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LAW ON FORESTRY AND WILDLIFE

Law No.10/99
of the 7th of July

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Law 10/99

of 7 July

The economic, social, cultural and scientific importance of forest and wildlife resources for Mozambican society justifies the establishment of adequate legislation, to promote the sustainable use of forest and wildlife resources as well as to encourage initiatives to guarantee their protection and conservation, with a view to improving the quality of life of citizens.

In these terms, under article 135(1) of the Constitution, the Assembly of the Republic determines:

CHAPTER I **General provisions**

Article 1

(Definitions)

For the purposes of this Law, the following meanings apply:

1. *Degraded areas*: areas where the environmental characteristics have undergone adverse changes, including, among others, pollution, desertification, loss of habitat, erosion and deforestation.
2. *Environmental impact assessment*: a preventive instrument of environmental management consisting of prior quantitative and qualitative analysis and identification of the beneficial and harmful environmental effects of a proposed activity.
3. *Biodiversity*: variety of living organisms, including genotypes, species and their groupings, terrestrial and aquatic ecosystems and ecological processes existing in a particular region.
4. *Hunting*: waiting for, pursuing, capturing, mutilating, slaughtering, destroying or using wildlife species at any stage of their development, or conducting expeditions for these purposes.
5. *Local community*: a grouping of families and individuals living in a territorial area at locality level or lower, that aims to safeguard common interests by protecting living areas, agricultural areas, whether farmed or fallow, forests, places of cultural importance, pastures, water sources, hunting areas and areas of expansion.
6. *Conservation*: sustainable management of forest and wildlife resources, without putting biodiversity at risk.
7. *Forestry concession*: delimited area in the public domain awarded to a particular operator under a concession contract for the purpose of forest exploitation in order to supply industry, with a previously approved management plan.
8. *Official game reserves*: delimited areas in the public domain destined for game, the promotion of cynegetic tourism and species protection, wherein hunting rights are only recognised under concession contracts entered into between the operator and the State.
9. *Own consumption*: forest and wildlife exploitation conducted without profit making purposes by local communities to satisfy their consumption and craftwork needs, based on the respective customary practices.
10. *Sustainable development*: development based on environmental management which satisfies the needs of the current generation without compromising the equilibrium of the environment or the ability of future generations also to satisfy their needs.

11. *Spoils*: meat, fat, raw pelts, blood and other parts of the animal that are not considered trophies.
12. *Ecosystems*: dynamic complex of communities of plants, animals and micro-organisms together with their nonliving environment, which interact as a functional unit.
13. *Fragile ecosystem*: an ecosystem that, by its natural characteristics and geographical location, is susceptible to rapid degradation of its features and is difficult to restore.
14. *Erosion*: the wearing away of the soil by the natural action of wind or water, intensified by human practices of de-vegetation.
15. *Species*: any species, subspecies or a geographically isolated population thereof.
16. *General closed season*: part of the year that coincides with the reproduction and growth of forest and wildlife species, during which hunting and forest exploitation activities are forbidden throughout the entire country.
17. *Special closed season*: part of the year that coincides with forest reproduction, during which hunting or forest exploitation activities are forbidden in particular locations or in respect of certain forest or wildlife species.
18. *Forest exploitation*: set of operational measures linked to the extraction of forest products to meet human needs, in particular, felling, transportation, sawing of ligneous material, extraction, drying, including the manufacture of charcoal, as well as timber processing and such other measures as may evolve through technical development, independently of the ultimate end.
19. *Sustainable exploitation*: rational and controlled use of forest and wildlife resources, using scientific and technical knowledge, with a view to achieving resource conservation objectives for present and future generations.
20. *Wildlife*: collection of wild land and amphibious animals and avifauna, and all aquatic mammals, of whatever species and whatever their stage of development, which live naturally, as well as wild species in captivity for farming purposes, but excluding fishery resources.
21. *Game farms*: delimited fenced or unfenced areas that are properly marked, where the right to hunt is limited to titleholders of the right to use and benefit from the land or to persons authorised by the titleholders, all of whom require a hunting license issued by the competent authority.
22. *Forest*: ground vegetation capable of supplying timber or vegetable products, sheltering fauna and having an indirect or direct effect on the soil, climate or water system.
23. *Integrated management*: administration of forest management in conjunction with the respective wildlife, including the control and use of such resources in accordance with the legislation and regulations issued under it, ensuring the effective participation of institutions, local communities, associations and the private sector.
24. *Forest inventory*: collection, measurement and recording of data on the quality and volume of forest resources, their dynamic state, regeneration and the products that can be obtained per surface unit, in order to provide information for the sustainable management of a given region or forest, in particular.
25. *Wildlife inventory*: collection, measurement and recording of data on the composition by species or by animal, the density per surface unit, the density per age group or sex and the state of the population, in order to provide information for the sustainable management of wildlife.
26. *Monitoring*: process of observations and measurements of one or more elements or indicators of environmental quality, in accordance with pre-established programmes, in time and space, in order to assess the impact of human activities on natural resources or the environment.
27. *National operators*: national individual persons and corporate entities composed entirely of Mozambican citizens.

