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Maputo, 29 June 2017

Subscrevo-me, Eduardo da Costa José Viegas, tradutor oficial, ajuramentado no Tribunal Judicial da Cidade de Maputo, Licença nº 3/01 de 15/2/2001, declaro que o documento em anexo foi por mim traduzido de português para inglês e é uma tradução correcta e fiel à original.

Maputo, aos 29 de Junho de 2017

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# BULLETIN OF THE REPUBLIC

## OFFICIAL PUBLICATION OF THE REPUBLIC OF MOZAMBIQUE

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### NOTICE

The material to be published in the "Bulletin of the Republic" is to be submitted in a certified copy, one for each subject, containing in addition to the necessary information for that purpose, the following endorsement, signed and stamped: For publication in the "**Bulletin of the Republic**".

### SUMMARY

Assembly of the Republic:

Law Nr.5/2017: Alters and republishes Law Nr. 16/2014, of 20 June, the Law for the Protection, Conservation and Sustainable Use of Biological Diversity.

### ASSEMBLY OF THE REPUBLIC

Law Nr. 5/2017  
of 11 May

Due to the need to introduce changes to Law Nr. 16/2014 of 20 June - the Law for the Protection, Conservation and Sustainable Use of Biological Diversity - and pursuant to the provisions in number 1 of article 179 of the Constitution of the Republic, the Assembly of the Republic determines:

Article 1  
(Changed provisions)

Articles 2, 5, 8, 11, 50, 53, 54, 61 and 62 of Law Nr. 16/2014, of 20 June, have been changed and are replaced by the following:

Article 2  
(Objective)

The purpose of this Law is to establish the basic principles and norms governing the protection, conservation, restoration and sustainable use of biological diversity throughout the national territory, especially in conservation areas, as well as the framework for the integrated administration of the sustainable development of the country.

Article 5  
(National system of conservation areas)

The national system of conservation areas consists of the management bodies of the conservation areas, the mechanisms for financing conservation areas and the national conservation areas network.

Article 8  
(Mechanisms for financing conservation areas)

1. The mechanisms for financing conservation areas are adopted to minimize losses and increase benefits at local, national and international level through the establishment of:
  - a) Public-private and community partnership;
  - b) establishment of institutions to support conservation activities;
  - c) capitalization of genetic wealth, wildlife, other natural resources and local and traditional knowledge on the use of biological material;
  - d) compensation for the conservation effort by the ecological and other services established by the Council of Ministers.
2. It is primarily incumbent upon the government to mobilize internal and external resources necessary to pursue conservation purposes, including the better use of funding windows within the framework of international agreements and conventions on the protection and conservation of biodiversity and the environment in general.

Article 11  
(Conservation effort compensation mechanisms)

1. The public or private entity that exploits natural resources in a conservation area or its buffer zone benefits from protection provided by the conservation area and shall contribute financially to the protection of biodiversity in the conservation area in question.
2. The public or private entity that exploits natural resources in a conservation area or its buffer zone shall compensate for the impacts it causes in order to ensure that 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 belongs to the entity that manages the conservation area in question, and their marketing may be done in collaboration with other public or private entities.
4. The conservation effort compensation mechanisms are defined by regulation of the Council of Ministers.

Article 50  
(Exercise of protection and inspection)

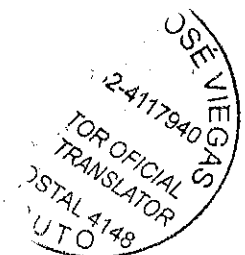
1. ...
2. Protection and inspection aim at preventing and combating any activities that disturb the harmony of nature, throughout the national territory, especially in conservation areas and their buffer zones, and are carried out by State prosecutors, community agents and sworn inspectors.
3. ...

Article 53  
(General rules)

1. Damages caused shall be punished with imprisonment, a fine, accompanied by recovery or compulsory compensation measures, without prejudice to the application of other sanctions to which they give rise.
2. ...
3. ...
4. ...
5. ...

Article 54  
(Violations and sanctions)

1. Without prejudice to criminal liability, the following shall be violations punishable by a fine ranging





from 1 to 10 minimum civil service wages:

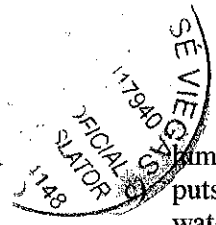
- a) ...
- b) ...
- c) ...
- 2. Without prejudice to criminal liability, the following shall be violations punishable by a fine ranging from 11 to 50 minimum civil service wages:
  - a) ...
  - b) ...
  - c) ...
  - d) ...
  - e) ...
- 3. Without prejudice to criminal liability, violations punishable by a fine ranging from 50 to 1000 minimum civil service wages are the exploration, storage, transport or illegal marketing of species from the country's list of protected species.

Article 61  
(Weapons that are prohibited)

- 1. Any person who carries out illegal activity in a conservation area using prohibited weapons as defined in the Penal Code and in specific legislation shall be sentenced to long-term imprisonment of twelve to sixteen years and a corresponding fine, if a more serious penalty does not apply.
- 2. Any person who engages in illegal activity using mechanical or any other kind of trap is sentenced to the same penalty as the one from the preceding paragraph.
- 3. Seized firearms, as well as the testimony of suspects detained outside the national territory, indicted for committing offenses provided for in this Law, are matters of investigation and of prosecution of the weapon's owner and bearer.

Article 62  
(Prison sentences for perpetrators)

- 1. Subject to a long-term prison sentence of twelve to sixteen years and a corresponding fine is anyone who:
  - a) removes, without a license, any element of the protected or forbidden species of fauna and flora, including species listed in Annexes I and II to CITES;
  - b) leads, directs, promote, instigates, creates or finances, joins, supports, collaborates directly or indirectly a group, organization or association of two or more persons who, acting in concert, jointly or separately kill or destroy protected or prohibited fauna and flora species, including species listed in Annexes I and II to CITES, or illegally exploit mineral resources in conservation areas and buffer zones;
  - c) without legal permission, extract forest and wildlife resources, sell, distribute, purchase, transfer, receive, provide to another person, transport, import, export, transit or unlawfully hold animals, fauna products or preparations of protected of prohibited species, including the species listed in Annexes I and II to CITES.
- 2. Subject to a long-term prison sentence of eight to twelve years and a corresponding fine is anyone who:
  - a) hunts in the months in which hunting is formally prohibited, or who hunts in a manner prohibited by the same rules during months when hunting is not prohibited;
  - b) without legal permission converts, transforms, or changes the original character of organic parts of any legally protected animal or plant species for the purpose of hiding or concealing its illicit origin, transit, transport, possession, import or export, or who helps the person involved in offences against the environment to escape from law enforcement authorities and to exonerate



- him or herself from their responsibilities;
- puts poison or any substance lethal or harmful to animal health in the environment, in food or water of rivers, lakes, ponds or any place where animals may drink;
- d) sets fire and thereby destroys in whole or in part, forest, bush or plants within conservation areas and/or buffer zones;
- e) uses fishing methods prohibited by law, in particular the use of explosives, toxic, poisonous or equivalent substances or of a sweeping net or a narrower trap than that limited by the public authority, or any other fishing method prohibited by the same authority or Regulations or even to fish for protected species.

