

**Law Nr. 16/2014 of 20 June**

**The Conservation Law**

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**Law Nr. 16/2014**  
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The environmental, economic, social, cultural and scientific importance of terrestrial and aquatic natural ecosystems in supplying goods and services to the Mozambican society justifies the elaboration of adequate legislation that promotes the protection, conservation and sustainable use of biological diversity for the benefit of humanity and of Mozambicans in particular.

Under the above terms, and pursuant to the provisions of Number 1 of Article 179 of the Constitution, the National Assembly determines:

**CHAPTER I**

**General provisions**

Article 1

**(Definitions)**

Definitions of terms used in this Act are to be found in the attached Glossary, which is an integral part of the Law.

Article 2

**(Objective)**

The objective of this Law is to establishment basic principles and rules concerning the protection, conservation, restoration and sustainable use of biological diversity in conservation areas, as well as an integrated management framework for the sustainable development of the country.

Article 3

**(Scope)**

1. The legal regime established in this Law applies to all existing values and natural resources in the national territory and in the waters under national jurisdiction.
2. This law covers all public or private entities that directly or indirectly may affect the national system of conservation areas in the country.

Article 4

**(Principles)**

This Law is governed by the following principles:

- a) Ecological Heritage – biological and ecological diversity as a national and human heritage that should be preserved and maintained for the sake of future generations. The

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sustainable use of resources, benefiting Mozambicans and mankind in a way compatible with maintaining ecosystems. The full assumption by the State of its responsibility towards mankind by protecting biodiversity in its territory, including the administrative and financial responsibility.

- b)* Sovereignty – the right and sovereignty of the State and the Mozambican people to conserve and exploit their natural resources, taking into account the environmental policies and legislation that apply, as well as the ratified conventions and international agreements.
- c)* Equality - equality between citizens and recognition of the role of gender in the management, use, conservation and rehabilitation of natural resources.
- d)* Citizen’s Participation in Management and Benefits - the right of all citizens to be involved in decision-making processes throughout the value chain related to conservation and sustainable use of natural resources.
- e)* Environmental Responsibility - the preservation, protection and management of the environment should prioritize the establishment of systems that prevent acts damaging the environment. It is the duty of those who damage natural resources to restore them and/or bear the costs involved in repairing and compensating damages caused by them, in order to ensure that no net loss of biodiversity or natural resources does occur.
- f)* Development - the role of conservation of biological diversity and the creation and maintenance of areas specifically dedicated to this purpose as instruments in promoting development and poverty eradication.
- g)* Public-Private Partnerships – the promotion by the State of involving local and national authorities, local communities, the private sector and non-governmental organizations in development, which enable the economic viability of this policy. The use by the State of mechanisms based on transparency, accountability and reward in its relations with the private sector and local communities.
- h)* Precaution and Informed Decisions – decisions related to the creation, alteration, management and extinction of conservation areas are to be based on broad scientific knowledge of existing biological diversity, its ecological value and the determinants of its conservation, originating in a research and information sharing system that supports decision-making processes, without harming the principle of precaution where this knowledge is still insufficient. The promotion of the availability and easy access of information related to conservation and natural resources, with a view to supporting the implementation of the strategy and increasing the involvement and collaboration of citizens.
- i)* International Cooperation – the full assumption by the country of its role in global and regional efforts to ensure the conservation of biological diversity, by complying with agreed environmental obligations, and the development of forms of integrated management where ecosystems are shared with neighboring countries and linked with international obligations.

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## **CHAPTER II**

### **Management of conservation areas**

#### Article 5

##### **(National system of conservation areas)**

1. The national system of conservation areas consists of the management bodies of conservation areas, the financing mechanisms of conservation areas and the national network of conservation areas
2. The objectives of the national system of conservation areas are the following:
  - a) coordinate the public, private or mixed institutions in managing and funding of conservation areas institutions, ensuring the ecological, economic, social and institutional sustainability of these areas;
  - b) contribute to maintaining biological diversity and genetic resources within national territory and in the territorial waters;
  - c) promote sustainable development based on natural resources and biological diversity conservation practices in development processes.

#### Article 6

##### **(Management bodies of conservation areas)**

1. The state manages the conservation areas in a participatory manner, establishing appropriate mechanisms for the participation of public, private and community entities.
2. It is incumbent upon the Council of Ministers to define policies guiding the management of conservation areas, which are implemented and supervised by the Ministry with oversight of the sector of conservation areas.
3. It is incumbent upon the implementing agency of the entity managing conservation areas to execute the policies for conservation areas, managing them and ensuring participation and accountability of the private sector and local communities.

#### Article 7

##### **(Participatory management of conservation areas)**

1. It is incumbent upon the Council of Ministers to establish the Conservation Area Management Board, an advisory body chaired by the Conservation Area Manager, consisting of representatives of local communities, the private sector, associations and local State bodies which, under the supervision of the implementing agency of the entity managing conservation areas, supports the management of the conservation area in question.

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2. The Conservation Area Management Boards support the Management of the Conservation Areas with respect to the:
  - a) implementation of management plans;
  - b) supervision of the conservation areas;
  - c) response to the development needs of communities legally residing in conservation areas and in buffer zones;
  - d) elaboration of strategic development plans for conservation areas;
  - e) search for new income generating activities that reduce the pressure exerted by local communities on biodiversity, including biodiversity-based businesses;
  - f) supervision of the implementation of concession agreements with operators within the context of developing public-private and community partnerships;
  - g) taking of measures to strengthen the conservation capacity within the context of the management plan.

#### Article 8

##### **(Financing mechanisms for conservation areas)**

Financing mechanisms of conservation areas are adopted to minimize losses and increase benefits at local, national and international levels through the establishment of:

- a) public-private and community partnership;
- b) institutions to support conservation activities;
- c) capitalization of genetic wealth, wildlife, other natural resources and local and traditional knowledge about the use of biological material;
- d) compensation for the conservation effort by the ecological and other services established by the Council of Ministers.

