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**ADVANTAGES AND DISADVANTAGES OF THE
MANAGEMENT OF CONSERVATION AREAS IN
MOZAMBIQUE BY A PARASTATAL ENTITY**

Summary and recommendations

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SUMMARY

Introduction

This study was funded by FAO through the FNPP/GLO/003/NET programme – FAO-Netherlands Partnership Programme (FNPP-Forests) and carried out in partnership with the National Directorate of Conservation Areas (DNAC) of the Ministry of Tourism (MITUR). The study is part of the set of complementary discussions and analyses aimed at improving the management and sustainability of the conservation areas.

The study was carried out in three phases: i) a 1st phase in Maputo, collecting information, ii) a 2nd phase, analysing and documenting the data, iii) a 3rd phase in Maputo, to present the findings to all partners interested in the subject.

The terms of reference for the study, defined by DNAC in coordination with FAO, were as follows:

1. Analyse the national policies and legislation and other technical documentation regarding the conservation of natural resources in Mozambique;
2. Analyse the functions, competencies, strengths and weaknesses of the national institutions involved in the management of the conservation areas in Mozambique;
3. Analyse the models of parastatal entities in operation in the region and in the World in general;
4. Present proposals and recommendations for the possible creation of a parastatal entity, with a view to making the development of the conservation and wildlife areas more participative;
5. Identify the risks for the parastatal model, from an ecological, economic, sociocultural and institutional point of view;
6. Present a schedule which would lead to the creation of the model recommended, including an evaluation of the necessary resources as well as suggestions for their mobilisation;
7. Organise a seminar, to be held with the partners and other experts, in order to discuss the proposals.

In order to meet these terms of reference, different players linked to government institutions, civil society and the private sector were consulted during the first phase. Twelve foreign countries, whose management of conservation areas is carried out by a parastatal entity, were selected for an analysis of their systems.

The results of the study are presented below in brief. For additional details please consult the main document.

1. Analysis of the national policies and legislation on the conservation of natural resources

1.1. Policies

The vast majority of documents analysed highlight the same general principles, with emphasis being placed on sustainable development, conservation of bio-diversity, and local community and private sector involvement. Some of these have covered points that are very relevant to the objective of the present study, such as the need for institutional reorganisation and for an improvement in hunting procedures, as well as in the management of the conservation areas.

Mozambique has a rich and diverse set of recent policies and sector strategies, which have been included in the more modern and innovative approaches as far as the management of natural resources is concerned.

However, although these policies and strategies appear to be coherent among themselves, they appear to have been developed in parallel by each of the sectors, without the necessary coordination. On the other hand, while they all deal with conservation, the emphasis and the importance placed on these issues varies according to the sector priorities of the policy or strategy promoter. This results in difficulties in obtaining a holistic vision of the guidelines on conservation in Mozambique.

Given the scarce human and financial resources, and the poor institutional coordination, it makes it difficult to achieve an effective implementation of the multiple measures set out in the documents analysed.

As a result, the preparation of a national conservation policy and the strategy for its implementation, planned for 2007, is extremely important and, as such, should constitute an absolute priority.

1.2. National legislation

Like its policies and strategies, Mozambican legislation on the management of natural resources is one of the most progressive.

However, even the best laws in the world are worthless if they cannot be fully and correctly implemented due to a lack of application documents. Without these, the laws are largely ineffective, which is the case with part of the Forest and Wildlife Law, which is lacking some joint MINAG/MITUR ministerial diplomas.

On the other hand, there is a dispersion of rules which are applied to the “protected areas” in different sector legislation documents, which were produced in an uncoordinated manner by the different ministries involved in the conservation areas. The different terminologies used for the same concept (conservation areas, protection areas, environmental protection areas, nature protection area) are witness to this fact.

Therefore, it is necessary to achieve some harmony between these legal documents, or rather, to prepare a specific document on **protected areas**, bringing together all of the elements scattered here and there, thereby allowing for a better perception of the conservation mechanism in Mozambique.

The same document should ideally adjust the designation and classification of the protected areas to their real situations and to the purpose for which they were created. Then again, their classification could be adjusted according to the IUCN categories, considering the existing reduced number of conservation area categories does not allow for it. At the same time, it should deal clearly with the rights and obligations of the people currently living inside the conservation areas.

2. Analysis of the functions and competencies of national institutions involved in the management of the conservation areas

The analysis of the functions of the main institutions involved in the management of the conservation areas revealed that they all have different strengths and weaknesses.

- *MICOA* is, by definition, a cross-cutting coordination ministry that, given its functions, could have a holistic vision of the environmental problems. It has the legal competencies in the field of conservation areas and, since it is a ministry that does not

manage activities that have a direct economic interest, it is more independent and impartial than MINAG and MITUR.

However, it is not a ministry of the environment in itself, but rather a ministry for the coordination of environmental action. It is a relatively new ministry, and consequently not yet consolidated, with limited human and financial resources, and still not fully acknowledged by the technical ministries.

