



# BULLETIN OF THE REPUBLIC

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### NOTICE

The material to be published in the "Bulletin of the Republic" is to be submitted in a certified copy, one for each subject, containing in addition to the necessary information for that purpose, the following endorsement, signed and stamped: **For publication in the "Bulletin of the Republic"**.

### SUMMARY

Council of Ministers:

#### Decree Nr. 89/2017:

Approves the Regulations of Law Nr. 16/2014 of June 20, the Law on the Protection, Conservation and Sustainable Use of Biological Diversity, amended and republished by Law Nr. 5/2017 of May 11.

### COUNCIL OF MINISTERS

#### Decree Nr. 89/2017

of 29 December

The objective of Law Nr. 16/2014 of June 20, amended and republished by Law Nr. 5/2017 of May 11 – the Law on the Protection, Conservation and Sustainable Use of Biological Diversity is the establishment of the principles and basic standards governing the protection, conservation, restoration and sustainable use of biological diversity in conservation areas, and to provide for their integrated management in order to meet the requirements of sustainable development in the country.

Given the need to proceed with its regulation pursuant to the terms and provisions of Article 68 of Law Nr. 16/2014 of June 20, the Council of Ministers decrees:

Article 1. The Regulations of Law Nr. 16/2014 of June 20, the Law on the Protection, Conservation and Sustainable Use of Biological Diversity, amended and republished by Law Nr. 5/2017 of May 11, to be found in the annex and constituting an

integral part of this Decree, are approved.

Article. 2. All standards that contradict this Decree are revoked.

Approved by the Council of Ministers on November 21, 2017.  
To be published.

The Prime Minister, *Carlos Agostinho do Rosário*.

### Regulations of Law Nr. 16/2014 of 20 June, amended and republished by Law Nr. 5/2017 of 11 May, the Law on the Protection, Conservation and Sustainable Use of Biological Diversity

#### CHAPTER I General Provisions

##### Article 1 (Purpose)

The purpose of this decree is to regulate Law Nr. 16/2014 of June 20, amended and republished by Law Nr. 5/2017 of May 11, the Law on the Protection, Conservation and Sustainable Use of Biological Diversity.

##### Article 2 (Scope of Application)

These Regulations shall apply to all existing natural assets and resources in the national territory and within the waters under national jurisdiction, covering all public or private entities that directly or indirectly may influence the country's national system of conservation areas, in accordance with the provisions of Law Nr. 16/2014 of June 20, amended and republished by Law Nr. 5/2017 of May 11, the Law on the Protection, Conservation and Sustainable Use of Biological Diversity.

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Article 3  
**(Definitions)**

The definitions of the terms used in these Regulations are those contained in the Glossary of Law Nr. 16/2014 of June 20, amended and republished by Law Nr. 5/2017 of May 11, plus those set forth in these Regulations and listed in Annex 1, which constitutes an integral part.

Article 4  
**(National Network of Conservation Areas)**

It is incumbent upon the National Administration of Conservation Areas, abbreviated as ANAC, to supervise and promote initiatives aimed at the operationalization of the national network of conservation areas.

CHAPTER II  
**Protection Zones**

SECTION I  
**Definition and classification of protection zones**

Article 5  
**(Definition)**

Protection zones are delineated territorial areas, representing the national natural heritage and designated for the conservation of biological diversity and fragile ecosystems of animal or plant species, which may belong to the public of the State or to the private domain and in which economic activities compatible with their purpose may be conducted.

Article 6  
**(Classification)**

1. Protection zones are classified in order to ensure the representative conservation of ecosystems and species and the coexistence of local communities with other interests and values to be preserved.
2. Protection zones are classified in:
  - a) exclusive conservation areas; and
  - b) sustainable use conservation areas.
3. Exclusive conservation areas are considered to be the areas in the public domain of the State designated for the preservation of ecosystems and species, without intervention in the form of resource extraction, admitting only the indirect use of natural resources with the exceptions provided for in Law Nr. 16/2014 of June 20, amended and republished by Law Nr. 5/2017 of May 11 and in these Regulations.
4. Sustainable use conservation areas are considered to be the areas in the public domain of the State and in the private domain designated for conservation that are subject to integrated management and allow for levels of resource extraction, while respecting sustainable limits in accordance with the management plans

Article 7  
**(Cross-border conservation areas)**

1. A cross-border conservation area managed in collaboration,

which crosses one or more borders between states, consisting of conservation areas or other forms of land use that contribute to the protection and maintenance of biological diversity and associated natural and cultural resources, as well as promoting socio-economic development

2. The objectives of the cross-border conservation area are:
  - a) regional or international cooperation in the management of shared resources;
  - b) to pursue the objectives of each category of conservation area integrated in the areas of cross-border conservation;
  - c) the implementation of common approaches to ecosystem and species conservation, in order to maintain the connectivity of habitats, plant formations and animal populations.
3. The cross-border conservation area of is established by a treaty or agreement entered into and approved by the competent organs of the State.
4. The treaty or agreement that establishes the cross-border conservation area will classify it as a total conservation area or as a sustainable use conservation area, or it may contain these two types of protection zones within its perimeter

SECTION II  
**Exclusive conservation areas**

Article 8  
**(Exclusive conservation areas)**

Exclusive conservation areas belong to the following categories:

- a) Full Natural Reserve;
- b) National Park;
- c) Cultural and Natural Monument

Article 9  
**(Full Natural Reserve)**

1. The Full Natural Reserve is an exclusive conservation area in the public domain of the State, delimited and designated for the preservation of nature, the maintenance of ecological processes, the functioning of ecosystems and of rare or endangered species.
2. The Full Natural Reserve has the following conservation objectives:
  - a) preserve the unique nature of the area, in terms of biology, ecosystems or scenery;
  - b) maintain ecological processes and the functioning of relevant ecosystems at local, regional, national or international level, as the case may be;
  - c) ensure the existence of areas where scientific studies, monitoring and environmental education can be conducted, including areas that may be defined as reference and that are not subject to any type of disturbance
3. The areas defined as Full Natural Park should meet one or more of the following characteristics:
  - a) possess a wide range of native species expected to occur in the region at ecologically significant

densities or be able to return them to these densities through natural processes or time-limited interventions;

- b) possess a wide range of ecosystems expected to occur in the region, mostly intact, with ecological processes that are intact or with processes capable of being restored through reduced intervention management;
  - c) be free from recent direct human intervention that may have compromised the conservation objectives specified for the area, or to have had restricted access by persons, in particular human settlements;
  - d) be an appropriate control area to serve as a reference for monitoring the impact on human activities in other areas or for scientific research
4. Full natural reserves can be demarcated in other categories of conservation area as provided for in prevailing legislation.

