

LEGAL PREPAREDNESS FOR INTERNATIONAL DISASTER ASSISTANCE IN MOZAMBIQUE

Mapping of Domestic Laws and Policies

© **International Federation of Red Cross and Red Crescent Societies, Geneva, 2021**

Any part of this publication may be cited, copied, translated into other languages or adapted to meet local needs without prior permission from the International Federation of Red Cross and Red Crescent Societies, provided that the source is clearly stated.

Contact us: Requests for commercial reproduction should be directed to the IFRC Secretariat:

Address: Chemin des Crêts 17, Petit-Saconnex, 1209 Geneva, Switzerland

Postal address: P.O. Box 303, 1211 Geneva 19, Switzerland

T +41 (0)22 730 42 22 | **F** +41 (0)22 730 42 00 | **E** disaster.law@ifrc.org | **W** [ifrc.org](https://www.ifrc.org)

ACKNOWLEDGMENTS

This mapping is an initiative of [IFRC Disaster Law](#). The author of this mapping is Jeanique Serradinho assisted by Candela Navarro Casquete. Technical support and oversight were provided by María Martínez.

This mapping has been extracted from the report, [Legal Preparedness for International Assistance in Southern Africa: Regional Assessment and Country Profiles](#), which examines the legal frameworks of ten countries in Southern Africa to determine legal preparedness for international assistance should a disaster exceed national capacities, and proposes recommendations to strengthen international disaster response law (IDRL) in the region. A [summary version](#) of the report is also available.

This mapping seeks to chart the International Disaster Response Law Framework (IDRL) in the Republic of Mozambique (Mozambique) as provided in domestic laws and policies, and is the result of a desktop review of information publicly available online. This mapping has been conducted using the ten guiding questions from the [Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (the IDRL Checklist). The IDRL Checklist is based on the [Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (the IDRL Guidelines).¹ The IDRL Guidelines, which were unanimously adopted by the 30th International Conference of the Red Cross and Red Crescent in 2007, are a set of recommendations concerning domestic legal preparedness for international disaster assistance.

Thanks are owed to the following individuals from the IFRC who provided technical review and support for the development of this mapping: Dr Michael Charles (IFRC), Isabelle Granger (IFRC), Rachel McLeod (IFRC), and Stella Ngugi (IFRC). Nevertheless, the challenges surrounding desktop legal research in Southern Africa means that errors may remain. IFRC Disaster Law would therefore welcome further feedback on the contents of this mapping.

This mapping was produced with the financial assistance of the European Union, the Finnish Red Cross, and the German Federal Ministry for Economic Cooperation and Development. The views expressed herein can in no way be taken to reflect the official opinion of the European Union, the Finnish Red Cross, or the German Federal Ministry for Economic Cooperation and Development.

¹ IFRC, *Introduction to the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* (2008) (IDRL Guidelines). Note that the IDRL Guidelines have been re-issued with new forewords in 2011 and 2017.

The IFRC wishes to thank and acknowledge the support of the European Union, the Finnish Red Cross, and the German Federal Ministry for Economic Cooperation and Development, which enabled the development of this mapping.



European Union
Civil Protection and
Humanitarian Aid



Federal Ministry
for Economic Cooperation
and Development

Mozambique

Political Framework

Mozambique is a multi-party republic.² The President of Mozambique is Head of State and Head of Government.³ The President is elected through universal suffrage, serves a term of five years and may be re-elected only once.⁴ A President who has been elected on two consecutive occasions may be a candidate for further presidential elections five years after the end of his last term of office.⁵ The President appoints the Prime Minister, Ministers and Deputy Ministers who assist and advise the President in the running of the government.⁶

The Council of State advises the President on the performance of his functions when requested as well as several compulsory issues, which include the declaration of a state of war, a state of siege, or a state of emergency.⁷ The Assembly of the Republic is the representative assembly of all Mozambican citizens and is the highest legislative body in the country.⁸ The Assembly of the Republic consists of 250 deputies who are elected through universal suffrage.⁹ The Government of Mozambique is the Council of Ministers, which consists of the President, the Prime Minister and the Ministers.¹⁰

With regards to international law, approved and ratified international treaties and agreements enter into force in Mozambique once they have been officially published and, as such, norms of international law have the same force in the Mozambican legal order as legislative acts.¹¹

DRM Framework

The Government of Mozambique has adopted numerous DRM related laws, policies, strategies, and plans over the past 20 years. As a starting point, Mozambique adopted the National Policy on Disaster Management (NPDM) in 1999. Mozambique then developed its first Master Plan for Prevention and Mitigation of Natural Disasters in 2006 (*Plano Director of Prevenção e Mitigação das Calamidades Naturais* or PDPMCN), which was in place until 2016. This was replaced in 2017 by the National Disaster Risk Reduction Master Plan (*Plano Director para a Redução do Risco de Desastres* or PDRRD), which is set to cover the period from 2017 to 2030. The law establishing the legal framework for disaster management¹² was adopted in 2014 (2014 DRM Law) but was repealed in 2020

² Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 1.

³ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 146(1).

⁴ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), articles 147 (1), (2) and (3).

⁵ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 147(5).

⁶ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 160 and 205.

⁷ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 166.

⁸ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 168 and 169.

⁹ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), articles 170 (1) and (2).

¹⁰ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), articles 200 and 201(1).

¹¹ Constitution of Mozambique, 2004 (as amended in 2007) (English translation), article 18.

¹² Law No. 15/2014 of 20 June 2014, establishing the legal framework for disaster management.

by the Law on Disaster Risk Reduction and Management (Law 10/2020) (2020 DRM Law), which is the focus of this report.¹³ The 2020 DRM Law is complemented by a set of regulations approving the Law on Disaster Risk Reduction and Management (Decree 76/2020) (the Regulations).

Several other policy documents related to development and climate change have also been identified as relevant to the DRM framework of Mozambique.¹⁴ These include:

- the government's five-year programme (*Programa Quinquenal do Governo 2015-2019*), which advocates for the integration of guidelines on DRM and climate change adaptation (CCA) into national, sectoral, and local development plans;¹⁵
- *Agenda 2025 (Visão Estratégica de Nação)* which indicates that the impact of disasters on Mozambique's development must be considered;¹⁶ and
- the 2013-2025 National CCA and Mitigation Strategy (ENAMMC), which outlines the key areas of action the government is focussing on to reduce the impacts of climate change.¹⁷

The institutional structure for DRM in Mozambique is set out in the 2020 DRM Law, which provides that the main bodies of the DRM system at central level are as follows:

- a) the government;
- b) the Coordinating Council for Disaster Management and Risk Reduction;
- c) the Technical Council for Disaster Management and Risk Reduction; and
- d) the Coordinating Entity for Disaster Management and Risk Reduction (the National Institute for Disaster Risk Management and Reduction or INGD).¹⁸

Under the 2020 DRM Law, the government has the responsibility to:

- approve management policies, strategies, and plans;
- approve regulations necessary for the proper implementation of the 2020 DRM Law;
- ensure the integration of disaster management and reduction in governance processes at all levels;
- approve the risk subsidy for employees and state agents when deployed in operations of emergency;
- guarantee investment in DRM and DRR, with a focus on capacity building for the financial management of disaster risk;
- strengthen multi-sectoral coordination and planning mechanisms;

¹³ For an overview of IDRL in Mozambique under the 2014 DRM Law, see PIROI, *IDRL in the south-west Indian Ocean, Study of legal frameworks to facilitate and regulate international disaster response in: Union of the Comoros, Mayotte and Reunion, Madagascar, Mauritius, Mozambique, Seychelles, and Tanzania* (2020) (in French, summary available in English).

¹⁴ See PIROI, Summary: IDRL in the South West Indian Ocean (2020), page 14.

¹⁵ *Plano Director para a Redução do Risco de Desastres (PDRRD)*, page 20. See also PIROI, page 14.

¹⁶ PDRRD, page 18. See also PIROI, page 14.

¹⁷ *Republica de Mocambique Ministerio para a cooperacao da accao ambiental, 2013-2025, Estratégia Nacional de Adaptação e Mitigação de Mudanças Climáticas (ENAMMC)*. See also PIROI, page 14.

¹⁸ 2020 DRM Law, article 8.

- establish and strengthen partnerships at national, regional, and international level;
- map and determine disaster-prone areas and prohibit their occupation;
- expropriate or limit, in part or in whole, the property of any person upon fair compensation, under the law;
- guarantee the observance and implementation of 2020 DRM Law; and
- define the attributions, competences, composition, organisation and functioning of the:
 - Coordinating Council for Disaster Management and Risk Reduction;
 - Coordinating Entity for Disaster Management and Risk Reduction (the INGD); and
 - Technical Council for Disaster Management and Risk Reduction.¹⁹

The Regulations provide that the Coordinating Council for Disaster Management and Risk Reduction is a government agency that aims to coordinate multi-sectoral DRM actions.²⁰ It has the responsibility to, *inter alia*:

