



# 中国林业企业

莫桑比克篇

## 境外可持续经营、贸易和投资国别手册

Manual on Sustainable Overseas Forest Management,  
Trade and Investment by Chinese Enterprises

陈勇 玛利亚·梅 陈绍志 李茗 主编

Edited by Chen Yong Maria Muianga Chen Shaozhi Li Ming

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# 1

## Overview of Mozambique forestry sector

### 1.1 forest resources

Mozambique has 40.1 million hectares of forest, of which 26.9 million are suitable for timber production and 13.2 million hectares are conservation areas, with an estimated actual total commercial volume of 123 million m<sup>3</sup> (Marzoli 2007).

The predominant ecosystem in Mozambique is miombowoodland, which covers about two-thirds of the country, other ecosystems include mopane in the semi-arid regions of the hinterlands and the undifferentiated forests in the coastal region.

In these forests there are some 120 commercial species which have been classified into five grades (Precious, Class 1, 2, 3 and 4), according to the current demand and commercial value of the timber.

According to Marzoli (2007), the commercial volume is distributed by classes as follows: 4% in the precious species, 21% in first class, 44% in the second class, 14% in Class 3 and 17% in class 4.

### 1.2 forest products trade

Timber is Mozambique's sixth largest export by value. In 2010, timber

constituted 3% of Mozambique’s total exports. China, as Mozambique’s largest trading partner, absorbs 96% of these timber exports. The rise in timber harvesting, which in 2012 exceeded 700,000 m<sup>3</sup> has contributed to deforestation and degradation – with particular fears over the commercial extinction of the main timber species.

### 1.3 forestry authority

The management of forest resources in Mozambique is under public administration on the responsibility of DINAF which is under MITADER. Among several functions, DINAF must ensure licensing, management, protection, research, conservation and monitoring of forest resources and also has to promote the participation of local communities in sustainable management of resources. In order to be possible to perform these functions, the Mozambique forestry administrative system has the following organizational chart:

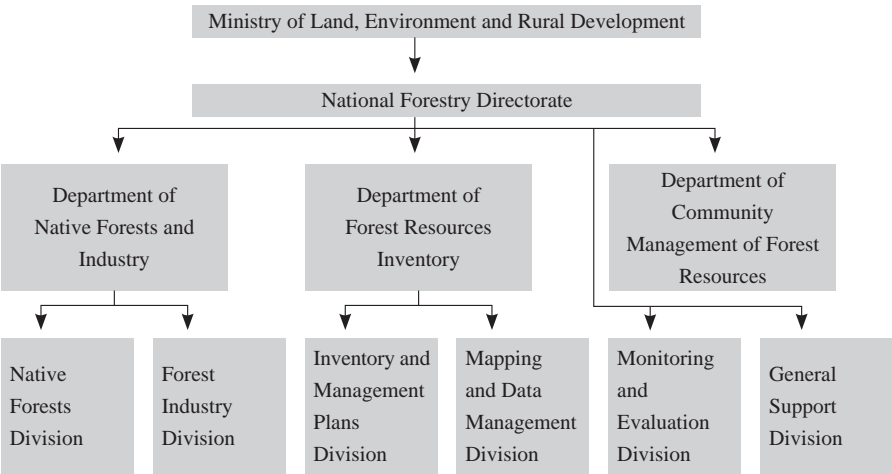


Fig 1-1 Organizational Chart of Mozambique Forestry Administrative System



# 2

## Business Operations

### 2.1 Laws and regulations

The investment law regulates the economic investments that can take place in Mozambique, including guarantees and incentives, and the investments carried out in the industrial free zones and special economic zones. It defines the rights/responsibilities, intervention and time limits for decision-making on investment projects, fixes the minimum amount and forms of direct foreign investment in economic enterprises, establishes the procedures for submission, review and approval of investment projects eligible to the guarantees and expected incentives of the investment law, establishes the rules for determining the real value of the investment, defines the rules on amendments of granted investment licenses, as well as their revocation, establishes the legal framework, integration and coordination mechanisms, planning, implementation and monitoring of the functioning of Special Economic Zones and Industrial Free Zones, and defines the rules of communication and correspondence and resolution of complaints regarding investment projects.

### 2.2 Investment

Investment proposals may be submitted in Portuguese or English. They

must be submitted on the appropriate form, accompanied by documents necessary for its consideration (copy of the identification of applicant investor; certificate of business registration or social domination reserve of the company that is implementing the project; topographic plan or sketch of the location where it intends to locate the project) in four copies/examples to the Centro de Promoção e Investimento (CPI) or to Gabinete de Zonas Económicas de Densolvimento Acelerado (GAZEDA).

## 2.3 Labour

Labour legislation in Mozambique includes:

- The Constitution of the Republic of 2004 (the “Constitution” );
- International conventions to which Mozambique is a party;
- The Law No. 23/2007 of 01 August (the “Labour Law” );
- Law No. 8/98 of 8 July (the “Law 8/98” in effect until 30 October 2007);
- Other laws and regulations, some of which predate the Labour Law but remain in effect, others of which are subsequent to the Labour Law and, usually in the form of decrees, that specifically regulate matters in that law;
- Sector-specific legislation touching on labour questions.

The Constitution provides that:

- All workers have a right to a fair wage, rest and vacation, and to a safe and hygienic work environment.
- Workers may be dismissed only in the cases and under the terms established by law.
- Workers have the right to organize in professional groups and unions, as regulated by law;
- Workers have a guaranteed right to strike, and lock-outs may not be used against them.

All forestry concessionaires are obliged to comply with labour law and

social security for their employees, and should therefore:

- ① Respect the 8 hours of daily work, and entitlement to a weekly rest;
- ② Provide their employees good physical, environmental and moral work conditions, inform them about the hazards of their job and instruct them on proper compliance with the rules of hygiene and safety at work;
- ③ Adopt effective measures to prevent industrial accidents and occupational diseases and to investigate their causes and ways to overcome them, in close collaboration with the work safety committees established in the company.

An employment relationship does not have to be written down in order to be valid. The responsibility for having a written agreement is with the employer, and the rights of the worker are in no way affected by this contract being unwritten.

Labour contracts can be:

- For an indeterminate period (*contrato por tempo indeterminado*); or
- For a fixed term (*contrato a prazo*).

A labour contract must be signed by both parties and must contain the following clauses:

- identification of the employer and the worker;
- professional category, tasks or activities agreed;
- workplace;
- duration of the contract and conditions for its renewal;
- amount, form and periodicity of remuneration;
- date on which performance under the contract shall begin;
- in the case of fixed term contracts (*contratos a prazo*), the term and the justification for the form of contract;
- date of signature of the contract and, in the case of a fixed term contract for a period certain, its termination date.

The maximum probationary periods for new workers are as follows:



a) For the fixed-period contract:

- 90 days for contracts longer than one year;
- 30 days for contracts between six months and one year;
- 15 days for contracts up to six months;
- 15 days for fixed-period contract for periods uncertain projected to last for 90 days or more.

b) For indeterminate period contracts:

- 90 days for most workers; but
- 180 days for medium and higher level technicians and employees in positions of management and direction.

### **2.3.1 Payment for work**

Wages are regulated by Chapter III, Section XI of the Labour Law and by the Ministerial Order that establishes the minimum wage in any given year.

Remuneration is composed of salary and any periodic, direct or indirect payments in cash or kind. Any payment made in kind may not amount to more than 25% of the overall salary.