#### Article 10 (National Park)

1. The national park is an exclusive conservation area in the public domain of the State, delimited and designated for the propagation, protection, conservation, preservation and management of flora and wildlife, and for the protection of sites, landscapes or geological formations of particular scientific, cultural or aesthetic value, in the public interest and for public recreation, representative of the national heritage.
2. The National Park has the following conservation objectives:
  - a) perpetuate, in a state as natural as possible, representative examples of physiographic regions, biotic communities, genetic resources and undamaged natural processes;
  - b) protect large-scale ecological processes that would be lost in conservation areas of smaller size;
  - c) maintain viable and ecologically functional populations of native species at densities that are sufficient to maintain the integrity and resilience of the ecosystem in the long term;
  - d) protect and conserve specific species and communities that need extensive areas of undisturbed habitat, regional ecological processes and migratory routes;
  - e) support conservation - compatible economic development, mainly through recreation and ecotourism, contributing to the local, regional and national economy with a focus on local communities.
3. The areas defined as National Park have to meet one or more of the following characteristics:
  - a) contain representative examples of large natural regions, and biological, environmental or landscape characteristics where native animal and plants species, varied habitats and ecosystems are of particular scientific, educational, recreational or tourist importance;

- b) have ample ecological dimensions and quality in order to maintain ecological functions and processes that allow native species and communities to persist in the long term with minimal intervention at management level;
- c) the composition, structure and function of biodiversity and its habitats shall be largely in their natural state or have the potential to be restored to that state.

#### Article 11 (Cultural and Natural Monument)

1. Monuments are exclusive conservation areas in the public domain of the State, municipality or community, or in the private domain, containing one or more elements of exceptional or unique natural, aesthetic, geological, religious, historical or cultural value in an area of less than 100 hectares that, due to its uniqueness and rarity, requires the preservation and maintenance of its integrity.
2. Monuments aim at achieving the following purposes:
  - a) protect or preserve specific natural and cultural elements;
  - b) enable ecotourism, recreation, education and scientific research;
  - c) ensure the preservation and reproduction of rare, endemic, protected and endangered plant species or formations;
  - d) prevent or eliminate any form of occupation or exploitation inconsistent with the purpose of monument protection;
  - e) contribute to local economic and social development through the promotion of tourism and the participation of local communities in the benefits resulting from these activities.
3. Also considered natural monuments are trees with ecological, aesthetic, historic and cultural value.
4. In addition to the provisions in number two of this article, the cultural and natural monument also has the following conservation objectives:
  - a) protect or preserve trees of ecological, aesthetic, historical and cultural value;
  - b) protect specific natural sites with spiritual and / or cultural values and their biodiversity and associated habitats;
  - c) provide for the protection of biodiversity in landscapes, seascapes or water landscapes that have undergone major changes but serve as a refuge for biodiversity;
  - d) offer activities around ecotourism, recreation, education and scientific research.
5. The areas defined as monuments should contain one or more of the following elements:
  - a) natural geological and geomorphological characteristics;
  - b) natural formations influenced by cultural aspects, such as cave paintings in ancient caves and trails;
  - c) sites of mixed natural and cultural characteristics: such as natural spiritual areas (sacred groves, springs, waterfalls, mountains, sea coves among other things) of importance for one or more group of believers;

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- d) cultural sites with associated ecology: where the protection of a cultural site also includes significant and important biodiversity, such as archaeological and historical sites that are inextricably linked to a natural area;
- e) man-made or transformed sites of exceptional or unique aesthetic, religious, historical or cultural value.

### SECTION III

#### Sustainable use conservation areas

##### Article 12

##### (Sustainable use conservation areas)

1. Sustainable use conservation areas belong to the following categories:
  - a) Special reserve;
  - b) Environmental protection area;
  - c) Official preserve;
  - d) Community conservation area;
  - e) Sanctuary;
  - f) Game farm;
  - g) Municipal ecological park.
2. Conservation areas can be of national, provincial, district and municipal level.
3. The responsibilities and counterparts of State organs, local government and community authorities at different levels are regulated by the Council of Ministers.

##### Article 13

##### (Special Reserve)

1. The Special Reserve is a sustainable use conservation area in the public domain of the State, delimited and designated for the protection of a particular species of rare, endemic, endangered or declining fauna or flora, or with recognized cultural and economic value.
2. The Special Reserve has the following conservation objectives:
  - a) maintain, preserve and restore species and habitats;
  - b) protect populations of threatened or rare species that require active management interventions to ensure their survival;
  - c) protect vegetation patterns or other biological characteristics through traditional management approaches;
  - d) protect habitat fragments as components of conservation strategies at the scale of landscapes, seascapes or water landscapes that function as ecological corridors, breeding, shelter or feeding areas for resident or migratory species;
  - e) develop education and public awareness of the species and/or habitats in question.
3. Areas defined as Special Reserves shall meet one or more of the following characteristics:
  - a) contain important populations of flora and/or fauna species of national, regional or international significance;
  - b) contain important populations of migratory fauna species of national, regional or international

significance;

- c) contain habitats or provide ecosystem services of national, regional or international significance;
  - d) have ample ecological dimension and quality in order to maintain ecological functions and processes that enable native species and communities to persist in the long term with or without active management intervention;
  - e) the composition, structure and function of biodiversity shall to a large extent be in a natural state or have the potential to be restored to such a state.
4. The Special Reserve may be of national or provincial interest, depending on the interests it tries to preserve.

##### Article 14

##### (Environmental Protection Area)

1. The Environmental Protection Area is a sustainable use conservation area in the public domain of the State, delimited, managed in an integrated manner, where the interaction between human activity and nature endows the landscape with specific and exceptional aesthetic, ecological or cultural qualities, offering important ecological services for its residents and neighbors.
2. The Environmental Protection Area seeks to achieve the following objectives:
  - a) ensure the protection and preservation of environmental components, as well as the maintenance and improvement of ecosystems of recognized ecological and socio-economic value;
  - b) maintain a harmonious relationship between nature and culture by protecting the landscape and ensuring traditional forms of land use and construction, and of expressing socio-cultural values;
  - c) encourage sustainable lifestyles and socio-economic activities in harmony with nature as well as with the preservation of the cultural values of the local communities;
  - d) maintain the diversity of landscape and habitat as well as of species and associated ecosystems;
  - e) prevent and eliminate any form of land occupation and incompatible activities that, by size or magnitude, jeopardize the objectives of landscape protection;
  - f) provide citizens with opportunities for outdoor recreation, while respecting the essential qualities of the conservation area;
  - g) contribute to sustainable development at local level, by promoting tourism and the partaking of local communities in the benefits resulting from these activities.
3. The areas defined as Environmental Protection Area shall have the following main characteristics:
  - a) consist of one or more key areas designated for the integral protection of nature;
  - b) have one or more zones between these key areas, where the occupation of space and the management of natural resources are planned and conducted in a participatory manner and on a sustainable basis;

- c) have one or more zones of economic development, which only allow activities that do not result in damage to the key areas.
- 4. The Environmental Protection Area may cover land areas, lakes, rivers or maritime waters and other natural resources.
- 5. Other categories of conservation areas may exist within the confines of the Environmental Protection Area.

**Article 15  
(Official Preserve)**

1. The Official Preserve is a sustainable use conservation area in the public domain of the State, delimited and designated for hunting activities and the protection of species and ecosystems, in which the right to hunt is only recognized by means of the concession contract between the State and the operator and of annually approved quotas.
2. The Official Preserve has the following conservation objectives:
  - a) ensure the protection and preservation of environmental components as well as the maintenance and improvement of ecosystems of recognized ecological, social, cultural or economic value;
  - b) maintain the diversity and connectivity of landscape and habitat, and of associated species and ecosystems;
  - c) encourage livelihoods and sustainable socio-economic activities in harmony with nature, as well as the preservation of cultural and spiritual values of the local communities;
  - d) contribute to sustainable development at local level by promoting hunting tourism with the local communities partaking in the benefits resulting from these activities.