Article 2  
(Amendments)

Articles 59A, 63A, 63B and 63C are included into Law Nr. 16/2014 of 20 June, the Law on the Protection, Conservation and Sustainable Use of Biological Diversity, as follows

59A  
(Attempt and thwarting)

The attempt to commit the infractions provided for in this Law as well as the thwarted infraction are punished as a consummate crime.

Article 63A  
(Searches and seizures)

1. Searches and seizures of any products, objects and instruments of infractions provided for in this Law may take place outside the limits established in criminal procedural legislation in ports, airports, residences, means of transport, commercial establishments and other places, provided that they are justified and authorized by a court.
2. The court authorization is dispensed with when the offence is detected while it is committed or when the occupant of the dwelling does not object to the search and the infraction notice that must be signed by him/her has been drawn up.

Article 63B  
(Assistance to the Public Prosecutor)

In carrying out the investigation and preparatory investigation of processes related to the infractions foreseen in the present Law, the Public Ministry is assisted by technicians of the Ministry that oversees the sector of the conservation areas and by the competent Police.

Article 63C  
(Deposit and custody of fauna and flora products)

1. Wild fauna and flora products seized under the supervision pursuant to this Law shall be immediately delivered to the Ministry that oversees the conservation area for inventory, sample collection, laboratory examination, custody and control, without prejudice to access to them during the criminal investigation or trial.
2. Once examinations and subsequent acts have been carried out, the judicial authority may determine, either on its own initiative or at the request of the Public Prosecutor's Office or another competent authority that the wildlife products are to be destroyed or incinerated, whatever the stage of the

proceedings.

3. The act of destruction shall be witnessed by the representative of the Ministry that oversees the conservation areas and by a representative of the Public Prosecutors Office.
4. The act of destruction referred to in the preceding number shall be certified by a court order.

Article 3  
(Entry into force)

This Law enters into force 15 days after its publication.

Article 4  
(Republication)

Law 16/2014, of June 20, the Law on the Protection, Conservation and Sustainable Use of Bio-logical Diversity has been republished.

Approved by the Assembly of the Republic, November 30, 2016.

The Chairwoman of the Assembly of the Republic, *Verónica Nataniel Macamo Dlhovo*.

Promulgated on April 4, 2017.

To be published.

The President of the Republic, **FILIFE JACINTO NYUSI**

Republication of Law 16/2014, of June 20, the Law on the Protection, Conservation and Sustainable Use of Bio-logical Diversity.

The environmental, economic, social, cultural and scientific importance of natural, terrestrial and aquatic ecosystems in the provision of goods and services to Mozambican society justifies the establishment of adequate legislation that promotes the protection, conservation and sustainable use of biological diversity for the benefit of humanity and of the Mozambicans.

Under these terms and pursuant to the provisions of number 1 of article 179 of the Constitution, the Assembly of the Republic determines:

CHAPTER I  
General Provisions

Article 1  
(Definitions)

The definitions of the terms used in this Law are set out in the attached Glossary, which is an integral part of it.

Article 2  
(Objective)

The purpose of this Law is to establish the basic principles and norms governing the protection, conservation, restoration and sustainable use of biological diversity throughout the national territory, especially in conservation areas, as well as the framework for the integrated administration of the sustainable development of the country.

Article 3  
(Scope)

1. The legal regime established in this Law is applicable to all values and natural resources existing in the national territory and in the waters under national jurisdiction.
2. All public or private entities that may directly or indirectly influence the national system of conservation areas of the country are covered by this Law.

Article 4  
(Principles)

This Law is governed by the following principles:

- a) Ecological Heritage –the biological and ecological diversity as national heritage and heritage of humanity, which must be preserved and maintained for the good of future generations. The sustainable use of resources for the benefit of Mozambicans and humankind in a manner compatible with the maintenance of ecosystems. The full assumption by the State of its responsibility to mankind for the protection of biological diversity within its territory, including 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 applicable environmental policies and legislation, as well as 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 participation in the management and benefits of the right of all citizens to be involved in decision-making processes, throughout the value chain of conservation and sustainable use of natural resources;
- e) Environmental Responsibility - the preservation, protection and management of the environment shall prioritize the establishment of systems for the prevention of acts harmful to the environment. The duty of those damaging natural resources to restore them and/or pay the costs for the elimination and compensation of damages caused by them in order to ensure that there is no net loss of biodiversity or of natural resources;

- f) Development - the role of the conservation of biological diversity and the creation and maintenance of areas specifically dedicated to this purpose as instruments for the promotion of development and the eradication of poverty;
- g) Public-Private Partnerships - the promotion, by the State, of the involvement of local and national authorities, local communities, the private sector and non-governmental development organizations that allow 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 with local communities;
- h) Precaution and Informed Decision - the underpinning of decisions related to the creation, modification, management and extinction of conservation areas in broad scientific knowledge of the existing biological diversity, its ecological value and the determinants of its conservation, based on a research and information sharing system that supports decision-making processes, without prejudice to the precautionary principle where this knowledge is still insufficient. The promotion of availability and easy access of information related to conservation and natural resources in order to support the implementation of the strategy and increase the involvement and collaboration of citizens;
- i) International cooperation - the country's full assumption of its role in the global and regional effort 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 neighbouring countries and are linked with international obligations.

## CHAPTER II

### Management of Conservation Areas

#### Article 5

(National system of conservation areas)

The national system of conservation areas consists of the management bodies of the conservation areas, the mechanisms for financing conservation areas and the national conservation areas network.

#### Article 6

(Management bodies of conservation areas)

1. The State manages 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 that guide the management of conservation areas, which are implemented and supervised by the Ministry that oversees the conservation area sector.
3. It is incumbent upon the agency implementing the management of conservation areas to execute the policies for conservation areas, manage them, and ensure the 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 Council, an advisory body chaired by the Conservation Area Manager and composed of representatives of local communities, the private sector, associations and local government bodies that, under the supervision of the agency implementing the management of conservation areas, supports the management and upkeep of the conservation area in question.
2. The Conservation Areas Management Councils support the Management of the Conservation Area in:
  - a) implementation of management plans;
  - b) supervision of the conservation areas;
  - c) meeting the developmental needs of the communities legally residing in conservation areas and buffer zones;
  - d) elaborating strategic plans for the development of conservation areas;
  - e) the pursuit of new income generating activities that will reduce the pressure exerted by local communities on biodiversity, including biodiversity-based businesses;
  - f) supervision of the implementation of concession contracts with operators in the development of public-private and community partnership;
  - g) taking measures to strengthen the conservation capacity within the context of the management plan.