28. *National park*: delimited territorial space for the preservation of natural ecosystems, which are generally of great scenic beauty and are representative of national heritage.
29. *Management plan*: technical document comprising the activities and other technical measures to be implemented by various intervening parties in the conservation, management and use of forest and wildlife resources.
30. *Forestry plantations*: establishment of continuous arboreal vegetation, which is normally by means of planting native or exotic tree species.
31. *Forest resources*: forests and other forms of vegetation, including forest products, wildlife, trophies and spoils, whether they have been processed or not.
32. *National reserve*: territorial space for the preservation of certain species of flora or fauna that are rare, endemic, endangered or becoming extinct, or which are in decline, and fragile ecosystems.
33. *Strict liability*: legal obligation imposed on a person that causes damage to repair it, to compensate or to do or refrain from doing something, whether or not there is fault or intent.
34. *Trophy*: durable parts of wild animals, namely, the head, the cranium, horns, teeth, hides, hair and bristles, nails, claws, hooves and also egg shells, nests and feathers, provided that they have not lost their original features by any manufacturing process.
35. *Cynegetic tourism*: hunting activities, including wildlife filming or photography for recreational or commercial purposes.
36. *Alternative land use*: designation of areas covered by forest or other forms of natural vegetation for agriculture, livestock farming or other uses established in zoning or land use planning, which deprives them of their original characteristics, including major public works, such as roads, railway lines, dams and routes for electric power transmission pylons.
37. *Zones of historical and cultural use and value*: delimited territorial area for the protection of sacred forests and other sites of historical importance and cultural use for the local community.
38. *Buffer zone*: territorial section abutting a protection zone, which forms a transition strip between the protected area and areas of multiple use, for the purpose of controlling and reducing impacts arising from human actions on the protection zone.
39. *Zoning*: division and classification of flora and fauna heritage in accordance with the type of vegetation and alternative land use.

Article 2

(Scope)

This law establishes the principles and basic rules on the protection, conservation and sustainable use of forest and wildlife resources within the framework of integrated management, for the economic and social development of the country.

Article 3

(Principles)

The provisions of this Law and regulations issued pursuant to it shall be governed according to the following principles:

- a) **Public domain of the State**: natural forest and wildlife resources existing in Mozambican territory are the property of the State.

- b) **Equilibrium:** economic and social development policies and policies on the preservation and conservation of biodiversity should involve local communities, the private sector and civil society in general, with the objective of achieving sustainable development in the present and for generations to come;
- c) **Prevention and prudence:** the introduction of animal and plant species and modern technologies into the forest and wildlife sector should be preceded by assessments of their impact in order to guarantee their sustainability;
- d) **Strict liability:** any person who causes damage to flora and fauna is under an obligation to repair it or compensate for the degradation as well as loss caused to third parties, independently of any other legal consequences;
- e) **Harmony with local communities and local State bodies:** Promotion of conservation, management and use of forest and wildlife resources in a way that is not detrimental to customary practices and conforms with the principles of conservation and sustainable use of forest and wildlife resources, within the framework of decentralisation;
- f) **Private sector participation:** private sector involvement in the management, conservation and exploitation of forest and wildlife resources, with a view to increasing added value and stimulating greater development for local communities;
- g) **The principle of study and research:** promotion of research about native species in order that all users and parties involved in the conservation, management and use of these resources collect data and measures that are to be processed later by competent entities;
- h) **Formal and informal environmental education:** education and exchange of experiences between local communities in order to build their capacity to manage and conserve forest and wildlife resources;
- i) **International co-operation:** to agree on solutions with other countries and international organisations for the protection, conservation and management of forest and wildlife resources.