**Article 16  
(Community Conservation Area)**

1. The Community Conservation Area is a conservation area for sustainable use in the public domain of the community, delimited and managed by one or more local communities who have the right to use and benefit from the land, designated for the conservation of fauna and flora and the sustainable use of natural resources.
2. The Community Conservation Area aims to achieve the following objectives:
  - a) protect and conserve natural resources existing in the area that are traditionally used by the community, including the conservation of natural resources, sacred forests and other sites of historical, religious, spiritual and cultural significance used by the local community;
  - b) ensure the sustainable management of natural resources in order to bring about local sustainable development;
  - c) ensure access to and sustainability of medicinal plants and biodiversity in general.
3. In addition to the previous number, the Community Conservation Area also has the following conservation objectives:
  - a) ensure the sharing of benefits resulting from the conservation of natural resources and their ecosystem services for the socio-economic and

- cultural development of communities and their maintenance for future generations;
- b) promote local awareness of the social, cultural, spiritual and economic value of its biodiversity, ecosystem and landscape.
- 4. Community Conservation Areas shall have the following characteristics:
  - a) area with conserved ecosystems;
  - b) areas with multiple use of natural resources, mainly by the local communities following customary norms and practices

**Article 17  
(Sanctuary)**

1. The Sanctuary is an area in the public domain of the State or in the private domain, designated for the reproduction, shelter, food and investigation of certain species of fauna and flora.
2. The Sanctuary can be demarcated within or outside an already existing conservation area.
3. The Sanctuary has the following conservation objectives:
  - a) preserve and conserve the natural condition of habitats in order to safeguard unchanged areas or areas with little change without permanent or significant human habitation in their midst;
  - b) preserve representative populations of rare, endemic, endangered and declining flora and fauna species or of species with an intrinsically high value at local, national or international level, and their habitats;
  - c) create conditions for the reproduction, shelter and feeding of certain species of fauna and flora;
  - d) establish the conditions for the investigation of
  - e) certain fauna and flora species where this is not possible or is not practical in other circumstances.
4. Within the Sanctuary species may be repopulated in accordance with the provisions of national legislation and of the Management Plan.

**Article 18  
(Game Farm)**

1. The Game Farm is an area of fenced private land, designated for the conservation of fauna and flora where the right to hunt is limited to the holder of the right to use and benefit from land (DUAT) or to those authorized by that holder, provided that both require the license in question issued by the competent authority.
2. The Game Farm aims at ensuring the reproduction of animals in fenced areas, for purposes of conservation and repopulation of other conservation areas of, the sale of live animals and eggs for conservation or other purposes and the extraction of meat and trophies.

**Article 19  
(Municipal Ecological Park)**

1. The Municipal Ecological Park is a sustainable use conservation area in the municipal public domain for the conservation of sensitive ecosystems within an urban and population context.

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2. The Municipal Ecological Park aims to achieve the following objectives:
  - a) protect critical elements of nature with a view to the ecological balance of the local municipality, including wetlands, mangroves, hills, dunes and forested areas;
  - b) protect and preserve endemic, rare or threatened species and ecosystems;
  - c) prevent the arbitrary occupation and uncontrolled and unbridled urbanization in the green spaces located in local municipalities;
  - d) contribute to the quality of life of the residents;
  - e) stimulate environmental education, recreation and leisure of the citizens as well as ecotourism;
  - f) allow for the regeneration of species essential for the livelihoods of the populations;
  - g) encourage scientific research, especially related to educational and research establishments.

### CHAPTER III

#### **Creation, modification and termination of conservation areas**

##### SECTION I

##### General Provisions

###### Article 20

###### **(Authority for the creation, modification and termination of conservation areas)**

1. It is incumbent upon the Council of Ministers to approve, modify or extinguish all full natural reserves, national parks, cultural and natural monuments in the public domain of the State, special reserves, environmental protection areas, official preserves regardless of their dimensions, as well as sanctuaries, game farms and community conservation areas larger than 10,000 hectares.
2. It is incumbent upon the minister with oversight of the conservation areas to approve, modify or terminate sanctuaries, game farms and community conservation areas with a size of 1.000 to 10.000 hectares.
3. It is incumbent upon the provincial government to approve, modify or terminate game farms, sanctuaries and community conservation areas up to a maximum of 1.000 hectares as well as the cultural and natural monuments in the public domain of the community and those in the private domain.
4. It is incumbent upon the municipal council to approve, modify or terminate the cultural and natural monuments in the public domain of the municipality and the municipal ecological parks located within the limits of the municipality in question.
5. If the conservation area to be established covers more than one province and the jurisdiction for its creation lies with the provincial government, the dispatch of approval is signed by the provincial governors of the provinces concerned.

###### Article 21

###### **(Land Use Planning)**

1. The creation, modification, termination and management

of conservation areas shall be harmonized with the legislation that governs land use planning at national, provincial, district and municipal levels.

2. The delimitation of conservation areas is mandatorily registered with the National Land Register, in its capacity as general instrument of land use planning.

##### SECTION II

#### **Creation of Conservation Areas**

###### Article 22

###### **(Proposal for the creation of a conservation area)**

1. The proposal for the creation of a conservation areas can be submitted by government agencies, academic institutions, the private sector, non-governmental organizations and local communities.
2. In the case of conservation areas located in the area of jurisdiction of municipalities, the proposal to create conservation areas may also be submitted by the municipalities in question, in addition to the entities referred to in the previous number.

###### Article 23

###### **(Submission of the proposal for the creation of a conservation area)**

1. The proposal for the creation of a conservation area, the approval of which is incumbent upon the Council of Ministers or the minister with oversight of the conservation areas or the Provincial Government is submitted, pursuant to Article 20 of these Regulations, by the interested party to the regional or local delegation of ANAC or, if that does not exist, to the Provincial Directorate that deals with matters related to conservation areas of the province where the conservation area to be created is located
2. If the conservation area to be created covers more than one province, the proposal for its creation is submitted to the regional or provincial delegation of ANAC or, if that does not exist, to the Provincial Directorate that deals with matters related to conservation areas of the province containing the largest territorial extension of the conservation area to be created.
3. The proposal to create a conservation area, the approval of which is incumbent upon the municipal assembly is submitted, pursuant to Article 20 of these Regulations, by the interested party to the delegation of ANAC located in the area of jurisdiction of the municipality in question or, if that does not exist, to the Municipal Council in whose area of jurisdiction the conservation area is to be created.
4. The proposal to create a conservation area on the initiative of ANAC is presented by ANAC to:
  - a) the minister with oversight of the conservation areas, in case its approval is incumbent upon him/her, to the Council of Ministers;
  - b) the provincial government, in case its approval is incumbent upon this body;
  - c) the Municipal Council in whose area of jurisdiction the conservation area is to be created, in case its approval is incumbent upon the Municipal Assembly.