Article 8  
(Financing mechanisms for conservation areas)

The mechanisms for financing conservation areas are adopted to minimize losses and increase benefits at local, national and international level through the establishment of:

- a) Public-private and community partnership;
  - b) establishment of institutions to support conservation activities;
  - c) capitalization of genetic wealth, wildlife, other natural resources and local and traditional knowledge on the use of biological material;
  - d) compensation for the conservation effort by the ecological and other services established by the Council of Ministers.
2. It is primarily incumbent upon the government to mobilize internal and external resources necessary to pursue conservation purposes, including the better use of funding windows within the framework of international agreements and conventions on the protection and conservation of biodiversity and the environment in general.

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 contracts and with financing, in whole or in part, by the private partner for the management of conservation areas, creating synergies that benefit the conservation of biological diversity, without prejudice to the sharing of responsibilities 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 generating income.

Article 10  
(Institutions to support conservation)

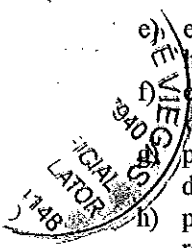
The State encourages and supports the private sector in setting up institutions to support biodiversity conservation activities, providing full facilities in terms of the law.

Article 11  
(Conservation effort compensation mechanisms)

1. The public or private entity that exploits natural resources in a conservation area or its buffer zone benefits from protection provided by the conservation area and shall contribute financially to the protection of biodiversity in the conservation area in question.
2. The public or private entity that exploits natural resources in a conservation area or its buffer zone shall compensate for the impacts it causes in order to ensure that 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 belongs to the entity that manages the conservation area in question, and their marketing may be done in collaboration with other public or private entities.
4. The conservation effort compensation mechanisms are defined by regulation of the Council of Ministers.

Article 12  
(National conservation areas network)

1. The national network of conservation areas consists of a set of conservation areas categorized under this Law.
2. The fundamental objectives of the national network of conservation areas are to:
  - 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 municipality level;
  - c) contribute to the preservation and restoration of the diversity of natural, terrestrial or aquatic ecosystems;
  - d) promote sustainable development through the use and sustainable use of natural resources;

- 
- e) economically and socially value biological diversity, by promoting sustainable activities including hunting, concession of rights to exercise game viewing tourism and fishing to finance conservation; conserve the natural resources necessary for the subsistence of local communities, respecting and valuing their knowledge and culture;
- f) promote the use of principles and practices of natural resources conservation and management in the development process, especially by local communities;
- h) protect natural and cultural landscapes of special beauty as well as the natural and cultural heritage, representative of the national identity;
- i) protect and recover 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 land areas that are representative of the national natural heritage, dedicated to the conservation of biological diversity and fragile ecosystems or of animal or plant species.
2. Protection zones are classified to ensure 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 as:
  - a) total conservation areas;
  - b) sustainable use conservation areas.
4. Total conservation areas are areas in the public domain dedicated to the preservation of ecosystems and species without interventions of resources extraction and only admitting the indirect use of natural resources with the exceptions provided for in this Law.
5. conservation areas are areas in the public and private domain destined for conservation, subject to integrated management and allowing resources extraction levels while respecting sustainable limits in accordance with the management plans.

##### Article 14 (Total conservation areas)

The management categories of the total conservation areas are the following:

- a) full nature reserve;
- b) national park;
- c) cultural and natural monumento.

##### Article 15 (Full nature reserve)

1. The full nature reserve is a total conservation area in the public domain of the State, delimited and aimed at preserving the nature, the maintenance of ecological processes, the functioning of ecosystems and threatened or rare species.
2. Except for scientific reasons connected to inspection purposes or for game viewing tourism provided it does not implement any infrastructure, the following activities are strictly prohibited in the full nature reserve:
  - a) hunting, fishing, camping, engaging in any forest, agricultural or mining operation;
  - b) conducting surveys, prospections, drilling, earthworks or works designed to modify the appearance of the terrain or vegetation;
  - c) taking any action that would prejudice or disrupt biological diversity;
  - d) introducing or harvesting any zoological or botanical species whether indigenous, exotic, wild or domestic.

3. Integral natural reserves may be demarcated in other categories of conservation area, as 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 aimed at the propagation, protection, conservation, preservation and management of wild flora and fauna as well as at the protection of geological sites, landscapes or formations of particular scientific, cultural or aesthetic value, in the interest of and for public leisure, representative of the national patrimony
2. Except for scientific reasons or for the needs of the environment, the following activities are strictly prohibited in the national park:
- hunting, engaging in any forestry, agricultural, mining or livestock exploitation;
  - conducting research or prospecting, drilling or the construction of landfills;
  - all works tending to modify the appearance of the terrain or the characteristics of the vegetation as well as causing water pollution;
  - any act which by its nature may cause disturbances to the maintenance of ecological processes, flora, fauna and the cultural heritage;
  - any introduction of zoological or botanical species whether indigenous or exotic, wild or domestic.
3. In the national parks, the presence of humans is admissible 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 allow controlled scientific research and monitoring of their natural resources for area management purposes.
5. The management intervention of flora and fauna species aims only at maintain the ecological balance, guaranteeing the control of the populations of the respective species.

Article 17  
(Cultural and natural monument)

1. Monuments constitute sustainable use conservation areas in the public domain of the State or in the municipal, communal or private domain, that contain one or more elements of exceptional or unique natural, aesthetic, geological, religious, historical or cultural value in an area smaller than 100 hectares, whose integrity, due to their uniqueness and rarity, requires to be preserved and maintained.
2. Monuments aim at achieving the following:
- protect or preserve specific natural or cultural elements;
  - offer the opportunity to engage in ecotourism, leisure, education and scientific research;
  - ensure the preservation and reproduction of rare, endemic, protected and endangered species or plant formations;
  - prevent or eliminate any form of occupation or exploitation that is not compatible with the objectives of the monument's custody;
  - contribute to local economic and social development by promoting tourism and the participation of local communities in the benefits resulting from these activities.
3. Maintenance is carried out according to tradition, restricted use, principles and conservation needs of the monument.
4. Also considered natural monuments are trees of ecological, aesthetic, historical and cultural value.

Article 18  
(Sustainable use conservation areas)

1. The management categories of sustainable use conservation areas are:
- special reserve;
  - environmental protection area;
  - official estate;
  - community conservation area;
  - sanctuary;
  - game farm;
  - municipal ecological park.
2. Conservation areas can be of national, provincial, district and municipal scope.

3. The responsibilities and counterparts of the State bodies, municipal and community authorities at the various levels are regulated by the Council of Ministers.