#### Article 9

##### **(Public-private and community partnership)**

1. The State may establish partnerships with the private sector, local communities, national and foreign civil society organizations by means of a contract and funding, in whole or in part, by the private partner for the management of conservation areas, creating synergies for the conservation of biological diversity, without prejudice to the sharing of responsibility with respect to costs and benefits of the management of conservation areas.
2. The State may establish partnerships in the form of a contract granting rights to the private sector and local communities for the purpose of income generation.

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#### Article 10

##### **(Institutions supporting conservation)**

The State encourages and supports the private sector in creating institutions aimed at supporting the conservation of biological diversity, by providing all the facilities in accordance with law.

#### Article 11

##### **(Compensation mechanisms for conservation efforts)**

1. The public or private entity exploring natural resources in a conservation area or in its buffer zone, benefiting from the protection afforded by a conservation area, shall contribute financially to the protection of biodiversity in the conservation area in question.
2. The public or private entity exploring natural resources in a conservation area or in its buffer zone, shall compensate for the impacts made in order to ensure there is no net loss of biodiversity.
3. The right to use and benefit from existing carbon stocks in a conservation area and its buffer zone belong to the entity that manages the conservation area, and they may be marketed in cooperation with other public or private entities.
4. Compensation mechanisms for conservation efforts are defined by decree.

#### Article 12

##### **(National conservation area network)**

1. The national conservation area network consists of a series of conservation areas categorized under this Law.
2. The main objectives of the national conservation area network are:
  - a) contribute to maintaining biological diversity and genetic resources in the national territory and in Mozambican territorial waters;
  - b) protect endangered, rare and endemic species, at national, provincial, district and municipal levels;
  - c) contribute to the preservation and restoration of the natural diversity of terrestrial or aquatic ecosystems;
  - d) promote sustainable development based on the sustainable use and exploitation of natural resources;
  - e) enhance the economic and social value of biodiversity, by promoting sustainable activities including hunting, the granting of rights to engage in contemplative tourism and fishing, in order to provide funding for conservation;

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- f)* preserve natural resources necessary for the subsistence of local communities, respecting and valuing their knowledge and their culture;
- g)* promote the use of conservation and natural resources management principles and practices in the development process, especially by local communities;
- h)* protect natural and cultural landscapes of special beauty and the natural and cultural heritage that represents the national identity;
- i)* protect and restore water resources and wetlands;
- j)* encourage and develop scientific research activities;
- k)* promote environmental education, the interpretation of nature, leisure and recreation, as well as ecotourism in conservation areas.

### CHAPTER III

#### (Protection Zones)

#### SECTION I

#### **Classification of protection zones and categories of conservation areas**

#### Article 13

#### **(Classification of protection zones)**

1. Protection zones are delimited territorial areas, representing the national natural heritage designated for the conservation of biological diversity and fragile ecosystems of animal or plant species.
2. Protection zones are classified in order to ensure the representative conservation of ecosystems and species and the coexistence of local communities with other interests and values to be preserved.
3. Protection zones are classified into:
  - a)* total conservation areas; and
  - b)* conservation areas for sustainable use
4. Total conservation areas are considered to be the areas in the public domain designated for the preservation of ecosystems and species, without intervention in the form of resource extraction, admitting only the indirect use of natural resources with the exceptions provided for in this Law.
5. Conservation areas for sustainable use are considered to be areas in the public and private domain designated for conservation that are subject to integrated management and allow for levels of resource extraction, while respecting sustainable limits in accordance with the management plans

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#### Article 14

##### **(Total conservation areas)**

The following categories are considered total conservation areas:

- a) integral nature reserve;
- b) national park;
- c) cultural and natural monument.

#### Article 15

##### **(Integral nature reserve)**

1. The integral nature reserve is a total conservation area in the public domain of the State, delimited, designated for the preservation of nature, the maintenance of ecological processes, the functioning of ecosystems and of rare or endangered species
2. Strictly prohibited in integral nature reserves, except for scientific reasons and inspection purposes or for contemplation tourism, provided that the latter does not entail the construction of any infrastructure, are the following activities:
  - a) hunting, fishing, camping, all forestry, agricultural and mining activities;
  - b) conduct research, prospecting, drilling, earthworks or works aimed at modifying the appearance of the terrain or vegetation;
  - c) carry out any acts that harm or disturb the biological diversity;
  - d) introduce or harvest any zoological or botanical species be they indigenous or exotic, wild or domestic
3. Integral natural reserves can be demarcated within other categories of conservation areas provided for in this Law.

#### Article 16

##### **(National park)**

1. The national park is a total conservation area in the public domain of the State, delimited and designated for the propagation, protection, conservation, preservation and management of flora and wildlife, and for the protection of sites, landscapes or geological formations of particular scientific, cultural or aesthetic value, in the public interest and for public recreation, representative of the national heritage.
2. Except for scientific reasons or for management purposes, the following activities are strictly prohibited in national parks:
  - a) Hunting and all forestry, agricultural and mining activities;



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- b)* conduct research or prospecting, drilling or earthworks;
  - c)* all works aimed at modifying the appearance of the terrain or the features of the vegetation, or that cause the pollution of water;
  - d)* all acts that due to their nature may disturb maintaining ecological processes, flora, fauna and the cultural heritage;
  - e)* the introduction of any zoological or botanical species be they indigenous or exotic, wild or domestic.
3. National parks do admit the presence of people under the controlled conditions provided for in the management plan, provided it does not constitute a threat to the preservation of natural resources and biological diversity.
4. National parks do allow controlled scientific research and the monitoring of natural resources for the purpose of managing the area.
5. The only purpose of interventions to manage fauna and flora species is to maintain the ecological balance, by ensuring the control of populations of the respective species.

