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New Regulation on the Relocation Process resulting from Economic Activities

On August 8 past, the Decree n.º 31/2012, of 8 of August was published, approving the Regulation on the Relocation Process resulting from Economic Activities ("Regulation").

Object and Scope

The Regulation:

- > Establishes the rules and basic principles that govern the relocation process, resulting from public or private economic activities, carried out by natural or legal persons, national or foreign, in order to promote quality of life for citizens and protect the environment;
- > Is applicable to the entire national territory and to natural and legal persons, national or foreign, public or private, involved in the relocation process.

Purpose

Relocation – defined as the displacement or transfer of population affected by the implementation of economic ventures, from one point of the national territory to another, alongside with the re-establishment or creation of conditions that are equal or above the former standard of living – aims at boosting the socioeconomic development of the country and guaranteeing that the relocated population has a better life quality and social equity, taking into account the sustainability of the physical, environmental, social and economic aspects.

Relocation Process

This process is monitored by the Technical Commission for Monitoring and Supervision ("*Comissão Técnica de Acompanhamento e Supervisão*"), a multisectoral body, with the purpose of monitoring, supervising and issuing methodological recommendations regarding all aspects of the relocation process and delivering a technical opinion on the relocation plans.

Relocation Plan

The company or person that intends to carry out the economic activity must develop and implement a Relocation Plan – an instrument that defines in detail the type of occupation of any specific area, establishing the conception of the space, providing on land uses and general construction conditions, lineation of the roads, and characteristics of networks, infrastructures and services – subject to the approval of the District Government.

The Relocation Plan is part of the Environmental Impact Assessment Process, according to the Regulation on the Environmental Impact Assessment Process (Decree n.º 45/2004, of September 29) and is preceded by the issuance of an environmental permit.

Relocation is not allowed in areas with significant environmental impacts (floodable areas or subject to erosion) and in protected areas in accordance with specific legislation.

The environmental characteristics to be considered for the relocation area are soil permeability, groundwater level, land inclination, rainwater drainage and soil fertility.

The Regulation also sets criteria for the delimitation of the residential plot in the new relocation area, both in rural and urban zones.

Rights of the Affected Population

The population which is directly affected – understood as the population which has lost all of its belongings such as houses, means of subsistence and other type of infrastructures – is entitled:

- > To see its income level restored to an equal or higher level than the previous one;
- > To see its standards of living restored to an equal or higher level than the previous one;
- > To be relocated with all of its belongings to the new place of residence;
- > To live in a place with infrastructures and social facilities;
- > To have space for the practice of its subsistence activities;
- > To give its opinion throughout the entire relocation process.

Public Consultation

The drawing up and implementation of the Relocation Plan includes, at least, four public consultations, advertised in the main means of social communication and in the relevant locations.

The public participation regarding the proposal of Relocation Plan is a guarantee of the right of information of the citizens, particularly of the affected or interested persons.

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Inspection

The relocation process is subject to inspection by the Environmental Inspection of Mozambique (“*Inspeção do Ambiente*”).

Penalties and Fines

The breach of the Regulation constitutes an administrative penalty punished with a fine, namely:

- > Encumbrance or obstruction to the performance of the inspection activity - fine ranging between 500 000,00 MT and 1 000 000,00 MT;
- > Relocation without the necessary authorization of the competent authorities - fine ranging between 2 000 000,00 MT and 5 000 000,00 MT;
- > Non-compliance with the approved Relocation Plan - fine in the amount of 10% of the venture or project value.

Entry into force

The Regulation entered into force on August 23, 2012.

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