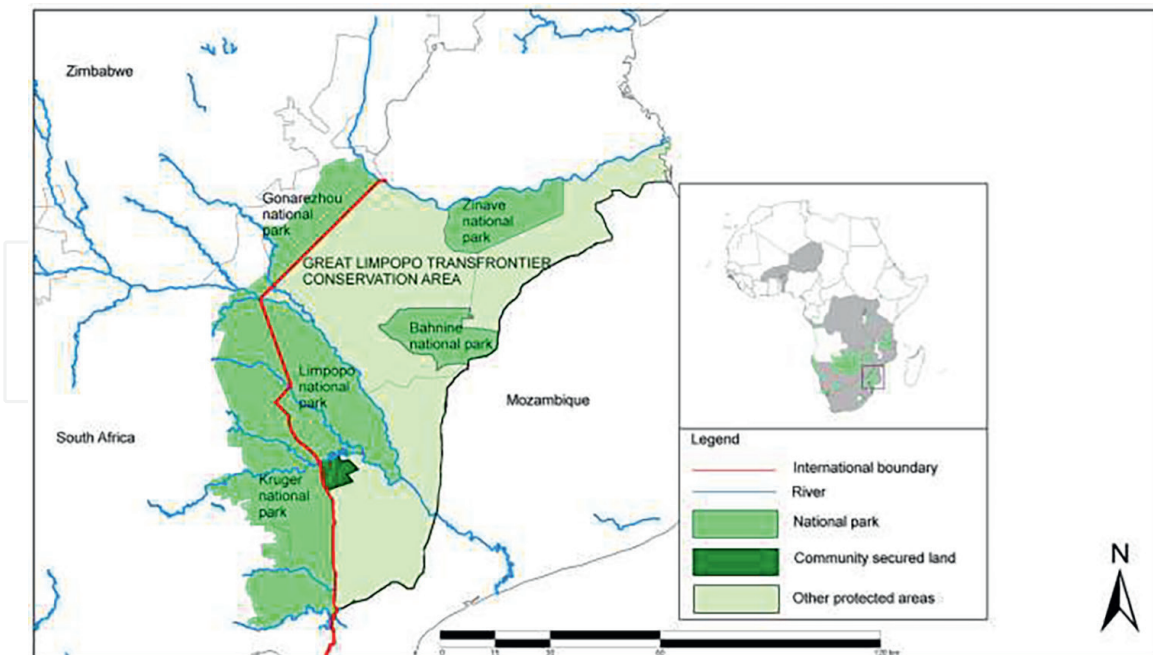


Figure 1. Positioning of the secured community land (Cubo, Chivovo and Mbindzo) relative to the Kruger and Limpopo National Parks (map drawn by Gordon Ringani).

of land use, improving local economic options, and extending the amount of land used for wildlife across the region to communal areas.

At the core of CBNRM initiatives is widespread recognition among policymakers that for wildlife to persist outside state protected areas, and private and communal lands, it must be an economically competitive land-use option for landholders [6]. This perception has led to a proliferation of CBNRM initiatives, all with a common agenda—integration of biodiversity conservation and improvement of rural livelihoods, with the wildlife economy providing multiple private sectors and community partnerships opportunities in the live wildlife animal sales, ecotourism supply chain and game meat production for local consumption as well as commercial trade in supermarkets and urban restaurants, thus being the trigger for improved household incomes of the rural poor, who usually have very limited economic capital assets. Additionally, several compelling reasons have forced governments to adopt CBNRM as an operational tool for their national biodiversity conservation programs. Notable among these being (i) a realization that protected areas (a system widely adopted to safeguard representative examples of ecosystems and biodiversity worldwide) are expensive to maintain without the support of rural communities, and are rarely financially sustainable in the face of competing demands on dwindling government budgets [7, 8]; (ii) the growing realization both from the conservation movement, starting with the 1980 World Conservation Strategy [9] and within the rural development theory of the importance of understanding the needs and perspectives of local people; and (iii) the Convention on Biological Diversity, which emphasizes three equally important objectives: conservation, sustainable use and equitable sharing of benefits—has reinforced the role of local people in nature conservation and management.