#### Article 17

##### **(Cultural and natural monument)**

1. Monuments are total conservation areas in the public domain of the State, municipality or community or private, containing one or more elements with unusual or unique natural, aesthetic, geological, religious, historical or cultural value, in an area of less than 100 hectares, which due to its uniqueness and rarity, requires the preservation and maintenance of its integrity.
2. Monuments aim to achieve the following purposes:
  - a)* protect or preserve specific natural and cultural elements;
  - b)* enable ecotourism, recreation, education and scientific research;
  - c)* ensure the preservation and reproduction of rare, endemic, protected and endangered species or plants;
  - d)* prevent or eliminate any form of occupation or exploitation inconsistent with the objective of monument protection;
  - e)* contribute to local economic and social development, through the promotion of tourism and the involvement of local communities in the benefits resulting from these activities.
3. Management is done in accordance with tradition, restricted use and the conservation principles and needs of the monument.
4. Also considered natural monuments are trees with ecological, aesthetic, historic and cultural value.

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## Article 18

### **(Conservation areas for sustainable use)**

1. The following categories are considered conservation areas for sustainable use :
  - a) special reserve;
  - b) environmental protection area;
  - c) official hunting preserve ("*Coutada*");
  - d) community conservation area;
  - e) sanctuary;
  - f) game farm;
  - g) municipal ecological park.
2. Conservation areas can be national, provincial, district and municipal.
3. The responsibilities and counterparts of state agencies, local government and community authorities at different levels are regulated by the Council of Ministers.

## Article 19

### **(Special reserve)**

1. The special reserve is a conservation area for sustainable use in the public domain of the State, delimited and designated for the protection of a particular species of rare, endemic, endangered or declining fauna or flora, or with recognized cultural and economic value.
2. To the special reserve apply the national park permissions and prohibitions, with the exceptions provided for in this Law
3. With the exception of resources whose exploitation is permitted by the management plan, the exploitation of any resources in the special reserve is prohibited.
4. The special reserve may be of national or provincial interest, depending on the interests it seeks to safeguard.

## Article 20

### **(Environmental protection area)**

1. The environmental protection area is a conservation area for sustainable use in the public domain of the State, delimited, managed in an integrated manner, where the interaction between human activity and nature endows the landscape with aesthetic, ecological or culturally specific and unique qualities and offers important ecological services for its residents and its neighbors.

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2. The environmental protection area aims to achieve the following objectives:
  - a) ensure the protection and preservation of environmental elements, as well as the maintenance and improvement of ecosystems with recognized ecological and socio-economic value;
  - b) maintain a harmonious relationship between nature and culture, protecting the landscape and ensuring traditional forms of land use and construction, as well as the expression of socio-cultural values;
  - c) encourage sustainable lifestyles and socio-economic activities in harmony with nature as well as with the preservation of the cultural values of the local communities;
  - d) maintain the diversity of landscape and habitat as well as of species and associated ecosystems;
  - e) prevent and eliminate any form of land occupation and incompatible activities that, by size or magnitude, jeopardize the objectives of landscape protection;
  - f) provide citizens with opportunities for outdoor recreation, while respecting the essential qualities of the conservation area;
  - g) contribute to sustainable development at the local level, by promoting tourism and the partaking of local communities in the benefits resulting from these activities.
3. The environmental protection area may cover land areas, lakes, or rivers or rivers or sea and other distinct natural areas.
4. Natural resources may be exploited in an environmental protection area, provided one abides by the integrated development plan.
5. The environmental protection area may include other categories of conservation areas.

## Article 21

### **(Official Hunting preserve)**

1. The official hunting preserve is a conservation area for sustainable use, in the public domain of the State, delimited and designated for hunting activities and the protection of species and ecosystems, in which the right to hunt is only recognized by means of the concession contract between the State and the operator.
2. Forbidden in the official hunting preserve are activities susceptible to undermine the objectives that led to the signing of the concession contract referred to in the preceding number.
3. The use of forest and fauna resources by the local communities is allowed, provided it is done in a sustained manner for subsistence purposes and does not compromise the objectives referred to in number 1 of this article.
4. The restocking of hunting resources within the hunting preserve is allowed, subject to the

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provisions of national legislation and in the management plan.

5. The official hunting preserve shall be managed in accordance with a management plan duly approved by the implementing agency for the management of conservation areas, on a proposal by the management entity.

## Article 22

### **(Community conservation area)**

1. The community conservation area is a conservation area for sustainable use in the public domain of the community, delimited and managed by one or more local communities who have the right to use and benefit from land, designated for the conservation of fauna and flora and the sustainable use of natural resources.
2. The community conservation area aims to achieve the following objectives:
  - a) protect and conserve natural resources existing in the area traditionally used by the community, including the conservation of natural resources, sacred forests and other sites of historical, religious, spiritual and cultural significance and use for the local community;
  - b) ensure the sustainable management of natural resources in order to bring about local sustainable development;
  - c) ensure access sustainability of medicinal plants and biodiversity in general.
3. Licensing for resource exploitation by third parties can only be done with prior consent of the local communities through the consultation process, which culminates in the signing of a partnership agreement.
4. The existing natural resources in the area of community conservation are managed in accordance with the rules and customary practices of the respective local communities, without prejudice to compliance with national legislation.

## Article 23

### **(Sanctuary)**

1. The sanctuary is an area in the public domain of the State or a private domain, designated for the reproduction, shelter, food and research of certain species of fauna and flora.
2. The sanctuary can be demarcated within or outside an already existing conservation area.
3. Existing resources in the sanctuary can be exploited based on a special license, in accordance with the regulations, with the exception of species that are subject to protection, provided exploitation is in accordance with the management plan and the current Law.
4. The repopulation of species is allowed in the sanctuary, subject to the provisions in national legislation and in the management plan.