- *MITUR* has the mandate over the conservation areas, with the exception of the Forest Reserves, which are under the jurisdiction of MINAG. In this way, the State can ensure a closer and more direct control over them. It benefits from significant income from tourism as well as from external funding for the development of some conservation areas. The DNAC (technical directorate) has all of the prerogatives necessary for an appropriate management of the conservation areas. Its UC-ATCF has well-trained staff, although few in number. MITUR is represented in all of the provinces. However, its activities are centred essentially on tourism and its logical directive is not the conservation of biodiversity. This carried out in the background, in the wake of tourism, and is done “by default”. Services within MITUR, other than DNAC, appear to have limited knowledge on conservation and its importance. The hierarchical circuit is heavy, resulting in an enormous loss of efficacy and a lack of responsiveness to decision-making.
- *MINAG* has good technical capacity in the wildlife field, acquired through extensive experience in managing the protection areas. It also has good technical capacity in forestry matters and, consequently, in the management of wildlife habitats, as well as rural development, which is indivisible from participative management of natural resources. It has a mandate over wildlife in most of the country. MINAG is an old ministry and has a better understanding of conservation aspects. It is well represented throughout the country and has a long-standing rapport with the communities. Notwithstanding, MINAG is oriented more toward the exploitation of forest and wildlife resources than to their conservation. It has insufficient qualified staff, which was further exacerbated by the fact that part of its better trained technical staff was transferred to MITUR. It does not manage wildlife fully, and does not have total mandate to be able to decide on the management of all of the wildlife resources. Lack of coordination with MITUR, is partly due to the fact that the transfer of competencies from one ministry to the other left wounds that have not yet healed.

The current organisation of the management of wildlife and the protected areas includes other State bodies such as the Ministries of Fisheries, of Education and Culture, of the Interior, and even the National Sustainable Development Council (CONDES). However, these ministries have relatively smaller roles and implications.

We can note, therefore, that there is a coexistence of various ministries and institutions susceptible of being involved in the management of the conservation areas and/or wildlife with no common vision and with different priorities.

This leads to a situation where there is little clarity on the role of the conservation areas and the tasks of each of the institutions in the conservation of natural resources. On the other hand, it leads to a dilution of responsibilities, and sometimes an overlapping of competencies, which could result in institutional conflicts. The end result is a dispersal of the already scarce national staff with the necessary training to carry out the efficient management of the protection areas, in the various governmental bodies, thereby preventing any of them from being strengthened and to the contrary, given the scarcity of qualified staff, actually reducing the technical capacity for intervention of each of the institutions individually.

Several examples of institutional conflicts or constraints clearly show the need for an overall review of the functions of the different institutions in that which concerns the management of the conservation areas. This need for a review is highlighted in many of the strategic documents consulted.

However, this review should not be carried out without first preparing the country's Conservation Policy, which should establish a common vision and set out its objectives (why? where? when?) and its resources (how?).

3. Analysis of the models of parastatal entities in operation in the region and in the World

3.1. Analysis of the structures

Several parastatal entities whose objective is the management of protected areas were established in Africa and in other regions of world. An analysis was carried on the different examples of parastatal entities in operation on the African continent, as well as in South America and in Europe, with regard to the date and reasons for their creation, their jurisdiction, objectives and competencies, human and financial resources, governance, strengths and weaknesses as well as mitigation measures adopted to overcome difficulties.

These examples are: SAN Parks (South Africa), KWS (Kenya), TANAPA (Tanzania), ZAWA (Zambia), ZPWMA (Zimbabwe), CENAGREF (Benin), OIPR (Ivory Coast), IBAMA (Brazil), ONCFS (France).

Two other examples that, although not actually parastatal entities like the former ones, were also considered since they can provide interesting information to the study were Madagascar, where the management of the protected areas was handed over to a NGO called ANGAP, and Mauritania, where a parastatal entity was created for each of the national parks.

From the analyses carried out, it is possible to highlight some common points as well as the successes and failures, which could be fairly useful to Mozambique, within the context of creating a parastatal entity for the management of the conservation areas.

➤ STATUTES

A difference can be noted between the statutes of the structures created in the Anglophone countries and those created in other countries. This is due to the difference between the Anglo-Saxon law and the Latin law.

The statutes derived from the Latin law appear to be clearer and better adapted to the cultural and legislative realities of Mozambique.

➤ REASONS FOR CREATION

The reasons for the creation of parastatal entities are fairly similar in all of the countries. Generally, they were created to improve and/or facilitate the management of the protected areas and wildlife, since the state management system is considered to be too centralised, not very efficient and sometimes totally ineffective (the case of Zambia).

The objectives sought are greater flexibility and responsiveness, faster decision-making and, in certain cases, ensuring greater participation by the communities, civil society and the private sector.

In some cases, the creation process was encouraged by donors, who have a tendency to support structures that are autonomous and that retain their income, and as such are more motivated than the State (Zambia, Ivory Coast).

All of these reasons are valid for the case of Mozambique. The current context appears to be fairly favourable to the creation of a parastatal entity in Mozambique.

➤ JURISDICTIONS

It is noted that in most of the cases (9 out of 11) the parastatal entity is under the jurisdiction of the Ministry responsible for the Environment, either exclusively or associated with other areas of intervention. Five cases fall under the jurisdiction of the Ministry of Tourism and all of these are associated with other areas. The Ministry of the Environment and Tourism are only associated in three cases. There are only two cases where jurisdiction is not awarded to the competent ministry for the environment.

This analysis provides some indications of what takes place in other countries, but it does not necessarily correspond to what should be applied in Mozambique, where the institutional placement of the parastatal entity should be a widely debated issue, involving all of the stakeholders.

➤ COMPETENCIES

In that which concerns competencies¹, all of the modalities are present, from the broadest, in the case of Zambia and Zimbabwe, to the narrowest, in the case of Tanzania.

Although the current situation in Mozambique is very similar to that of Benin, all of the options are possible.

➤ RESOURCES AND GOVERNANCE

The parastatal entities analysed can be divided into three categories, in function of their staff: large, with over 3 000 employees; medium, with 1 000 – 1 600, and small, with less than 500 employees.