Overtime work is paid at the rate of the normal hourly rate of the worker' s base salary plus 50%, for overtime hours up to 20:00 (i.e. 1.5 times the normal rate), and at the rate of the worker' s base salary plus 100% for overtime hours between 20 : 00 and the start of the following work day (i.e. double the normal rate).

Exceptional work is paid at a rate of the worker' s base salary plus 100% (i.e. double the normal rate).

Wages must be paid on a regular basis, whether weekly, biweekly or monthly. Wages must be paid in cash; provided, that up to 25% of an employee' s wages may be paid in kind if so agreed with the worker, using goods appropriate to the circumstances of the worker and her family and valued at prices current in the region.

The only deductions permitted from an employee's wages are for Social Security, other payments to the State (such as IRPS, personal income tax), as a consequence of disciplinary action taken by the employer, or as a result of a judicial order (e.g. child support). The total amount withheld from any payment of salary must never exceed one third of the amount due.

The minimum wage is set annually, usually as the result of a tripartite negotiation between the Government, representatives of the private sector and the unions in the Labour Consultative Committee (the *Comissão Consultiva de Trabalho*).

Different minimum wages are set for eight different sectors, including agriculture (which includes forestry — 3,298 MT from 01/04/16 to 31/03/17), industry, financial services, non-financial services, construction, fisheries, mining, electricity gas and water.

### **2.3.2 Vacation and Leave Time**

Vacation and leave time are governed by Chapter III, Section X of the Labour Law.

Mozambique is also party to two relevant ILO conventions: Convention 14 on weekly rest periods in industrial establishments, and Convention 52 on paid annual leave.

The Labour Law introduces an innovation in respect of vacation time. Under this law a worker has the right to:

- one day of vacation for each month of effective service during the first year of work;
- two days of vacation for each full month of effective service during the second year of work;
- 30 days of vacation of leave for each full year of effective service from the third year.

Effective service for the purpose of calculation of leave includes the time during which the worker is at work or available to the employer, public



holidays, weekly days off and justified absences.

Vacation time includes weekends and is 30 consecutive days and not 30 working days. In the event a national holiday falls on a vacation day, that day is not counted as vacation.

### **2.3.3 Disciplinary measures**

Disciplinary power is attributed to the employer and permits the use of sanctions including dismissal. This power is designed to enable employers to deal with issues of disciplinary responsibility, in other words, behaviour by the worker that violates the employment contract or other obligations under the law.

Disciplinary procedures are governed mainly by Chapter III, Section VII, subsection III of the Labour Law. Employers may discipline workers for a broad variety of offenses, including, absenteeism, culpable failure to perform appointed tasks, drunkenness, theft and sexual harassment (whether committed on or off the work premises). There are six disciplinary measures employers may take, in ascending order of severity:

- verbal warning;
- written reprimand;
- suspension from post with loss of pay (up to 10 days for each offense and 30 days in any calendar year);
- a fine of up to 20 days of salary;
- demotion to the immediately lower professional category, for a period not greater than 12 months; and
- dismissal.

### **2.3.4 Collective Rights and Instruments of Collective Regulation**

Under the Constitution, workers and employers have the right to organize themselves in professional associations and unions, as regulated by law.

Workers are guaranteed the right to strike, and lock-outs may not be used against them.

These principles are also found in the Labour Law. Unions and employers' groups may organize into higher level organizations or may affiliate in federations and confederations.

Employers' organizations and unions have the legal authorization to carry out collective bargaining and to work with the State to develop labour legislation and define and apply policies in respect of many workplace issues.

Unions and professional organizations must be democratically organized, with internal elections for periods of limited duration, for which the whole membership is eligible to vote.

### **2.3.5 Conditions for the recruitment of foreign workers**

The process of contracting foreign employees is provided by Law No. 23/2007 of 01 August (the Labour Law), and Decree No. 55/2008 of 30 December (the Regulation on the Mechanisms and Procedures for Hiring of People of Foreign Nationality).

Under the terms of the Mozambican Labour Law, there are two means of employing foreigners in Mozambique.

Firstly, employers, whether national and foreign, may employ a foreigner by authorization of the Minister of Labour or an agency to which she delegates powers, on application.

Secondly, employers may also employ, by simple communication to the Minister of Labour or an agency to which she delegates powers, up to the number of foreigners permitted under the following quotas:

- in large firms, up to 5% of the total number of workers;
- in medium firms, up to 8% of the total number of workers;
- in small firms, up to 10% of the total number of workers.

In respect of investment projects approved by the Government that

stipulate a number of foreign workers greater or lesser than the quota indicated above, no authorization is required.

It is sufficient in such cases to inform the Minister of Labour within 15 days of the arrival of such workers in the country.

The classification of companies as small, medium and large is:

- a large company is one that has more than 100 employees;
- a medium company is one that has more than 10 and up to 100 employees; and
- a small company is one that has up to 10 employees.

### **2.3.6 Employment by work authorization**

Obtaining the authorization of the Minister of Labour: authorization is granted by the Minister of Labour on a case-by-case basis if the following prerequisites are met:

- ① there are no Mozambican employees qualified to do the particular job;
- or
- ② the number of qualified Mozambican employees is insufficient to meet the demand.

Authorization is the mechanism used when quota has been exceeded and also the required approach in cases of “specialized technical assistance” including such contexts as employment in NGOs, scientific research and teaching, among others.

The prospective employer must submit an application in the prescribed form (in annex to Decree 55/2008) addressed to the Minister of Labour, at the relevant provincial department of labour. Such application must contain the following information:

- Application addressed to the Labour Minister (the application must contain the name of the applicant, headquarters and field of activity of the applicant, indication of the company’ s number of employees,

detailing the number of national and foreign employees);

- Details of employee - name, passport number, country of birth, function to be exercised in Mozambique, indication of the period during which he or she is going to work in Mozambique;
- Employment Contract, which may not exceed 24 months (3 copies);
- Academic Certificate;<sup>①</sup>
- Technical and professional Certificate;
- Evidence of professional experience;
- Declaration (*certidão de quitação*) to be issued by the Mozambican tax authority stating that the company is not in breach of its duty to pay any taxes;
- Declaration (*certidão de quitação*) to be issued by the National Institute of Social Security (INSS) stating that the company is not in breach of its duty to pay any social security contributions;
- Opinion of the Labour Union Committee (which must expressly refer the “pertinence” of the request for the admission of the foreign employee);
- Proof of payment of the fee equivalent to 10 minimum (monthly) salaries for the applicant’s sector of activity (to be paid before submitting the application to the Ministry of Labour).

Documents needed for projects approved through the CPI:

- Application addressed to the Labour Minister;
- Employment Contract (3 copies/examples);
- Document of Project authorization by CPI;
- Deposit proof of 12% the salary stated in the contract, on National Institute of Employment and Professional Education (INFP) bank

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① In the event the academic certificate was obtained outside Mozambique, a certificate of equivalence has to be issued by the Ministry of Education and Culture (the application for which entails a distinct process involving the National Exams, Certification and Equivalence Council of the Ministry of Education).