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#### Article 24

##### **(Game farm)**

1. A game farm is a fenced area of private domain, designated for the conservation of fauna and flora where the right to hunt is limited to the holder of the land use rights (DUAT) or to those who have been authorized by that holder, provided that both acquire the respective license issued by the competent authority.
2. The holder of the game farm may set up the balanced exploitation of certain species for meat production and utilization of by-products and other remains.
3. The holder of the game farm who puts animals in captivity is responsible for their feeding, health and maintenance.
4. The holder of the game farm is the owner of the animals he introduces.
5. If the holder of the game farm intends to claim ownership of the animals found in the area he can buy them from the State.
6. The repopulation of species is allowed on game farms, subject to the provisions in national legislation and in the management plan.

#### Article 25

##### **(Municipal ecological park)**

1. The municipal ecological park is a conservation area for sustainable use in the municipal public domain for the conservation of sensitive ecosystems within an urban/populated context.
2. The municipal ecological park aims to achieve the following objectives:
  - a) protect critical elements of nature with a view to the ecological balance of the local municipality, including wetlands, mangroves, hills, dunes, forested areas;
  - b) protect and preserve endemic, rare or threatened species and ecosystems
  - c) prevent arbitrary occupation and uncontrolled and unbridled urbanization in the green spaces located in local municipalities;
  - d) contribute to the quality of life of the residents;
  - e) stimulate environmental education, recreation and leisure of the citizens as well as ecotourism;
  - f) allow for the regeneration of species essential for the livelihoods of the populations;

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- g)* encourage scientific research, especially related to educational and research establishments.
- 3. The presence of humans in municipal ecological parks is admitted, provided it does not jeopardize the objectives, which governed their creation.

## SECTION II

### **(Activities in conservation areas)**

#### Article 26

#### **(Carrying out activities in conservation areas)**

1. For reasons of necessity, utility or public interest, carrying out activities in the conservation areas referred to in this Law may be authorized, in accordance with the objectives of each area category, including:
  - a)* concessions for tourism;
  - b)* concessions for hunting or hunting exercises;
  - c)* hunting, fishing and exploitation of forest resources;
  - d)* capture of live animals and harvesting of eggs;
  - e)* beekeeping;
  - f)* scientific research.
2. Other activities may be authorized if provided for in the management plan.

#### Article 27

#### **(Legislation that applies to activities in conservation areas)**

The concessions for tourism activities, hunting, fishing, forestry, beekeeping and scientific research are implemented in accordance with specific legislation, permissions and restrictions imposed by this Law and the management plan of the conservation area in question.

#### Article 28

#### **(Hunting modalities)**

1. Hunting shall observe the following modalities:
  - a)* hunting by simple license;
  - b)* sport hunting;
  - c)* commercial hunting.
2. The terms and conditions and the annual quotas for the killing of wild animals as well as

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the instruments allowed for the hunt in the manner provided for in the previous number are determined in a specific diploma.

#### Article 29

##### **(Hunting by simple license)**

1. Hunting by simple license is done by the local communities in the conservation areas for sustainable use and in the buffer zones in order to meet their own consumption needs.
2. The licensing of hunting for members of local communities under the previous paragraph, is done by local councils in accordance with customary norms and practices and in coordination with the responsible sector.

#### Article 30

##### **(Sport hunting)**

Sport hunting is done by national and foreign individuals in official hunting preserves, game farms and other conservation areas for sustainable use and in the buffer zones, in accordance with the management plan.

#### Article 31

##### **(Commercial hunting)**

Commercial hunting is done by individuals or legal persons in game farms with a view to obtaining the spoils or trophies for marketing, through the breeding of wild animals under this Law and other applicable legislation.

#### Article 32

##### **(Hunting equipment and means)**

Restrictions on hunting are covered by specific rules, and the use of means and equipment resulting in indiscriminate harvesting or culling of species or individuals, such as bushfires, explosives, snares, mechanical traps, toxic and poisonous substances and automatic weapons is forbidden.

#### Article 33

##### **(Hunting in order to protect life and property)**

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1. Hunting beyond the modalities provided for in this Law shall be allowed only for the protection of life and property, against actual or impending attacks by wild animals when chasing away or capturing is not possible;
2. Hunting referred to in this Article shall be exercised promptly after knowledge of the facts, by specialized brigades of the State or the private sector and by duly authorized local communities.

#### Article 34

##### **(Closed seasons)**

It is incumbent upon the Council of Ministers to establish the general and special closed seasons provided for under this Law.

#### Article 35

##### **(Concessions for hunting activity)**

The specific conditions for hunting in official hunting preserves, game farms, other conservation areas for sustainable use and in buffer zones under concessionaire established by special diploma.

### SECTION III

#### **Transfrontier conservation area**

##### Article 36

##### **(Transfrontier conservation area)**

1. A transfrontier conservation area is an area established by a statutory instrument and managed jointly; it straddles one or more boundaries between States, consists of conservation areas or other forms of land use that contribute to the protection and maintenance of biological diversity and of natural and associated cultural resources, and it promotes socio-economic development.
2. The objectives of the transfrontier conservation area are:
  - a) regional or international cooperation in the management of shared resources;
  - b) the pursuit of the objectives of each conservation area category integrated in transfrontier conservation areas;
  - c) the implementation of common approaches to the conservation of ecosystems and species in order to maintain connectivity of habitats, vegetation types and animal populations.
3. The transfrontier conservation area is established by treaty or agreement entered into and



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approved by the competent State organs.

## SECTION IV

### **Creation, modification or termination of conservation areas**

#### Article 37

#### **(Authorization, modification and termination of conservation areas)**

1. It is incumbent upon the Council of Ministers to approve, modify or terminate all total nature reserves, national parks, cultural and natural monuments in the public domain of the State, special reserves, environmental protection areas, official hunting preserves, regardless of their dimensions, as well as sanctuaries, game farms and community conservation areas larger than 10,000 hectares.
2. It is incumbent upon the minister responsible for conservation areas to approve, modify or terminate sanctuaries, game farms and community conservation areas measuring 1.000 to 10.000 hectares.
3. It is incumbent upon the provincial government to approve, modify or terminate game farms, sanctuaries and community conservation areas up to a maximum of 1.000 hectares as well as the cultural and natural monuments in the public domain the community and those in the private domain.
4. It is incumbent upon the municipal council to approve, modify or terminate the cultural and natural monuments in the public domain of the municipality and the municipal ecological parks located within the limits of their municipality.
5. The process of creation, modification or termination of conservation areas follows the procedure indicated in the land law.
6. All nature reserves, national parks and special reserves have a buffer zone, which is an integral part of the conservation area, in accordance with the ecological conditions.