- propose to the government policy projects and strategies related to DRM;
- approve the content of risk management and reduction disaster relief and reconstruction programmes;
- propose to the government the declaration of disaster;
- approve emergency programmes with the objective to help victims and rehabilitate damaged infrastructure;
- mobilise the national and international community to support disaster victims and recovery;
- propose to the government the ratification of relevant conventions and agreements;
- adopt protocols to adequately address each type of disaster, depending on its nature and magnitude;
- regulate the organisation and functioning of the National Emergency Operations Centre and the National Civil Protection Unit;
- activate the Emergency Operations Centres, provincial Emergency Operations Centres in case of imminent disasters; and
- propose to the government the activation, deactivation and duration of orange and red alerts whenever required.²¹

The Technical Council for Disaster Management and Risk Reduction is a multisectoral advisory body to the Coordinating Council for Disaster Management and Risk Reduction.²² It is responsible for *inter alia*:

¹⁹ 2020 DRM Law, article 9.

²⁰ The Regulations, article 33.

²¹ The Regulations, article 33.

²² The Regulations, article 35.

- proposing to the Disaster Management and Risk Reduction Coordinating Council the state of public emergency or disaster;
- formulating and proposing the legal framework that defines the applicable emergency measures, levels of action, procedures, and preventive acts;
- proposing the launch of humanitarian assistance appeals;
- preparing contingency plan proposals and annual reports on risks and threats; and
- deciding on the activation and deactivation of the yellow alert level whenever necessary.²³

The 2020 DRM Law creates the Coordinating Entity for Disaster Management and Risk Reduction i.e., the IGND, which is established in terms of article 10 of the 2020 DRM Law, and is responsible for *inter alia*:

- coordinating disaster prevention and mitigation actions;
- coordinating emergency management and response;
- coordinating post-disaster reconstruction;
- coordinating the National Civil Protection Unit;
- coordinating the processes of disaster prevention, mitigation, preparedness, and response with other actors; and
- strengthening resilience and DRM programmes.²⁴

The Statutes of the INGD establish the INGD as a public institution with legal personality and technical, administrative, and financial autonomy.²⁵ The INGD is subordinate to the Council of Ministers, and is governed by the statutes, internal regulations, and other legislation applicable to public institutions. The INGD constitutes the main body in disaster prevention and mitigation, preparedness, relief, and rehabilitation operations in Mozambique.²⁶ As per Article 4, the objectives of the INGD include, among others to:

- coordinate actions for prevention, mitigation, preparedness, and response to disasters;
- coordinate emergency management and response;
- coordinate the development of arid and semi-arid areas;
- coordinate post-disaster reconstruction;
- coordinate the National Civil Protection Unit;
- coordinate the process of prevention, mitigation, readiness, and response to the phenomena of risks and threats; and
- strengthen DRM and resilience programmes.²⁷

The competencies, organisational structure and functioning of the INGD are further defined in Presidential Decree 41/2020 which, in article 23, revokes Decree 38/99 that

²³ The regulations, article 35.

²⁴ 2020 DRM Law, article 11. See also article 34 of the Regulations.

²⁵ Resolução no. 3/2021 de 15 de Janeiro, article 1.

²⁶ Resolução no. 3/2021 de 15 de Janeiro, article 3.

²⁷ Resolução no. 3/2021 de 15 de Janeiro, article 4.

created the National Institute for Disaster Management (INGC),²⁸ which was the leading government institution mandated to coordinate DRM efforts in Mozambique prior to the promulgation of the 2020 DRM Law. The INGC was essentially replaced by the INGD, which has been designated as the Coordinating Entity for Disaster Management and Risk Reduction in Mozambique.²⁹

IDRL Assessment

Question 1: Does Mozambique have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

As stated above, the 2020 DRM Law provides the framework for DRM in Mozambique. Although it is not detailed, article 43 regulates international emergency assistance, providing that the coordination, direction and supervision of international humanitarian aid, as well as the authorisation of the entry of international assisting personnel and relief goods are the responsibility of the government.³⁰ The Regulations contain a similar provision, adding that international emergency assistance can be in kind or in monetary values donated, offered or assigned temporarily by a natural or legal person, public or private, in order to support affected populations.³¹ The Coordinating Entity for Disaster Management and Risk Reduction (the INGD) is responsible for defining the places for channelling donated, offered or assigned goods and to coordinate with the competent entities the procedures for importing foreign aid.³²

More generally, the NPDM states that it seeks to promote regional or international coordination in DRM, particularly in the case of cross-boundary disasters originating in neighbouring countries, as well as to mobilise all the necessary domestic and external resources to assist victims and affected areas and, if necessary, resort to an emergency appeal to national and international solidarity. However, further details are not provided.³³

Question 2: Do Mozambique's laws and regulations clearly set out a focal point for coordinating international disaster assistance?