For the Cubo community, their quest to venture into CBNRM, through the establishment of a Community Conservancy, under a community-private sector partnership was triggered by an opportunity arising from its location adjacent to the Great

Limpopo Transfrontier Conservation Area (GLTFCA). The Conservancy was strategically positioned where the Kruger and Limpopo National Parks meet (**Figure 1**); close to the existing tourism markets of the southern end of Kruger National Park (a world's renowned wildlife park, which prior to the Covid-19 pandemic attracted more than a million tourists per annum), and near an airstrip, and the Massingir Dam; thus, making the Conservancy quite attractive for investments in wildlife production, and tourism development and marketing—enabling community members to earn additional income from fencing and management of the Conservancy, and services, such as the supply of food to lodges, laundry, maintenance of the Conservancy fence, and waste disposal. Communities would have been shareholders through the allocation of their collectively owned and secured land to biodiversity conservation, wildlife production, and, tourism development and would have benefited from profit dividends.

For the Cubo community securing a collective tenure of its communal land, as described below, was essential because the provision of security of tenure is a prerequisite for better natural resources management and sustainable development [10]. Rural people generally need both secure individual rights to farm plots and secure collective rights to common-pool resources, such as flora and fauna upon which they depend. These are also preconditions for sustainable rural development, which aims to improve the rural people's livelihoods and preserve the environment at the local level, as well as guarantee intergenerational equity, and ensure that the current generation must not compromise the ability of future generations to meet their material needs and enjoy a healthy environment [1].

3. Securing land rights: process and governance

3.1 Process

Land issues and their relation to poverty have gained great importance throughout eastern and southern Africa. It has become a high-profile issue in virtually every country in these regions, more particularly in response to the scramble for land in the context of privatization and a search for foreign investment. Land held under various forms of communal tenure has particularly come under serious threats. Consequently, debates on land reform and provision of secure land tenure systems to the often-disenfranchised local communities have taken center stage by the governments, donors, civil society, and NGOs. This need was emphasized at a Conference on Land, Labour and Food Security in Southern Africa held in Johannesburg in 1997. During this conference, a Charter was drafted demanding governments, among other things to acknowledge that equal access to, and ownership of land is a basic human right, and that land reform policy should: (i) break the monopoly of landholding by landlords and commercial farmers, and give equal and secure ownership of land to those who live and work on it; (ii) be developed with full participation and input of the landless and rural poor, with emphasis given to the interest of rural women and the youth; (iii) should be driven by the principles of social justice and basic human needs as opposed to market forces; and (iv) that people who have been displaced from their land by conflict or unjust policies should have the right to claim their rights to land [11].

The argument is in favor of consolidating communal land tenure is that customary tenure which is most prevalent in rural Africa is insecure for the smallholder farmers

and provides no incentive for land improvements, prevents land from being used as collateral for credit and that it prevents the transfer of land from inefficient uses to efficient ones [10]. Provision of communal land tenure security is, therefore, seen as a precondition for intensifying agricultural production and is increasingly stressed as a prerequisite for better natural resource management and sustainable development. In response to these needs, over the past three decades, many countries in eastern and southern Africa have been addressing the issues of inequitable access to land.

To address the problem of inequitable access to land, the Mozambique government enacted a land law in 1997, which is supposed to accommodate the new political, economic and social context and guarantee access and secure tenure to land, both for the Mozambican local communities and the national and foreign investors [12]. Under this law (Article 1), a 'local community' is defined as "a grouping of families and individuals, living in a territorial area that is at the level of a locality or smaller, for the purpose of safeguarding their communal interests through the protection of traditional areas, agricultural areas, whether cultivated or lying fallow, forests, places of cultural importance, pastures, water sources and areas for expansion". According to this Law (Lei de Terra) of 1997, tenure security for local communities is supposed to be protected in three ways:

- i. By recognizing that the right to use land can be acquired by formal request (Article 12.c of the land law), by occupation by individuals and local communities according to customary norms and practices (Article 12.a), or by national individuals who have already utilized the land in good faith for at least ten years (Article 12.b), and the law explicitly states that the absence of title and/or registration does not hinder the right acquired by occupation (Articles 12; 13.2 and 14.2).
- ii. Giving local communities an important place in the new legislation. First, they are explicitly recognized as subjects for the right to use land (Article 10.1). Second, they are assigned an active role to play in the management of natural resources, in the resolution of conflicts, and in the titling process to ascertain if the land is vacant (Articles 13 and 24).
- iii. Allowing the proof of land use rights based on testimony by members of local communities, as well as through the presentation of the title document (Article 15).