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### **2.3.7 Communication to the Minister of Labour**

Communication of the employment of a foreigner is the proper means in the following circumstances:

- ① The number of foreign employees meant to be contracted is within established quotas;
- ② There is specific provision in the prospective employer's investment contract with the Government of Mozambique for an explicit percentage of foreign employees greater or lesser than the percentages set forth above.
- ③ The prospective employee is to be hired for a short-term assignment, i.e., for a period up to 30 days, consecutive or interspersed.<sup>①</sup>

In instances of communication to the Minister of Labour, the following procedure must be observed and documents supplied:

- The prospective employer must submit an application in the prescribed form (in annex to Decree 55/2008) addressed to the Minister of Labour, at the relevant Provincial Department of Labour indicating the level of implementation of the quota reached after the admission of the prospective employee;
- A letter of the company to the Minister of Labour (standard form) communicating the admission of the employee and the level of implementation of the quota (two copies);
- Three original copies of the employment agreement, which may not exceed 24 months;

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① Under the terms of Decree 55/2008, foreigners may work in Mozambique for up to 30 days (consecutive or interspersed) per calendar year by means of communication from the Mozambican employer (understood here to mean a Mozambican company or the foreign parent of a Mozambican company) to the Minister of Labour. Such 30-day period can be extended, for up to two further 30-day periods, on application to the Minister of Labour. The extension is at the discretion of the Minister of Labour.

- Declaration (*certidão de quitação*) to be issued by the Mozambican tax authority stating that the company is not in breach of duty to pay any taxes;
- Declaration (*certidão de quitação*) to be issued by the National Institute of Social Security (INSS) stating that the company is not in breach of duty to pay any social security contributions;
- Certified copy of the legally-required employee' s list (*relação nominal*) of the year preceding the admission of the foreign employee duly stamped by the National Institute of Social Security (INSS), in respect of the first communication made;
- Certified copy of the Passport or Identification Document for Residence of Foreigners (DIRE);
- Proof of payment of the fee equivalent to three minimum (monthly) salaries for the applicant' s sector of activity; and
- The investment project (if applicable).

## 2.4 Company registration

The Commercial Code (approved by Decree-Law No. 2/ 2005 of 27 December), governs all procedures for the formation of a commercial company or firm in Mozambique.

Under this Code, companies can be formed, whether the case of partnerships or limited companies, joint-stock or industries, public or private limited.

The most common in the country are private limited companies (capital divided by shares, partners jointly liable); public limited (capital divided by shares, with responsibility limited by number of shares) and sole proprietorship (capital constitutes a single share held by the sole proprietor).

The requirements for the formation of a company, whether public or private limited, are as follows:

① Reservation of the company name in the Registry of Legal Entities (REL), for the acquisition of the Clearance Certificate (valid for three months). This costs 75 MT, and the certificate is issued on the same day;

② Development of the company's contract and its respective articles of association;

③ Recognition of the signatures on the contract, and subsequent registration in the REL, to obtain the Commercial Certificate (definitive). This Commercial Certificate is issued the same day;

④ After the issuance of the Commercial Certificate, publish the statutes/contract of the company in the Bulletin of the Republic (BR) on the REL. Its value is calculated using the clauses of the statutes as its base. On average, the statutes are published on the BR 30 days after payment is made;

⑤ Application for the Single Tax Identification Number (NUIT), which should be accompanied by the following documents: BR of the company, identification document of the company representative, commercial certificate, and 4 completed examples of model M/01C. The NUIT is issued in 15 days;

⑥ After the issuance of the NUIT, the application should request the issuance of the permit at the *Balcão de Atendimento Unico* (BAU) (centralized public spaces for access to public services) with the following documents: identification document of the company representative, statutes, commercial certificate and company NUIT, a completed form available at the BAU (attached in Annex). A payment of 3,000 MT should be made. On average, the permit is issued in 15 days;

⑦ Once the Permit is issued, the applicant should communicate the start of any fiscal activity, a process that should be accompanied by the following documents: 3 examples of Modelo M/02, the BR, the commercial certification and a copy of the permit;

⑧ Later, the company should be registered on the National Institute of Social Security (INSS), a process which should be accompanied by the



following documents: declaration of the start of fiscal activity, documents of the company representative, company and company representative NUIT, copy of the company permit, BR/commercial certificate, forms available at the INSS, and all documents should be authenticated. It is important to note that INSS registration is completed on the same day;

⑨ In parallel, the company should be registered with the Ministry of Labor Employment and Social Security (MITESS). Under this Ministry, the company should:

- Communicate the start of any work activity. Such communication should be accompanied by an authenticated copy of the declaration of the start of fiscal activity;
- Seek approval for work schedules. This request should be accompanied by: 2 detailed work schedules, 2 authenticated copies of the permit, the declaration of the start of fiscal activity, and the company representative's documents. The approval of the work schedule is completed in 10 days, beginning from the day of submission of the request;
- Seek approval for the nominal list of workers. This request should be accompanied by: 4 copies of the nominal list and 1 copy of the declaration of the start of fiscal activity. On average, approval takes 10 days.

⑩ The company should legalize their books (accounting journal, inventories and balance sheets, General Assembly minutes, Administrative Board minutes) with the Ministry of Finance and the REL. This process is completed on the same day;

⑪ In parallel, the company should open a bank account.

On the other hand, companies under sole proprietorship should meet the following requirements:

- ① Reservation of the company name in the Registry of Legal Entities

(REL), for the acquisition of the Clearance Certificate (valid for three months), wherein this record costs 75 MT, and the certificate is issued on the same day.

② Issuance of the Permit, with the following documents: copy of the Clearance Certification, an Identification Card or personal NUIT. A payment of 3,000MT should be made. On average, the Permit is issued in 15 days.

③ Communication of the start of fiscal activity. The application should be accompanied by the following documents: 3 examples of Model M/02, a copy of Identification of the holder, a copy of the Permit and a copy of the holder's NUIT.

④ Issuance of the Definitive Commercial Certificate. The application should be accompanied by the following documents: copy of the declaration of the start of fiscal activity, copy of the Permit, authenticated copies of the ID and NUIT of the holder. A payment of 455MT should be made.

⑤ Registration of the company with the INSS. The application should be accompanied by the following documents: copy of the declaration of the start of fiscal activity, copy of the company's Permit, authenticated copies of the ID and NUIT of the holder.

⑥ Register the company with the Ministry of Labor (MITESS). The company should:

- Communicate the start of any work activity. Such communication should be accompanied by an authenticated copy of the declaration of the start of fiscal activity.
- Seek approval for a work schedule. This request should be accompanied by: 2 detailed work schedules, 2 authenticated copies of the permit, the declaration of the start of fiscal activity, and the company representative's documents. The approval of the work schedule is completed in 10 days, beginning from the day of submission of the request.
- Seek approval for the nominal list of workers. This request should

be accompanied by: 4 copies of the nominal list and 1 copy of the declaration of the start of fiscal activity. On average, approval takes 10 days.

- The company should legalize their books (accounting journals, inventories and balance sheets, General Assembly minutes, Administrative Board minutes) with the Ministry of Finance and the REL. This process is completed on the same day.

⑦ In parallel, the company should open a bank account.

After the legal constitution of the company, the holder should request, from MITADER (the National Directorate of Forests) the issuance of a contract for a forest concession, which is intended for industrial forest harvesting, through a management plan that is previously authorized.

This contract is issued to a national or foreign individual or company interested in exploring the forest resource for commercial ends, whether industrial or for energy, according to the capacity of the operator and in accordance with the management plan, observing the Regulation for the Environmental Impact Assessment process (approved by No. 45/2004 of 29 September) and approved by the sector.