As far as governance is concerned, there are different levels of participation by civil society (understood in this context as being the set of NGOs/ communities /private sector). It must be highlighted that even in those cases where the State holds the majority, it is not very widely represented. This demonstrates the general tendency to ensure that the management of the protected areas more participative.

There is also significant diversity in that which concerns the various sources of funding. However, it is evident that the main sources of funding for most of the parastatal entities come from own revenue and State Budget allocations.

Funding through a Trust Fund is not yet widely used, even though this option appears to be very promising, particularly in order to be able to achieve sustainable long-term funding (see below).

➤ STRENGTHS AND WEAKNESSES

Among the strengths of the parastatal entities analysed we have: existence of well-established and developed tourism in the “national parks”; mandate that includes hunting, an important source of income; well defined functions that are recognised by everyone; existence of a permanent external funding source such as foundations; numerous representations in the field, decentralised and short-range management; competent and motivated staff; participatory management included in the functions or implemented effectively; possibility of acquiring land to create new protected areas.

¹ All of the protected areas, national parks only, wildlife outside of the protected areas, game and game reserves.

As far as weaknesses are concerned, the following is emphasized: insufficient financial (and human) resources to carry out the mandate; only or main source of income; internal organisation problems; mandate that is either too restricted or too broad to ensure coherent management; excessive dependence on donors; political instability/ interference; too rapid creation, without giving due consideration to short-term developments and/or without vision; difficult relationship with the local communities; relatively low and uncompetitive salaries; outdated laws and policies; isolation from other structures.

Some of these points are pertinent to Mozambique and should be taken into consideration when establishing the parastatal entity.

➤ MITIGATION

Here we will only mention a few of the mitigation measures that we feel could be pertinent in preventing possible problems for the future parastatal entity in Mozambique:

- Implementation of an enticing remuneration strategy to attract and maintain the best technicians (e.g., SANParks);
- Development of special participative management programmes to improve the relationship with local populations and/or create a service dedicated specifically to these programmes (e.g. KWS and TANAPA);
- Increase partnerships with the private sector in order to increase income from the exploitation of the national parks (e.g. SANParks, KWS, ANGAP);
- Redefinition of the mandate for a better adaptation to the reality and resources available (e.g. IBAMA, CENAGREF);
- Implementation of a differentiated pricing strategy for parks entry fees, in order to increase income and for a better distribution of visitors (e.g. TANAPA).

3.2. Foundations and Trust Funds

Some of the countries studied resorted to a very interesting and promising mechanism for the sustainable funding of the parastatal entity in charge of the management of the protected areas, by using a Foundation or a Trust Fund.

The analysis of the examples of Mauritania (FIBA), Brazil (FUNBIO), Madagascar (FAPB), Ivory Coast (FPRCI), RCA/Cameroon/Congo (FTNS) shows various common points to all of the models:

- The capitalisation of the Fund is guaranteed by a set of international donors and NGOs (namely for the more recent Foundations). Highlighted from among the founders most committed to the process are KfW, World Bank, GEF and AFD, as well as WWF and IUCN. It must be mentioned that all of these partners are present in Mozambique.
- The Funds are managed by Boards of Directors made up by an absolute majority of civil society representatives, which ensures their independence.

Also to be highlighted is:

- The participation by industries in the capitalisation, both directly (FUNBIO) or through Foundations (FTNS).
- The use of debt-for-nature swaps to capitalise the Madagascar Foundation.
- The approach followed for the creation of FTNS, which included preliminary studies rich in teachings for a potential Mozambican foundation.

4. Proposals and recommendations for the establishment of a parastatal institution for the management of the conservation areas

Although there is an undeniable significant potential, the current system for the management of the conservation areas (carried out directly by the State) does not allow for its appropriate development, from a perspective of its valorisation.

Acknowledging this weakness, different policies and strategies mention the need for establishing an entity that is autonomous and has exclusive competence over the conservation areas.

4.1. Possible options

Five options for the management of the conservation areas are presented, in an attempt to highlight their advantages and disadvantages: 1) state management; 2) management by a parastatal entity (a single one or several); 3) total or partial privatisation (autonomous management enterprise); 4) management by a NGO; 5) management by different entities, according to the area.

- *Direct management by the State.* **Advantages:** (i) allows for absolute and immediate control of all activities implemented in the conservation areas; (ii) it is a simple (well-known) and cheap management method; (iii) ensures uniformity in terms of administration and policy implementation. **Disadvantages:** (i) it is difficult, if not impossible, to establish sustainable funding mechanisms involving all of the partners; (ii) it is impossible to sign contracts directly with partners, since it does not have an independent legal status; (iii) the communities and the private sector do not participate directly in the management; (iv) it does not resolve international commitments.
- *Management by a single parastatal entity* has a number of **advantages**, among which: (i) it allows for de-bureaucratisation and for the State to be closer to the other partners; (ii) clearly shows the jurisdiction over the conservation areas, thereby avoiding inter-institutional conflicts; (iii) is favourable to greater flexibility in terms of decision-making and faster and more effective response to environmental demands and market opportunities; (iv) an effective delegation of the necessary powers and functions facilitates the effective implementation and coordination of all management activities; (v) allows for contracts to be signed with third parties; (vi) it is directed by a Board of Directors made up of representatives from all of the stakeholders (State, Private Sector, NGOs and Communities), which ensures their participation in the decision-making process; (vii) reduces dependence on the State Budget, through direct management of generated income and the search for additional funding; (viii) encourages the technicians to improve their management practices; improves the work; creates conditions for increasing income and for optimising the operation of the conservation areas; (ix) allows for the selection, recruitment and management of high-level staff, giving them financial and material incentives. However, it also has some **disadvantages**: (i) it lacks clear definition of its level of autonomy and the degree of the State's intervention; (ii) community representation at national level is a serious problem; (iii) there is a risk of the entity concentrating too much on itself, and losing contact with the other sectors and other sector policies (becoming isolated), which could result in a reduction of efficacy; (iv) there is also the risk of the entity becoming a "State" within the State (e.g. IBAMA).
- *Management by several parastatal entity* has the same **advantages** as the case above, but presents the following **disadvantages**: (i) proliferation of autonomous decision centres and financial phenomena that are difficult to be controlled by the State; (ii) diverse management measures, which makes it difficult to implement the national conservation