**Article 19**  
(Special reserve)

1. The special reserve is a sustainable use conservation area in the public domain of the State, delimited and destined for the protection of a determinate species of fauna or flora that is rare, endemic or endangered, or that is in decline while having recognized cultural and economic value.
2. The permits and prohibitions provided for the national park shall apply to the special reserve, with the exceptions provided for in this Law.
3. Except for resources whose exploitation is permitted by the management plan, it is prohibited to exploit any resources in a special reserve.
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 sustainable use conservation area in the public use of the State, delimited, and managed in an integrated way, where the interaction between human activity and nature bestow upon the landscape aesthetic, ecological or specific and exceptional cultural qualities, providing important ecological services for its residents and neighbours.
2. The environmental protection area aims at achieving the following objectives:
  - a) ensure the protection and preservation of environmental components, as well as the maintenance and improvement of ecosystems of recognized ecological and socio-economic value;
  - b) maintain a harmonious relationship between nature and culture, protecting the landscape and ensuring traditional forms of land occupation and construction, and of expressing socio-cultural values;
  - c) encourage sustainable livelihoods and socio-economic activities in harmony with nature, as well as the preservation of the cultural values of local communities;
  - d) maintain the diversity of landscape and habitat, and that of the associated species and ecosystems;
  - e) prevent and eliminate any form of land occupation and incompatible activities that due to their dimension or size, undermine the objectives of landscape protection;
  - f) provide citizens with outdoor leisure spaces while respecting the essential qualities of the conservation area;
  - g) contribute to sustainable development at local level by promoting tourism and the participation of local communities in the benefits resulting from these activities.
3. The environmental protection area may cover land areas, lakes, rivers or the sea and other distinct natural areas.
4. Natural resources may be exploited in an environmental protection area, while observing the integrated development plan.
5. The environmental protection area may contain other categories of conservation areas.

**Article 21**  
(Official estate)

1. The official estate is a sustainable use conservation area in the public domain of the State, delimited and destined for hunting activities and the protection of species and ecosystems, in which the right to hunt is only recognized by means of a concession contract between the State and the operator.
2. Activities in the official estate that may compromise the objectives that led to the signing of the concession contract referred to in the preceding number are prohibited.
3. The use of forest and wildlife resources by local communities is permitted, provided that it is carried out in a manner sustainable with subsistence purposes and does not compromise the objectives referred to in number 1 of this article.
4. The restocking of game resources may be done in the official estate while observing the provisions of the national legislation and the respective management plan.
5. The official estate shall be managed in accordance with a management plan duly approved by the agency implementing the management of conservation areas, proposed by the management entity.

Article 22  
(Community conservation area)

1. The community conservation area is a sustainable use conservation area 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 the land (DUAT), destined for preserving fauna and flora and for the sustainable use of natural resources.

The community conservation area aims at achieving the following objectives:

- a) protect and conserve the existing natural resources in the area of customary community use, including the conservation of natural resources, sacred forests and other sites of historical, religious, spiritual and cultural importance to the local community;
  - b) guarantee the sustainable management of natural resources in a way that leads to local sustainable development;
  - c) ensure access to and the permanence of plants for medicinal use and of biological diversity in general.
3. Licensing for the exploitation of resources to third parties can only be done with the prior consent of the local communities, after a process of auscultation, culminating in the conclusion of a partnership agreement.
  4. Management of natural resources in the area of community conservation shall be carried out in accordance with the customary rules and practices of the respective local communities, without prejudice to compliance with national legislation.

Article 23  
(Sanctuary)

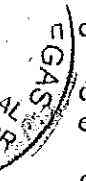
1. The sanctuary is an area in the public domain of the State or in the private domain, destined for the reproduction, shelter, feeding and investigation of certain species of fauna and flora.
2. The sanctuary may be demarcated within or outside an established conservation area.
3. The resources existing in the sanctuary may be exploited under a special license, under the terms to be regulated, except for species that are intended to be protected, provided they are in accordance with the respective management plan and with this Law.
4. The repopulation of species in a sanctuary is subject to compliance with the provisions in national legislation and in the respective management plan.

Article 24  
(Game farm)

1. The game farm is a fenced area in the private domain destined for the conservation of fauna and flora in which the right to hunt is limited to the respective holder of the DUAT or to those that he or she has authorized, both of whom will need to have the license issued by the competent authority.
2. The owner of the game farm may implement the balanced exploitation of certain species for the production of meat and the use of other remains and by-products.
3. The owner of the game farm who has animals in captivity is responsible for their feeding, health and upkeep.
4. The owner of the game farm owns the animals that he or she introduces.
5. If the owner of the game farm intends to have ownership of the animals found in the area he or she can buy them from the State.
6. The repopulation of species on a game farm is subject to compliance with the provisions in national legislation and in the respective management plan.

Article 25  
(Municipal ecological park)

1. The municipal ecological park is a sustainable use conservation area in the municipal public domain destined for the conservation of sensitive ecosystems within an urbanized and village context.
2. The municipal ecological park aims at achieving the following objectives:
  - a) protect natural elements that are crucial to the ecological balance of the local municipality, including wetlands, mangroves, slopes, dunes and forest areas;
  - b) protect and preserve endemic, rare or threatened species and ecosystems;

- 
- c) prevent arbitrary occupation and uncontrolled and unregulated urbanization of green spaces located in local municipalities;
  - d) contribute to the quality of life of the municipal citizens;
  - e) stimulate the environmental education, recreation and leisure of the municipal citizens as well as ecotourism;
  - f) allow the regeneration of species essential to the subsistence of the populations;
  - g) encourage scientific research, especially associated with educational and research establishments.
3. The presence of humans is admitted in the municipal ecological park provided it does not jeopardize the objectives that led to its creation.

## SECTION II

### Activities in conservation areas

#### Article 26

(Activities undertaken in conservation areas)

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

#### Article 27

(Legislation applicable to the activities in conservation areas)

Concessions for the pursuit of tourism, hunting, fishing, forestry, beekeeping and scientific research are implemented in accordance with the 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) Single license hunting;
  - b) sports hunting;
  - c) commercial hunting.
2. The terms and conditions and the annual quotas for hunting wild animals, as well as the instruments allowed for hunting in the modalities referred to in the previous number, shall be established by specific diploma.

#### Article 29

(Single license hunting)

1. *Simple license hunting by local communities in sustainable use conservation areas and in buffer zones* in order to meet their own consumption needs.
2. Licensing of hunting for members of local communities, under the terms of the previous number, and done by local councils according to customary norms and practices and in coordination with the sector overseeing this matter.

#### Article 30

(Sports hunting)

Sports hunting is done by national and foreign natural persons in the official estates, game farms and other sustainable use conservation areas and buffer zones, in accordance with the management plan.

Article 31  
(Commercial hunting)

Commercial hunting is done by natural or legal persons on game farms, with a view to obtain the remains or trophies for marketing, through the breeding of wild animals under the terms of this Law and other applicable legislation.