# 3

## Forest Management

### 3.1 Laws and Regulations

The Law and Regulation of the Forest and Wildlife is applicable to the activities of protection, conservation, use, harvesting and production of forest and wildlife resources, and covers commercialization, transport, storage, and the primary, artisanal or industrial processing and transformation of these resources.

The purpose of the national legislation is to regulate the exploitation, commercial or otherwise, of forest and other natural resources, wherever these activities occur. Management of forest areas is therefore the realm of the state institutions, except to the extent that specific area may be covered by the grant of a forest concession or a ‘simple licence’ to exploit timber, where the licensee or concession-holder becomes contractually responsible for management.

Article 1(18) of the Forestry & Wildlife Law defines “Forest harvesting” as:

*“ the set of measures and activities related to the extraction of forest products aimed at meeting human needs, namely, tree felling, transportation, sawing of firewood, extraction, drying, including the production of charcoal,*

*as well as timber processing activities and any other such activities that may fall under that category as a result of technical developments, regardless of its purpose.”*

It does not specify other non-timber forest products. However, Article 1(22) defines a “Forest” as:

*“ the vegetation coverage that can supply timber or plant products, host fauna and impact directly or indirectly on the soil, climate or on the water regime”,*

and Article 1(31) states that:

*“ Forest and fauna resources means forests and other forms of vegetation, including both processed and unprocessed forest products, wildlife, trophies and remains.”*

The Regulations are more specific, and in Article 9 make clear that “forest resources” include many other natural products.

The *Forestry and Wildlife Policy* <sup>①</sup> distinguishing three categories of forest, reflecting their relative richness in biodiversity and commercial value, as well as giving an indication of who has access and control over the resources:

- *Protected forests*, which comprise 16% of the national territory and are legally under state management. There is increased delegation of management to the private sector, and international conservation organisations have a long history of contributing to the maintenance of these areas.
- *Productive forests*, which are located mostly in the central and northern parts of the country. These are generally allocated to private operators under long-term concessions or annual licences, but local communities are also eligible to exploit them in this way, if they can comply with all requirements made to private companies.

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① Resolution 8/97 of 1 April 1997.

- *Multiple-use forests*, which are generally subject to competitive uses and users. A substantial part of the rural population lives in these areas. This is largest area of forest although with very limited for value commercial purpose.

## 3.2 Timber harvesting

The licensing for the exploitation of timber is made annually, and the respective applications have to be submitted to the Provincial Governor through the Provincial Services for Forestry and Wildlife (SPFFB), from January 2 to February 15 in the year in which the applicant intends to carry out harvesting.

The logging can be done in the following ways:

- Harvesting for personal use - specific to local communities, which can extract forest resources at any time of the year for their own use without the payment of exploitation rates. The exploited products may only be moved within the administrative station (*posto administrativo*) where the community is inserted;
- Simple license - granted only to Mozambican citizens, is valid for a period not exceeding 5 years renewable and allows cutting up to 500 m<sup>3</sup> or equivalent. Requires a simplified management plan;
- Forest concession license - can be granted to any national or foreign citizen, with a maximum duration of 50 years with probability of renewal. It requires the approval of the management plan and establishment of a processing industry;

Requests for forestry concession are directed to the following entities:

- Provincial Governor, in the case of areas up to a maximum of 20,000 hectares;
- Minister of Agriculture and Rural Development (currently the Ministry of Land, Environment and Rural Development - MITADER), in the case of areas from 20,000 to 100,000 hectares; and

- Council of Ministers, in the case of areas beyond the jurisdiction of the Minister.

There shall be an off-season, a general closure period for logging of native species, from January 1st to March 31th, special closure seasons may be established for certain areas or forest species. During this closure period (general or special), the logging, drag and transportation activities are forbidden from the cutting area to the main board.

### 3.3 Applications for a forest concession

The application should be arranged through a legal process with the concession duly numbered, and accompanied by the following documents:

- a) Photocopy of the identification document. In the case of collective persons and companies, the photocopies of the constitutive statutes should be included;
- b) Topographic map, in six-fold (six copies), in which all identified elements of the land are accounted for, in particular the boundaries, rivers, lakes, highways, roads, paths, and settlements;
- c) Descriptive memoire which contains a general description of the forest area, marked in the map, and an indication of the main species, the target objects for harvesting, with reference to the quality and nature of the products, a preliminary forest inventory, the average annual quantity to be explored, the level of industrialization and the supply markets, a mention of the industrial means and the mechanisms to be used in the complete harvesting cycle, projections of any social facilities;
- d) Means of ensuring the processing of forest products, under the terms in No. 2 of Article 16 of Law No. 10/99 of 7 July, along with the industrial and technical capacity for processing;
- e) Declaration of the local administration, accompanied by the favourable consent of local communities to the request for harvesting, in compliance with



the procedures set out in the Regulation, or minutes from negotiations with the title holder of the area, when the area in question for use is titled;

f) A survey of all the rights of affected stakeholders in the area requested, and a proposal for their harmonious integration with the required harvesting;

g) A reference of the applicant's intentions for the use of waste materials generated from the harvesting towards energy use, under the terms of Article 19 of Law No. 10/99, of 7 July.

With the elements in the above paragraphs mentioned, the application process can be left with the Provincial Service of Forests and Wildlife, which will observe the rule of the "first depositor," referred to in Article 19 of the Regulation of Forests and Wildlife, which means that requests are fulfilled on a first-come-first-serve basis, in the case of duplicate requests by separate entities.

Once the application has been submitted to the Provincial Service of Forests and Wildlife, it should be published in the most widely circulated newspapers, to allow for any objections can be raised (*Editais*).

After this, notices should be posted in the Provincial Service of Forests and Wildlife, in the office of the District Administration, in Administrative Posts and Localities for a period of 30 days, so that any objections can be raised.

At the end of this period, an order for approval is communicated to the applicant, who will have 180 days to present a management plan. If this is not met, the applicant could lose authorization to the contract, and payments made until this time would not be refundable.

Once all observations have been made, the contract for the forest concession can be issued, with a maximum duration of 50 renewable years, under the State, as represented by the Provincial Governor in the contract.

It is important to note that, for forest harvesting to begin, the following requirements should be met:

- a) All social and industrial facilities should be inspected;
- b) Demarcation of the physical limits of annual harvesting blocks with signboards, in accordance with the Management Plan;
- c) A quantitative and qualitative determination of the targeted species for harvesting;
- d) Payment of the annual concession tax;
- e) Payment of the harvesting tax, according to the annual constant cut volume as indicated in the approved Management Plan;
- f) Issuance of the annual harvesting license.

Below are the rights and obligations of the concession holder:

Rights:

- a) To conduct, in the concession area, on an exclusive basis, harvesting, research, studies on the forest resources as in the concession contract, and with this information develop operations and work that are shown to be necessary;
- b) Usufruct, in the concession area, of the necessary land for forest harvesting, namely, the installation of respective industrial, social and management facilities, subject to the request for use of land, under the terms of the respective legislation;
- c) Make available the forest products that result from the harvesting, under the terms of the concession;
- d) Oppose the partial or full attribution of areas within the concession to third parties for the same uses laid out in the concession contract, or for uses that are incompatible with the concession contract;
- e) Process forest products that result from the harvesting by other operators, under the terms to be agreed upon between the parties.