policy; (iii) multiple parastatal structures and increased expenditure on installations, equipment, staff, etc.

- *Management by the private sector* could be seen in two ways: *total* or *partial privatisation*. In the first case, the **advantages** (i) the State fully delegates the management and its constraints to the private sector; (ii) achieves significant savings for the General State Budget; (iii) increases the State's income through the profitability of the parks and reserves, thanks to private management; (iv) allows for the construction of infrastructures beyond the reach of the State. **Disadvantages:** (i) the State loses almost all of its control over the conservation areas, particularly if it does not have the necessary resources to inspect and verify compliance with the established programmes and agreements; (ii) a fairly unrealistic option, taking into consideration the current state of Mozambique's parks; (iii) could be considered as a loss of sovereignty.

In the case of *partial privatisation* (mixed economy companies, limited liability company, ...) the **advantages** are: (i) the State maintains the right to observe and even significant power over the activities that are carried out in the conservation areas; (ii) it benefits at the same time from an appreciable complementary funding to improve and develop the areas without having to resort to extra funding from the General State Budget; (iii) it is freed from the rules and the weight of public accounting, which provides for faster decision-making and greater flexibility and efficacy in management; (iv) it allows for faster profitability of the parks and reserves, and setting up infrastructures that are beyond the reach of the State. However, this intermediate option has its **disadvantages**, among which: (i) it is difficult to attract new private partners for the conservation areas, given the current conditions of the parks; (ii) it does not favour the establishment of a competent and well-trained national structure for the long-term management of the conservation areas; (iii) it may create a conflict of interest between the private partner and the State, given that they have different goals.

- *Management by a NGO. Advantages:* (i) this solution is an intermediate term between the parastatal entity, subject to public accounting rules, and the private sector without real jurisdiction over the administration; (ii) the State maintains control over the activities, and determines the general policy and implementation strategy; (iii) this private-type management allows for greater flexibility and responsiveness. **Disadvantages:** this requires a strong and capable national NGO, which does not yet exist in Mozambique, or a group of competent and accredited people from civil society to establish this NGO.
- *Different management according to the conservation area* combines all of the **advantages** of each of the models presented above. However, it also has the following **disadvantages:** (i) the mosaic of structures and the multiple management modalities result in significant diversity, which complicates the implementation of the national policy, making its objectives unclear; (ii) it requires a coordination structure, whose powers may not be acknowledged by the different structures of the conservation areas; (iii) this system lacks visibility in the international community, and may subsequently prejudice external support.

4.2. The option: Management of the conservation areas by a parastatal agency

Taking into account the State's desire to maintain some control over the conservation areas, the Mozambican reality, the models in use in the region and in the world, as well as the opinions of the people and institutions contacted in Maputo, in November 2006, we opted for selecting and detailing the option of "management of the conservation areas by a parastatal entity, with legal personality and with administrative and financial autonomy". This entity shall be referred to throughout the document as the "Agency".

This choice is also justified by the following: (i) it is not new in Mozambique. It has been mentioned since 1997 in various sector policies and strategies; (ii) there are already several autonomous parastatal entities in the Country, with two of these falling under the jurisdiction of MITUR; (iii) it is a legal international obligation within the scope of the treaty on the establishment of the Great Limpopo Transfrontier Park; (iv) the vast majority of the interlocutors consulted in November were in favour of the creation of an "Agency" for the management of the conservation areas; (v) the creation of "Agencies" to manage the protected areas is increasing throughout the world in general, and on the African continent in particular.

➤ THE POTENTIAL MANDATE OF THE AGENCY

Various levels of territorial competence could be adopted. Five possible options, in increasing order of importance, could be considered: (i) Option 1: Only the conservation areas used for tourism purposes currently under the jurisdiction of MITUR (national parks and current and future national reserves and hunting concessions or "coutadas"); (ii) Option 2: Option 1 + ecotourism projects and community based ecotourism and conservation programmes (also under the jurisdiction of MITUR); (iii) Option 3: Option 2 + unfenced game farms, which in our opinion, should receive the same treatment as the "coutadas"; (iv) Option 4: Option 3 + wildlife outside of the areas referred above; (v) Option 5: Option 4 + forest reserves (classified forests).

The vision of the Agency would be to "*conserve and develop the wildlife resources and their habitats in the areas under its jurisdiction for the benefit of the people of Mozambique and of international conservation*". To transform this vision into reality, its objectives could be: (i) to conserve the ecosystems and biodiversity; (ii) develop the natural resources with a view to their valorisation, sustainable use and benefits to the surrounding communities; (iii) establish sustainable funding mechanisms that guarantee the long-term sustainability of the conservation area network; (iv) create a high-level centre of expertise on issues relating to natural resources management, with emphasis being placed on wildlife, to provide support in the development of the network for the conservation areas and private or community wildlife management initiatives.