Thus, in terms of land, the range of rights protection under this law is extremely broad, encompassing all the major categories of land use among rural communities, now and in the future. This is re-enforced by: (a) recognition of customary land rights; (b) granting greater leasehold security to smallholder and commercial interests—thus strengthening smallholders' chances to defend their rights in the face of growing competition for land from commercial interests; and (c) granting women land rights [13, 14]. Based on these statutes, Mozambique's land law theoretically provides an enabling legal framework upon which local communities can harness collective land stewardship and tangibly participate and benefit from biodiversity conservation through joint management partnerships with private investors, or with the state. It was on this basis that the Cubo community secured its rights to land on which they intended to establish a Conservancy.

Guided by the Land Law of 1997, Chapter 3, Article 9 and Decree 66 of 1998, the African Wildlife Foundation (AWF) used a step-wise approach in facilitating the titling and securing of the Cubo community land. This involved identification and

delimitation of the Cubo communal land. The community was the major player in the identification of its rights and the delimitation of its territory. AWF simply facilitated the process of self-determination by providing the community with a participatory methodology that translated indigenous knowledge into a form that was registered in a modern registry system—the National Cadastre. The approach was participatory, allowing the community and its neighbors to delineate and reach a consensus on the boundary of what they perceived to be their land. The delineated boundaries coincided with the historical lineage territory over which the Cubo community has jurisdiction over land and other natural resources, such as wildlife, forests, water, and pasture. A series of validation mechanisms were integral to the land delimitation process, whereby the Cadastral Department consulted the neighboring communities to verify (i) if they were consulted in the process of land delimitation and (ii) if the delineated boundaries were correct. In addition, the administrator of the Massingir District ensured that the registration process was transparent and that it considered various interests of those desiring to secure their land, including the interests of neighboring communities and other stakeholders, such as the authorities of the adjacent Limpopo National Park, and the private concessionaires. The outcome of this process included:

- The consensus among different interest groups within the community and its neighbors, *i.e.*, state-protected area and private concessionaires on the delimited land for Cubo;
- Official mapping of the Cubo communal land (101,000 ha) by the Provincial Cadastral Department;
- Issuing of *Certificates of Land Use and Benefit Rights* to Cubo community by the Provincial Governor of Gaza. Thus, offering them a co-title for their communal land. Co-titling refers to the registration of land that collectively belongs to the community, and not to individuals within that community. It confirms the existing rights of the community to their land with the same degree of security as a land title for a private concession.
- Participatory zoning of the secured land, allowing the Cubo community to accommodate within its secured land various uses, such as allocating land for (i) the establishment of a Conservancy for biodiversity conservation and tapping into the wildlife economic opportunities, (ii) settlement and agriculture, and (iii) livestock grazing, which included areas where community members could extract forestry resources (fruits, timber, medicinal plants, etc.) (**Figure 2**). Of the secured 101,000 ha, the community assigned 41,000 ha (about 41%) of nearly pristine land to the establishment of a Conservancy, with the potential for natural dispersal of wildlife from the Kruger and Limpopo National Parks to the Community Conservancy. The Conservancy's wildlife carrying capacity, in terms of biomass, was estimated at 49,200 kg ha⁻¹ [15]. Infrastructure and management costs for the conservancy were to be initially paid by AWF and in-kind donations from donors for a period of at least 8 years after which period these costs would have been taken over by the community and paid for by dividends from wildlife-based enterprises. The assumption was that by the 8th year, the Conservancy through conservation enterprises, such as ecotourism, sales of live wild animals and game meat, etc., would have been financially viable and profitable to pay for the Conservancy's management costs.