Article 4

(Objectives)

The objectives to be pursued in terms of this law are the protection, conservation, development and the rational and sustainable use of forest and wildlife resources for the economic, social and ecological benefit of current and future generations of Mozambicans.

Article 5

(Forest heritage)

Forest heritage is classified as follows, in accordance with its potential, location and the way in which it is used:

- a) **Conservation forests:** comprising plant formations located in protection zones and subject to special management regimes;
- b) **Productive forests:** comprising plant formations with a high forestry potential, located outside protection zones;

- c) **Multiple use forests:** comprising plant formations with a low forestry potential located outside protection zones.

Article 6

(Wildlife heritage)

Wildlife heritage consists of wildlife existing in national territory and is classified according to its rarity, economic and socio-cultural value, by lists of species to be established by a specific diploma.

Article 7

(National private sector participation)

When implementing regulatory measures under this Law, the Council of Ministers should include measures to stimulate national private sector participation in the exploitation, management and conservation of forest and wildlife resources.

Article 8

(Export of forest and wildlife products)

Through specific regulatory measures, the State promotes the establishment of processing industries for forest and wildlife products, with a view to increasing, gradually, exports of manufactured products.

Article 9

(Titleholder of the right of land use and benefit)

Titleholders of the right to use and benefit from the land, whether the right is acquired by occupancy or by authorisation of an application, require a licence to exploit natural forest and wildlife resources in their respective areas, except where the exploitation is for their own consumption.

CHAPTER II
Protection of forest and wildlife resources

Article 10

(Protection zones)

1. Protection zones are delimited areas that are representative of national natural heritage and are for the conservation of biodiversity and fragile ecosystems or animal or plant species.
2. The following are protection zones:
 - a) National parks;
 - b) National reserves;
 - c) Zones of historical and cultural use and value.
3. It is incumbent upon the Council of Ministers to establish a buffer zone around any protection zones, where multiple uses may be permitted subject to such restrictions as the respective management plan may establish.
4. It is incumbent upon the Council of Ministers to create, modify or extinguish the protection zones referred to in paragraph 2(a) and (b).
5. The management of protection zones referred to in paragraph 2(a) and (b) shall be done in accordance with a management plan prepared with local community participation and approved by the sector in charge.
6. It shall be incumbent upon the respective Provincial Governors to declare the zones referred to in paragraph 2(c) under terms and conditions to be defined in a Council of Ministers decree.
7. It is compulsory for the delimitation of protection zones to be registered in the National Land Cadastre.
8. In exceptional cases, the Council of Ministers may authorise certain activities to be carried out inside the protection zones referred to in this Law on grounds of public necessity, utility or interest.

Article 11

(National parks)

1. National parks are delimited total protection zones destined for the propagation, protection, conservation and management of plants and wild animals, as well as the protection of places, landscapes or geological formations of particular scientific, cultural or aesthetic value, in the interests of and for public recreation, which are representative of national heritage.
2. The activities listed below are strictly forbidden in national parks, except where there are scientific reasons or on grounds of management needs:
 - a) Hunting within the park boundaries;
 - b) Forestry or agricultural exploitation, mining or livestock farming;

- c) Exploration and prospecting, drilling or construction of landfills;
- d) All works liable to modify the landscape or characteristics of the vegetation, as well as cause water pollution and, in general, any act which, by its nature, is capable of disturbing the flora and fauna;
- e) All introductions of zoological or botanical species, whether they are indigenous, imported, wild or domestic.