Neither the previous nor the current legal regime for disaster management in Mozambique explicitly establishes a clear focal point for coordinating international disaster assistance. The 2020 DRM Law only states that the government will be responsible for coordinating international humanitarian aid, but no particular body is specified. The need to clearly define focal or reference points for all actions at all levels in

²⁸ Presidential Decree 41/2020, article 23.

²⁹ Presidential Decree 41/2020.

³⁰ 2020 DRM Law, article 43.

³¹ The Regulations, article 30(3).

³² The Regulations, article 30(5).

³³ See also the PDRRD, section 2.1.6, which states that it seeks to promote the adoption of rules related to the Law and the International Strategy for Disasters, including aspects of mobilisation of people and goods for humanitarian assistance.

the event of an emergency is, however, included as one of the core principles of the NPDM.³⁴

In addition, Decree 55/98 provides the legal framework that defines the criteria for authorisation, objectives to be achieved and mechanisms for the performance of foreign NGOs in Mozambique in the context of *inter alia* emergency, rehabilitation or development programmes and provides that the activities of foreign NGOs will complement government efforts and will therefore be coordinated by the corresponding government agency. In practice, the INGC appears to have been the focal point for international disaster assistance in Mozambique in disasters in the past.³⁵ As mentioned above, the INGC has recently been replaced by the INGD. As such, the INGD would presumably be the focal point for international disaster relief in Mozambique in disasters.

Question 3: Do Mozambique's laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?

The main bodies of the DRR and DRM system at central level in Mozambique have been set out above.

Several functions of these entities may be of relevance to international disaster assistance, although they are not defined in detail. The coordination, direction and supervision of international humanitarian aid, as well as the authorisation of the entry of international assisting personnel and relief goods are the responsibility of the government;³⁶ whereas the Coordinating Entity for Disaster Management and Risk Reduction (the INGD) is responsible for defining the places for channelling of donated, offered or assigned goods and to coordinate with the competent entities the procedures for importing foreign aid.³⁷ In addition, the Regulations provide that the Coordinating Council for Disaster Management and Risk Reduction is responsible for, amongst others: mobilising the national and international community to support disaster victims and recovery; proposing to the government the ratification of relevant conventions and agreements; and adopting protocols to adequately address each type of disaster, depending on its nature and magnitude.³⁸ The Technical Council for Disaster Management and Risk Reduction is responsible for *inter alia*: formulating and proposing the legal framework that defines emergency measures and levels of action; and proposing the launch of humanitarian assistance appeals for disaster relief and rehabilitation actions.³⁹

With regards to other actors involved in international disaster assistance, article 5 of the 2020 DRM Law provides that national public and private organisations as well as foreign,

³⁴ Resolução n° 18/99, Política de Gestão de Calamidades, page 3.

³⁵ IFRC, International Disaster Response Law (IDRL) in Mozambique (2012) (IDRL in Mozambique), page 5.

³⁶ 2020 DRM Law, article 43.

³⁷ The Regulations, article 30(5).

³⁸ The Regulations, article 33. See also Resolução no. 3/2021 de 15 de Janeiro, article 14 which also sets out the functions of the Coordinating Council for Disaster Management and Risk Reduction.

³⁹ The Regulations, article 35.

technical and scientific research institutions who work in DRM have a special duty to, in the event of imminence or the occurrence disaster, cooperate and collaborate with the government entity responsible for the management of disasters (namely the INGD). The participation of specialised UN agencies in disaster management in Mozambique is also briefly mentioned in Chapter VI of the NPDM, stating that experts and representatives from UN agencies, alongside NGOs, public and private entities shall be invited to the sessions of the technical and the executive bodies for disaster management.

Question 4: Do Mozambique's laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?

The law does not provide clear procedures for requesting and/or welcoming offers of international disaster assistance, or for terminating international assistance. It only provides that proposing the launch of humanitarian assistance appeals is a function of the Technical Council for Disaster Management and Risk Reduction and that international assistance should be authorised and regulated by the government.

Question 5: Do Mozambique's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?