In this scope, the Agency could have functions in the field: on technical management, law enforcement, community based natural resources management, research and studies, financial management, training, consultancy and international cooperation.

➤ OPERATION

Institutional placement: Being a parastatal entity, the Agency will fall under the jurisdiction of the State and advised by CONDES. Given the complexity of the choice of the Agency's jurisdiction, it will not be indicated. The Agency collaborates and cooperates with the ministries playing a larger or smaller role in the management of natural resources and the conservation areas, as well as with the Ministry of Finance and donors. Civil society and the private sector have a direct involvement in the Agency's governance (administration) through their participation in the Board of Directors.

We considered two modalities: (i) direct management by the Agency of some of the areas; (ii) management contracted out to the private sector, a Foundation, a large international NGO, or to the local communities (in partnership with national NGOs or not).

Operational flowchart: The Agency is managed by a Director-General, who is advised by a Technical Advisor possibly supported by an expatriate technical assistant paid for by a donor. A Scientific Council lends its expertise to the DG to monitor the activities and/or specific matters. He is assisted by a Deputy Director-General or a Secretary-General.

The Agency has three departments: (i) a *Technical Department*, responsible for following-up the activities relating to the conservation and development of the protected areas; (ii) a *Department for Community Business*, responsible for all matters related to the communities living within and/or around the conservation areas; (iii) an *Administration and Finance Department*, responsible for all financial and staff management matters.

In this configuration, the technical staff from the Agency's Head Office would be made up of 25 employees, with additional support staff such as 4 secretaries and 2 drivers being required, thereby giving a total of 31 staff members.

The Agency's administration could be guaranteed by the 3 classic bodies that are found in most parastatal entities, namely: (i) a Board of Directors, whose composition (to be defined by the Ministerial Diploma that created the Agency), could include 12 members, with 6 representatives from the State and 6 from civil society; (ii) an Executive Management (role performed by the Agency's Director-General); and (iii) a Scientific Council, a consultative body comprised of national and international persons renowned for their work and competencies in the Agency's field of operation.

The Agency's potential income would come from: (i) State Budget allocations; (ii) donations by national and foreign entities as well as bequests; (iii) tourist activities in the conservation areas (entry fees, licensing of tourist activities); (iv) part of the land use and benefit levies from the areas surround the conservation areas; (v) levies from the "coutadas" activities (concession fees, hunting and professional hunting licenses and trophy fee); (vi) part of the 50 % of fines collected in the areas under the Agency's jurisdiction; (vii) income from service provision to third parties and from the sale of studies and publications; (viii) income from other mechanisms identified by the Agency (environmental services, levies of the exploitation of fossil resources, etc.).

5. Risks of the parastatal model, from an ecological, economic, sociocultural, and institutional point of view

5.1. Ecological risk

The greatest risk is the possibility that the animal populations will not re-establish themselves in the conservation areas and "coutadas". As a direct consequence, tourism will not develop and as such, the Agency will not be able to generate the income necessary for its operation and its self-sustainability.

This risk is very real, seeing as the Agency will be inheriting the following situation: conservation areas and "coutadas" with reduced and threatened wildlife populations, as a result of their excessive and uncontrolled use, particularly by local populations with limited survival alternatives.

However, the fact that the wildlife habitats are, generally speaking, in a good state of conservation will allow for a relatively rapid development of this wildlife, **if the anthropogenic threats are minimized.**

Mitigation: Carrying out the activities foreseen above for the Department for Community Business, creating local companies, as well as an equitable distribution of revenues, which should increase in function of the improved management, will contribute to a reduction in the pressure placed on wildlife and its habitat by the local communities.

5.2. Economic risk

It is, without doubt, in this area that the greatest constraints to the creation of a parastatal entity and its medium- and long-term operation can be found.

Two potential risks, presented below, were identified.

5.2.1. Awarding the Agency financial autonomy

The SISTAFE Law stipulates, in its article 6, that for any autonomous parastatal entity to be created, it must be capable of generating revenue to cover 2/3 of its operating costs. However, and knowing that donations are not considered income, the economic analysis shows that current levels of income will be unable to meet this 2/3 threshold before 2024, 2029 and 2036, considering a hypothetical management cost of 80, 120 and 200 American dollars/km², respectively.

Various mitigation measures were considered in order for the Agency to be able to achieve financial autonomy: (i) exemption from the SISTAFE Law, the simplest and most immediate solution; (ii) valorisation of non consumptive tourism (increasing entry fees for certain conservation areas, effective charging of concession fees for tourist facilities, better control of parks entry fees, creation of other more attractive conservation areas); (iii) valorisation of sport hunting (increase in: “coutadas” annual concession fees, together with an increase in the duration of the concession, hunting quota, cost of hunting licenses for foreign hunters, value of trophy fees and other fees related with hunting); (iv) allocation of fees currently charged by other bodies (alter the channelling of the 20% of income to the communities, fines, part of the land use and benefit levies from the areas peripheral to the conservation areas and the levies that currently go to the Agrarian Promotion Fund); (v) payment of environmental services (protection of water catchment areas, storage and carbon sequestration, etc.); (vi) other sources to be explored (debt-for-nature swaps, payment of compensation by companies that cause negative impacts on the conservation areas, creation of an “Association of Friends of Mozambican Conservation Areas”, programme for the adoption of the conservation areas, etc.).