#### Article 38

#### **(Proposal for the creation of conservation areas)**

The proposal for the establishment of conservation areas can be made by government agencies, academic institutions, the private sector, non-governmental organizations, local communities or citizens, according to the categories in question.

#### Article 39

#### **(Land use planning)**

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1. The creation, modification, termination and management of conservation areas shall be harmonized with the legislation that governs land use planning at national, provincial, district and municipal levels.
2. Ecological regions having one or more conservation areas shall be subject to a special land use plan that also includes buffer zones, ecological corridors and other elements essential for the preservation of the ecological balance and spatial continuity.
3. The delimitation of conservation areas is mandatorily registered in the National Land Register, as general instrument of land use planning.

## SECTION V

### **Buffer zone**

#### Article 40

#### **(Buffer zone)**

1. The buffer zone is a delimited territorial area around the conservation area, forming a transition zone between the conservation area and the multiple use area with a view to control and reduce impacts from activities that are incompatible with the conservation of biological diversity, both from within to beyond and from beyond to inside the conservation area.
2. The creation of the buffer zone aims at:
  - a) the forming a buffer zone around a conservation area in that minimizes the pressures of the various human activities;
  - b) the protection of streams and other water sources, thus protecting their quality and quantity;
  - c) the promotion and maintenance of the landscape in general and of tourism development, with the participation of the private sector and local communities;
  - d) the promotion of environmental education, serving as a basis for consolidating the attitude of respect for the needs and activities related to conservation and quality of life;
  - e) containing continuous and unplanned urbanization;
  - f) consolidation of appropriate uses of activities complementary to the proposal of the management plan for the conservation area;
  - g) extend the conservation measures in order to promote the sustainable use of natural resources;
  - h) provide the function of ecological corridors in order to ensure the maintenance of the biological structure and processes, the connectivity of habitats as well as the movement of genetic material between conservation areas.
3. Any activity in the buffer zone likely to affect its biotic is to be approved by the agency

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implementing the management of conservation areas and subject to environmental licensing, based on an environmental impact assessment in accordance with specific legislation.

4. The creation of the buffer zone shall meet the very requirements of Article 39 concerning the approval, modification or termination of conservation areas.

## SECTION VI

### **Management of conservation areas**

#### Article 41

##### **(Regimes of use)**

1. Possible uses of or carrying out activities in a conservation area shall conform to the provision of this Law and of its regulations and, if applicable, to the delimitation of the area and other provisions in the management plan.
2. Uses compatible with the area may be subject to direct authorization by its management if provided for in the management plan and in the case of any authorization requests from other State organs, these require the opinion of the management of the area, which is binding.
3. Uses incompatible with the purpose of the conservation area shall in any case be out of order and are to be eliminated with the urgency necessary.

#### Article 42

##### **(Management norms)**

1. The conservation area management shall seek to safeguard the values subjacent to its creation, maintain environmental quality and, where possible, restore the environment.
2. Cataloged species that are within a conservation area are given special attention with a view to the recovery of their population while eliminating threats.
3. Varieties of crops and native animal species that may be found in the conservation area are considered genetic resources of interest for the preservation of biological diversity, are inventoried and given special attention when their survival is threatened.
4. The conservation area management shall ensure that the exploitation of natural resources, where are allowed, is done in a controlled and sustainable manner.
5. The conservation area management shall manage the area in collaboration with local communities and encourage and support activities that, being compatible with its conservation, contribute to improving the quality of life of the local communities.

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## Article 43

### **(Management plan)**

1. Conservation areas shall be managed on the basis of a management plan that in its capacity as technical document, and based on the general objectives of the conservation area, lays down the planning and the rules that are to govern the use and management of natural resources, including the deployment of the infrastructure necessary for managing the area, including:
  - a) the management objectives and its temporal scope;
  - b) the classification of the area and its geographic boundaries and a map of the area along with its zoning, if applicable;
  - c) the uses that are considered prohibited and those subject to authorization in accordance with the protective needs of the area, without prejudice to those already established by this Law;
  - d) the urban provision, architectural standards and additional protection measures, in accordance with the stipulations of this Law, which does not exempt compliance with the existing ones;
  - e) the orientation of the management of natural resources and possible measures for restoration of species in a critical situation;
  - f) infrastructure and measures to promote traditional activities and other improvements in the living conditions of the local population;
  - g) the standards concerning visits to the area, when necessary, the safety of visitors, information and interpretation of nature aspects and, in general, all public use;
  - h) the facilities and infrastructure necessary for the management of the area;
  - i) special plans that shall be prepared to address in detail any aspect of infrastructure or the need for managing the area;
  - j) the studies necessary to better know the area, containing the monitoring of the environmental conditions and use, needed to support the management and economic estimation of the corresponding investments, if any;
  - k) the system of management and stakeholder engagement.
2. The management plan shall include the conservation area, its buffer zone, including measures to promote its integration into the economic and social life of the local communities.
3. The management plan for a conservation area has the same legal force as the environmental management plan and the land use plan.
4. As a transitional measure, in case there is no management plan or during its elaboration, the conservation area can be managed through a declaration of intent of management, which shall include a description of the values of existing significant natural and cultural resources in the

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area and a proposal for their management and use.