The 2020 DRM Law contains several provisions which relate to legal facilities for international assisting actors, although these are not detailed. As a starting point, article 38 (emergency assistance) of the 2020 DRM Law provides that the entity responsible for disaster risk management and reduction must ensure humanitarian assistance to disaster victims and that once a red alert has been activated, the government can establish migratory, customs, and fiscal facilities. This may include the suspension of payment of fees adjusted to the specific situation, indicating its duration, as proposed by the Coordinating Entity for Disaster Management and Risk Reduction (the INGD). Furthermore, assets for operational readiness benefit from tax facilities.⁴⁰ A similar provision is included in article 30 of the Regulations. Further details are not provided in the 2020 DRM Law or Regulations. Although it does not specify its applicability to international disaster assistance, article 42 provides that when an orange or red alert is activated, the entity responsible for DRM and DRR can enter into contracts using an exceptional regime for the acquisition of goods and the provision of emergency services for humanitarian assistance.⁴¹ Equipment and other goods provided under such contracts, are subject to prior inspection and evaluation by specialised technical entities.⁴²

The NPDM indicates in Chapter V that appropriate measures should be taken in the sectors to guarantee a regular flow of the necessary logistical resources and communication for timely and effective humanitarian assistance to the affected areas. Once an emergency situation has been declared in an area, administrative measures such

⁴⁰ 2020 DRM Law, article 38(4).

⁴¹ 2020 DRM Law, article 42(3).

⁴² 2020 DRM Law, article 42(3).

as those relating to the payment of fiscal obligations and customs duties, entry visas and others can be suspended in accordance with the law. However, no clear procedures are specified for these facilities.

Lastly, the IDRL in Mozambique Report indicates that special procedures for importation of relief goods in emergency situations have been developed, as recommended by the [IDRL Guidelines](#), in the form of an INGC manual on customs clearance procedures for emergency goods, which was still in draft form at the time of the publication of the report.⁴³ It was not possible to confirm whether this manual has since been finalised and published.

The sections below examine whether the sectoral laws of Mozambique provide any additional facilities for international assisting actors in disaster response.

Landing Rights

The Civil Aviation Law 21/2009 (*Lei de Aviação Civil*), establishes in article 8 that the government is responsible for ensuring the implementation of the Chicago Convention and its Annexes and also makes provision for regulations to be made under the Act. In addition, article 12(3) provides that domestic aerodromes can be used by international traffic in cases of emergency, alternation, search and rescue operations, or special exemptions issued by the Aeronautical Regulatory Agency, which may facilitate the landing of humanitarian relief flights in disaster situations.

Customs arrangements for specialised goods and equipment

As stated above, the law provides that the Coordinating Entity for Disaster Management and Risk Reduction (the INGD) is responsible for defining the places for channelling donated, offered or assigned goods and to coordinate with the competent entities the procedures for importing foreign aid.⁴⁴ The government can establish customs facilities, including the suspension of payment of fees adjusted to the specific situation in the event of a disaster.⁴⁵ However, no further details are provided in this regard.

In terms of general customs laws, Decree 34/2009 establishes the general rules for customs clearance of goods, which includes in article 27 special regimes that can benefit from tax exemption or reduction of duties. The special regimes consist of temporary importation/exportation where the goods involved have a different purpose of consumption and are subject to subsequent re-export to the country of origin.⁴⁶ These goods can be exempt from taxation and customs duties and include animals, medicines, vehicles, or goods imported for diplomatic activities.⁴⁷ However, no specific mention of international relief goods or equipment is made in this law.

⁴³ IDRL in Mozambique, page 7.

⁴⁴ The Regulations, article 30(5).

⁴⁵ 2020 DRM Law, article 38.

⁴⁶ Decree 34/2009, article 28.

⁴⁷ See Tables III and IV.

Vehicles

Decree 19/2002 establishes the necessary regulations for vehicle taxes in Mozambique. Although it does not mention international disaster assistance, it does provide a list of entities which are exempt from vehicle tax, some of which may be applicable to certain international assisting actors. These include:

- the state and any of its services, establishments, and bodies;
- local authorities and their associations and / or federations of municipalities;
- foreign states (when there is reciprocity of treatment);
- staff of diplomatic and consular missions, under the terms of the respective conventions; and
- foreign or international organisations, under the terms of agreements signed by the government.⁴⁸

Communications equipment

The National Telecommunications Law⁴⁹ does not have any provisions on international disaster assistance specifically, only stating in article 10 that the government is responsible for ensuring adequate coordination of the telecommunication service networks in emergency situations, public calamity, crises, or war, according to the legislation in force. However, the law does not provide clear procedures on the importation of communications equipment in emergency situations. Article 22 of this law mentions that in situations of crisis or war, emergency, or catastrophes, officially declared by the government, radio services are governed by decisions issued by the competent bodies in control of the country's telecommunications. Although the law is silent on licensing requirements and procedures for telecommunications/radio equipment used by international assisting actors, it provides that once the necessary application procedure and requirements have been met, telecommunication and radio licences may be attributed to any legal person registered in Mozambique.⁵⁰ This indicates that international actors would need to be registered in Mozambique to use telecommunications equipment, unless a special regime is established (as is contemplated by the 2020 DRM Law).

