

# IDRL Emergency Fact Sheet, Mozambique



## February 2023 Cyclone Freddy Response

Version 2, 03 March 2023

*This document is intended to provide key information to the Red Cross and Red Crescent Movement network and Operations relating to the regulatory and policy environment applying Mozambique in response to Cyclone Freddy that made landfall in February 2023*

**Note** that a legal mapping was conducted by the IFRC Disaster Law Africa team on [Legal Preparedness for International Disaster Assistance in Mozambique](#) (2021). Legal facilities available in [Mozambique](#) related to international disaster assistance are also set out on the [International Disaster Response Laws Dashboard](#) on the **GO Platform**.

### Institutional and policy framework

- The Law on Disaster Risk Reduction and Management ([DRM Law 10/2020](#)), provides the legislative framework for DRM in Mozambique. The 2020 DRM Law is complemented by [Decree 76/2020](#) which provides a set of regulations and procedures for the application of the 2020 DRM Law.
- Other policy documents related to DRM and Climate Change 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;
  - Agenda 2025 ([Visão Estratégica de Nação](#)) which indicates that the impact of disasters on Mozambique's development must be considered;
  - the 2013-2025 [National CCA and Mitigation Strategy \(ENAMMC\)](#), which outlines the key areas of action the government is focusing on to reduce the impacts of climate change;
  - [The National Policy on Disaster Management \(1999\)](#); and
  - [Disaster Risk Reduction Master Plan 2017-2030](#).
- 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:
  - The Coordinating Council for Disaster Management and Risk Reduction;
  - The Technical Council for Disaster Management and Risk Reduction. Importantly, according to article 35(5) of [Decree 76/2020](#), a representative of the Red Cross may be invited onto this council; and
  - The Coordinating Entity for Disaster Management and Risk reduction ([the National Institute for Disaster Risk Management and Reduction or INGD](#))
- The INGD is a public institution with legal personality and technical, administrative and financial autonomy. The INGD constitutes the main body in disaster prevention and mitigation, preparedness, relief and rehabilitation operations in Mozambique. The key objectives of the INGD include:
  - 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; and
- Coordinate the process of prevention, mitigation, readiness, and response to the phenomena of risks and threats.
- The focal point for international disaster assistance is the [INGD](#).
- The [Mozambique Red Cross Society \(CVM\)](#) is recognized by [Decree 7/88 of 17 May 1988](#) as a voluntary aid society, assisting the Public Authorities, in accordance with Article 26 of the First Geneva Convention. [Decree number 7/88](#) also contains the statutes of the CVM as an annexe, wherein it is recognised that the CVM **carries out all of its activities in close collaboration with state bodies with a view to:**
  - support government structures in measures protection and saving lives in the event of war, in all the fields provided for by the Geneva conventions, and prepare for the same in peacetime;
  - contribute to improving health and prevention disease through supporting activities carried out by the State, particularly through health education and first aid training;
  - collaborate with prevention and safety programs, in particular through first aid training in workplaces, and expanding these activities to other populations;
  - organize, in collaboration with government agencies, emergency relief services for victims of accidents and natural disasters and contribute to disaster preparedness activities;
  - organize solidarity actions in cases of natural disasters and armed conflict;
  - promote and organize voluntary participation by the youth in CVM activities; and
  - disseminate the humanitarian principles of CVM.
- In terms of privileges, [Article 3 of Decree 7/88](#) recognizes CVM as the only Red Cross Society in Mozambique and endows the National Society with legal personality, administrative and financial autonomy to carry out its activities throughout the territory of Mozambique

## State of Emergency & Request of Humanitarian Aid and Assistance

On 21 February, the Government of Mozambique [declared a red alert](#) which enables processes to respond to the emergency to be expedited and simplified

### Potential issues & recommendations:

*No official request for international assistance or list of needs* seems to have been issued by the Government as yet. Uncoordinated efforts may lead to the receipt of unsolicited goods (unsolicited bilateral donations or UBD).