Obligations:

- a) Establish an industrial processing unit;
- b) Conduct sustainable harvesting of the forest resources according to the approved Management Plan;

- c) Respect the rights of other parties within the concession area;
- d) Allow the access of local communities to natural resources which they lack, for subsistence consumption, as under the Terms of Law No. 10/99, 7 July;
- e) Explore the existing forest resources in the area, in harmony with customary norms of local communities, unless there are legal exceptions;
- f) Hire certified inspectors to ensure accounting and auditing of the concession, in conformity with legal provisions;
- g) Give preference to local communities in the recruitment of manual labour in the concession;
- h) Make payments of the annual forest concession tax and other harvesting taxes.

### 3.4 Requirements and restrictions of harvesting

The requirements and restrictions for logging (quantity in volume of wood to be harvested, species to be exploited and volumes by species) should be detailed in the management plan to be prepared after the completion of the forest inventory.

To prepare the inventory and subsequent management plan, a consultant of inventory and management of forest resources and wildlife should be hired duly registered and licensed by the Ministry of Lands, Environment and Rural Development, which may represent and interact technically on behalf of the applicants. Thus, the consultant is civilly and criminally responsible for the information provided in the inventory reports and for the content of the management plan.

The list of wood species classification, their scientific and commercial names and their respective minimum cutting diameters can be found in Annex I of the Forest and Wildlife Regulation.

### 3.5 Tax and fee payment

#### 3.5.1 Tax

State License Fees must be paid for and the use of forest and wildlife resources as well as for the issuance of harvesting permits, transport licenses, certificates and other authorizations.

The License Fee for forest harvesting is established according to the annual cut volume found in the approved management plan, is paid annually by March 31th for the year to which it relates. In addition to the License Fee for forest exploitation, a surcharge must be paid (15% of the fee) for reforestation.

Beyond the License Fee there is also an obligation to pay Income Tax.

Table 3-1 License fees due for forest harvesting

Class	Tax
Precious	3,000 MT/m <sup>3</sup>
First	1,500 MT/m <sup>3</sup>
Second	1,000 MT/m <sup>3</sup>
Third	500 MT/m <sup>3</sup>
Fourth	300 MT/m <sup>3</sup>
NTFP (starch, bark, gum, roots, leaves, fruits, seeds and etc.)	200 MT/ton

\*NTFP – Non-Timber Forest Products

Twenty percent (20%) of the tax collected from companies for timber harvesting is legally bound to be redistributed by the Government to the benefit of local communities in the area where resources have been extracted.

#### 3.5.2 Fines

Article 34 of the Law makes it clear that licences for a wide range of activities are compulsory. It states:

*“ Permissions for the exploitation, commercialisation, use, as well as the*

*transportation of fauna and forest products by land, fluvial, maritime or air, under the terms of this Act and other applicable Law are compulsory, except when so provided under the terms of the law.”*

However, the only licences that are presently available relate only to timber forest products (logs, sawn timber or charcoal). This is despite the fact that the Regulations (Article 9) make clear that “forest resources” include many other natural products:

*“ (2) Forestry products are classified as:*

- a) Wood related: Logs, Planks, planed wood, panels and parquet;*
- b) Non wood related: roots, twigs, various spontaneous fibres, husks (tannin producing) alkaloid producing substances, cork, naturally occurring rubber, resin, gum, leaves, flowers, mushrooms, honey, wild fruit and seed with commercial and industrial use;*
- c) Fuel related: firewood, vegetable charcoal;*
- d) Construction materials: sticks, poles, posts, supports, bamboo, reeds, grass and any other product which may be classified as such.”*

Articles 10(1) and (2) of the regulations then state:

*“ (1) The transport of forestry products by any method requires a transport authorisation, issued by the SPFFB;*

*(2) The National Directorate of Forestry and Wildlife will define the quantity and type of forestry products exempt from the transport authorisation in terms of the previous number.”*

No exemptions in terms of 10(2) have yet been made by the National Directorate of Forestry and Wildlife.

Offences under the Law are defined in Article 41 and updated by Decree 76/2011 of 30 December, the relevant provisions of which state:

*“ (1) The following facts constitute offences punished by a fine of 100,000 MT to 100,000,000 MT:*

- a) Undertaking of any act of forest exploitation without permission, or*

*without compliance to the harvesting conditions;*

*b) practice of any acts that disrupt or undermine the wildlife in the protected areas;*

*c) ...*

*d) importing or exporting of forest or wildlife resources without licence, or without compliance to the conditions set forth by the Law;*

*e) abandoning forest and fauna products for which a licence has been issued.*

*(2) The following facts constitute offences punishable with a fine of 10,000 MT to 200,000 MT:*

*a) Unauthorised storage, transportation or commercialisation of forest or wildlife resources, or without compliance to the legally established conditions;*

*b) The acquisition of fauna or forest resources without having documents proving that the seller and the transporter were duly authorised.*

*c) If the offence is against a rare or endangered specie of flora and fauna, or others the harvesting of which are prohibited, the applicable fine shall be ten times more the maximum fine foreseen in this article, irrespective of others sanctions that may be applicable.”*

The amounts of fines provided above, are graded according to the penalty table to properly detailed infractions and accompanied by additional penalties, along with the aggravating and mitigating table, the amounts were also updated by the Decree 76/2011. The Annex I of the Decree deals with “aggravating and attenuating circumstances” :

*“ (1) Apart from others contained in the general Law, the following constitute aggravating circumstances in the calculation of fines:*

*a) to commit the offence in the protection areas;*

*b) to commit the offence during the closed season;*

*c) to commit the offence against the species of fauna and flora declared*

*by the Law to be rare, endangered or in the risk of extinction,*

*d) when the offender is a wildlife inspector, a sworn in inspector, a community agent, administrative, police, customs or maritime authorities, or any similar agent;*

*e) to commit the offence during the night, on Sundays or holidays;*

*f) to use violence, threat or, by any means resist inspection work;*

*g) when the offender or accomplice holds a forest or fauna licence;*

*h) to use prohibited practices and instruments;*

*i) to commit the offence in organised groups.*

*(2) Apart from others established in the general Law, the following constitute attenuating circumstances in the calculation of fines:*

*a) being a primary offender;*

*b) in case the offender, spontaneously, looks for forest and wildlife inspectors to, voluntarily, report the damage;*

*c) in case the offender is unaware of the consequences of his/her act, taking into account his/her precedence, education level, socio-economic conditions, customs of the region and his/her place of residence.”*

Violations under the Forest and Wildlife Law are punishable by fines and accompanied by recovery measures or mandatory compensation of damages, without prejudice to other penalties that give rise.

The following acts will be punished with fines:

① Failure of the justification (receipt) of the payment of annual income: daily fine of 100 MT for 90 days, after which the concession will expire;

② Failure of the 5th clause of the concession contract that refers to the start of logging only after verification by SPFFB of certain requisites: 50 MT, a daily fine for a period of 90 days, after which the concession will expire;

③ Disregard the number 1 of the 8th clause of the concession agreement which refers to the penalty for cutting out of the authorized area;



④ Disregard the number 2 of the 8th clause of the concession agreement which refers to the collection of samples and mounting a showcase: 30 MT, a daily fine for a period of 180 days, after which the concession will expire;

⑤ Disregard the number 6 of the 8th clause which refers to the maintenance of the concession demarcation roads and farm plots: the concession licence will expire if the operation is not carried out in a feasible period which will be officially determined;

⑥ Failure of the 11th number that will make reference to monthly delivery of operations summary maps, which shall obligatorily contain complete statistical information on production, processing, marketing, export and stokes in storage: ban on issuance of new licenses as partial statistical data are not received missing or suspension of ongoing operations.