Article 12

(National reserves)

1. National reserves are total protection zones for the protection of certain species of flora and fauna that are rare, endemic, becoming extinct or in decline and fragile ecosystems, such as wetlands, dunes, mangrove forests and corals, as well as the conservation of flora and fauna within these ecosystems.
2. The permissions and prohibitions established for national parks apply to national reserves, subject to the exceptions provided for in this Law.
3. The resources that exist in national reserves may be used, under licence and according to regulations to be established, provided that this is not detrimental to the specific purpose for which they were created and is in accordance with the respective management plans.

Article 13

(Zones of historical and cultural use and value)

1. Zones of historical and cultural use and value are zones for the protection of forests of religious interest and other sites of historical importance and cultural use, in accordance with the customary norms and practices of the respective local communities.
2. Forest and wildlife resources within the zones referred to in the preceding paragraph may be used in accordance with the customary practices of the respective communities.

CHAPTER III

Regimes of Sustainable Exploitation of Forest Resources

Article 14

(Forest exploitation regimes)

1. Exploitation of national forest heritage shall adhere to the following regimes:
 - a) Exploitation under a simple licence;
 - b) Exploitation under a forestry concession contract.

2. The terms and conditions for the exploitation of forest resources under the regimes set out in the preceding paragraph shall be determined by a Council of Ministers decree.

Article 15

(Exploitation under a simple licence)

1. Exploitation under a simple licence is subject to quantities and time limits and is carried out exclusively by national operators and local communities in productive forests and multiple use forests, for commercial, industrial or fuel producing purposes, in accordance with a previously approved management plan.
2. Holders of the licence referred to in the preceding paragraph shall, when they apply for the licence, prove that they have the technical capacity to fell and transport, as well as to use the forest products requested.
3. Forest exploitation by members of local communities for their own consumption is carried out in accordance with the customary norms and practices of the respective communities.

Article 16

(Exploitation under a forestry concession contract)

1. Exploitation under a forestry concession contract is carried out by individual persons or corporate entities and by local communities in productive forests and multiple use forests, for the purpose of supplying the processing or fuel industry, in accordance with a management plan that has the prior approval of the sector.
2. The concession holder under a concession contract shall ensure that the forest products obtained are processed according to terms to be established in regulations.
3. The concession holder under a concession contract may process forest products extracted by operators operating under a simple licence, by means of a contract entered into between them.
4. The concession contracts referred to in this Law are subject to a maximum a time limit of 50 years, which may be renewed for further 50-year periods at the request of the interested party.

Article 17

(Forestry concession area)

1. When a forestry concession area is being determined, the technical processing capacity of the installed forestry industry shall be taken into account, among other criteria to be established by regulations.
2. Allocation of a forestry concession area shall always be preceded by a hearing or renegotiation with the local communities encompassed in the respective area, through the local State administration organs.

Article 18

(Third party rights)

Forest and wildlife exploitation for commercial, industrial or fuel producing purposes shall safeguard all third party rights in the exploitation area, as well as free access to the local communities within the area, including rights to use the natural resources that they need for their subsistence.

Article 19

(Forest and wildlife exploitation for fuel)

1. Species of forest products for use in the production of firewood and charcoal shall be established in a special diploma.
2. Holders of exploitation rights under simple licences and forestry concession contracts, for timber exploitation, enjoy a pre-emptive right to acquire a licence for firewood and charcoal production using sub-products of their exploitation, according to regulations to be issued.

CHAPTER IV

Regimes of Sustainable Exploitation of Wildlife Resources

Article 20

(Wildlife exploitation regime)

1. Exploitation of wildlife in Mozambique shall take the following forms:
 - a) Hunting under a simple licence;
 - b) Game hunting;
 - c) Commercial hunting.
2. The terms and conditions and annual quotas for killing wild animals, as well as the permitted instruments for hunting in the forms referred to in the preceding paragraph shall be established in a special diploma.

Article 21

(Simple hunting licence)

1. National individual persons and local communities can hunt under a simple licence in multiple use forests and zones of historical and cultural use and value, for the purposes of meeting their own consumption requirements.