**Therefore, we recommend IFRC to offer technical support to the relevant Government Agency to prepare a detailed List of Needs and clear processes for the acceptance of international disaster assistance, based on IDRL best practices.**

## Entry of humanitarian personnel

- There are no specific provisions on the entry into the country of humanitarian personnel for disaster response operations,
  - However, the 2020 DRM Law provides that the government **can establish migratory facilities in disasters**.
  - In practice, the government has created conditions to make the visa procedure faster and easier, depending on the gravity of the situation. **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 procedures for international staff). 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, as well as their respective application procedures and eligibility requirements. The following visa types are relevant to international humanitarian personnel:
  - diplomatic visa; and
  - courtesy visa;
- Diplomatic Visas` may be relevant in international disaster response operations, these visas are defined as the document granted to individuals who travel to the country for diplomatic activities. 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.
- In addition, 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. A courtesy visa may be particularly relevant to international assisting actors.

Special IDRL Facilities for eligible international humanitarian actors:	By virtue of the International Conventions Mozambique is a party too, the following <b>legal facilities <u>may be invoked</u></b> : <b>Expedited management of customs, immigration services and clearance of aircrafts containing humanitarian assistance in response to disasters (<a href="#">Chicago Convention</a>)</b>
Legal facilities identified under Mozambican law	The <b>2020 DRM Law</b> contains several provisions which relate to legal facilities for international assisting actors, although these are not detailed.  <b>Article 38</b> (emergency assistance) 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, <b>the government can establish migratory, customs, and fiscal facilities.</b>  Although it does not specify its applicability to international disaster assistance, <b>article 42</b> of the DRM Law provides that when an orange or red alert is activated, the entity responsible for DRM and DRR and <b>can enter into contracts using an exceptional regime for the acquisition of goods and the provision of emergency services for humanitarian assistance.</b>
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. Importantly, <a href="#">Decree 55/98</a> further provides that <b>foreign NGOs must only commence activities upon authorisation</b> , and that foreign NGOs within Mozambiquan territory must register with the Financial Repartition of the respective tax area before the start of their activity. Article 5 of the same Decree provides that the

	Minister of Foreign Affairs and Cooperation is responsible for authorising foreign NGOs to commence activities in Mozambique.
Relief flights	The <a href="#">Civil Aviation Law 21/2009</a> establishes in article 8 that the government is responsible for ensuring the implementation of the <a href="#">Convention on International Civil Aviation (the Chicago Convention)</a> and its Annexes. Specifically, <a href="#">Annex 9</a> of the Chicago Convention provides procedural guidance for the clearance of aircrafts containing humanitarian assistance in response to disaster. In addition, article 12(3) of the Civil Aviation Law provides that domestic aerodromes can be used by international traffic in cases of emergency, search and rescue operations, or through special exemptions issued by the Aeronautical Regulatory Agency, which may facilitate the landing of humanitarian relief flights in disaster situations.
Customs and taxation arrangements	the DRM Law implies that legal facilities for international assisting actors would be provided in the event of a disaster, however, these facilities are not clearly set out. Importantly, article 38 (emergency assistance) 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 customs facilities  2020 DRM Law provides that the government can establish fiscal facilities in disasters, which may foreseeably include tax and currency exchange facilities
No clear provisions and exemptions explicitly provided for:	<ul style="list-style-type: none"> <li>○ Recognition of professional qualifications</li> <li>○ Freedom of movement of international assisting actors during a disaster response</li> <li>○ Use of Cash in response operations</li> </ul>

Disclaimer: Some legislation cited here are publicly available only in Portuguese and have been translated to English unofficially.

*For further information on the IDRL Emergency Fact Sheet, please contact:*

Reece da Costa  
IFRC Disaster Law Officer for Southern Africa  
[reece.dacosta@ifrc.org](mailto:reece.dacosta@ifrc.org)

Stella Ngugi  
IFRC Disaster Law Coordinator for Africa  
[stella.ngugi@ifrc.org](mailto:stella.ngugi@ifrc.org)