Immigration

There are no specific provisions on the entry into the country of humanitarian personnel for disaster response operations, save that the 2020 DRM Law provides that the government can establish migratory facilities in disasters.⁵¹ In practice, the government has created conditions to make the visa procedure faster and easier, depending on the gravity of the situation.⁵² In addition, under an emergency declaration, it is possible for the government to define specific entry procedures (such as one-off simplified registration measures for foreign entities to operate in the country and rapid entry

⁴⁸ Decree 19/2002, [Chapter II], article 5.

⁴⁹ Lei no. 8/2004 *Lei das Telecomunicacoes*.

⁵⁰ Lei no. 8/2004 *Lei das Telecomunicacoes*, article 17 (Attribution of licences and registrations).

⁵¹ PIROI, Chapter III (Mozambique), section 6.1.1.

⁵² PIROI, Chapter III (Mozambique), section 6.1.1.

procedures for international staff).⁵³ In the absence of such a special regime being created, the normal rules relating to immigration and the hiring of foreign personnel in Mozambique would apply.

Decree 108/2014 approves the legal regime applicable to foreign citizens, regarding the entry, stay and exit from the country. This Decree provides specifications on different types of entry visas in articles 1 and 5, as well as their respective application procedures and eligibility requirements. The following visa types are available:

- diplomatic visa;
- courtesy visa;
- official visa;
- student visa;
- frontier visa;
- business visa;
- work visa;
- transit visa;
- tourist visa;
- residence visa;
- visitor visa;
- visa for sports and cultural activities;
- visa for investment activity;
- temporary stay visa; and
- crew transshipment visa.

The types of visas provided in Decree 108/2014 which may be relevant in international disaster response operations include diplomatic visas, which are defined as the document granted to individuals who travel to the country for diplomatic activities.⁵⁴ It is emphasised in the Decree that diplomatic visa holders are also holders of a diplomatic passport and, therefore, no immigration laws and customs duties apply to such individuals, in line with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. A work visa is defined as one which is granted to a foreigner who travels to the country with a view to providing work for others, with or without remuneration.⁵⁵ A work visa must be used within 60 days following the date of its granting and allows the holder multiple entries and permanence until the end of the employment contract.⁵⁶ A business visa is defined as that which is granted to foreign citizens who travel to the country in connection with the activity they carry out.⁵⁷ A business visa must be used within 60 days following the date of its granting and allows its holder to remain for a period of 30 days, extendable to 90 days.⁵⁸ The business visa

⁵³ PIROI, Chapter III (Mozambique), section 6.1.1, referencing FICR, *Lei de Resposta a Desastres de Dimensao International (IDRL) em Moçambique*, 2012, page 60.

⁵⁴ Decree no. 180/2014, article 1(w).

⁵⁵ Decree no. 180/2014, article 1(ee).

⁵⁶ Decree no. 180/2014, articles 19.

⁵⁷ Decree no. 180/2014, article 1(aa).

⁵⁸ Decree no. 180/2014, article 18.

entitles the holder to dedicate himself exclusively to the exercise of the activity that determined the granting of the visa, but does not allow its holder to obtain a residence and work permit. A courtesy visa is defined as one that is granted to foreign individuals who travel to the country at the invitation of Mozambican authorities, and the Ministry of Foreign Affairs and Cooperation is responsible for granting entry visas and extending the period of stay for this type of visa, along with Diplomatic and Official visas.⁵⁹ A courtesy visa may be particularly relevant to international assisting actors. Lastly, a residence visa is one which is granted to foreign citizens wishing to settle in the country under the terms of the law,⁶⁰ while a temporary stay visa may be granted to the foreign spouse and minor or disabled children of the foreign citizen holding the work visa.⁶¹

Registration of international assisting actors

The 2020 DRM Law does not provide a special procedure for the registration of international assisting actors in disaster situations. As stated above, Decree 55/98⁶² does however provide the legal framework that defines the criteria for authorisation, objectives to be achieved, and mechanisms for the performance of foreign NGOs in Mozambique in the context of *inter alia* emergency, rehabilitation, or development programmes and provides a list of documents required for the application.⁶³ Decree 55/98 establishes in article 5 that the Minister of Foreign Affairs and Cooperation is responsible for authorising foreign NGOs to commence activities in Mozambique. The application must include the name of the NGO, its headquarters and domicile, and must be accompanied, upon request, by the following documents:

- certified copy of statutes that prove its legal existence in the country of origin;
- proposal for the general programme of activities intended to be carried out in Mozambique:
- description of the organisation's history and its work experience;
- framework of staff that is proposed to be used; and
- documentation proving the capacity and availability of financial resources necessary to carry out activities in Mozambique.