Article 32  
(Hunting instruments and means)

Restrictions on game hunting are subject to specific regulations and the use of means and instruments that result in the indiscriminate capture or killing of species or individuals such as fires, explosives, tics, mechanical traps, poisonous substances and automatic firearms are not allowed.

Article 33  
(Hunting in defence of persons and property)

1. Hunting outside the modalities provided for in this Law is only permitted in defense of persons and property, against current or impending attacks of wild animals when it is not possible to frighten or capture them;
2. The hunting referred to in this article shall be carried out promptly, after the facts have been known, by the specialized brigades of the State or by the private sector and by the duly authorized local communities.

Article 34  
(Closed season)

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

Article 35  
(Hunting concessions)

The specific conditions for hunting activities are established by proper diploma for the official estates, game farms in other sustainable use conservation areas and buffer zones under concession.

SECTION III  
Cross-border conservation area

Article 36  
(Cross-border conservation area)

1. The cross-border conservation area is an area established by a legal and jointly managed instrument that crosses one or more borders between States, consisting of conservation areas or other forms of land use that contribute to the protection and maintenance of biological diversity and associated natural and cultural resources, as well as promoting socio-economic development.
2. The objectives of the cross-border conservation area are:
  - a) regional or international cooperation in the management of shared resources;
  - b) the pursuit of the objectives of each category of conservation area integrated in the areas of cross-border conservation;
  - c) the implementation of common approaches to ecosystem and species conservation so as to maintain connectivity of habitats, plant formations and animal populations.
3. The area of cross-border conservation is established by treaty or agreement signed and approved by the competent State organs.

SECTION IV  
Creation, modification or termination of conservation areas

#### Article 37

##### (Approval, modification and termination of conservation areas)

- It is incumbent upon the Council of Ministers to approve, modify or extinguish all natural reserves, national parks, cultural and natural monuments in the public domain of the State, special reserves, environmental protection areas and official estates, regardless of their size, as well as sanctuaries, game farms and community conservation areas larger than 10,000 hectares.
2. It is incumbent upon the Minister who oversees the conservation areas to approve, modify or extinguish sanctuaries, game farms and community conservation areas of between 1,000 and 10,000 hectares.
  3. It is incumbent upon the provincial government to approve, modify or extinguish game farms, sanctuaries and community conservation areas up to a maximum of 1,000 hectares, as well as cultural and natural monuments in the public domain and in the private domain.
  4. It is incumbent upon the municipal assembly to approve, modify or extinguish municipal cultural and natural monuments and municipal ecological parks that are located within the limits of the municipality in question.
  5. The process of creation, modification or termination of conservation areas follows the process indicated in the land law.
  6. The nature reserve, the national park and the special reserve 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 to create conservation areas can be made by government agencies, academic institutions, the private sector, non-governmental organizations, local communities or municipalities, depending on the categories concerned.

#### Article 39

##### (Land use planning)

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

#### SECTION V

##### Buffer Zone

#### Article 40

##### (Buffer Zone)

1. The buffer zone is a delimited part of land around the conservation area, forming a transition band between the conservation area and the multiple use area in order to control and reduce the impacts resulting from activities incompatible with the conservation of bio-logical diversity, both from inside the conservation area outwards and from outside inwards.
2. The objectives of creating a buffer zone are to:
  - a) form a cushioning area around a conservation area that minimizes the pressures from the various human activities;
  - b) protect courses and other water sources, safeguarding their quality and quantity;
  - c) promote and maintain the landscape in general and the development of tourism, with the participation of the private sector and local communities;
  - d) promote environmental education, serving as a basis to consolidate the respect for activities and needs related to conservation and the quality of life;
  - e) contain continuous and non-regulated urbanization;



- f) consolidate appropriate activities complementary to the proposal of the management plan of the conservation area;  
extend conservation measures to promote the sustainable use of natural resources;  
provide ecological corridors aimed at ensuring 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 biotics shall be previously approved by the agency implementing the management of conservation areas and be subject to environmental licensing, based on the environmental impact assessment, pursuant to specific legislation.
  4. The creation of the buffer zone shall obey the very assumptions of article 39 concerning the approval, modification or termination of conservation areas.

## SECTION VI

### Management of conservation areas

#### Article 41

##### (System of uses)

1. Any use or exercise of activities in a conservation area shall comply with the provisions of this Law and its regulations and, if applicable, with the delimitation of the area and other determinations of the management plan.
2. Uses compatible with the area may be subject to direct authorization of its management, provided that these are included in the management plan and, in case there are requests for authorization from other State bodies, these require the opinion of the area management, which is binding.
3. Uses incompatible with the purpose of the conservation area are out of order without exception and shall be eliminated with the utmost urgency.

#### Article 42

##### (Management rules)

1. The conservation area management shall try to safeguard the values that motivated its declaration, maintain environmental quality and, as far as possible, restore the environment.
2. Cataloged species within a conservation area receive special attention with a view to recover their population and eliminate threat factors.
3. Cultivation varieties and species of native animals that may be found in a conservation area are considered genetic resources of interest for the preservation of biological diversity and are inventoried and subject of special attention if their survival is threatened.
4. The conservation area management shall ensure that the exploitation of natural resources, where authorized, is carried out in a controlled and sustainable manner.
5. The conservation area management shall manage it in collaboration with the local communities and encourage and support activities that, consistent with its conservation, contribute to improving the quality of life of the local communities.

#### Article 43

##### (Management plan)

1. Conservation areas shall be managed by means of a management plan, i.e. a technical document that, based on the general objectives of the conservation area, establishes the ordering and standards that shall govern the use and management of natural resources, including the implementation of the infrastructure necessary for managing the area, namely:
  - a) the management objectives and their temporal scope;
  - b) the classification of the area and its geographical limits and the map of the area together with zoning, if applicable;
  - c) the uses that are considered prohibited and those subject to authorization in function of the protection needs of the area, without prejudice to those already established by this Law;
  - d) urban planning provisions, architectural standards and complementary protection measures, as stipulated in this Law, which does not exempt the existing ones;
  - e) the guidance for the management of natural resources and possible measures to restore the environment or species in critical condition;
  - f) infrastructures and measures to promote traditional activities and other improvements of the living conditions of the local population;

- WAFW
- g) the norms governing visits of the area and, when necessary, the safety of visitors, aspects of information and interpretation of nature and, in general, all public uses;
  - h) the facilities and infrastructure necessary for the management of the area; the special plans that must be elaborated to deal in detail with any aspect of the infrastructure or need for area management;
  - j) studies necessary to better understand the area, containing the follow-up of the environmental and use conditions necessary to support the management and the economic estimation of the corresponding expenditure, if any;
  - k) the management system and the involvement of partners.
2. The management plan shall cover the conservation area, its buffer zone, including measures to promote their *integration into the economic and social life of the local communities*.
  3. The management plan of a conservation area has the same legal force as the environmental management plan and the land-use planning plan.
  4. As a transitional measure, in the absence of or during the elaboration of a management plan, the conservation area may be managed through a declaration of intentions, which shall include a description of the values of significant and existing natural and cultural resources in the area and a proposal for management and use.