The economic simulations carried out using the date of creation of the Agency as year 0 and the same management costs of 80, 120 and 200 American dollars/km², showed that: (i) with the single increase in revenue from non consumptive tourism, the “2/3 SISTAFE” would only be achieved in the 12th, 18th and 24th years, respectively; (ii) adding new income from hunting will enable the agency to satisfy the SISTAFE Law only in the 9th, 16th and 23rd years; but that (iii) the integration of some of the fees currently charged by other bodies, would allow for the obligation of the 2/3 rule established in the SISTAFE Law to be complied with as from year 0, for a management cost of US\$80/ km², and as from years 14 and 21 for management costs of US\$ 120/ km² and US\$ 200/ km², respectively.

*Awarding the Agency financial autonomy in accordance with the SISTAFE Law would therefore be possible very quickly **if it were to receive new and diversified income.***

5.2.2. Long-term Financing

The previous paragraph showed that it is possible for the Agency to finance its operational costs. Notwithstanding this, it is necessary to immediately develop a sustainable long-term financing mechanism for the investments required for the development of the protected areas

network, and to ensure their permanence and conservation in the long term. In fact, the need to find a supplementary and/or alternative source of financing for the conservation areas was mentioned fairly frequently during the meetings held in November.

The examples analysed showed that the financing of the protected areas by a Foundation has worked in Africa, while at the same time bringing very useful lessons for the establishment of a Foundation in Mozambique. The large international NGOs, as well as the donors consulted, showed willingness to participate in the creation of a Trust Fund in Mozambique (which they have already done in other countries).

All of the conditions appear, therefore, to have been met for the creation of a foundation dedicated to the preservation of the protected areas in Mozambique. However, although several Foundations are registered in the country, this type of structure is not catered for in Mozambican law. The application for the creation of a Foundation is examined on a case-by-case basis by the Council of Ministers.

5.3. Sociocultural Risk

The first difficulty has to do with the representation of the communities on the Board of Directors. How to identify one entity to represent all of the communities in the country and that, above all, is accepted as such by all of them?

Different options can be considered in this regard: (i) representation by a NGO whose scope of work focuses on communities; (ii) community representation through the Community Based Natural resources Management Forum.

The second difficulty faced has to do with the field level. This difficulty resides in the factuality of the work with the communities that live inside the areas that are under the Agency's jurisdiction and their desire to collaborate. There is some distrust by the communities in relation to the personnel from the conservation areas, who are seen by the communities more in the light of oppressors than as collaborators.

The creation of the COGEP foreseen in the Forest and Wildlife Law and its Regulations, could be the basis on which the Agency would carry out its work with the communities. The activities of the Department for Community Business, which will deal directly with the local communities and NGOs operating in the field, will facilitate the local community involvement in the management and conservation of the areas under the Agency's jurisdiction.

5.4. Institutional risk

5.4.1. Jurisdiction

From an institutional viewpoint, the main difficulty in creating the Agency will be its institutional placement. Several options from the point of view of the Agency's jurisdiction could be considered, namely MITUR, MINAG, MICOA, Ministry of Planning and Development, directly under the jurisdiction of the Prime Minister, a double or inter-ministerial jurisdiction.

As we saw from the SWOT analysis, the first three institutions have their advantages and disadvantages, but none of them is, at a first glance, the ideal and obvious institution.

If we look at what happens in those countries that opted to delegate the management of their protected areas to a parastatal entity we can see that, generally speaking, the Agency is under the jurisdiction of the Ministry responsible for the environment.

In fact, if MICOA were strengthened, it could be a good option given its impartiality with regard to the economic benefits derived from the management of the wildlife and conservation areas. On the other hand, placing the Agency under the jurisdiction of MITUR would allow for greater sustainability through tourism, and would avoid a new change in the jurisdiction of the conservation areas. Lastly, placing the Agency under the jurisdiction of MINAG would allow for all wildlife management to be under the same jurisdiction.

Therefore, there is no “turnkey” solution. Since the choice of the entity under whose jurisdiction the Agency will be placed is an extremely important matter, this should be discussed widely and in detail. This discussion should involve all stakeholders in order to reach an agreement that is accepted and acknowledged by all. A clear definition of what conservation areas are and their objectives will provide an indication of the most appropriate jurisdiction. The Conservation Policy (currently being prepared) should clarify this matter.

5.4.2. Provincial placement

Considering the need to raise funds and the necessary interface with the body under whose jurisdiction it is placed, the head office of the parastatal Agency could, with certain legitimacy, be based in Maputo. However, being located only in Maputo could result in serious difficulties in managing and monitoring the conservation areas scattered throughout the country, as well as markedly increase expenditure in terms of time and money, given the duration and cost of domestic flights.

On the other hand, it could also face some difficulties in terms of the Agency “from the capital” being acknowledged by the provincial governments, which are used to the classic relationship with the Provincial Directorates of the different ministries.

The creation of two regional delegations, in the North and the Centre, could partly solve the problems of local performance and representation. The head office in Maputo could also operate as the South’s regional delegation.

The establishment of partnership arrangements with the Provincial Directorates of the line Ministry could be considered, in order to perform specific tasks, included in which would be liaising with the governors.

The participation of a representative from the Ministry of State Administration on the Agency’s Board of Directors, representing the provincial governors, could facilitate their acknowledgement of the Agency.

6. Schedule and assessment of the resources needed for the creation of a parastatal entity for the management of the conservation areas

The initial objective was to create the Agency by the end of 2008. This timeframe appears to be pertinent to and coherent with the current thoughts.

Human and financial resources, logistics and “infrastructures” (locations for headquarters and other services) are necessary to create the Agency. Since most of the points mentioned above have already been covered, we will focus here on human resources.