### 3.6 Environment and wildlife protection in forest

When performing forestry activities, the protected areas (national parks, national reserves and zones of cultural and historical value) must be respected in accordance with current legislation.

In the preparation of the Management Plan and Environmental Management Plan, it should be noted Regulation about the Process of Environmental Impact Evaluation and the methodologies, principles and techniques with standards internationally accepted for such studies and based on the principles of forest certification.

Thus, buffer zones (areas where trees shall be felled) should be established along water courses and around bodies of water as follows:

- 50 m from the flood line of navigable rivers and lakes waters;
- 100 m either side of water courses and water springs;
- 250 m the strip of land around dams and reservoirs;
- 2 km along the land border.

In addition to the specimens located in the buffer zones, they will also be

prohibited to exploitation the species reserved and marked as seed trees, as well as localized fragments of forest where harvesting activities prove to be highly detrimental to the ecological balance.

The forest concession license is not equivalent to a title of land use. Thus, the state reserves the right to authorize other natural or legal persons concerned in the exercise of other productive activities, not contained in the contract about the forest concession area, since this does not affect in any way the concessionaire's activity.

The other uses of natural resources in the concession area require a license or authorization from the competent authorities.

### **3.6.1 Tree species classification**

The wood-producing species are classified according to their commercial value, scientific, rarity, usefulness, endurance and quality. Thus, they are classified in precious, first, second, third and fourth classes. The list of species per class can be found in Annex I of the Forestry and Wildlife Regulations.



# 4

## Transportation

The transport of forest products is only permitted with an accompanying transit document (*guia de trânsito*) to be issued by the SPFFB, and the packaging and shipping will follow the cargo transportation rules laid down in legislation on roads within the country.

The responsibility to define the quantities and types of forest products free of traffic licenses is the Provincial Governor, according to the proposals from the SPFFB.

During the off-season (general or special) transportation is allowed only from the main site of operations (*junta principal*) to the market or forestry processing industry, but it requires the confirmation of existing volumes through a product certificate (*certificado de produto em estância*) [timber that was cut before the off-season but was not taken out from the site of operation (*junta principal*)] issued by SPFFB.



# 5

## Processing

The concessioners are required to establish an industrial processing unit, whose assembly should be completed within one year after the signing of the concession contract.

### 5.1 Products specification

The following standards for primary transformation of logs from all producing forest wood species are defined:

- (1) **Board** wood properly squared, with thickness up to 7.5 cm, width bigger than 7.5 cm and length equal or superior to 150 cm;
- (2) **Plank** properly squared timber, with a thickness of 7.5 cm to 10 cm, a width exceeding 15 cm and a length equal to or bigger than 150 cm;
- (3) **Beam** properly squared timber, with a thickness of 5 cm to 10 cm, width 15 cm;
- (4) **Girder** properly squared timber, with a thickness of 10 cm, a width exceeding 15 cm and a length equal to or bigger than 150 cm;
- (5) **Parquet** wood properly squared, with thickness up to 2.5 cm, width up to 7.5 cm;
- (6) **Railway sleepers** thickness between 13 to 25 cm and width and

from 23 to 30 cm.

## 5.2 Incentives for further processing

In order to encourage the protection of the environment, the *Taxa de Sobrevalorização da Madeira* - TSM (Overvaluation Timber Tax) was created. This encourages sustainable use of resources and enables the collection of revenues that may be applied to the sustainable development of forest resources, and to the emergence of new industries for the multifaceted and full use of forest resources.

The resulting revenue of TSM is assigned to reforestation actions, monitoring the exploitation of forest resources, combating wildfires and a contribution to the state budget, as well as efficient use of human and material resources in accordance with the regulations, recognizing and valuing the role of the producing areas.

Table 5-1 Tax Criteria of Timber Products Overvaluation

Tariff position	Product type	Tax (%)
4403	Raw wood (logs) even peeled, or roughly squared	20
4404	Sharp stakes not sawn	20
4407	Unaligned boards and planks (wood sawn or chipped lengthwise trunp card or peeled, not planed or sanded with thickness greater than 6 mm)	15
4406	Sleepers (wooden sleepers for railways, tramways)	5
4409	Aligned boards, slats and parquet strips (wood shaped along any of its edges, ends or faces, planed or sanded)	5
4418	Bars [carpentry for construction work, excluding cell panels, floor panels and shingles (shingles and shakes) of wood]	3



# 6

## Trade

The trade of timber obtained by simple licenses or forestry concession within the country is permitted for all timber species. The exportation of logs is permitted for species in precious, second, third and fourth classes, timber of first class species is only permitted to export after processing (primary processing of logs into boards, planks, beams, joists, parquet strips and veneer). The Government of Mozambique has just put in place a decree which prohibits exporting of timber in form of logs.

### 6.1 Inspection and quarantine

Exporters must apply to the customs in writing for fiscal assistance (fiscal presence of the relevant departments of MITADER) during filling and packing export containers.

Once this fiscal assistance is done, the container is sealed and the relevant authorities must prepare with the company a joint report containing the amount, type, individual volume, the volume by tariff heading, the total volume and timber species within the container, and the number of container and the stamp number to be deposited in the customs and SPFFB.

The container must be accompanied by copies of the authorization for

export and the joint report to the point of export.

Customs shall return to SPFFB the certified copy of the authorization for export, duly stamped, signed and order numbers and revenues of the order ticket in a single document.

It is the responsibility of SPFFB and customs to assist with the packaging and sealing of the containers or other means of transport up to the export point and the SPFFB must attest the species, quantity and type of product. It follows that these activities may only take place during the working hours of the relevant Government staff.

## 6.2 Documents needed and how to get

### 6.2.1 Export permit

The export of wood is allowed for individual or collective persons duly licensed as an harvesting company, processor or timber exporter in individual or associated names, which should meet the following requirements:

- a) possess a foreign trade operator card issued by the competent authority;
- b) be a permit holder for export issued by the SPFFB;
- c) have a phytosanitary certificate issued by the provincial agricultural services.

The export authorization shall be applied to the SPFFB in writing, which along with the provincial department of agriculture perform the inspection of the products to be exported and prepare their reports.

To obtain the authorization, the following documents must be submitted:

- ① Exporter's name, domicile and NUIT;
- ② Copy of foreign/exporter trade operator card;
- ③ Photocopy of the timber operating license;
- ④ Type of product and species to be exported, their tariff heading, number of pieces and volume;



- ⑤ Starting point and destination of the product;
- ⑥ Traffic permit quintupled;
- ⑦ Cubage map of the wood to export.

The permit for export is issued in quintupled (5 copies), the original for customs, the duplicate attached to the export process in the SPFFB, the triplicate to the Provincial Department of Industry and Commerce, the quadruplicate for the exporter and the quintupled remains in book to filed in SPFFB.



# 7

## Community

### 7.1 Community Rights and Obligations

#### Rights

(1) Consultation, which should be done in the presence of the applicant to the area of concession or a duly authorised representative, local government, through prior field expeditions to be carried out by the SPFFB with all costs involved in the process supported by the applicant;

(2) Access to natural resources that they lack for their own consumption, including access to rivers and other watercourses;

(3) Preference in labour hiring;

(4) Free movement of people from the community and their property within the concession area;

(5) Benefit of 20% of any tax paid for forest or wildlife exploitation.