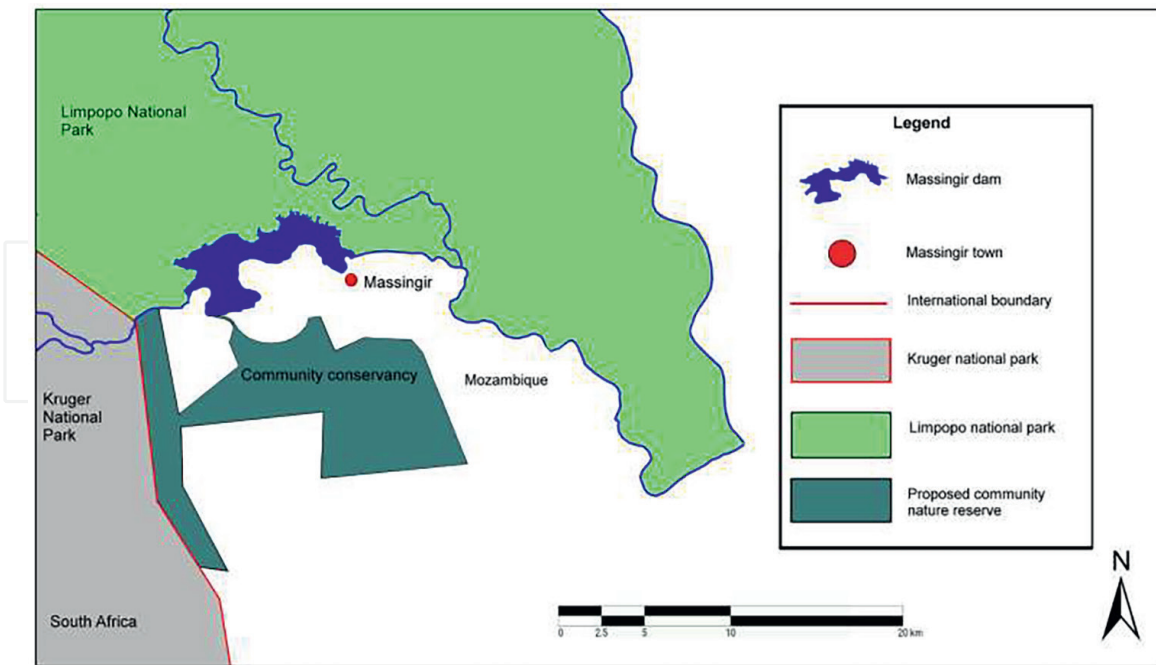


Figure 2. Cubo secured communal land allocated to biodiversity conservation (map drawn by map drawn by Gordon Ringani).

Securing and leveraging communal land for biodiversity conservation and tapping into the wildlife economy for the Cubo community was expected to have several benefits, including:

- i. Changing from an open-access resource use regime, where overexploitation is inevitable to a legally secured common property regime in which communal right holders would have managed their natural resources (forests and wildlife) exclusively to preserve and enhance their long-term productive capacity for the benefits of current and future members of the community. This was especially important for the Cubo community, where deforestation is rampant due to charcoal production.
- ii. Shifting from subsistence use of forestry and wildlife resources to market-oriented production and marketing would have led to the diversification of household income for the community holding communal rights to the Conservancy.
- iii. Using the secured land/the Conservancy as collateral for the community to attract extra support (*e.g.*, financial grants, or soft loans) from non-governmental organizations and donors for investment in wildlife production, conservation, and ecotourism development. Better access to land resources, with greater security, is a necessary condition for the community to negotiate joint partnerships with the private sector in the development and management of the conservancy.
- iv. Providing the community with an opportunity to lease its natural capital assets (the Conservancy) to the private investor, and this would have been consistent with successful CBNRM programs in southern Africa, which follow an

empowerment and enterprise approach, where community-based organizations (CBOs) are registered and contract directly with the private sector [8]; and

- v. The community's quest to establish a Conservancy conformed to the resolutions of the 5th IUCN's World Parks Congress of 2003, and the Convention on Biological Diversity 7th Conference of 2004, which recognized and recommended the establishment of "Community Conserved Areas" as the fundamental mechanism in support to biodiversity conservation, and equitable sharing of benefits arising from biodiversity conservation [16]. It was also in agreement with Mozambique's own legislation on land (*Lei de Terra* of 1997), and forestry and wildlife legislation (Mozambique government 1997).