## CHAPTER IV

### Recovery and Restoration of Biological Diversity

#### Article 44 (General criterion)

1. The State promotes the recovery of degraded areas through reforestation, preferably in the dunes, bases and hillsides, valleys and other sensitive areas, water basins and fragile ecosystems.
2. The State promotes the repopulation of wildlife in accordance with the previously approved management plan and in compliance with legislation on the matter.
3. In conservation areas it is not allowed to transform degraded area into areas with another purpose of use, and they shall be restored to their previous condition.

#### Article 45 (Liability)

1. When degradation of ecosystems is caused by deforestation, fire or any other voluntary acts, the offender is obliged to recover the degraded area in accordance with the terms and conditions to be defined by its own regulations, regardless of other civil and criminal procedures that may apply.
2. Anyone who, in any way, causes the decline of wildlife is obliged to repopulate the affected species, under the terms and conditions to be defined by decree, without prejudice to civil and criminal procedures that may apply.

## CHAPTER V

### Management of Endangered Species

#### Article 46 (Critically endangered flora and fauna species)

1. The Council of Ministers shall approve by decree the list of protected species and the list of species the use of which is permitted, including hunting.
2. The State promotes research and investigation on the state of the country's bio-logical diversity in order to provide information for decision-making on the management of species.

#### Article 47 (Import and export of endangered fauna and flora species)

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

CHAPTER VI  
Resettlement

Article 48  
(Population resettlement)

1. The State may resettle human populations outside the conservation area, provided that their presence is incompatible with the legal status of the conservation area or prevents its good management.
2. Those affected by resettlement shall be guaranteed living conditions equal to or better than those they have in the area in which they live, through fair compensation accompanied by measures to promote livelihoods, in a consultative process in which participate, in addition to representatives of the persons in question, the manager of the conservation area concerned and the local State bodies.
3. It is the obligation of the State to promote the creation of infrastructures and signaling of conservation areas aimed at protecting biodiversity and communities, reducing the incidence of human-wildlife conflict.

CHAPTER VII  
Fees

Article 49  
(Fees)

1. Fees are due for access to and use of natural resources, for compensation of conservation efforts and ecological services in the conservation area.
2. It is incumbent upon the Council of Ministers to establish the amounts of the fees referred to in the previous number as well as for the issuance of license for the exercise of activities and other authorizations, including surcharges for restocking.
3. Local communities are exempt from the payment of fees for the use of natural resources, provided these serve non-commercial purposes and are in areas where such activities are permitted.
4. The Council of Ministers establishes the percentages of the amounts derived from access fees and 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  
(Exercise of inspection)

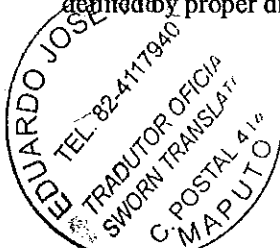
1. The protection, conservation, preservation, sustainable use, transportation and handling of the resources object of this Law are subject to inspection.
2. Protection and inspection aim at preventing and combating any activities that disturb the harmony of nature, throughout the national territory, especially in conservation areas and their buffer zones, and are carried out by State prosecutors, community agents and sworn inspectors.
3. The defence forces and security services of the State participate in the inspection of conservation areas.

Article 51  
(Duty of collaboration)

1. All public and private entities and all national and foreign citizens as well as license holders shall collaborate in the surveillance necessary for the protection of forest, fauna, fish and other resources, sharing the infractions of which they have knowledge with the nearest competent authorities, and providing the support and information requested by the inspectors and other enforcement agents.
2. The State ensures the protection of whistle-blowers and counterparts in accordance with the law, with a view to encourage the participation of all in the protection of conservation areas, under the terms to be regulated by the Council of Ministers.

Article 52  
(Using and bearing fire arms)

Inspectors exercising their functions have the right to use and bear firearms and other equipment to be defined by proper diploma.



## CHAPTER IX Infractions and Penalties

### Article 53 (General norms)

1. Damages caused shall be punished with imprisonment, a fine, accompanied by recovery or compulsory compensation measures, without prejudice to the application of other sanctions to which they give rise.
2. In duly justified cases, the offender may be subject to an alternative penalty, including work for compensating the conservation effort.
3. The voluntary non-payment of the fine exposes the offender to the consequences provided for in criminal law, in the jurisdiction where the offense was committed, independent of other established legal procedures.
4. For the purposes of the previous number, considered stakeholders in the inspection and control process shall be the State prosecutors, community agents, sworn inspectors and local communities who have participated in the respective transgression process and, in general, any citizen who has reported the infringement.
5. It is incumbent upon the Council of Ministers to periodically update the amounts of the fines provided for in this Law.

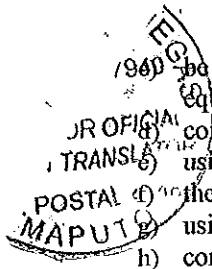
### Article 54 (Infractions and sanctions)

1. Without prejudice to criminal liability, the following shall be violations punishable by a fine ranging from 1 to 10 minimum civil service wages:
  - a) Storage, transportation or marketing of natural resources subject to this Law without authorization or in disagreement with the legally established conditions;
  - b) receipt of resources subject to this Law without documentary evidence of the authorization of the seller or carrier;
  - c) illegal transport of animals in a camouflaged condition so as not to recognize their gender and species.
2. Without prejudice to criminal liability, the following shall be violations punishable by a fine ranging from 11 to 50 minimum civil service wages:
  - a) Illegal exploitation of natural resources in conservation areas;
  - b) carrying out archaeological work or other works in the conservation area without the authorization of the competent authority;
  - c) import or export natural resources without a license or in disagreement with the conditions established by law;
  - d) abandonment of forest or wildlife or fishing products subject to a license;
  - e) engaging in any acts that disturb the natural or cultural resources in conservation areas.
3. Without prejudice to criminal liability, violations punishable by a fine ranging from 50 to 1000 minimum civil service wages are the exploration, storage, transport or illegal marketing of species from the country's list of protected species.
4. The infringement of the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, included in the respective annexes, is punishable by the following fines:
  - a) Annex I, from 50 to 1000 minimum civil service wages;
  - b) Annex II, from 40 to 500 minimum civil service wages;
  - c) Annex III, from 30 to 400 minimum civil service wages.

### Article 55 (Aggravating circumstances)

The following are aggravating factors in the graduation of sentences, in addition to those established in criminal law:

- a) committing the offense in the closed season;
- b) committing the offense against protected species;



- g) be a State inspector, sworn auditor, community agent, State official or agent, police officer or equivalent agent;
- h) committing the offense during the night, on Sundays or during holidays;
- i) using violence, threat or opposing in any way the inspection;
- j) the offender or the jointly responsible person is holder of a license;
- k) using prohibited practices, instruments, techniques and arts;
- l) committing the offense in organized groups.