The reduced number of qualified and competent technical staff in the wildlife and conservation management field, highlighted by most of our interlocutors in November, is applicable both to DNAC and to MINAG’s DNTF.

On the other hand, there are trained and highly educated technicians in Mozambique. Some of these technicians may still be unemployed or working in other sectors, including outside the civil service.

The Agency should recruit its staff from among the best technicians available on the market. This means that the Agency must have the competency to choose independently from the normal civil service procedures and not be hindered by possible political interferences.

Recruitment through public tenders provides guarantees of competencies being appropriate to the proposed post, and also ensures transparency. This means that terms of reference clearly stating the tasks, competencies required and remuneration conditions be prepared for each post. This mechanism also enables less competent staff to be excluded based on objective and easily verifiable criteria.

Thought should be given to the dissemination of the posts. There are, in effect, several possible options: limit recruitment to national level, or give it a regional scope (or even international). The second option broadens the baseline and facilitates rapid recruitment of the competencies required for the development of the Agency. An intermediate option would be to propose certain posts regionally and reserve others for nationals.

The composition of the staff recruited in this manner could, therefore, be hybrid with permanent national staff and national and international contracted technicians. Foreign contracted technicians could be replaced as soon as Mozambican technicians with training and capacity to take over from them are available, as a result of the training programme implemented by the Agency.

Lastly, it is fundamental that financial incentives be created not only to attract the best technicians, but also to keep them on. This means that the staff should receive salaries above what is established for civil servants and/or benefit from advantages linked to their posts (company car, bursaries, bonus, etc.).

7. Results of the Workshop

The results were presented during a workshop lasting almost two hours, attended by various people and institutions with an interest in the subject. The following main points were highlighted during the meeting: (i) is there a real desire to move from a state system to a different system?; (ii) perhaps the Agency is not the only option that should be considered; (iii) jurisdiction is the key issue; (iv) the review of the proposed legal documents should include a (re)definition of concepts in order for everyone to have the same understanding, with emphasis being placed on the conservation areas; (v) would it be pertinent to create new protected areas, given the difficulty in managing those that already exist?; (vi) the Conversion of Debt (debt-for-nature swap) appears to be a very interesting route for raising financing for the operation of the parastatal entity and/or constituting a Fund.

RECOMMENDATIONS

1. Legal and institutional context

We recommend:

1. **Harmonisation of the legislative documents on the conservation of natural resources, or better, a specific document on the protected areas**, bringing together all of the elements dispersed in the different legal documents. This would allow for a better perception of the conservation instruments in Mozambique. Ideally, this document should also adjust the designation and classification of the protected areas based on their reality (for example, parks with populations living inside should be classified as Biosphere Reserves) and the purpose of their creation, using IUCN's categories (category II - national parks, category IV - reserves, category VI - game farms), since Mozambique's reduced number of conservation area categories does not allow for such. On the other hand, it should clearly state the rights and obligations of the people living within these areas.
2. **Clarification of the situation of unfenced game farms**. The difference between the "coutadas" and unfenced game farms is not very clear in practical terms. "Coutadas" and unfenced game farms could share the same animals, which are neither subject to the same regulations nor under the same jurisdiction. For better clarity on this matter, we recommend the restriction of the designation "game farm" to those that have been fenced in accordance with the Law. The current unfenced game farms should receive the same designation, treatment and jurisdiction as "coutadas".
3. **Awarding the management of the protected areas and the respective buffer zones to the same regulating entity and/or conservation area warden**. The buffer zone (true interface between the classified area where many activities are forbidden, and the common area where many are authorised) is very important for the proper conservation of the protected areas. Being part of the same ecological entity, from a management point of view these two areas cannot be dissociated, and therefore should be managed as part of the same unit.
4. **Creation of buffer zones around all of the protected areas**.
5. **Simplification of the hunting system in Mozambique**. The system appears to be complex with many different types of licenses, having to go through different interlocutors and circuits in order to obtain them. A tourist hunter who, during his holiday, wishes to hunt species X at a "coutada", and the same species X at a game farm, requires two different licenses.

This is something that may be difficult to understand for a tourist hunter who is used to hunting in other countries in Africa, where the license generally refers to a category of game (small, medium or big game) and not to the actual area where the hunting is conducted.
6. **Revision of the functions of the different institutions with regard to the management of the conservation areas**. The need for this revision is justified based on the innumerable institutional conflicts, many of which are mentioned in various strategic documents. This review cannot be carried out before the country's Conservation Policy is prepared, since this Conservation Policy will establish a common view and the objectives.

2. Creation of a parastatal Agency

2.1. Creation process and statutes

We recommend that:

1. **A parastatal Agency with legal personality and administrative and financial autonomy to be created for the management of Mozambique's conservation areas.**
2. **Sufficient time be allocated for the creation of** the parastatal entity, so that it is only created after a detailed analysis and adequate consultation of the stakeholders, namely the State (Ministries and other parastatal entities), Private Sector, Civil Society, Donors and international NGOs.
3. **The consultation**, which aims at eliminating as many difficulties and potential conflicts as possible right from the start, **should cover the following points:** jurisdiction and institutional placement, statutes, governance, mandate, human and financial resources (including the allocation of the fees currently charged by other services), staff complement (salary policy, definition of profiles).
4. **The conservation areas and their objectives be clearly defined**, which will give an indication on the most appropriate jurisdiction.
5. **The future entity be awarded the status of** a public domain entity.