3.2 Governance of the secured land and conservancy

In southern Africa, the legal personality for governing CBNRM is either a trust, Associações (as is the case in Mozambique), communal property association, or community-based organization (CBO) which is empowered to govern and represent the communities' interests in the management of the natural resources. In addition, the empowerment of communities over their land and associated natural resources, such as wildlife and forests establishes them as prospective partners in any commercial joint venture deal with private investors, and/or state agencies.

For the Community Conservancy, an Associação was established comprising three females and seven men elected by the Cubo community. The inclusion of women was consistent with Mozambique's constitution, in which men and women are equal before the law in all aspects of political, economic, social, and cultural life. As equal members within the community, women representatives are supposed to fully represent the interest of women within their communities in land management decision-making processes and other aspects of socioeconomic development. The Associação was established to reinforce local accountability—a prerequisite for them to gain direct benefits from investments in conservation-based business and/or in-kind donations from effective local-level land and biodiversity management. The roles of the Associação were to:

- Consolidate collective rights to land and biodiversity assets;
- Garner collective coercion among the community members in setting rules for the governance/management and use of their secured land, forest, and wildlife;
- Represent their members in negotiating partnership arrangements with private investors in the management of the Conservancy, and conservation enterprise development;
- Promote collectiveness in harnessing equitable sharing of benefits from investments on the Cubo community land;
- Represent the community's interests in various developmental endeavors, such as social amenities (health, schools, roads, water supply), livelihood security (food production, livestock husbandry, etc.), land use conflict resolution, and other aspects depending on the community's needs; and

- Defend the community's rights to its secured land tenure.

To fulfill the Associação's mandate, its members were trained by AWF in various aspects (resource management, conflict resolution, financial management, etc.) to ensure that it appropriately served the community's interests and expectations.

4. Vulnerability of community collective stewardship of the land as a strategy for promoting conservation and sustainable rural development

4.1 Corporate's grabbing of the community secured land

Despite the Cubo community's success in legally securing its land rights and unconditional support from AWF and donors to develop a Conservancy, as a tool for diversifying its income opportunities and contribute to rural development, the Mozambique government through its local administration in Massingir District rescinded its decision to allow the community to develop 41,000 ha of its secured communal land for biodiversity conservation and wildlife-based enterprise development. The state instead signed a contract with a London-based Central African Mining Company (CAMEC), operating locally in partnership with ProCana for agrofuel production, with an estimated output of 120 million liters of ethanol [17]. This was intended to be produced from sugarcane that was to be planted over an area of 30,000 ha of the community land without any compensation for the community's loss of its land.

Sugarcane production was preferred despite speculation of serious water availability problems (<http://www.osisa.org/node/10517>) and the inability by ProCana to secure the requisite investment capital for ethanol production [17]. It is estimated that a liter of agro ethanol produced from sugarcane can use as much as 4000 l of water [18]. Therefore, for ProCana to produce its pledged volume of 120 million liters of ethanol, it would use at least 480 bn liters of water, which would deplete the available surface and underground water supply in Massingir District; hence from an environmental perspective, agrofuel production is not a sustainable venture in Massingir District. Additionally, the rationale that sugarcane growing, and ethanol production could create about 7000 local jobs was questionable, especially as similar ventures in Mozambique have failed to improve rural livelihoods. There is some evidence that levels of pay offered by agrofuel production ventures in Mozambique are so low that those employed are not any better off [19]. Furthermore, most agrofuel crops require little labor, mainly in the form of short-term work clearing the land to make way for the plantation and some work at harvest time, thus, there are few long-term jobs for local communities [20]. It is estimated that one permanent job is created for every 100 ha of agrofuel planted, and where mechanized farming methods are used, employment levels are even lower; for instance, a harvesting machine can replace 100 jobs [21]. Therefore, adopting agrofuel production based on pledges of improved employment opportunities needs scrutiny by governments in Africa.