**Article 56**  
(Attenuating circumstances)

1. The following are attenuating factors in the graduation of sentences, in addition to those established in criminal law:
  - a) be a primary offender;
  - b) being an offender, having spontaneously sought inspection members to voluntarily report the damage caused;
  - c) being an offender, not having knowledge or notion of the consequences of the act undertaken, taking into account the offender's background, level of education, socio-economic conditions and local habits and place of living.
2. In general, any other circumstances preceding, accompanying or following the offense, which weaken the guilt of the offender or otherwise diminish the gravity of the act.

**Article 57**  
(Recidivism)

1. Repeated offenses are committed when the offender, having been convicted of a criminal offense, commits another offense of the same kind before five years have elapsed since the conviction in question, although the penalty of the first offense has been served.
2. In the event of a repeat offense, the amount and the minimum and maximum limits of the fines shall be doubled and the instruments used in committing the offense shall accrue to the State and the license shall be revoked.
3. If the repeat offender is a foreigner he or she may also be barred from working in Mozambican territory for a period of up to thirty-six months.
4. Recidivism does not exclude the possibility that the person in question has committed one offense and is complicit in another one.

**Article 58**  
(Accumulation of offenses)

Offenses accumulate when person on question commits more than one offense on the same occasion, or when, having committed one, commits another before being condemned for the former.

**Article 59**  
(Perpetrators of crimes & joint liability)

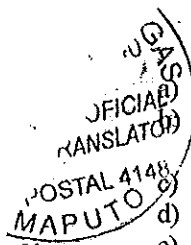
1. The perpetrators of crime are the actors, accomplices or accessories as defined in terms of criminal law.
2. The State Prosecutor and the sworn prosecutor who fail to take the measures provided for in this Law and its regulations, as well as anyone who has a legal obligation to cooperate in the exercise of surveillance, and has not done so, shall be punished in accordance with the law.

**Article 59A**  
(Attempt and thwarting)

The attempt at and frustration of infractions provided for in this Law are punished as consummate crime

**Article 60**  
(Accessory penalties)

The application of the penalties provided for in this Law gives rise to the following accessory penalties:



- restoration of damages caused to nature, repopulation of devastated areas;  
confiscation by the State of flora, fauna and cultural products and by-products, without prejudice to the penalty applicable to the offense;  
reversal to the State of the instruments used in committing the offense;
- d) revocation of the license and cancellation of the authorizations issued in the name of the offender;
  - e) suspension of the exercise of the activities causing the infringement;
  - f) seizure of the works;
  - g) demolition of the works determined by the agency implementing the management of conservation areas, based on the observation that these are illegal and on the seriousness of the damages resulting from the offense;
  - h) prohibition of new authorizations for a period of one year.

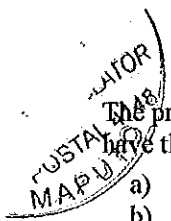
Article 61  
(Prohibited weapons)

1. Any person who carries out illegal activity in a conservation area using prohibited weapons as defined in the Penal Code and in specific legislation shall be sentenced to long-term imprisonment of twelve to sixteen years and a corresponding fine, if a more serious penalty does not apply.
2. Any person who engages in illegal activity using mechanical or any other kind of trap is sentenced to the same penalty as the one from the preceding paragraph.
3. Seized firearms, as well as the testimony of suspects detained outside the national territory, indicted for committing offenses provided for in this Law, are matters of investigation and of prosecution of the weapon's owner and bearer.

Article 62  
(Prison sentences for perpetrators)

1. Subject to a long-term prison sentence of twelve to sixteen years and a corresponding fine is anyone who:
  - a) removes, without a license, any element of the protected or forbidden species of fauna and flora, including species listed in Annexes I and II to CITES;
  - b) leads, directs, promote, instigates, creates or finances, joins, supports, collaborates directly or indirectly a group, organization or association of two or more persons who, acting in concert, jointly or separately kill or destroy protected or prohibited fauna and flora species, including species listed in Annexes I and II to CITES, or illegally exploit mineral resources in conservation areas and buffer zones;
  - c) without legal permission, extract forest and wildlife resources, sell, distribute, purchase, transfer, receive, provide to another person, transport, import, export, transit or unlawfully hold animals, fauna products or preparations of protected or prohibited species, including the species listed in Annexes I and II to CITES.
2. Subject to a long-term prison sentence of eight to twelve years and a corresponding fine is anyone who:
  - d) hunts in the months in which hunting is formally prohibited, or who hunts in a manner prohibited by the same rules during months when hunting is not prohibited;
  - e) without legal permission converts, transforms, or changes the original character of organic parts of any legally protected animal or plant species for the purpose of hiding or concealing its illicit origin, transit, transport, possession, import or export, or who helps the person involved in offences against the environment to escape from law enforcement authorities and to exonerate him or herself from their responsibilities;
  - f) puts poison or any substance lethal or harmful to animal health in the environment, in food or water of rivers, lakes, ponds or any place where animals may drink;
  - g) sets fire and thereby destroys in whole or in part, forest, bush or plants within conservation areas and/or buffer zones;
  - h) uses fishing methods prohibited by law, in particular the use of explosives, toxic, poisonous or equivalent substances or of a sweeping net or a narrower trap than that limited by the public authority, or any other fishing method prohibited by the same authority or Regulations or even to fish for protected species.

Article 63  
(Destination of seized goods)



The products, objects and instruments seized and declared lost in favour of the State, under the present Law, have the following destination:

- a) disposal of the products at a public auction, subject to the exceptions provided for in this Law;
- b) donation of perishable products to social institutions and non-profit organizations, as well as to local communities, after their detailed breakdown in a writ of seizure;
- c) timber seized from the conservation area may be used immediately by the conservation area in question;
- d) the re-routing of living specimens of wild flora and fauna to their area of origin, or to the nearest conservation areas;
- e) the return of the instruments to the primary offender, provided these are not prohibited, after payment of the corresponding fine and compliance with other legal sanctions or obligations;
- f) in case the instruments used in committing the offense are of use in the conservation area and in other social, scientific and cultural institutions, they shall be handed over to these, provided they are not claimed within 15 days.

#### Article 63A (Searches and seizures)

1. Searches and seizures of any products, objects and instruments of infractions provided for in this Law may take place outside the limits established in criminal procedural legislation in ports, airports, residences, means of transport, commercial establishments and other places, provided that they are justified and authorized by a court.
2. The court authorization is dispensed with when the offence is detected while it is committed or when the occupant of the habitation does not object to the search and the infraction notice that must be signed by him/her has been drawn up.