Decree 55/98 further provides that foreign NGOs must only commence activities upon authorisation, and that foreign NGOs within Mozambiquan territory must register with the Financial Repartition of the respective tax area before the start of their activity.⁶⁴ The NGOs must also submit annual reports of activities in agreement with procedures to be defined by the Minister of Foreign Affairs and Cooperation.⁶⁵

⁵⁹ Decree no. 180/2014, article 1(v) read with article 5.

⁶⁰ Decree no. 180/2014, article 1(cc).

⁶¹ Decree no. 180/2014, article 1(kk).

⁶² Decree no. 55/98, 13 October 1998.

⁶³ Decree no. 55/98, 13 October 1998, article 5.

⁶⁴ Decree 55/98, articles 6 and 9.

⁶⁵ Decree 55/98, article 8.

Recognition of professional qualifications of foreign personnel

It was not possible to identify any laws which provide for the speedy recognition of foreign qualifications in disaster situations in Mozambique.

Tax and currency exchange for disaster relief

There do not appear to be specific provisions on the taxation of international assisting actors or provisions facilitating currency exchange for international disaster actors in Mozambique, save that the 2020 DRM Law provides that the government can establish fiscal facilities in disasters,⁶⁶ which may foreseeably include tax and currency exchange facilities.

Freedom of movement of international assisting actors during a disaster response

Mozambiquan law does not make specific provision for the freedom of movement of international assisting actors in disaster relief, but in practice nothing prevents the free circulation of people and goods during relief activities, as long as the appropriate coordination is established through the existing mechanisms, so that security can be guaranteed.⁶⁷

Safety and security of international assisting actors

Law 17/97 approves the Policy for Defence and Security for Mozambique. In terms of article 3, one of the objectives of this Policy is to ensure mechanisms aimed at prevention and relief for populations in the event of disasters and accidents. Although no direct references to international disaster assistance are included, Law 17/97 establishes in article 13 a mission for internal security which aims, among others, to guarantee the protection and personal security of senior national and foreign entities, as well as other individuals, when subject to situations of significant threat.

Question 6: Do Mozambique's laws and regulations set out quality standards for international assisting actors?

The government promotes the adoption of standards related to the international legal framework including aspects relating to the mobilisation of humanitarian aid and, more specifically, the entry and exit of property and persons.⁶⁸ In practice, Mozambique observes international quality standards for emergency operations and international assisting actors would need to comply with relevant laws and standards applicable in Mozambique.⁶⁹

In addition, the 2020 DRM Law establishes core principles of disaster management, consistent with the principles of humanity, neutrality, and impartiality. Article 4 provides the principles as follows:

- the principle of human dignity and well-being;
- the prevention principle;

⁶⁶ PIROI, Chapter III (Mozambique), section 6.1.1.

⁶⁷ IDRL in Mozambique, page 7.

⁶⁸ PIROI, page 119, and PDRRD, page 34.

⁶⁹ IDRL in Mozambique, page 7.

- the principle of participation and service;
- the command unit principle;
- the principle of solidarity;
- the principle of universality;
- the principle of equality and equity;
- the principle of sustainable protection;
- the information principle;
- the principle of public education and awareness;
- the principle of transparency;
- the accountability principle;
- the principle of effectiveness and efficiency;
- the cooperation principle;
- the principle of proportionality; and
- the principle of sustainability.

It is also noteworthy that Decree 55/98 provides that, in the pursuit of their activities, foreign NGOs are prohibited from carrying out or promoting actions of a political nature.⁷⁰

Question 7: Do Mozambique's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?

The law does not appear to provide specific eligibility requirements for international assisting actors to receive legal facilities, apart from Decree 55/98 which establishes a list of requirements for NGOs to gain authorisation to implement their activities in the country, as stated above.

Question 8: Do Mozambique's laws and regulations establish a specialised unit for expediting the entry of international disaster assistance?

The law does not establish a specialised unit for expediting the entry of international disaster assistance.

Question 9: Do Mozambique's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?