## Article 24

### **(Proposal document)**

1. The entity interested in the creation of a conservation area submits the respective proposal to the entity referred to in the previous article, accompanied by:
  - a) complete identification of the applicant;
  - b) a topographic description and respective limits of the space where one intends to implement the conservation area, including the boundaries of the buffer zone whenever it is necessary to be defined;
  - c) a descriptive report with classification, characteristics and objectives of the intended conservation area;
  - d) a detailed and reasoned justification for the proposed creation of the conservation area and the reasons why it is created in that particular geographical area and with these proposed limits;
  - e) proof of or information on the financial capacity required to create and maintain the conservation area;
  - f) the inventory of natural resources and the related report justifying the creation of the conservation area;
  - g) the title or documentary evidence or information concerning the right to the land where one intends to implement the conservation area or documentary evidence proving the authorization of the holder of said land rights;
  - h) information on whether the intended space is inhabited by people and whether the conservation area that one intends to create allows the permanence of persons, pursuant to the provisions of Law Nr. 16/2014 and of these Regulations;
  - i) information on whether the applicant has already identified and/or has space where persons can be resettled, in case it is necessary to resettle persons outside the intended conservation area.
2. The proposal for the creation of a community conservation area shall include, in addition to what is provided for in the previous number:
  - a) the identification of all local communities covered by the creation of the conservation area;
  - b) information about whether the local communities agree in principle with the creation of the community conservation area and whether there is any opposition to it;
  - c) information on existing natural resources and customary practices with respect to their exploitation or use;
  - d) a zoning proposal that includes the land use plan and the plan concerning tourism and the use of marine resources, if applicable;
  - e) the proposal of a Community Management Plan;
  - f) the identification of the entity that will manage the conservation area and the proposal for the composition and general rules of operation of that entity and the respective Management Board;
  - g) a proposal for a community development agenda;
  - h) a proposal for a partnership agreement and the identification of partners, if applicable.

## Article 25

### **(Processing of the proposal)**

1. Once the proposal has been received in accordance with the

provisions of the previous articles, the receiving entity may request, duly substantiated, within a period of thirty days from the date of receipt of the proposal for the creation of the conservation area all information and other documentation that it deems relevant and necessary to evaluate the request and to carry out all necessary procedures for the proper evaluation of the proposal, including a visit to the area where the conservation area is to be established, and request the opinion of the Administration of the District where the area of conservation is to be located.

2. Within 60 days from the date of receipt of the proposal or the date of submission of the additional information requested, as the case may be, the entity receiving the request issues the respective opinion and sends it to ANAC.
3. ANAC verifies the process and if it complies with the legislation in force, it issues its technical opinion and submits the file to the competent authority for the creation of the conservation area, in accordance with article 20 of these Regulations.
4. If the proposal for the creation of the conservation area is an initiative of ANAC, it shall proceed in accordance with the provisions of number one of this article, issue the technical opinion and submit it to the competent authority in accordance with Nr. 3 of Article 23 of these Regulations.
5. A negative opinion of ANAC is binding, if the authority for the approval of the conservation area belongs to the Provincial Government or to the Municipal Assembly.
6. The decision to reject the proposal for the creation of a conservation area may be appealed in accordance with the prevailing administrative procedural legislation.

## Article 26

### **(Obligations of the proponent)**

1. It is the responsibility of the proponent of the new conservation area to prepare the preliminary technical studies and carry out the public consultations and other administrative procedures necessary for the creation of the conservation area, while bearing the necessary costs related to such activities.
2. The purpose of the public consultations for the creation of a conservation area is to define the opportunity and the necessity of creating the area of conservation, its location, size and the most appropriate limits of the conservation area in question.
3. Public consultations shall follow the procedures established for public consultations in compliance with the legislation in force.
4. In the public consultation process, the proponent shall indicate clearly and in accessible language the implications for the local communities residing in the interior and in the area immediately surrounding the conservation area to be created.
5. The creation of game farms is exempt from public consultations, provided that the proponent proves that the public consultation process to obtain the DUAT for the area where the game farm will be created has been conducted.

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#### Article 27

##### **(Term)**

1. The proponent has a period of one hundred and eighty days, counting from the date of receipt of the notice of the dispatch granting his request, to carry out the procedures referred to in the previous article.
2. If the deadline referred to in the previous number is exceeded and the proponent is still interested in the creation of the conservation area, he/she shall submit to the competent authority for the creation of the intended conservation area a detailed justification for not complying with the period referred to in number one of this article, request its extension and indicate the period needed for offering the justification in question.
3. The additional period to be granted under the terms of the previous numbers may not exceed ninety days.

#### Article 28

##### **(Financial guarantee)**

1. The applicant for the creation of a private conservation area who intends to raise captive animals shall provide a financial guarantee to cover the costs of environmental rehabilitation and/or translocation of fauna in the event of closure of the conservation area.
2. The amount of the financial guarantee is 5% (five percent) of the estimated total investment for the creation of the conservation area.
3. The financial guarantee is valid for the expected period for the operation of the conservation area, plus twenty-four months, in the form of an insurance policy, an unconditional and irrevocable bank guarantee in favour of ANAC or a cash deposit in a bank account opened exclusively for this purpose.
4. In case the amount of invested capital is increased, the financial guarantee shall be updated while maintaining the calculation basis.

#### Article 29

##### **(Creation of the conservation areas)**

1. After conducting the necessary technical studies, doing the public consultation process and obtaining the environmental license, these documents are submitted to ANAC, which in turn submits them as part of a reasoned opinion, to the authority responsible for approval.
2. Once compliance with applicable legislation is proven and the financial security has been verified, if applicable, the competent authority shall approve the creation of the conservation area in accordance with the provisions of article 20 of these Regulations.

#### Article 30

##### **(Elements of the act of creating a conservation areas)**

1. The act of creating a conservation area should indicate:
  - a) the name, the management category, the objectives, the limits of the conservation area and the entity responsible for its administration;
  - b) the local communities that benefit, in particular in the case of cultural and natural monuments and in community conservation areas;
  - c) the resident local communities in case the

conservation area to be created admits these;

- d) the limits of the buffer zone whenever such a zone is necessary.
3. The decree approving the conservation area is published in the Bulletin of the Republic.

#### Article 31

##### **(Inspection)**

1. After the creation of the conservation area, the applicant has a period of 180 days, counting from the date of publication of the decree approving the conservation area, to request its inspection.
2. The request for inspection is submitted to ANAC.
3. The inspection process is guided by the verification of the requirements for the creation of the conservation area, as provided for in the law and in these Regulations.
4. The inspection shall be carried out within a maximum period of 30 days, counting from the date of receipt of the request for inspection.
5. Within thirty days counting from the date of the inspection, ANAC shall issue its duly substantiated opinion.
6. If the opinion based on the inspection is negative, ANAC shall inform the proponent, giving a period of no more than 60 days for the latter to respond to the questions raised by the inspection, after which a further inspection shall be carried out.
7. If the opinion based on the inspection is positive, ANAC submits it to the competent authority for the approval of the conservation area, which shall issue the dispatch authorizing the entry into operation of the conservation area within a period of thirty days, counting from the date of receipt of the opinion based on the inspection.
8. If it is necessary to resettle persons outside the conservation area to be created, the inspection has to establish that the resettlement process has already been initiated in accordance with the prevailing legislation, an essential condition for the authorization of entry into operation of the conservation area.

#### Article 32

##### **(Entry into operation of the game farm)**

It is incumbent upon ANAC to authorize the entry into operation of the game farm after verifying that the following requirements are met:

- a) the Management Plan has been approved;
- b) the inspection of the area of the game farm has been carried out, verifying whether the minimum conditions for initiating activities are being met, namely:
  - i. the existence of the inventory;
  - ii. a supervisory body has been established in accordance with the prevailing legislation;
  - iii. a fence has been erected.