#### Article 63B (Assistance to the Public Prosecutor)

In carrying out the investigation and preparatory investigation of processes related to the infractions foreseen in the present Law, the Public Ministry is assisted by technicians of the Ministry that oversees the sector of the conservation areas and by the competent Police.

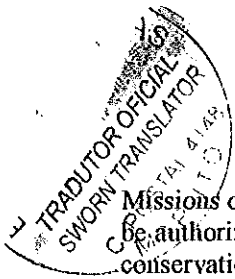
#### Article 63C (Deposit and custody of fauna and flora products)

1. Wild fauna and flora products seized under the supervision pursuant to this Law shall be immediately delivered to the Ministry that oversees the conservation area for inventory, sample collection, laboratory examination, custody and control, without prejudice to access to them during the criminal investigation or trial.
2. Once examinations and subsequent acts have been carried out, the judicial authority may determine, either on its own initiative or at the request of the Public Prosecutor's Office or another competent authority that the wildlife products are to be destroyed or incinerated, whatever the stage of the proceedings.
3. The act of destruction shall be witnessed by the representative of the Ministry that oversees the conservation areas and by a representative of the Public Prosecutors Office.
4. The act of destruction referred to in the preceding number shall be certified by a court order.

### 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, the Law on the Environment, as well as other legal provisions that contravene the present Law, are revoked.



Article 65  
(Studies and investigation)

Missions of a scientific nature that presuppose studies or activities under the scope of the present Law need to be authorized by the Council of Ministers, while informing the entity implementing the management of the conservation areas.

Article 66  
(International cooperation)

The State shall promote cooperation with other countries, in particular with those in the region, as well as with international organizations for the sharing of best practices in the various domains of the conservation areas.

Article 67  
(Fines and their destination)

The Council of Ministers establishes the amounts of fines destined to benefit the various parties involved in the process of inspection and control of resources under this Law.

Article 68  
(Regulations)

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



## Glossary

## A

**Tourist activity** - commercial activity which contributes to the provision of accommodation, catering and/or meeting the needs of persons traveling for leisure or for professional reasons, or whose purpose is tourism.

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

**Degraded area** – a swath of land with adverse changes in the natural features of the environment, including soil erosion, water and air pollution, deforestation, desertification, fragmentation and loss of habitat, as a consequence of anthropogenic factors.

**Multiple use area:** area outside protection zones dedicated to various forms of land use, through the application of land use planning instruments.

**Knife**—instrument with a cutting or piercing blade, used in hand to hand combat.

**Fire arm** - any instrument acting by the ignition of an explosive charge leading to the discharge of gases whose expansion propels the projectile.

## C

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

**Hunting or hunting act** - series of movements undertaken by the hunter while hunting, consisting of a series of operations characterized by the act or acts of seeking, pursuing, waiting, seizing, killing and transporting wild animals, dead or alive.

**CITES** - Convention on the International Convention for the Protection of Endangered Species of Wild Fauna and Flora.

**Local community** - a group of families and individuals living in a territorial area at the level of locality or lower, aimed at safeguarding common interests through the protection of housing areas, agricultural areas, either under cultivation or fallow, forests, places of cultural importance, pastures, water sources, hunting and expansion areas.

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

## D

**Closed season** - period of the year aimed at allowing for the reproduction and growth of species, during which exploration activities are prohibited.

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

**Hunting remains** – animal parts that do not fall within the definition of a trophy, in particular the meat, fresh skins (not tanned).

**Biological diversity** - the variety and variability among living organisms of all origins, including, inter alia, terrestrial, marine and other aquatic ecosystems, as well as the ecological complexes of which these are a part; it comprises the diversity within each species, between species and ecosystems.

## E

**Ecosystem** - a dynamic complex of plant, animal and microorganism communities and their non-living environment, which interact as a functional unit.

**Fragile ecosystem** - the ecosystem that, due to its natural characteristics and geographic location, is susceptible to the degradation of its elements and which is difficult to recover.

**Ecotourism** – the whole of tourist activities developed in natural areas, ensuring the conservation of the environment and the well-being of local communities with the involvement of tourists and consumers of tourism products and services.

**Erosion** - detachment from topsoil by the natural action of wind or water, intensified by the human practice of removing vegetation.

**Species** – a set of individuals sharing the same genetic background, morphologically similar and capable of breeding, thus generating fertile individuals.

**Endemic species** – species confined to a particular geographic region.

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

**Rare species** – species of low abundance or limited distribution, and prone to become vulnerable due to these ecological characteristics.

**Specimen** – designates an exemplar or sample of any material or living being. More specifically, it designates an individual animal, plant or microorganism, or an identifiable part thereof, used as a representative sample for the study of the properties of a population of species or subspecies to which it belongs.

**Carbon stock** – product of a certain natural ecosystem or an ecosystem modified by the weight of the biomass and dead mass converted to carbon.

**Sustainable exploitation** – rational and controlled use of forest and wildlife resources, through the application of technical and scientific knowledge aimed at achieving the objectives of conserving resources for present and future generations.

## F

**Wildlife** – the whole of land and water animals, amphibians and birds, and all aquatic mammals of any species, at any stage of their development and living naturally, as well as wild species captured for the purpose of breeding in captivity.

**Forest** – vegetative cover capable of supplying timber or other plant products, harbouring fauna and exerting a direct or indirect effect on the soil, the climate and water systems.

## P

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

**Fishery** – the practice of any act leading to the capture of aquatic species in their natural free state, undertaken in the waters of the interior or on their margins.

**Management plan** – technical document containing the activities and other technical measures to be implemented by the various stakeholders involved in the conservation, management and utilization of forest and wildlife resources.

**Conservation** – activity aimed at maintaining something in its natural condition, while at the same time trying to halt or delay its degradation.

## R

**Natural resources** – natural environmental components useful for humans and generating goods and services, including air, water, soil, forest, fauna, fisheries and minerals.

**Mineral resources** – any solid, liquid or gaseous substance formed in or on land by geological or associated phenomena.

**Biological resources** – these include genetic resources, organisms or parts thereof, populations, or any other biological components of ecosystems with current or potential use or value for mankind.

**Hunting resources** – birds and terrestrial mammals that are in a state of natural freedom, whether sedentary on national territory or migrating through it, including those originating from breeding in an artificial or captive environment.

**Forest and faunal resources** – forests and other sources of vegetation, including forest products, wildlife, trophies and remains, whether processed or not.

**Restoration** – the reestablishment of an ecosystem or a degraded wildlife population as much as possible to its natural condition.

**Genetic resources** – genetic material, particularly of plant, animal or microbiological origin, containing functional heredity units, and having an actual or potential use.

## T

**Trophy** – the durable parts of wild animals, i.e. the head, skull, horns, teeth, skin, hair and bristles, nails, claws, hooves and of egg shells, nests and feathers, provided they have not lost their original appearance due to any processing.

## U

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

**Direct use** – use involving the collection and use, commercial or otherwise, of natural resources.

## V

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

## Z

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