

**Associação de Apoio e Assistência Jurídica as Comunidades - (AAAJC) – Mozambique
(Association for Support and Legal Assistance to Communities)**

Answer for Question 1:

Constitution of the Republic of Mozambique:

- Article 90 (1) "Every citizen has the right to live in a balanced environment and the duty to defend it".
- Article 90 (2) "The State and local authorities, with the collaboration of associations for the protection of the environment, adopt policies for the protection of the environment and ensure the reactive use of all natural resources ".

- Article 81 (1) (right of popular action) "All citizens have, personally or through associations of defense of the interests in question, the right of popular action under the law.
- Article 81, paragraph 2 "The right of popular action includes, in particular:
(b) The right to promote the prevention, cessation or legal prosecution of infringements of public health, consumer rights, environmental protection and cultural heritage.

Law no. 20/97 of 1 October (Environmental Law)

- Article 22 (Embargoes) "Those who consider themselves offended in their rights to an ecologically balanced environment may request the immediate suspension of the activity causing the offense, followed, for that purpose, by the attachment procedure or other appropriate procedural means ".

Decree No. 31/2012 of 8 August (Resettlement Regulation for Economic Activities)

- Article 25 (2) (c) "failure to comply with the Resettlement Plan approved - a fine equal to 10% of the value of the project or enterprise".

Answer for Question 2

Legal Framework for the Environment in Mozambique:

- The Constitution of the Republic of Mozambique
- Law of the Environment (Law n° 20/97, of October 1st)
- General Directive for the Preparation of Environmental Impact Studies
- Forest and Wildlife Act
- Labor Law
- Law of Mines
- Water Law
- Decree 45/2004 (Regulation on the Environmental Impact Assessment Process)
- Decree 31/2012 (Regulation of resettlement for economic activities)
- Environmental Policy and Law;
- Regulation on Pesticides;
- Regulation Concerning Environmental Audit;
- Regulation on Bio-Medical Waste Management;
- Environmental Regulation for Mining Activity.
- Regulation on Environmental Quality and Effluent Emission Standards;
- Regulation on the Environmental Impact Assessment Process;
- Regulation on Environmental Inspection;
- Regulation on Waste Management;
- Regulations for the Prevention of Pollution and Protection of the Marine and Coastal Environment;
- Territorial Planning Policy and Law;
- Regulation on biosafety regarding the management of genetically modified organisms;
- Regulation on Access and Sharing of Benefits from Genetic Resources and Associated Traditional Knowledge.

- Regulation on the Management of Substances that Deplete the Ozone Layer;
- Regulations for the Control of Invasive Alien Species;
- Environmental Strategy for Sustainable Development of Mozambique;
- National Action Plan for Adaptation to Climate Change;
- Action Plan for the Prevention and Control of Uncontrolled Burnings; and,
- Action Plan for the Prevention and Control of Soil Erosion.

Answer for Question 3

The main challenges are:

- Government's view that economic costs are more important in relation to environmental costs;
- The Government of Mozambique has authorized multinational companies to intensively exploit coal in open pit mines in the province of Tete, close to the lower Zambezi basin, with around 12% of all water resources in the Zambezi River;
- The State does not provide mechanisms and public conditions (analytical laboratories, information, etc.) that allow to assess the level of pollution for the consequent accountability of polluting entities. Paradoxically, what has happened is that polluting companies self-evaluate;
- Intense pollution throughout the municipal town of Moatize resulting from the mining and railroad transportation of mineral coal promoted by the multinational companies Vale, ICVL and Jindal, implying, therefore, one of two solutions: or the closure of all exploration mining activity of coal or the resettlement of the entire population of the municipal space in safer areas;
- Population surrounding the mines in operation live in extreme poverty, which is further aggravated by mining activities that create pollution from water sources for consumption, discharges of toxic waste in the farms of communities and impediment of access to vital resources through establishment of fences.
- A high rate of respiratory diseases, especially in children, which health workers (under government pressure) refuse to recognize as being caused by intense air pollution.

Answer for Question 4

- The only effective ways to protect the vulnerable population without affecting mining activities would be to reassure them in safe areas, with equal or higher conditions they had in the areas of

origin before mining began. Other ways, must be included medicine and medical care as well as the provision of drinking water for consumption and guarantee of food security and compensation for farms taken or destroyed by mining activity.

Answer for Question 5

- Mining companies should submit an Environmental Impact Study, which is an instrument to facilitate the monitoring of the activities carried out. However, in the province of Tete, there are very few companies that have the Environmental Impact Studies available to the public, let alone the Environmental Associations, the referred Environmental Impact Studies.

Answer for Question 6

- In Mozambique, there is no evidence of violation of the right of environmentalists. What happens, as has been said above, is that the government has not complied with the duty to make the information available so that the data collection on the actions is done in a transparent way. One of the examples that occurs in the province of Tete is the Government Institution responsible for managing the waters of the Zambezi basin refuse to collaborate with Civil Society Organizations local environmentalists. It is associated with this, the lack of speed and collaboration on the part of the institutions of administration of justice.