2. Local councils license hunting by local community members pursuant to the preceding paragraph in accordance with customary norms and practices and in co-ordination with the sector in charge.

Article 22

(Game hunting)

1. Hunting for sport is practised by national or foreign individual persons by means of cynegetic tourism in official game reserves and in game farms.
2. National individual persons can hunt for sport in multiple use zones on terms to be established in regulations.

Article 23

(Commercial hunting)

Commercial hunting is practised by individual persons and corporate entities in game farms, with a view to obtaining spoils or trophies for trade, by means of the farming of wild animals under the terms of this Law and other applicable legislation.

Article 24

(Instruments and means used for hunting)

Specific regulations shall govern restrictions on hunting, and the use of means and instruments that result in the indiscriminate capture or slaughter of species, such as burning, explosives, snares, mechanical traps, poisons and automatic weapons, shall not be permitted.

Article 25

(Hunting to defend persons and property)

1. Hunting outside the forms provided for in this Law is only permitted to defend persons and property against actual or imminent attacks by wild animals, when it is not possible to capture the animals or drive them away.
2. The hunting referred to in this article must be carried out promptly, once the facts are known, by specialised State brigades or by the private sector and by duly authorised local communities.

Article 26

(Trophies)

Trophies that are subject to manifests and those that are considered as State property shall be established in a special diploma.

CHAPTER V
Repopulation of Forest and Wildlife Resources

Article 27

(Forest plantations for conservation purposes)

1. The State promotes the recovery of degraded areas by means of forest plantations, giving preference to dunes, hydrographic basins and fragile ecosystems.
2. When degradation is caused by deforestation, fire or any other voluntary acts, the offender is under an obligation to carry out the recovery of the degraded area under terms and conditions to be defined in special regulations, independently of other civil and criminal proceedings that may apply.
3. In protection zones, the degraded area cannot be transformed for other purposes, but must be recovered to its original condition.

Article 28

(Forest plantations for commercial, industrial and fuel purposes)

1. The State promotes the development of forest plantations for commercial, industrial and fuel producing purposes, according to the ecological characteristics of each zone, under terms to be established in regulations.
2. The planting of forest species by any individual or corporate person under the terms of this Law enjoys special incentives, which will be defined in a special diploma.

Article 29

(Repopulation of wildlife)

1. The State promotes the repopulation of wildlife in accordance with previously approved management plans and in compliance with legislation governing the matter.
2. A person who in any way causes the decline of wildlife is under an obligation to carry out the repopulation of the affected species, under terms and conditions to be defined in a special diploma, independently of any other penalties that apply

3. Repopulation of wildlife carried out by any individual person or corporate entity under the terms of this Law enjoys special incentives, which will be defined in a special diploma.

Article 30

(Farming and exploitation of wild animals)

1. Farming and exploitation of wild animals shall be carried out in appropriately fenced areas, following an approved management plan.
2. The terms and conditions for animal farming and exploitation as referred to in the preceding paragraph shall be defined in a special diploma.

CHAPTER VI
Management of Forest and Wildlife Resources

Article 31

(Participatory management)

1. Local resource management councils composed of representatives of the local communities, the private sector, associations and local State authorities are created for the purposes of protection, conservation and promotion of the sustainable use of forest and wildlife resources.
2. The powers and responsibilities of the local councils referred to in the preceding paragraph shall be defined in a Council of Ministers decree.
3. This management shall ensure that local communities participate in the exploitation of forest and wildlife resources and the benefits generated by the use thereof.

Article 32

(Closed seasons)

It shall be incumbent upon the Council of Ministers to establish the general and special closed seasons contemplated in this Law.

Article 33

(Delegation of powers)

The State may delegate powers to local communities, associations or the private sector to manage forest and wildlife resources, including for the purposes of repopulation of forest and wildlife species, without prejudice to the supervisory powers of legally competent authorities.

Article 34

(Mandatory authorisation)

Authorisation to exploit, market, use and transport forest and wildlife products by land, river, sea or air under the terms of this Law and other applicable legislation is mandatory, subject to exceptions provided for by law.