#### Article 33

##### **(Creation of conservation areas within another conservation area)**

1. The creation of conservation areas within other conservation areas complies with the provisions of previous articles, taking into account the amendments made in the numbers.



2. The proposal for the creation of a conservation area within another conservation area may be submitted:
  - a) by the administrative entity of the conservation area;
  - b) by the management entity of the conservation area;
  - c) by the Administrator of the conservation area;
  - d) by ANAC.
3. It is mandatory for the proposal to contain the opinions of the administrative entity, the management entity and the Administrator of the conservation area if it is submitted by ANAC.
4. The creation of a conservation area within another conservation area is exempt from:
  - a) the environmental impact study;
  - b) public consultations, except in the event that it is necessary to resettle persons outside the limits of the conservation area to be created.
5. In case the authority approving the new conservation area is different from the authority approving the original conservation area, no decision will be made to create the new conservation area without the consent of the authority approving the original conservation area.
6. The new conservation area is administered, managed and follows the rules governing the type of conservation area that has been assigned to it.
7. The Administrator of the original conservation area participates as a full member in the Management Council of the conservation area created within the original conservation area.
8. The creation of a conservation area, totally or partially, within another conservation area, requires the modification of the limits of the original conservation area, whose alteration is made unofficially by the authority approving the original conservation area, on request of the authority approving the new conservation area, in case these are different.

### SECTION III

#### **Modification of conservation areas**

##### Article 34

##### **(Modification of conservation areas)**

1. The modification of the limits, objective, purpose or classification of a conservation area shall follow the same proceedings, with the necessary adaptations, as those established for its creation.
2. The modification of the limits of a conservation area may be proposed by the same entities that are competent to propose its creation.
3. The authority approving the conservation area whose modification is requested is obliged to hear the opinion of the entity that administers or owns it or both, if its modification has not been requested by any of these entities.
4. The expansion of the limits of a conservation area requires a new environmental impact study and new public consultations with respect to the new areas covered by the expansion.
5. The modification of the limits of the conservation area by virtue of the creation of another conservation area, totally or partially, within the confines of the former does not imply any new study nor does it require public

consultations and is done simultaneously with the creation of the new conservation area.

### SECTION IV

#### **Termination of conservation areas**

##### Article 35

##### **(Termination of conservation areas)**

1. The termination of a conservation area shall follow the same proceedings, with the necessary adaptations, as those established for its creation.
2. The termination of a conservation area may be proposed by the same entities that are competent to propose its creation.
3. The authority approving the conservation area whose termination is requested is obliged to hear the opinion of the entity that administers or owns it or both, if its termination has not been requested by any of these entities.
4. The termination of a conservation area is done in accordance with the closure program of the conservation area included in its Management Plan.
5. The proposal for the termination of a conservation area containing wild animals indicates the destination to be given to these animals and the proceedings to be followed in order to achieve this objective.

##### Article 36

##### **(Termination of game farms)**

1. In case of repeated non-compliance with the obligations set forth in the Farm Management Plan or of violation thereof, ANAC notifies the administrative entity of the game farm, giving it a deadline of at least 90 days, in order to comply with the obligations that have not been honored or that have been violated.
2. In case the administrative entity does not comply with the obligations that have not been honored or that have been violated, without any justification or offering a justification that is not accepted by ANAC, ANAC proposes in writing to the authority approving the game farm to terminate the latter, notifying in writing the administrator of the game farm.
3. The administrative entity of the game farm may lodge an appeal against the decision to terminate the game farm within a period of ten days, counting from the notification of termination of the game farm.

### SECTION V

#### **Buffer zone**

##### Article 37

##### **(Definition and objectives of the buffer zone)**

1. The buffer zone is a delimited territorial area around the conservation area, forming a transition zone between the conservation area and the multiple use area, with a view to control and reduce impacts from activities that are incompatible with the conservation of biological diversity, both from within to beyond and from beyond to within the conservation area.
2. The buffer zone is created for the Full Natural Reserve, the national park and the special reserve, and it is optional for other types of conservation area.
3. The creation of the buffer zone aims at:

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- a) forming a buffer zone around a conservation area that minimizes the pressures of the various human activities;
  - b) the protection of courses and other water sources, thus safeguarding their quality and quantity;
  - c) the promotion and maintenance of the landscape in general and of tourism development, with the participation of the private sector and local communities;
  - d) the promotion of environmental education, serving as a basis for consolidating the attitude of respecting the needs and activities related to conservation and quality of life;
  - e) containing continuous and unplanned urbanization;
  - f) the consolidation of appropriate uses of activities complementary to the proposal of the management plan for the conservation area;
  - g) extending the conservation measures in order to promote the sustainable use of natural resources;
  - h) provide the function of ecological corridors in order to ensure the maintenance of the biological structure and processes, the connectivity of habitats as well as the movement of genetic material between conservation areas.
4. The specific activities permitted, conditioned or prohibited within the buffer zone are those provided for in the approved management plan and complying with the prevailing legislation.
  5. Any activity in the buffer zone likely to affect its biotic is to be approved by the agency implementing the management of conservation areas and subject to environmental licensing, based on an environmental impact assessment in accordance with specific legislation.
  6. In addition to complying with the provisions of the current environmental legislation and the management plan of the conservation area in question, undertaking any project activity or implementation is dependent on the positive opinion of the entity that administers the respective conservation area.

## SECTION VI Resettlement

### Article 38

#### (Cases of resettlement)

The State may resettle outside the conservation area the population residing within the limits of a conservation area, whose legal status does not permit its presence or where the permanent residence of human beings prevents its proper management.

### Article 39

#### (Expropriation and statement of public interest)

1. In case the creation of a conservation area in the public domain of the State is proposed by the entity approving the conservation area, the Council of Ministers shall issue a declaration of public interest concerning the conservation area, followed by the process of expropriation pursuant to the prevailing legislation for land use planning.
2. The declaration of public interest is published in the 1<sup>st</sup>

Series of the Bulletin of the Republic, with the dispatch containing the topographical map of the future conservation area.

### Article 40

#### (Resettlement procedures)

1. The resettlement process provided for in the previous articles follows the procedures established in the prevailing legislation on resettlement by elaborating the resettlement plan, the guiding document for all resettlement operations.
2. The elaboration of the resettlement plan is the responsibility of the entity that proposed the creation of the conservation area and is approved by the competent authority, with a binding opinion from the Technical Committee for Monitoring and Supervision of the Resettlement Process.
3. The Technical Committee for Monitoring and Supervision of the Resettlement Process is directed by the representative of the sector with oversight of the area of land use planning and, in addition to the members indicated in the prevailing legislation, includes a representative of ANAC and, if applicable, the Administrator of the conservation area where the resettlement process is taking place.