For the community of Cubo, which lost its land and the opportunity to diversify its livelihood strategies through the development of a Conservancy and tapping into the wildlife economy, its dream was shattered. The multiple benefits that could have accrued from non-governmental organizations and donor subsidized investments in biodiversity conservation, such as improved productivity of their savannah woodland through wildlife production, and marketing, would have increased opportunity for

entrepreneurship/small and medium enterprise development by increased potential for meat production from wildlife sustainable harvesting scheme; community capacity building and skills development in wildlife management and its associated businesses (e.g., participation in the ecotourism supply chain, and marketing with many spin-off benefits) were completely ignored by the state in weighing options for local economic development in Massingir District. The community's long-term benefits were ignored in favor of the unproven pledge of 7000 jobs that the proposed sugarcane and its associated ethanol production may have created. Considering the high illiteracy levels in Massingir District (56.2% among males and 83.8% among females [2]), the benefits from the ethanol industry were unlikely to be substantial for the community members because they could only benefit from low-paid manual work, on an average earning about \$0.7/day, which is below the UN recommended threshold of US\$2/day [3].

Besides poor wages, the use of large areas of land for agrofuel production may result in a range of detrimental environmental impacts, which can include deforestation and loss of habitat, soil degradation because of inappropriate farming methods, water pollution from pesticide and fertilizer use, and the depletion of water resources—threatening biodiversity, carbon stocks, and land and water resources. While converting forests and rangelands to mono-cropping—a common phenomenon in the production of agrofuels reduces diversity in flora, fauna, and agrobiodiversity, as well as aboveground and subsurface carbon stocks [18].

Irrespective of all these negative social and potential environmental impacts, the Mozambique government denied the Cubo community an opportunity to directly benefit from its secured land and wildlife resources in favor of agrofuel production, which never materialized. 15 years later (in 2021) the land which had been alienated from the community proposed conservancy continues to be degraded by deforestation due to charcoal production and overgrazing. In addition, the Massingir District harbors some of the most notorious poachers in southern Africa, who have been involved in decimating the population of elephants (*Loxodonta africana*) and rhinoceros, both black rhino (*Diceros bicornis*) and white rhino (*Ceratotherium simum*) in the Great Limpopo Transfrontier Conservation Area. These are the environmental ills that the communities themselves wanted to mitigate.

The indifference and lack of community support to biodiversity conservation in the transfrontier conservation area (though not confirmed by any research), can in part be linked to Mozambique's government's denial of the community's opportunity to establish, develop, and manage its own nature Conservancy for the collective socio-economic benefit of the community. The case of the Cubo community exemplifies the existence of high competition for land and other natural resources between local people and outsiders in Mozambique, and elsewhere in Africa, especially in areas perceived to be valuable for agricultural production or tourism development. The area where the Cubo community wanted to establish a Conservancy is one such area. Being part of the land, which is adjacent to the Great Limpopo Transfrontier Conservation Area, it has high value as a productive asset, attracting a wide array of investors, including unscrupulous ones, both from within and outside Mozambique, who bypass or cursorily pay attention to legally prescribed procedures in accessing land for investment in agriculture production. Most of these land seekers are speculators who use their connections with senior political and government officials to secure land rights over large areas but many lack the financial resources to develop their concessions. It is unfortunate that the government disregards its own people's interest in favor of the private sector, irrespective of the latter's credibility.

5. Lessons learned from Cubo

The Mozambique government's denial of the Cubo community's desire to develop a nature Conservancy in favor of agrofuel production contradicts the primary purpose of its land law (Lei de Terra of 1997) which is to secure customary land rights, thereby helping to manage and reduce conflict over land tenure and promote rural development through among others, conservation and communities' participation in the wildlife economy as an option to diversify livelihood strategies in rural areas, especially where conventional agriculture is not sustainable, such as in Massingir district. Similarly, there is a special recognition in the land law, of the rights and interests of local communities, including mandatory requirements for community consultations and hearings when land is transferred to new uses and/or users; hence it is quite puzzling that the implementation of these positive legal and institutional frameworks has been ignored by the government in addressing the Cubo community's lost opportunity to adopt collective land stewardship as a strategy to improve its rural livelihoods and contribute to local level sustainable development.