## CHAPTER IV

### **Recuperation and restoration of biological diversity**

#### Article 44

##### **(General criteria)**

1. The State promotes the recovery of degraded areas through the reforestation, preferably in the dunes, the slopes and bases of mountains, valleys and other sensitive areas, river basins and fragile ecosystems.
2. The State shall promote the repopulation of wildlife in accordance with the previously approved management plan and in compliance with relevant legislation.
3. In conservation areas, it is not allowed to transform degraded areas for other purposes of use; instead, they are to be restored to their previous condition.

#### Article 45

##### **(Accountability)**

1. When deforestation, fires or other voluntary acts cause the degradation of ecosystems, the offender is obliged to recover the degraded area under terms and conditions to be determined by proper regulations, without prejudice to other civil and criminal procedures that apply.
2. Whoever, in any way, causes the decline of wildlife is obliged to repopulate the affected species, under terms and conditions to be defined by decree, without prejudice to civil and criminal procedures that give rise.

## CHAPTER V

### **Management of endangered species**

#### Article 46

##### **(Endangered flora and fauna species)**

1. The Council of Ministers approves by decree the list of protected species and the list of species whose utilization is permitted, including their hunting.
2. The State promotes investigations and research concerning the status of biological diversity of the country in order to provide information for decision-making with respect to the management of the species.

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#### Article 47

##### **(Import and export of endangered flora and fauna species)**

1. The State shall take appropriate measures to enforce the application of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
2. The international trade of endangered species of wild fauna and flora is subject to broad scientific knowledge of their existence, of their ecological value and the determinants of their conservation.
3. The competent authorities determine the import and export mechanisms for live or dead species covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

#### CHAPTER VI

##### **Resettlement**

#### Article 48

##### **(Resettlement of the population)**

1. The State may resettle human populations out of conservation areas if their presence is incompatible with the legal status of the conservation area or impedes its proper management.
2. Those affected by resettlement must be guaranteed equal or better conditions than those enjoyed in the area they live in, through fair compensation accompanied by measures that promote livelihoods, within the context of a consultative process in which participate, in addition to the representatives of the people involved, the manager of the conservation area in question and the local state organs.
3. The State is obliged to promote the creation of infrastructure and signaling of conservation areas in order to protect biodiversity and communities, thereby reducing the incidence of human-wildlife conflicts.

#### CHAPTER VII

##### **Fees**

#### Article 49

##### **(Fees)**

1. Fees are due for access and the use of natural resources, for compensation of conservation efforts and for ecological services of the conservation area.

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2. It is incumbent upon the Council of Ministers to determine the values of the fees referred to in the preceding number and to issue licenses for activities and other authorizations, including surcharges for restocking.
3. Local communities are exempted from payment of fees for the utilization of natural resources, provided these are for non-commercial purposes and in areas where such activities are permitted.
4. The Council of Ministers determines the percentages of the values derived from access fees and fees for the use of resources, for the benefit of the local communities.
5. The percentages referred to in the preceding number may not be less than 20%.

## CHAPTER VIII

### **Inspection**

#### Article 50

#### **(Inspection activities)**

1. The protection, conservation, preservation, sustainable use, transportation and handling of the resources under this Law are subject to inspection.
2. The inspection aims at the prevention of any activity which disturbs the harmony of nature, including that in buffer zones, and is carried out by sworn state, community and inspection agents.
3. The defense forces and state security services engage in inspection activities in conservation areas.

#### Article 51

#### **(Duty of collaboration)**

1. All public and private entities and all national and foreign citizens as well as the license holders must cooperate in exercising the vigilance needed to protect the forest, fauna, fish and other resources, by communicating in the offenses they have knowledge of to the nearest competent authorities and providing support and information requested by inspectors and other inspection agents.
2. The State ensures the protection of whistleblowers under the law and the counterparts aim at encouraging the participation of all in protecting conservation areas, in accordance with the terms to be regulated by the Council of Ministers.

#### Article 52

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**(Use and carrying of firearms)**

Inspectors in the exercise of their functions are entitled to use and carry firearms and other equipment, to be defined by a specific diploma.

CHAPTER IX

**Offenses and penalties**

Article 53

**(General rules)**

1. The offenses provided for in this Law are subject to fines and accompanied by recovery measures or the mandatory compensation of damage done, without prejudice to the application of criminal sanctions they give rise to.
2. In duly justified cases, alternative sentences including work to compensation for the conservation effort can be applied to the offender.
3. Failure to voluntarily pay the fine subjects the offender to the consequences provided for in criminal law in the jurisdiction where the offense has been committed, without prejudice to other legal procedures.
4. For the purposes of the previous number the stakeholders in the control and inspection process include State inspectors, community agents, sworn inspectors, the local communities where violations occur and in general, every citizen who has reported the offense.
5. It is incumbent upon the Council of Ministers to periodically update the amounts of the fines provided for in this Law.

Article 54

**(Violations and sanctions)**

1. Violations punishable by a fine of 1 to 10 minimum monthly wages as paid in the public sector include the following:
  - a) storage, transportation or marketing of natural resources covered by this Law without authorization or in violation of the conditions established by law;
  - b) receipt of resources subject to this Law without having documentary proof of authorization from the seller or shipper;
  - c) illegal transportation of animals in camouflaged condition so as to hide their gender and species.
2. Violations punishable by a fine of 11 to 50 minimum monthly wages as paid in the public sector include the following:



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- a) the illegal exploitation of natural resources in conservation areas;
  - b) carrying out archaeological work or other works in a conservation area without permission of the competent authority;
  - c) import or export of natural resources without license or contrary to the conditions established by law;
  - d) abandonment of forest, wildlife or fishery products subject to licensing;
  - e) engaging in any acts that disturb natural or cultural resources in conservation areas.
3. Violations punishable by a fine of fine of 50 to 1000 minimum monthly wages as paid in the public sector include exploitation, storage, transportation or illegal trade of species on the list of protected species in the country.
4. The violation of the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, listed in its respective annexes, is punishable by the following fines:
- a) Annex I, 50-1000 minimum monthly wages as paid in the public sector;
  - b) Annex II, 40-500 minimum monthly wages as paid in the public sector;
  - c) Annex III, 30-400 minimum monthly wages as paid in the public sector.