## SECTION VII

### Signalling

### Article 41

#### (Obligation to put up signs)

1. It is incumbent upon the entity administering the conservation area to properly signal it.
2. The conservation area is equipped with the following signaling, divided into four types:
  - a) directional - the signal that indicates the direction and path that the hiker has to follow;
  - b) confirmatory – the signal that, just after a fork, confirms that the hiker made the right choice;
  - c) soothing – the signal that from time to time reassures the hiker that he is on the right track;
  - d) inductive - signaling used for safety or maintenance. This is the signal that persuades the hiker to move in the direction of interest to the conservation area, preventing him/her from trampling sensitive areas, encouraging him/her not to take shortcuts, and choose longer routes rather than short ones with a high potential for accidents or environmental damages.
3. The conservation area should have:
  - a) Signs at all major entrances as well as at other strategic locations so as to clearly signal the boundaries of the conservation area and the buffer zone;
  - b) Signs at the main entrances containing essential information for visitors and users of the conservation area, such as maps, the main rules that apply to the use of natural resources, and tables with all fees applicable to visitors;
  - c) route indications at the main intersections within the conservation area limits, and nameplates at inspection posts and other existing facilities in the conservation

- area;
- d) signs informing that the administration of the area is not liable for any damages or injuries caused by wild animals;
  - e) educational and regulatory signs aimed at stimulating a type of behavior, reporting some danger or prohibiting certain actions, which have to be posted in place that is visible and difficult to vandalize;
  - f) Base plates that have a greater amount of information and are to be posted in all places where a track crosses the main roads and places where visitors of the conservation areas concentrate.
4. Warning signs shall be posted whenever there is a permanent, temporary or seasonal danger.
  5. It is incumbent upon the entity with oversight of the national network of conservation areas to elaborate standards for the different categories of conservation areas concerning the colors, dimensions, and other aspects of the signs, so that there is uniformity in all conservation areas in the country.

## CHAPTER IV

### Administration of Conservation Areas

#### SECTION I

##### General Provisions

###### Article 42

###### (Administration of Conservation Areas)

1. Conservation areas that are legally created and placed under its administration, are administered by ANAC.
2. Conservation areas that are not included in the previous number of this article are administered by whoever is designated by the entity that approved them.

###### Article 43

###### (Organs of Conservation Areas)

1. Conservation areas will have the following organs:
  - a) administrator of the conservation area;
  - b) management council.
2. Conservation areas that are not administered by ANAC may have other management bodies to be defined in the regulations of the conservation area in question.

#### SECTION II

##### Administrator of the Conservation Area

###### Article 44

###### (Powers of the Administrator of the Conservation Area)

1. The powers of the administrator of the conservation area in the public domain of the State and administered by ANAC are those included in the Standard Statute of Conservation Area Administrations.
2. The administrator of the community conservation area, the official preserve, the conservation area in the private domain, or another whose administration does not belong to ANAC has the powers assigned to him/her by the owner of the conservation area or, in case of a concession, by the concessionaire, and he/she shall also:
  - a) communicate to the owner or concessionaire of the

conservation area and to the district authorities all occurrences of a sanitary or teratology nature or any other that are of interest for the knowledge of animal or vegetal pathology;

- b) communicate to the owner or concessionaire of the conservation area and to the district authorities any occurrence that indicates any disturbance of an ecological nature;
  - c) convene and chair the management board;
  - d) represent the management board before public and private bodies, in events and in relations with third parties;
  - e) ensure coordination with the management board;
  - f) report to the management board on his/her activities;
  - g) provide to the management board, and after its assessment, to ANAC and to the respective district and provincial governments, the quarterly reports, the annual implementation plan and the annual activity report of the conservation area, component plans and relevant budgets;
  - h) issue an opinion on the licensing of activities to be undertaken in the conservation area and its buffer zone.
3. The administrator of the conservation area may be assisted by a deputy administrator who is responsible for supporting the administrator in his/her respective functions and tasks.

###### Article 45

###### (Appointment)

1. The administrator of the conservation area in the public domain of the state is appointed by the minister with oversight of the conservation areas, upon a proposal by the general director of ANAC.
2. The administrator of the conservation area in the public domain of a municipality is appointed by the chairman of the municipal council of the municipality in question.
3. The administrator of the community conservation area, the official preserve and the conservation area in the private domain is appointed by the entity that manages the conservation area.

#### SECTION III

##### Management Board

###### Article 46

###### (Management Board)

1. The conservation area management board is an advisory body of the conservation area administration.
2. The conservation area management board supports the conservation area administration in:
  - a) implementing and monitoring of compliance with management plans;
  - b) supervising conservation areas and buffer zones;
  - c) reviewing the management plan in partnership with all interested parties at least once every five years;
  - d) responding to the development needs of the communities legally residing in conservation areas and buffer zones;
  - e) elaborating strategic plans for the development of conservation areas, as well as plans for the tourist development in these areas;

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- f) pursuing new income activities that will reduce the pressure exerted by local communities on biodiversity, including biodiversity-based businesses;
  - g) supervising the implementation of concession contracts with operators within the context of developing public-private and community partnerships;
  - h) taking measures to strengthen the conservation capacity within the context of the management plan;
  - i) elaborating development plans for public utility infrastructures related to the conservation area.
3. It is also incumbent upon the management board to:
- a) assess the annual activity plan and the management plan of the conservation Area;
  - b) assess the subsidiary component plans on which the annual plan is based.
4. In the community conservation areas, official coutadas, and private conservation areas, the management board may define other matters within its competence.

#### Article 47

##### **(Composition of the Management Board)**

1. The conservation area management board is chaired by the conservation area administrator.
2. With the exception of game farms and preserves, the conservation area management board consists of:
  - a) the administrator of each district of the geographical area where the conservation area or its representative is located;
  - b) at most 3 representatives of the natural resource management committees of the geographical area of the conservation area's footprint;
  - c) at most 3 representatives of the community fisheries boards in the geographical area of the conservation area's footprint in case it covers marine areas or inland waters with significant fishing;
  - d) at most 3 representatives of the private sector, located in the geographical area of the conservation area's footprint;
  - e) at most 3 representatives of social associations, located in the geographical area of the conservation area's footprint;
  - f) at most 3 conservation, biodiversity or wildlife specialists;
  - g) an official from the department of conservation and an official from the department of inspection for the conservation area in question.
3. In game farms and preserves the management board consists of:
  - a) The administrative entity of the conservation area or its representative;
  - b) The district administrator of the geographical area where the conservation area or its representative is located;
  - c) a representative of the natural resource management committees of the geographical area of the conservation area's footprint.
4. When the nature of the matters so warrants, the chairman of the management board may invite experts of recognized competence and other persons or other entities to

participate in meetings of the board, who will have the right to speak on matters of their specialty.

5. ANAC may be represented in the sessions of the management board whenever it so deems convenient and necessary, with the representative having the right to speak on all matters under discussion.
6. In conservation areas that are not under the exclusive administration of ANAC, the management board may include other members, to be defined by the administration of the conservation area.

#### Article 48

##### **(Rights and duties of Management Board members)**

Generally speaking the rights and duties of the members of the management board are:

- a) attend the meetings of the management board;
- b) discuss and evaluate the matters submitted to the general meeting;
- c) propose matters for the agenda and future meetings;
- d) propose the extraordinary convocation of the management board;
- e) request information, measures and technical clarifications;
- f) access all information of the management council;
- g) present recommendations on issues subject to assessment;
- h) participate in the elaboration and/or review of the management plan, the regulations and other fundamental instruments that govern the conservation area in question.

#### Article 49

##### **(Representatives of natural resources management committees)**

1. The management board members representing the natural resources management committees of the geographical area where the conservation area is located are appointed by the natural resource management committees for a non-renewable period of 3 years, and their names and identities are communicated to the administrator of the conservation area by the locality or settlement in question.
2. Until such time as new representatives of the natural resources management committees are appointed, those who exercise their mandate shall remain in office.