#### Obligations

(1) Inform any breach of law or an illegal act that they have knowledge;

(2) Avoid the practice of acts that might in any way jeopardize the property of the concessioners.

## 7.2 Concessioners benefits and obligations

### Obligations

(1) Respect the rights of third parties existing in the area, either from individuals or from private economic agents;

(2) Allow access of local communities to natural resources that they lack for their own consumption, under the law;

(3) Allow free movement of people and goods within the concession area;

(4) Give preference to local communities, the recruitment of hand labor for the grant;

(5) In consensus with local communities and in the presence of the Administrative Local Authorities annually fill in the appropriate form the benefits to local communities and submit the Licensior;

(6) The operator shall comply with the consensually established agreements with local communities in accordance with their share in the sharing of benefits.

## 7.3 Other benefits and obligations

### The communities should:

(1) Take part in surveillance on the sustainable exploitation of resources as community law enforcement agents (fiscals comunitarios);

(2) Combat uncontrolled fires and other forms of disturbances and forest degradation.

### The local authorities must ensure:

(1) Integration benefit in the strategic plans of local development programs;

(2) The routing/foward of the 20% allocated to communities for forest resource exploitation.

## 7.4 Community consultation

The consultation of local communities will be made in the presence of the applicant or his representative, local government, and through prior field expeditions to be carried out by the SPFFB with all costs involved in the process supported by the applicant.

When the area of application for forest concession or simple license, are fully or partially in an area where the local communities have the license or right to use the land, negotiation of terms and conditions for the operation of the local communities has to be made between the community and the applicant, with a supervision of the DPTADER (Provincial Directorate of Land, Environment and Rural Development).

Based on the report provided by the applicant during the request of community consultation, the local government in which the concession area is located makes notice of the meeting with the local community with the express and clear indication of the meeting's objectives, with a minimum advance of 15 days to ensure that all community members will be informed.

The consultation meeting will be conducted by the district administrator who can also delegate the chief of *Posto Administrativo* to preside the meeting.

Any institutions, association, organization or any other interested party may attend the community consultation meeting as observers.

The community members (men and women) will deliberate by consensus, and the resolution should be read and signed by at least 10 members.



# 8

## Table of National Legislation

Piece of Legislation	Sector Participants - Who Must Comply	Legal Requirements
Resolution 8/97 of 1st April (Forestry and Wildlife Policy & Development Strategy) [Boletim da República No. 14 - Supp., Series I – 1st April 1997]	All	N/A
Law 10/99 of 7th July (Forestry and Wildlife Law) [Boletim da República No. 27 - 4th Supp., Series I – 12th July 1999]	All	N/A
Decree No. 11/03 of 25th March, 2003 (amending Decree No. 12/2002 on Forestry and Wildlife Law) [Boletim da República No. 13 - Series I - 26th March, 2003, pp. 78 and 79.	All	This Decree provides a new version of articles 20, 21, and 29 of Decree No. 12/2002 on the Forestry and Wild Fauna Act. In particular, it amends those provisions dealing with licensing procedures and forestry exploitation concessions.

Piece of Legislation	Sector Participants - Who Must Comply	Legal Requirements
Decree 12/2002 of 6th June, 2002 (Regulations of the Forestry and Wildlife Law) [Boletim da República No. 22 – 2nd Supp., Series I - 6th June, 2002, pp.194(3)-194(27)]	All	N/A
Ministerial Diploma No. 52-C/2003 of 20th May, 2003 (reclassification of forest species used for producing timber) [Boletim da República No. 20 - Series I - 20th May, 2003, pp. 160(54) and 160 (55)]	Commercial timber exploiters	N/A
Ministerial Despatch No. 1/04 of 18th April, 2003 (permitting exportation of certain tree species in logs) [Boletim da República No. 12 - Series I – 24th March, 2004]	Commercial timber exploiters	N/A
Ministerial Diploma No. 93/2005 of 4th May, 2005 (payment to local community groups) [Boletim da República, I Serie, No. 18, 4th May, 2005, pp. 162-163]	All	Requires that the 20% of any tax or fees collected from the use of forest and wildlife resources shall revert to the local communities living in the area where such resources are being used. Foresees the institution of special Management Committees composed by representatives of both local communities and public authorities. Requires the establishment of a Registry of the beneficiary local communities. Rules on the detailed procedures for collecting and distributing the funds through a dedicated Bank account.
Ministerial Diploma No. 185/2005 of 7th September, 2005 (timber standards) [Boletim da República, I Serie No. 36, 7th September, 2005, p. 349]	Commercial timber exploiters	Provides a classification and defines standards for primary transformation of timber belonging to all forest wood species.

Piece of Legislation	Sector Participants - Who Must Comply	Legal Requirements
Ministerial Diploma No. 265/2005 of 31st December, 2005 (establishes provincial quotas for timber exploitation) [Boletim da República, I Série No. 52, 31st December, 2005, pp. 442(27)- 442(28)]	Commercial timber exploiters	Approves the list of precious timber for year 2006 and provides the allowed amount to be used.
Law 20/97 of 1st October (Environment Law) [Boletim da República No. 40 - 3rd Supp., Series I – 7th October, 1997]	All	Aims at defining the legal basis for the proper use and management of the environment in order to establish a system of sustainable development. Among the basic principles envisaged for environmental protection are the rational utilisation and management of environmental elements, the recognition and valorisation of local traditions and knowledge, and precautionary principle. Defines the environmental management bodies and protection measures against environmental pollution and damage. Particular attention is paid to environmental licensing and environmental impact assessment.
Decree 32/03 of 12th August (Environmental Audit Regulations) [Boletim da República No. 34 - Series I – 20th August, 2003]	All	Approves the regulation on Environmental Audit process. Applies to both public and private activities influencing, directly or indirectly, environmental components. Defines the types and contents of environmental audits, the related necessary competences and auditors' profiles. Regulates environmental audit reports. Finally, the Regulation defines sanctions and penalties for non-compliance.

Piece of Legislation	Sector Participants - Who Must Comply	Legal Requirements
Decree 45/2004 of 29th September, 2004 (Environment Impact Assessment Regulations) [Boletim da República No. 39 - Supp., Series I – 29th September, 2004]	All	Approves the Regulation on Environmental Impact Assessments (EIA). It applies to those public and private activities that, directly or indirectly, may affect the environment. Provides a classification of the activities subject to EIA and the related specific requirements. Particular attention is paid to the detailed regulation of the assessment process and the EIA main components and assessment criteria. It also regulates environmental licensing procedures and creates a registry for environmental consultants. Finally, it rules on applicable sanctions and penalties.
Ministerial Diploma No. 198/2005 of 28th September, 2005 [Boletim da República, I Serie No. 39, 28th September, 2005, p. 365]	All	Requires that every project subject to environmental licensing shall be approved at local level by competent authorities. Moreover, for projects belonging to Category “A”, it requires the approval of the National Committee for Environmental Impact Assessment
Ministerial Diploma No. 1/2006 of 4th January, 2006 (on fines and sanctions for environmental infractions) [Boletim da República No. 1 - Series I - 4th January, 2006, pp. 1 – 5]	All	N/A
Law 10/88 of 22nd December (Law on Protection of Cultural Heritage) [Boletim da República No. 51 - 3rd Supp., Series I – 22nd December, 1988]	All	Regulates the protection of Mozambique national cultural heritage. It provides a classification of national cultural heritage, rules on protection duties and defines the responsible bodies. Particular attention is devoted to import and export of cultural goods. Finally, the Law institutes the National Council on Cultural Heritage.