#### Article 55

##### **(Aggravating circumstances)**

Aggravating circumstances in the application of fines, beyond those established in the criminal law, are the following:

- a) committing the offense during the closed season;
- b) committing the offense against protected species;
- c) the offender being a State inspector, sworn inspector, community agent, State employee or agent, police officer or similar agent;
- d) committing the offense during night, on Sundays or during holidays;
- e) the use of violence, threats or in any form oppose inspection;
- f) the offender or the person jointly liable being the license holder;
- g) the use of forbidden practices, tools, techniques and procedures;
- h) committing the offense in organized groups.

#### Article 56

##### **(Mitigating circumstances)**

1. Mitigating circumstances in the application of fines, beyond those established in the criminal law, are the following:

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- a) be a first time offender;
  - b) the offender spontaneously has contacted inspection staff to voluntarily report the damage;
  - c) the offender does not have knowledge or is not aware of the consequences of the act, taking into account his background, education level, socio-economic conditions, local habits and the place of residence.
2. In general, any other circumstances that precede, accompany or follow upon the crime, lessen the agent's culpability or in some way diminish the seriousness of the offense.

#### Article 57

##### **(Recidivism)**

1. Recidivism occurs when the offender, having been convicted by a final judgment for some offense, commits another offense of the same nature before five years have passed since the conviction referred to, even if the statute of limitations for the first offense has expired.
2. In the case of recidivism, the amount and the minimum and maximum fines are doubled, the instruments used in committing the offense revert to the State and the license is revoked.
3. The repeat offender, when a foreigner, can be forbidden to work in Mozambican territory for a period of up to thirty-six months.
4. Recidivism does not exclude the circumstance that the person in question is the perpetrator of the offense in one case and an accomplice in another.

#### Article 58

##### **(Accumulation of offenses)**

Offenses accumulate when the perpetrator commits more than one offense at the same time, or when, having perpetrated one he commits another one before having been convicted for the previous one.

#### Article 59

##### **(Criminals and joint liability)**

1. Criminals are perpetrators, accomplices or accessories, as defined under the criminal law.
2. The State inspector and the sworn inspector that do not take the measures provided for in this Law and its regulations, and all those who despite a legal obligation to cooperate in the course of surveillance have not done so, shall be punished in accordance with the law.

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#### Article 60

##### **(Additional penalties)**

The application of the penalties provided for in this Law leads to the following additional penalties:

- a)* the replacement of damages to nature, the repopulation of devastated areas;
- b)* confiscation by the State of flora, fauna and cultural products and byproducts, without prejudice to the penalty applicable to the offense;
- c)* reversal to the State of the instruments used in committing the offense;
- d)* revocation of the license and cancellation of permits issued in the name of the offender;
- e)* suspension of the activities causing the offense;
- f)* embargo of works;
- g)* demolition of works, determined by the agency implementing the management of conservation areas, based on the illegality of the works and the severity of the damage caused by the offense;
- h)* a ban on new permits for the duration of one year.

#### Article 61

##### **(Prison sentence)**

Sentenced to imprisonment of up to two years and a correspondent fine is he who:

- a)* carries out illegal activities using illegal firearms and mechanical traps;
- b)* is a repeat offender.

#### Article 62

##### **(Long-term imprisonment)**

Subject to imprisonment from eight to twelve years and a correspondent fine is he who:

- a)* sets fire to and thereby destroys wholly or in part forest, bush or grove;
- b)* kills without license any animal of a protected species;
- c)* uses fishing gear prohibited by law, particularly the use of explosives and poisonous, toxic or equivalent substances.

#### Article 63

##### **(Destination of seized assets)**

The products, objects and instruments seized and declared forfeited to the State under this Law have the following destination:

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- a) the sale by auction of products, subject to the exceptions provided for in this Law;
- b) the donation of perishable products to social institutions and nonprofit organizations as well as local communities, after the making of a detailed breakdown in the confiscation document;
- c) seized timber from a conservation area may have immediate use for the conservation area itself;
- d) live specimens of flora and fauna are returned to the area of origin or to the nearest conservation areas;
- e) provided they are not prohibited, instruments are returned to the first offender upon payment of the respective fine and compliance with other sanctions or legal obligations;
- f) instruments used in committing the offense that are of use in the conservation area and in other social institutions and scientific and cultural, entities, will be donated to these, provided they are not claimed within a period of 15 days.

## CHAPTER X

### **Final and temporary provisions**

#### Article 64

##### **(Revocation)**

Number 21 of Article 1, Articles 10, 11, 12, 40 and number 1 of Article 22 of the Forestry and Wildlife Law, Law Nr. 10/99 of 7 July, and Article 13 of Law Nr. 20/97 of 1 October, as well as the remaining legal provisions contrary to this Law, are revoked.

#### Article 65

##### **(Studies and research)**

Carrying out missions of a scientific character that presuppose studies or activities under this Law require authorization by the Council of Ministers, acting upon information of the agency implementing the management of conservation areas.

#### Article 66

##### **(International cooperation)**

The State shall promote cooperation with other countries, particularly those in the region, as well as with international organizations with a view to sharing best practices in various aspects related to conservation areas.

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Article 67

**(Fines and their destination)**

The Council of Ministers determines the amounts from fines destined for the benefit of the various stakeholders in the inspection and control process related to the resources under this Law.

Article 68

**(Regulations)**

It is incumbent upon the Council of Ministers to adopt regulatory measures 180 days after their publication.

Article 69

**(Entry into force)**

This Law shall enter into force on the date of its publication.

Approved by the Assembly of the Republic on 24 April 2014.

The President of the Assembly of the Republic, *Veronica Nathaniel Macamo Dlhovo*

Promulgated on 29 May 2014 – The President of the Republic, ARMANDO EMÍLIO GUEBUZA.