#### Article 50

##### **(Representatives of the Private Sector)**

1. The representatives of the private sector in the management board are chosen by their peers from the business community of the geographical area of the conservation area's footprint for a non-renewable period of 3 years, from among the economic sectors that most directly are related to the conservation area.
2. Until such time as new private sector representatives are appointed, those who exercise their mandate shall remain in office.

## Article 51

### **(Conservation, biodiversity or wildlife specialists)**

1. The conservation, biodiversity and wildlife specialists referred to in Nr. 2 of paragraph f) of Article 47 are appointed or indicated by the director of ANAC from among ANAC officials or individuals of recognized scientific merit.
2. In the conservation areas that are not under the exclusive administration of ANAC, these specialists are appointed by the management entity of the conservation area, having heard ANAC.

## Article 52

### **(Meetings of the Management Board)**

1. The management board shall ordinarily meet once every six months, and extraordinarily whenever it is required to be convened by a majority of its members.
2. The management board is convened by the conservation area administrator, who in the notice indicates the date, time, place and agenda of the meeting.
3. Ordinary management board meetings are convened at least fifteen days in advance while extraordinary meetings are convened at least seven days in advance.
4. It is the responsibility of the administrative services of the conservation area to take care of the secretariat and all the logistics of the management board meetings.

## Article 53

### **(Work order)**

1. Management board sessions have the following order:
  - a) registry of attendance and non-attendance;
  - b) opening of the session or declaration of its postponement;
  - c) assessment and approval of the agenda;
  - d) approval of the minutes of the previous session;
  - e) discussion of agenda items;
  - f) closure of the session.
2. Management board members are entitled to submit proposals for items to be added to the initial agenda, which are included if approved.

## SECTION IV

### **Internal Structure of Conservation Areas**

## Article 54

### **(Internal Structure of Conservation Areas administered by ANAC)**

The organic structure of the conservation areas under administration of ANAC is contained in the Statute - Type of Administrations of conservation areas.

## Article 55

### **(Internal Structure of Conservation Areas not administered by ANAC)**

1. Community conservation areas, official preserves and conservation areas in the private domain may have the internal structure provided for conservation areas

administered by ANAC in the prevailing legislation or another one considered more appropriate by the entity responsible for their management.

2. Notwithstanding the provisions of the previous number of this article, and with the exception of cultural and national monuments and of sanctuaries that are not required to have the least internal structure, conservation areas that are not administered by ANAC shall guarantee that they have:
  - a) a research and monitoring department;
  - b) a conservation department;
  - c) a tourism department;
  - d) community development;
  - e) a protection and surveillance department.

## SECTION V

### **The Role of ANAC in Conservation Areas administered by other Entities**

## Article 56

### **(Community Conservation Areas)**

In community conservation areas, ANAC is responsible for coordinating the following obligations with local government agencies:

- a) assist and advise local communities on the creation, implementation, modification and termination of community conservation areas;
- b) participate in the elaboration of the Management Plan of the community conservation area and its implementation;
- c) assist and advise the management entities of community conservation areas on the elaboration and follow-up of co-management agreements and concession agreements concerning economic activities
- d) provide support to the monitoring of natural resources;
- e) monitor and evaluate performance and results of the community conservation area in terms of ecological aspects and community benefits.

## Article 57

### **(Game Farms and Sanctuaries in the Private Domain)**

In game farms sanctuaries in the private domain, ANAC is responsible for coordinating the following obligations with local State organs:

- a) Advise the owner of the game farm or sanctuary on the creation, modification and termination of the game farm or sanctuary;
- b) Issue recommendations and approve the Management Plan of the conservation area;
- c) Follow up and supervise the implementation of the Management Plan;
- d) Provide support to the monitoring of natural resources;
- e) Monitor and evaluate the performance of the game farm or sanctuary.

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CHAPTER V  
**Management of Conservation Areas**

Article 58  
**(Management of Conservation Areas)**

1. Conservation areas can be managed by public and private entities, public-private partnerships, educational or scientific institutions, civil society organizations or local communities.
2. The above entities may manage conservation areas with the involvement of other entities that ensure the necessary resources for the effective and sustainable management of conservation areas.

Article 59  
**(Management Models)**

1. The management model of conservation areas is chosen based on a multi-criteria analysis that focuses on benefiting the conservation of biodiversity and the sustainable use of the environment, taking into account the existing local communities.
2. For the purposes of the provisions in the previous number, the management models for conservation areas are:
  - a) Management by the State;
  - b) Management through Public-Private Partnerships (PPP);
  - c) Management by the private sector;
  - d) Management by civil society organizations;
  - e) Community management.
3. Conservation areas in the private domain are directly managed by the owner in accordance with the prevailing legislation, with the obligation to provide information to the entity with oversight of the conservation areas whenever required.

Article 60  
**(Management by the State)**

The financial resources for the management by a public institution of conservation areas in the public domain of the State are made available by the State Budget, and funds may be accepted by other public or private entities, which may also provide technical assistance and support in the implementation of management priorities.

Article 61  
**(Management by Public Private Partnership)**

1. Conservation areas in the public domain of the State are managed by Public-Private Partnerships on the basis of a contract in accordance with the prevailing legislation governing public-private partnerships.
2. In the case of a non-profit partnership, the contract to be entered into shall take into account the altruistic nature of the partnership, to the extent permitted by the prevailing legislation.
3. The Public-Private Partnership may be established with private sector entities, civil society organizations or local communities.
4. Non-profit Public-Private Partnerships may not have a

duration of more than 50 years, and the administrator and the supervisor shall be national citizens, appointed by the State.

Article 62  
**(Management and Conservation Area Categories)**

The categories of conservation areas can be grouped as follows, in accordance with the management models mentioned in article 60:

- a) Full Natural Reserve, National Park and Special Reserve:
  - Management by the State;
  - Management through Public-Private Partnerships.
- b) Natural and Cultural Monument:
  - Management by the State (or Municipality);
  - Management through Public - Private Partnerships;
  - Management by the private sector;
  - Management by educational or scientific institutions or civil society organizations;
  - Community Management.
- c) Environmental Protection Area:
  - Management by the State;
  - Management through Public - Private Partnerships
- d) Official Preserve:
  - Management by the private sector.
- e) Community Conservation Area:
  - Community management.
  - Management through partnerships between the Local Community and the private sector or civil society organizations
- f) Sanctuary:
  - Management by the State;
  - Management through Public-Private Partnerships;
  - Management by the private sector, educational or scientific institutions and civil society organizations;
  - Community management;
  - Management through partnerships between the Local Community and the private sector or civil society organizations.
- g) Game Farm:
  - Management by the private sector;
  - Management by civil society organizations;
- h) Municipal Ecological Park:
  - Management by the State (Municipality);
  - Management through Public-Private Partnerships;
  - Management by civil society organizations.
- i) Cross-border conservation areas:
  - Management by the State.

Article 63  
**(Management of Community Conservation Areas)**

1. Community conservation areas shall be managed by one or more local communities, which may enter into partnership agreements with the private sector or with civil society organizations.
2. Local communities have the following obligations:
  - a) preserve the biological and socio-cultural heritage;
  - b) participate in the management and promotion of the

- sustainable use and benefit of natural resources;
  - c) comply with the norms of the Management Plan;
  - d) pass on ecological and socio-cultural knowledge from generation to generation;
  - e) protect wildlife corridors.
3. By ministerial diploma, the Minister with oversight of the conservation areas approves additional standards for the mechanisms to manage community conservation areas.