Article 35

(Fees)

1. Fees are payable to the State for access to and use of forest and wildlife resources, as well for sightseeing tourism in national parks and reserves.
2. The amounts of the fees referred to in the preceding paragraph and fees for licences, transport authorisations, certificates and other authorisations shall be established by a Council of Ministers decree.
3. Local communities are exempt from fees for the use of forest and wildlife resources for their own consumption in their respective areas.
4. Apart from licence fees for forest and wildlife exploitation, a surcharge for the respective forest and wildlife repopulation is payable.
5. A special diploma will establish the percentages of amounts derived from forest and wildlife exploitation fees that are to be used for the benefit of local communities residing in the respective exploitation zones.
6. The Council of Ministers shall update the fees periodically.

Article 36

(Instruments for the application of this Law)

1. The fundamental instruments for the application of this Law are:
 - a) Agreements on institutional, technical and scientific co-operation, at national level;
 - b) International treaties and conventions;
 - c) Concession contracts and authorisations, such as licences, transport authorisations and certificates;
 - d) Environmental impact assessments;
 - e) Forest and wildlife development fund;
 - f) Specific regulations and complementary legislation;
 - g) Forest and wildlife inventories;
 - h) Lists of flora and fauna species;
 - i) Compensatory measures for the reparation of environmental damage;
 - j) Management plans;

- k) Programme for the prevention of burning;
- l) Forest and wildlife zoning;
- m) National forest and wildlife programme.

CHAPTER VII

Control

Article 37

(Inspection)

1. The Council of Ministers, under terms to be established in regulations, is responsible for guaranteeing forest and wildlife inspection with a view to monitoring, orientating and disciplining the conservation, use and management of forest and wildlife resources.
2. All citizens, especially local resource management councils, as well as licence holders, should collaborate in the surveillance necessary for the protection of forest and wildlife resources and report all infractions of which they have knowledge to the nearest authorities.
3. In the performance of their functions, forest and wildlife inspectors shall wear properly identified uniforms and are entitled to use firearms and other equipment to be defined in a special diploma.
4. Forest and wildlife inspection is carried out by forest and wildlife inspectors, sworn inspectors and community agents under terms and conditions to be defined in a special diploma.
5. It is compulsory for forest and wildlife inspectors to apprehend forest and wildlife products and instruments used in the commission of offences.
6. Vehicles and any other means used to transport forest and wildlife resources illegally are considered as instruments for the purposes of the preceding paragraph.
7. Forest and wildlife inspectors, sworn inspectors and community agents can, whenever necessary, request police backup and assistance from the nearest authority in order to guarantee the performance of their duties.

Article 38

(Inspection posts)

1. Mobile forest and wildlife inspection posts are created and these shall be duly signposted, for the purposes of checking forest and wildlife licences.
2. It is compulsory for persons and vehicles to stop at forest and wildlife inspection posts whenever they are requested to do so by forest and wildlife inspectors, sworn inspectors or community agents.

CHAPTER VIII

Infractions and Penalties

Article 39

(General rules)

1. The infractions provided for in this Law are punishable by fines, coupled with compulsory measures to repair or compensate for the damages caused, without prejudice to other sanctions that may apply.
2. The Council of Ministers shall periodically update the amounts of the fines provided for in this Law.
3. Failure to pay a fine voluntarily makes the offender liable to the consequences provided for in the criminal law, in the jurisdiction where the infraction was committed, apart from other legal proceedings that may be established.
4. A specific diploma will establish the amounts of fines derived from violations of forestry and wildlife legislation that are to be used for the benefit of the various parties involved in the process of inspection and monitoring of forest and wildlife resources.
5. For the purposes of the preceding paragraph, parties involved in the inspection and monitoring process comprise the forest and wildlife inspectors, community agents and local communities that participated in the respective violation proceedings and, in general, any citizen who reported the infraction.

Article 40

(Crime of forest burning)

A person who voluntarily sets fire to and thereby destroys, in whole or in part, fields, forest, bush or groves of trees is liable to imprisonment for up to one year and to payment of the applicable fine.