Although the Mozambique government's contempt for its own land law has not been fully assessed, it may be due to the following interrelated factors.

5.1 Ineffective enforcement of the land law statutes

There is a gap between the law-making rhetoric and on the ground enforcement of the land law due to weak institutional capacity, poor governance, lack of political will to enforce the law, and vested state's interests—contrary to communities' needs. These shortfalls are being amply taken advantage of by the district authorities, who under the pretext of promoting national economic priorities, promote the interests of investors over local communities' needs. The ease with which ProCana secured a leasehold concession on the community's legally secured land is subject to wild speculations, but it appears the process may have been aided by powerful Mozambicans who had a stake in the venture and bribing of traditional leaders by ProCana [17]. Traditional leaders have since colonial times been susceptible to corruption and in almost all southern African countries; tenure insecurity is sometimes caused by the exploitative behavior of traditional leaders and rent-seeking government officials [10]. Contrary to the statutes of the land law, the Cubo community members were cursorily consulted about the transfer of its land to the private sector. The district authorities focused their land acquisition consultations on community elders/village headmen, who granted permission unwittingly without the full involvement of the wider community [17]. Such agreements are made in exchange with promises from the investor to improve employment and facilities in the area, but such pledges are hardly fulfilled, leading to resentment from the community [19].

The Cubo case demonstrates that legal rights to land are not enough. They need to be set in the broader historical and political context of the country. Nelson and Agrawal [22] observed that institutional reforms that devolve rights to the local level have been relatively successful in countries where public institutions are efficient and the rule of law operates—for example, in Namibia, Botswana, and pre-crisis Zimbabwe. This, they argue, is not the norm across sub-Saharan

Africa—where in general state institutions are characterized by patrimonial relationships and weak rule of law. The partial devolution of valuable natural resources such as wildlife to the local level (as observed in Mozambique) appears to be fundamentally at odds with the interests and incentives that dominate governance processes [22].

5.2 Illiteracy and “blind” loyalty to traditional leaders and local government officials

The Cubo community’s “blind” loyalty to traditional leadership and local government officials may have contributed to its lack of effort to challenge the alienation of its land by ProCana. The community, through its Associação could easily have used the extant land law to challenge the grabbing of its land, but it has not done so, and this was compounded by a lack of funds to hire a lawyer to challenge the state in the court of law. Illiteracy, which is prevalent among the community members, may have contributed to a lack of fully understanding of the statutes of the land law. This is being aggravated by the lack of effective civil society’s support in Mozambique to assist communities like Cubo to take legal recourse against the government’s violation of its land law.

5.3 Susceptible communal tenure security

The sources of land tenure insecurity in Mozambique are more complex than generally acknowledged. The statutory mechanisms for securing land tenure rights are insufficiently effective to protect the full range of land interests in modern and globalized economic circumstances. Those with the least status, knowledge, or means, such as local communities are least well served. The State itself is a source of insecurity due to the way it easily transfers communal land tenure rights to the private sector—a process that appears to have strong economic incentives for political elites and central bureaucracies to consolidate their control over natural resources at the expense of local communities who are custodial owners of these resources.

5.4 Lack of political will in support of CBNRM programs

CBNRM programs are greatly constrained by a lack of political will to enforce the extant enabling policies and legislation, regardless of international NGOs and donor support. Attempts to set up CBNRM projects against the backdrop of legislation, such as Mozambique’s land law, that is not being effectively enforced, wastes donor funds, derails the morale of the supporting NGOs, and erodes the community’s capital assets—notably the natural capital (e.g., land & its associated stocks of natural resources and environmental services); social capital (natural resources governance associations, norms, trust and disposition to work for a common good for biodiversity conservation); and loss of potential by the communities to diversify their income generation from conservation enterprises and the related spinoff businesses. International NGOs spearheading CBNRM efforts are poorly positioned, in a political sense, to address the problem of ineffective enforcement of the land law statutes.