The law does not contain explicit accountability mechanisms for international disaster assistance in Mozambique. However, as stated above, the 2020 DRM Law establishes in Article 4 the principles of disaster management in Mozambique, some of which are intended to promote transparency and accountability in the disaster relief and initial recovery phases. Relevant principles include:

- the principle of transparency, which determines that the resources for DRM and DRR should be managed clearly based on evidence and with evaluation models;

⁷⁰

Decree 55/98, article 2(3).

- the accountability principle, which requires regular reporting of all achievements, decisions public policies, programmes, and DRM and DRR projects; and
- the principle of sustainability, which consists of ensuring that DRM projects are durable in the short-, medium- and long-term.

The Disaster Management Fund (FGC), is a dedicated fund for DRM in Mozambique, administered by the INGD.⁷¹ The revenue of the FGC is constituted by, among others, a state endowment of at least 0.1% of the state budget, donations, capitalisations (investments) and contributions from national and foreign companies and legal persons operating in national territory.⁷² As per the administrative and financial procedures of the FGC, the process of making a contribution to the FGC is called a *Risk Transfer*, which aims to ensure timely allocation and application of resources to response activities and to address priorities and urgency in the context of an emergency.⁷³

Furthermore, there are specific procedures guiding the classification and recording of contributions to the FGC as per Ministerial Diploma 96/2019. More specifically, the accounts will be kept in accordance with internationally accepted accounting practices. All transactions shall be accounted for through a computer system and in accordance with the chart of accounts specifically approved for the FGC, according to the principles of continuity, historical cost, consistency, prudence, and materiality. Each accounting record shall be supported by a dated supporting document, which may be presented upon request.⁷⁴ In order to ensure transparency in the management of the FGC, the fund is subject to internal and external auditing procedures.⁷⁵ Given that the FGC appears to be able to accept donations from international assisting actors, international funds provided to the FGC would be subject to these transparency and accountability measures.

Although there are no specific rules on the accountability of international disaster assisting actors in Mozambique, in general, as stated above, international assisting actors would need to comply with relevant laws and standards applicable in Mozambique. For example, Decree 55/98 provides that it is a general objective of NGOs to dedicate themselves to providing assistance to populations regardless of their ethnicity, race, religion or social status, and there is also a requirement for them to submit annual reports according to procedures to be defined by the Minister for Foreign Affairs and Cooperation.⁷⁶ In addition, a number of provisions of the Criminal Code of Mozambique may be relevant to the activities of international assisting actors, although they are not directly related to international disaster assistance. For instance, it is an offence for anyone to:

⁷¹ See the website of the INGD available at <https://www.ingd.gov.mz/o-que-e-fgd/> accessed 30 April 2021.

⁷² Decree 53/2017, article 6.

⁷³ Ministerial Diploma 96/2019, article 17.

⁷⁴ Ministerial Diploma 96/2019, article 21.

⁷⁵ Decree 53/2017, article 13.

⁷⁶ Decree 55/98, articles 3 and 8.

- prevent the arrival or provision of aid for a person in danger of life, a serious offense to his or her integrity or freedom or to combat an accident that presents a danger to the safety of people;⁷⁷
- abstain from providing assistance which can be provided by personal action or by asking for help in situations of disaster, accident, public calamity, or situation of danger, which endangers the life, physical integrity or freedom of another person;⁷⁸
- abuse the use of a signal or alarm or distress call or pretend that someone else's assistance is necessary due to disaster or danger;⁷⁹ and
- refuse or fail to perform the services or provide the assistance required in circumstances of turmoil, shipwreck, flood, fire or other calamity, or any accidents.⁸⁰

Question 10: Do Mozambique's laws and regulations outline procedures for international disaster assistance sent from and transiting through the country?

The law does not appear to outline special procedures for international assistance sent from, and transiting through, Mozambique and therefore it appears that the normal rules and procedures relating to the transit of goods and personnel and the exportation of goods would apply.

⁷⁷ Criminal Code of Mozambique (Lei no. 24/2019), article 221.

⁷⁸ Criminal Code of Mozambique (Lei no. 24/2019), article 221.

⁷⁹ Criminal Code of Mozambique (Lei no. 24/2019), article 347.

⁸⁰ Criminal Code of Mozambique (Lei no. 24/2019), article 354.



The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest humanitarian network, with **192 National Red Cross and Red Crescent Societies** and around **14 million volunteers**. Our volunteers are present in communities before, during and after a crisis or disaster. We work in the most hard to reach and complex settings in the world, saving lives and promoting human dignity. We support communities to become stronger and more resilient places where people can live safe and healthy lives, and have opportunities to thrive.