Article 41

(Forestry or wildlife infractions)

1. The following acts and events constitute infractions punishable by fines of 2 000 000,00 MT to 100 000 000 MT:
 - a) Carrying out any acts of forest exploitation without authorisation or contrary to the conditions for exploitation;
 - b) Commission of any acts that disturb or endanger fauna in protection zones;
 - c) Hunting without a licence or contrary to legally established conditions;
 - d) Import or export of forest and wildlife resources without a licence or contrary to legally established conditions;
 - e) Abandonment of forest and wildlife products covered by the licence.
2. The following acts and events constitute infractions punishable by fines of 1 000 000,00 MT to 20 000 000,00 MT:

- a) Storage, transport or trading of forest or wildlife resources without authorisation or contrary to legally established conditions;
 - b) Receiving forest or wildlife resources without documentary evidence of the authorisation of the vendor or carrier.
3. If an infraction is committed against flora or fauna species that are rare or in danger of extinction or against any other species whose exploitation is prohibited, the applicable fine will be ten times the maximum amount provided for in this article, without prejudice to other sanctions that may apply.

Article 42

(Aggravating and extenuating circumstances)

1. The following, in addition to others specified under the general law, constitute aggravating or extenuating circumstances for the purposes of graduating fines:
 - a) Committing the infraction inside protection zones;
 - b) Committing the infraction during the closed season;
 - c) Committing the infraction against flora and fauna species that are rare, endangered or becoming extinct and declared as such by law;
 - d) When the offender is a forest and wildlife inspector, sworn inspector, community agent, administrative, police, customs or maritime authority, or similar agent;
 - e) Committing the offence at night, on Sundays or public holidays;
 - f) Using violence, threats or in any way opposing the performance of inspection;
 - g) When the offender or jointly liable persons hold a forestry or wildlife licence;
 - h) Using prohibited practices or instruments;
 - i) Committing the offence in organised groups.
2. The following, in addition to others specified under the general law, constitute extenuating circumstances for the purposes of graduating fines:
 - a) When the offender is a first offender;
 - b) When the offender has spontaneously sought forest and wildlife inspectors to report the damage caused;
 - c) When the offender has no knowledge or notion of the consequences of the act committed, taking into consideration the offender's background, level of education, social and economic conditions, regional habits and place of residence.

Article 43

(Joint and several liability)

The following are jointly and severally liable for the infraction:

- a) The beneficiary of the infraction;
- b) Those who facilitate or contribute to the commission of the infraction;

- c) Forest and wildlife inspectors, sworn inspectors and community agents who fail to take the measures set forth in this Law and the regulations hereof, as well as all other persons under a legal obligation to collaborate in the surveillance and fail to do so.

Article 44

(Ancillary penalties)

The following ancillary penalties arise when the fines provided for in this Law are applied:

- a) Forfeiture to the State of the forest and wildlife products and the instruments used in the commission of the infraction;
- b) Confiscation and cancellation of authorisations issued in the name of the offender;
- c) Partial or total suspension of the activities that gave rise to the infraction;
- d) Barring of any new authorisations for a period of one year.

Article 45

(Destination of confiscated goods)

Products, objects and instruments that are confiscated and declared forfeited to the State under this Law shall be given the following destination:

- a) Sale of the products at public auction, subject to the exceptions provided for in this Law;
- b) Donation of perishable products to social welfare institutions and non-profit making organisations;
- c) Redirection of live samples of flora and wildlife to their places of origin or to the nearest protection zones;
- d) Return of instruments to first offenders, provided they are not prohibited instruments, after payment of the respective fine and compliance with other sanctions or legal obligations.

**CHAPTER IX
Final Provisions**

Article 46

(Previous legislation)

Article 464 (2) of the Criminal Procedure Code and all other provisions that are contrary to the present Law are repealed.

Article 47
(Regulations)

The Council of Ministers is responsible for adopting the measures necessary for the implementation of this Law.

Article 48
(Entry into force)

This Law shall enter into force ninety days after its publication.

Approved by the Assembly of the Republic, *Eduardo Joaquim Mulembwé*.

Promulgated on the 7th of June 1999.