Piece of Legislation	Sector Participants - Who Must Comply	Legal Requirements
Decree 39/2003 of 26th November, 2003 (Licensing Regulations of Industrial Activities) [Boletim da República No. 48 –Series I - 26th November, 2003, pp.495-507]	All commercial entities undertaking industrial activities	Approves the Regulation on Industrial Licensing. The aim is to establish conditions and procedures for industry licensing. Provides a classification of industrial plants, and establishes a national registry.
Decree 49/2004 of 17th November, 2004 (Licensing Regulations of Commercial Activities) [Boletim da República?]	All entities undertaking commercial activities	Approves the Regulation on Commercial Licensing
Decree 18/99 of 4th May, 1999 [No reference]	All	Regulates the interests of private individuals involved in industrial and commercial activity and in the provision of services by establishing a legal and institutional framework to protect Industrial Property Rights.



# 9

## Table of Regional Agreements

Agreement	Status of the Agreement within the country – date of signing/ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement
African Convention on the Conservation of Nature and Natural Resources, 15th September, 1968 (Registered with the United Nations on 1st December 1978, Registration No. 14689)	Ratified - 28/02/1981	None	Resolution No. 18/81 of 30th December, 1981 – Permanent Commission of the Popular Assembly
AMENDED African Convention on the Conservation of Nature and Natural Resources, 11th July, 2003	Signed - 04/02/2004 Not Ratified	None	None
SADC Protocol on Wildlife Conservation and Law Enforcement	Signed 18/08/1999	Refer to text of protocol - 23 articles committing parties to aspects of wildlife management, monitoring, information exchange, cooperation and capacity-building.	None

Agreement	Status of the Agreement within the country – date of signing/ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement
SADC REVISED PROTOCOL ON SHARED WATERCOURSES	Signed 07/08/2000	Refer to text of protocol - 16 articles committing parties to agreements and institutional frameworks for managing shared watercourses.	None
SADC Protocol on Forests, 2002	Not signed	Refer to text of protocol - 31 articles committing parties to aspects of forest management, monitoring, tenure, information exchange and benefit sharing.	None
Yaounde Ministerial Declaration on Law Enforcement and Governance of the African Forest (AFLEC)	No information available	None	None
African [Banjul] Charter on Human and Peoples' Rights, adopted 27th June, 1981 (Registered with the United Nations on 10/09/1991, No. 26363)	Ratified 22/02/89	None	None



# 10

## Table of International Agreements

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
United Nations Convention to Combat Desertification (UNCCD)	Ratified: 13th March, 1997 Signed: 28th September, 1995 Entry into Force: 11th June, 1997	None	None	National Focal Point for the UNCCD is the Ministry for Coordination of Environmental Affairs (MICOA)
United Nations Framework Convention on Climate Change (UNFCCC)	Signed: 12th June, 1992 Ratified: 25th August, 1995 Entry into Force: 23rd Nov, 1995	None	None	National Focal Point for the UNCCD is the Ministry for Coordination of Environmental Affairs (MICOA)

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
Convention on Biological Diversity, 5th June, 1992	Ratified: 25th August, 1995 Signed: 12th June, 1992	None	Resolution No. 2/94 of 24th August, 1994 –Popular Assembly [Boletim da República No. 34 - 3rd Supp., Series I – 24th August, 1994]	Signed by 150 government leaders at the 1992 Rio Earth Summit, the Convention on Biological Diversity is dedicated to promoting sustainable development. Conceived as a practical tool for translating the principles of Agenda 21 into reality, the Convention recognizes that biological diversity is about more than plants, animals and micro organisms and their ecosystems – it is about people and their need for food security, medicines, fresh air and water, shelter, and a clean and healthy environment in which to live.
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Accession: 25/03/1981 Entry into Force: 23/06/1981	None	Resolution No. 20/81 of 30th December, 1981 – Council of Ministers	CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The text of the Convention was finally agreed at a meeting of representatives of 80 countries in Washington DC., United States of America, on 3rd March, 1973, and on 1st July, 1975 CITES entered in force.

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
Membership of World Conservation Union	Member	None	Resolution No. 21/81 of 30th December, 1981 – Council of Ministers	IUCN records Mozambican membership as being through a Government Agency [GA/328 Ministerio da Agricultura e Desenvolvimento Rural (MADER)], although the Decree mentions membership as State membership.
Convention on Wetlands	Ratified: 03.12.04	688,000 hectares of the Marromeu Complex designated as a Ramsar Site.	Resolution No. 45/03 of 5th November, 2003 [Boletim da República No. 45 – 2nd Supp., Series I – 5th November, 2003]	There are presently 154 Contracting Parties to the Convention, with 1636 wetland sites, totalling 145.7 million hectares, designated for inclusion in the Ramsar List of Wetlands of International Importance
Convention for the Protection of the World Cultural and Natural Heritage	Ratified: 27th November, 1982	None	Resolution No. 17/82 of 13th November, 1982 – Permanent Commission of the Popular Assembly	

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
International Covenant on Civil and Political Rights	Accession: 21st July, 1993	None	None	Mozambique has not ratified the first Optional Protocol to the International Covenant on Civil and Political Rights which enables the Human Rights Committee, set up under the Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.
International Covenant on Economic, Social and Cultural Rights	No information available	None	None	
International Convention on the Elimination of All Forms of Racial Discrimination, G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195	Accession: 18th April, 1983	None	None	
Convention on the Elimination of All Forms of Discrimination against Women	Accession: 16th April, 1997	None	None	

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
United Nations Convention against Transnational Organized Crime	Signed: 15th December, 2000	None	None	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble	Signed: 15th December, 2000	None	None	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Accession: 14th September, 1999	None	None	
Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989)	Signed: 30th September, 1990 Ratified: 26th April, 1994	None	None	



Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
(ILO No. 1) Hours of Work (Industry) Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 11) Right of Association (Agriculture) Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 14) Weekly Rest (Industry) Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 17) Workmen's Compensation (Accidents) Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 18) Workmen's Compensation (Occupational Diseases) Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 29) Forced Labour Convention	Ratified: 16th June, 2003	None	None	
(ILO No. 30) Hours of Work (Commerce and Offices) Convention	Ratified: 6th June, 1977	None	None	

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
(ILO No. 81) Labour Inspection Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 87) Freedom of Association and Protection of the Right to Organise Convention	Ratified: 23rd December, 1996	None	None	
(ILO No. 88) Employment Service Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 98) Right to Organise and Collective Bargaining Convention	Ratified: 23rd December, 1996	None	None	
(ILO No. 100) Equal Remuneration Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 105) Abolition of Forced Labour Convention	Ratified: 6th June, 1977	None	None	
(ILO No. 111) Discrimination (Employment and Occupation) Convention	Ratified: 6th June, 1977	None	None	

Agreement	Status of the Agreement Within the country – date of signing/ ratification	National Obligations Arising from the Agreement	Legislation that localizes the Agreement	Comments
(ILO No. 122) Employment Policy Convention	Ratified: 23rd December, 1996	None	None	
(ILO No. 138) Minimum Age Convention	Ratified: 16th June, 2003	None	None	
(ILO No. 144) Tripartite Consultation (International Labour Standards) Convention	Ratified: 23rd December, 1996	None	None	
(ILO No. 182) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 38 I.L.M. 1207 (1999)	Ratified: 16th June, 2003	None	None	