5.5 Ineffective civil society

Mozambique's civil society has so far been very ineffective in protecting communities like Cubo from losing their land to private interests. Civil society faces the challenge of balancing the different expectations of the government and the local communities, especially as the functions of government agencies in implementing and enforcing the land law are constrained by weak processes of accountable governance, limited financial resources, and scarce capacity. The national civil society needs capacity building so that it should be able to encourage the government to prioritize implementation of existing laws and policies that already promote devolved natural resources management and work on harmonizing cross-sectoral policy and legislation that improve the management effectiveness of land and natural resources. This process should be reinforced by strong civil society's advocacy for CBNRM models that strengthen locally accountable institutions for natural resource management and use, enabling local communities to protect their land and resources against foreign acquisitions. Civil society should also focus more on improving transparency and effectiveness in enforcing the land law, to ensure that all its statutes are adequately implemented and enforced.

The civil society should also strongly advocate for Mozambique to implement various international conventions, such as Convention on Biodiversity (CBD) and the United Nations Convention on Combating Desertification (UNCCD), among many others. While national sovereignty is paramount for any country, these Conventions have been widely embraced by many countries in the world in promoting and implementing biodiversity conservation programs, and Mozambique is a party to these conventions. The CBD, for example, specifically recognizes the potential role of local communities in biodiversity conservation through Articles 8 (j), 10 (c), 10 (d), and 11 [23].

Additionally, UNCCD also recognizes the importance of secure land and resource tenure and forms of decentralization. The UNCCD places considerable emphasis on promoting the sustainable use of natural resources [Article 3 (b)], alternative livelihoods [Article 10. 4], and capacity building of local communities for sustainable land and resource management [Article 19]. The strong convergence between the key principles of the CBD, UNCCD, and the generic approach to CBNRM in southern Africa should provide sufficient impetus for the civil society in Mozambique to encourage the government to improve its effort in implementing policies and legislative mechanisms that safeguard community's land rights, prevents alienation of their land without their collective consent, and guarantees their participation in conservation-based enterprises as a means of diversifying community livelihood strategies, and contribution to sustainable rural development.

6. Conclusion

Despite its contemporariness, Mozambique's Land Law is failing to guarantee secure tenure to land for its local communities, especially in areas perceived to be valuable for agriculture or biofuel production. This is primarily because of the government's inadequate political will to enforce the land law's statutes; ineffective civil society to protect communities against the booming private interest in land for investment in agribased businesses; blind loyalty of community members to their

traditional leaders who are susceptible to corruption and manipulation by the private sector; illiteracy among community members, which renders them incapable of fully understanding their legal rights to land; and lack of financial capacity for the communities to take legal recourse against the government's violation of its land law. The discourse on land tenure reform in the past two decades in Mozambique has dominantly focused on land-law formulation and institutional restructuring for implementation, but as witnessed by the Cubo community, there is a need to critically examine the effectiveness of how the government is enforcing its land tenure policy and legislation and find out why these enabling frameworks are being superficially implemented. Additionally, the new discourse on land tenure security should aim at consolidating processes of accountable governance, transparency, promoting the rule of law, and identifying sustainable mechanisms for mobilizing resources to enhance the government's capacity to effectively enforce its land law statutes.

Mozambique's civil society should: (a) proactively influence the government to prioritize implementation of existing laws and policies that already promote devolved natural resources management to the local communities, and work on harmonizing cross-sectoral policies and legislation that improve management effectiveness of land and natural resources; (b) strongly advocacy for CBNRM models that strengthen locally accountable institutions for natural resource management and use—enabling local communities to protect their land and associated resources against foreign acquisitions; (c) improve transparency and effectiveness in enforcing the land law—to ensure that all its statutes are adequately implemented and enforced; and (d) ensure that adoption of monoculture ventures, such as biofuel production is guided by objective assessments of their social and environmental impacts on the rural communities, so that such undertakings do not erode communities' natural and social capital assets, and denial them the opportunity to adopt collective land stewardship to pursue their locally rural development agenda.

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