2.2. Mandate and functions

We recommend that:

1. **The Agency's mandate favour one of the three options referred to on page 9, § 4.2.** In effect, a fenced game farm is more like a livestock farm than the management of wildlife and, as such, should continue to be managed by MINAG. On the other hand, fauna outside of the conservation areas and "coutadas", which represents approximately 60% of the country's fauna, should not be immediately included in the Agency's portfolio since the Agency would not have the technical or financial capacity to manage this asset right from the beginning. **Notwithstanding this, it would be desirable for the fauna to be managed in a consistent manner inside and outside of the conservation areas in the medium- and long-term.**
2. **The Agency establish a department dedicated specifically to community matters**, which would, in collaboration with the NGOs working in the field and the COGEPs foreseen in the Forest and Wildlife Law and its Regulation, facilitate the involvement of local communities in the management and conservation of the areas under the Agency's jurisdiction.

2.3. Human resources

We recommend that:

1. **The number of Agency staff be limited and in line with the Mozambican reality** in terms of trained staff, availability of funds, and conservation areas to be managed.
2. **The Agency's staff be recruited through public tenders**, which could be organised by a specialised entity, thereby giving the process even greater impartiality and transparency.

3. **Terms of Reference be clear** in that which concerns the responsibilities, required competencies and remuneration conditions, **and that these be prepared for each proposed post.**
4. **The positions be advertised at regional level.** An intermediate option would be to advertise certain posts regionally and reserve others for national candidates.
5. **The Agency's salary policy be adjusted in order to recruit and maintain the best individuals.** This means that the Agency should have the capacity to pay its employees salaries that are above civil service salaries and/or ensure that they benefit from advantages linked to their posts (company car, bursaries, bonus, etc.).

2.4. Financial resources

We recommend:

1. **An analysis of all of the sources of revenue used by the different parastatal entities in the other countries** studied, including Foundations, as well as other possible sources not listed in the analysis.
2. **A 20% increase in the entry fees for certain conservation areas**, such as the Limpopo, Gorongosa, Bazaruto and Quirimbas National Parks and the Maputo Special Reserve. This increase would still be below the amounts charged at the Kruger National Park.
3. **That the Agency charge concession fees for the tourist facilities** in the parks and reserves as well as **consider the possibility of defining differentiated prices, in function of the area's location and potential.**
4. **Consider a revaluation of trophy fees and hunting licenses** with emphasis on "coutadas" concession fees, type A licenses, trophy fees and, in general, **a review of hunting activities** in coordination with the hunting operators.
5. **A review of the system for channelling the revenue derived from tourist activities** in the conservation areas and "coutadas", including the 20% for the communities.
6. **An analysis on the possibility of reallocating the fees currently allocated to other bodies**, focusing on fines, land use and benefit levies from the areas peripheral to the conservation areas and the levies that currently go to the Agrarian Promotion Fund.
7. **The creation of a Foundation** to ensure the sustainable long-term financing of the Agency.
8. **A survey of other financing opportunities** made available through mechanisms such as the payment of environmental services, debt-for-nature swaps, payment of compensation by companies as a result of their impact on the conservation areas, creation of an "Association of Friends of Mozambican Conservation Areas" or programme for the adoption of the conservation areas.
9. **Raising awareness of the value of environmental services** at all levels and particularly at political level, where it appears there is very little knowledge of the importance and the different values of conserving biodiversity in general, and the conservation areas in particular.

2.5. Governance

We recommend that:

1. **The composition of the Board of Directors** of the Mozambican entity, regardless of its form, **attempts to achieve State/ Civil Society equality right from the beginning**.
2. **A representative from the Ministry of State Administration be a member of the Agency's Board of Directors** in order to ensure representation of the provincial governors, which could facilitate their acknowledgement of the Agency.

ANNEX: ACRONYMS USED

AFD: French Development Agency
ANGAP: National Agency for Protected Areas Management (Madagascar)
CENAGREF: Centre National de Gestion des Réserves de Faune (Benin)
GOGEP: Local Council for Forestry and Wildlife Resources Management
CONDES: National Sustainable Development Council
DNAC: National Directorate of Conservation Areas (MITUR)
DNTF: National Directorate of Land and Forests (MINAG)
FAPB: Biodiversity and Protected Areas Foundation (Madagascar)
FAO: Food and Agriculture Organisation
FIBA: Banc d'Arguin International Foundation (Mauritania)
FPRCI: Fondation Parcs et Réserves de Côte d'Ivoire
FTNS: Fondation pour le Tri-National de la Sangha (RCA)
FUNBIO: Biodiversity Fund (Brasil)
FUTUR: Tourism National Fund
GEF: Global Environment Facility
IBAMA: Brazilian Institute for Environment and Renewable Natural Resources
IUCN: World Conservation Union
KfW: Kreditanstalt für Wiederaufbau (Banco Alemão para o Desenvolvimento)
KWS: Kenya Wildlife Service
MICOA: Ministry of Environmental Affairs
MINAG: Ministry of Agriculture
MITUR: Ministry of Tourism
NGO: Non Governmental Organization
OIPR: Office Ivoirien des Parcs et Réserves (Côte d'Ivoire)
ONCFS: Office National de la Chasse et de la Faune Sauvage (França)
RCA: Central African Republic
SANParks: South African National Parks (RSA)
SISTAFE: Sistema Integrado de Administração Financeira do Estado
SWOT: Strengths, Weaknesses, Opportunities, Threats
TANAPA: Tanzania National Parks
WWF: World Wide Fund for Nature
ZAWA: Zambia Wildlife Authority
ZPWMA: Zimbabwe Parks and Wildlife Management Authority