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ANNEX A

GLOSSARY

**Tourist activity** - commercial activity that competes for the provision of services related to accommodation, catering and / or meeting the needs of people who travel for leisure or business, or who travel as tourists.

**Conservation area** - delimited aquatic or terrestrial area, established by specific legal means, especially dedicated to the protection and maintenance of biological diversity and of associated natural and cultural resources.

**Degraded area** - piece of land showing adverse changes in the natural features of the

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environment including, among other things, soil erosion, water and air pollution, deforestation, desertification, fragmentation and loss of habitat, resulting from anthropogenic factors.

**Multiple use area** - area outside protection zones dedicated to varied forms of land use, resulting from the application of land use planning instruments.

**Knife** - weapon provided with a cutting or perforating blade used in hand-to-hand combat.

**Firearm** - any weapon functioning through the ignition of an explosive charge that gives rise to the release of gases whose expansion propels the projectile.

**Hunting** - form of rational exploitation of hunting resources.

**Hunting or shooting** - series of movements performed by the hunter while making use of his hunting gear, consisting of a series of operations characterized by action or actions of looking for, tracking, waiting, seizing, killing and carrying wild animals, dead or alive.

**Local community** - a group of families and individuals living in a territorial district of locality level or smaller, which aims at safeguarding common interests through the protection of residential areas, agricultural areas, whether cultivated or fallow, forests, sites of cultural importance, pasture, water sources, hunting areas and expansion areas.

**Conservation** - set of interventions aimed at protection, maintenance, rehabilitation, restoration, enhancement, management and sustainable use of natural resources in order to ensure their quality and value, by protecting their material essence and ensuring their integrity.

**Closed season** - period of the year designed to allow for the reproduction and growth of species, during which activities exploiting them are prohibited.

**Sustainable development** - development based on environmental management that meets the needs of the present generation without compromising the environmental balance, thus allowing future generations to meet their needs.

**Hunting spoils** - are the parts of the animal that do not fall under the definition of trophy, including meat and raw skin (not tanned).

**Biodiversity** - the variety and variability among living organisms from all origins, including among other things, terrestrial, marine and other aquatic ecosystems, as well as the ecological complexes of which these are part; it concerns the diversity within species, between species and of ecosystems.

**Ecosystem** - a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.

**Fragile ecosystem** - ecosystem that by its very natural and geographical characteristics is susceptible to rapid degradation of its attributes and that is difficult to restore.

**Ecotourism** - set of tourist activities carried out in natural areas, ensuring the conservation of the environment and the welfare of local communities with the involvement of tourists and

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consumers of tourism products and services.

**Erosion** - detachment from the soil surface by the natural action of wind or water, intensified by human practices of vegetation removal.

**Species** - a group of individuals who share the same genetic setup, morphologically similar and able to crossbreed, thus generating fertile individuals.

**Endemic species** - species confined to a particular geographical region.

**Endangered species** - species whose population has been reduced, or with reduced habitat, or in a process of reduction, in need of special protection measures to ensure its conservation and recovery.

**Rare species** - species with low abundance and restricted distribution and due to such ecological characteristics susceptible to becoming a vulnerable species.

**Specimen** - designates a specimen or sample of any material or living being. More specifically, it individually designates an identifiable part, used as a representative sample for the study of the properties of a population of the species or subspecies to which it belongs.

**Carbon stock** - product of a particular ecosystem that is natural or modified by the weight of biomass and necromass converted into carbon.

**Sustainable exploitation** - rational and controlled use of forest and fauna resources through the application of technical and scientific knowledge, aimed at achieving the resource conservation objectives for present and future generations.

**Wildlife** - the whole of terrestrial and aquatic animals, amphibians and wild birds and all species, at any stage of their development, living naturally, as well as wild species caught for breeding in captivity.

**Forest** - vegetation cover capable of providing timber or other plant products, hosting wild life and having a direct or in direct effect on soil, climate and water regimes.

**Net loss of biodiversity** - the impacts of activities on the composition of species, habitat structure, ecosystem functions, cultural values and biodiversity use by communities.

**Fishing** - the practice of any acts leading to the capture of aquaculture species in the state of natural liberty, exercised in inland waters or on their shores.

**Management plan** - technical document that contains the activities and other techniques to be implemented by the various stakeholders in the conservation, management and utilization of forest and fauna resources.

**Preservation** - aims at maintaining assets in the condition they are in, trying at the same time to halt or slow down their degradation.

**Natural resources** - natural environmental components useful for humans, providing goods

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and services, including air, water, soil, forest, fauna, fishing and minerals.

**Mineral resources** - any solid, liquid or gaseous substances formed in the earth's crust by geologic phenomena or linked to these.

**Biological resources** - includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humankind.

**Hunting resources** - birds and terrestrial mammals that are in a state of natural liberty, whether they are sedentary in the country or migrate through it, even those originating from reproduction processes in captivity or by artificial means.

**Forest and wildlife resources** - forests and other forms of vegetation, including forest products, wildlife, trophies and spoils, either processed or not.

**Restoration** - the restitution of a degraded ecosystem or wild population, as close as possible to its natural condition.

**Genetic resources** - the genetic material, in particular of plant, animal or microbiological origin, containing functional heredity units, with an actual or potential use value.

**Trophy** - the durable parts of wild animals, in particular the head, skull, horns, teeth, leathers, hair and bristles, nails, claws, hooves and eggs, nests and feathers, provided these have not lost their original look by any manufacturing process.

**Indirect use** - use that does not involve consumption, collection, damaging or destruction of natural resources.

**Direct use** - use that involves collection and use, commercial or otherwise, of natural resources.

**Natural value** - element of biodiversity, landscapes, territories, habitats or geosites.

**Zoning** - division and classification of forest, fauna and cultural heritage, including related elements, according to type, use and purpose.