## CHAPTER VI

### Management Plans and Closure Programmes

#### SECTION I Management Plans

##### Article 64

##### (Management by Management Plan)

Conservation areas are managed by means of a Management Plan.

##### Article 65

##### (Nature and Legal Regime of Management Plans)

1. Conservation areas are managed by means of the respective management plan, which is a technical document based on the general objectives of the conservation area and includes the activities and other technical measures to be implemented by the various stakeholders in conservation, administration and management, to which applies the legal regime of territorial management instruments as defined in prevailing legislation, with the specifics contained in these Regulations.
2. The Management Plan shall be accompanied by a Specific Regulation of the Conservation Area, which establishes in legal form the options defined in the former.
3. As long as the management plan is not in place or is in preparation, the conservation area may be managed by means of a statement of intent concerning its management under the law.
4. The statement of intent is elaborated by the management entity of the conservation area and approved by the ministry with oversight of the conservation areas.
5. The statement of intent referred to in the previous number is valid for a renewable maximum period of 24 months.

##### Article 66

##### (State and Duration of the Management Plan)

1. The management plan covers the entire conservation area and its buffer zone, including measures to promote its integration into the economic and social life of local communities.
2. The management plan of a conservation area is drawn up for a period of five to ten years, and may be revised, partially or totally, whenever necessary.
3. The management plan shall be elaborated within a period of at most 24 months, counting from the date of creation of the conservation area.

##### Article 67

##### (Procedures for the elaboration and approval of the Management Plan)

1. It is incumbent upon the administration of the conservation area to elaborate and review the proposed management plan.
2. The proposed management plan is submitted for assessment to the Provincial Government of the province where the conservation area in question is located and to the Conservation Area Management Board, which shall always include a representative of the entity with oversight of the areas of conservation.
3. If the conservation area extends beyond the jurisdiction of a province or district, it is incumbent upon the entity in whose territory the largest part of the conservation area is located to issue the opinion referred to in the preceding number.
4. After the assessment of the proposed management plan by the Provincial Government and the Conservation Area Management Board, it is sent to the entity with oversight of the national network of conservation areas, which is responsible for submitting it to the competent authority, in accordance with the provisions of the following article of these Regulations.

##### Article 68

##### (Authority for the approval of the Management Plan)

1. The management plan for full natural reserves, national parks, cultural and natural monuments in the public domain of the State, special reserves, environmental protection areas, cross-border conservation areas, sanctuaries in the public domain of the State. State and of community conservation areas, is approved by the minister with oversight of the conservation areas.
2. The management plan for official preserves, game farms, cultural and natural monuments in the private and community domain, as well as sanctuaries in the private domain, is approved by the general director of ANAC.
3. The management plan for municipal ecological parks and municipal cultural and natural monuments, is approved by the Municipal Assembly of the municipality in question.
4. The management plan for cultural and natural monuments in the private domain is approved by the Provincial Directorate with oversight of environmental matters.
5. The provisions of the preceding paragraphs apply to the specific Regulations of the conservation area.

##### Article 69

##### (Contents and Structure of the Management Plan)

1. It is incumbent upon the entity that administers and manages the national network of conservation areas to elaborate specific guidance instruments or guidelines concerning the content of the management plans of the different conservation area categories.
2. The specific instruments or guidelines referred to in the preceding number may be adapted in accordance with the conservation areas under public-private, municipal, private, or community management.

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3. The Management Plan shall, whenever possible, contain:
  - a) the management vision and objectives and their time range;
  - b) the classification of the area and its geographical limits, plus the map of the area together with its zoning, including the buffer zone;
  - c) the history of the conservation area;
  - d) the legal framework of the activity to be undertaken in the conservation area;
  - e) a biophysical and socioeconomic characterization of the conservation area in question;
  - f) the components, arrangements and structure of management and the involvement of partners;
  - g) the facilities and infrastructure necessary for the management of the area and each identified zone;
  - h) special plans that must be elaborated to deal in detail with all aspects of the infrastructure or area management needs;
  - i) the studies necessary to better understand the area, containing the follow-up of environmental and use conditions necessary to support the management and economic evaluation of corresponding investments, if any;
  - j) the updated flora and fauna inventory of the conservation area in question, attached to the Management Plan;
  - k) uses that are considered forbidden and those that are subject to authorization in accordance with the protection needs of the area, without prejudice to those already established in the Law on Biodiversity Conservation;
  - l) urban planning provisions, architectural standards and complementary protective measures, in accordance with the stipulations of the Law, which do not exempt from complying with existing provisions;
  - m) guidance of the management of natural resources and any measures to restore the environment or species in critical condition;
  - n) provisions on relations with local communities, including improvements in living conditions;
  - o) fire management plans;
  - p) pasture management plans, where applicable;
  - q) plans for the protection of the conservation area, containing models, strategies, and operational techniques for the prevention and fight against illegal and prohibited activities in the conservation area;
  - r) the standards governing visits of the area, when necessary, the safety of visitors, aspects of information and interpretation of nature and, in general, all public use.
4. The Management Plan has the following structure, whenever possible:
  - a) an Introduction which includes:
    - i. the approach of how to manage the planning process for the management plan;
    - ii. the history of the conservation area;
    - iii. legal status;
    - iv. management structure and partnerships.
  - b) contextualization including:
    - i. regional contextualization;
    - ii. biophysical characteristics;
    - iii. socioeconomic and cultural features;
    - iv. operational values and principles;
    - v. vital attributes;
    - vi. threats and challenges.
  - c) vision
    - i. short version of vision;
    - ii. vision statement;
    - iii. management objectives;
    - iv. thresholds of management concerns.
  - d) planning and inclusive governance
    - i. objective of zoning;
    - ii. zoning categories.
  - e) management programmes
    - i. habitat and species conservation programme;
    - ii. programme for the management of resident communities and the use of resources;
    - iii. tourism development and management programme;
    - iv. protection and security programme for the conservation area;
    - v. research programme;
    - vi. management and finance program of the conservation area;
    - vii. development, management and infrastructure programme;
    - viii. effective management programme.
  - f) monitoring of the management plan
  - g) implementation plan
  - h) financial plan
  - i) bibliographic references.
5. the main management components that should be focused on and developed in a management plan are, whenever possible, the following:
  - a) finances;
  - b) human resources;
  - c) protection and supervision;
  - d) infrastructures;
  - e) ecology;
  - f) historical and cultural heritage;
  - g) community development;
  - h) tourism;
  - i) research and scientific activity;
  - j) monitoring and evaluation.
6. for each of the management components, instruments and indicators should be identified to measure the performance of the conservation area.

#### Article 70 (Zoning Categories)

1. It is mandatory for the Management Plan to contain the zoning of the conservation area.
2. Zoning of the conservation area may include the following zoning categories:
  - a) the total protection area in which a higher degree of protection of natural resources is wanted. Having identical prohibitions, this area is therefore equated with an Full Natural Reserve;



- b) the tourism development area for which should be specified the type of authorized tourism activities, such as hunting tourism or ecotourism, and for which concessions may be planned;
  - c) controlled use area for which permitted sustainable activities will be defined. Several controlled use areas with specific rules for each may be located within the same conservation area, whenever the management and development needs of the area so require;
  - d) community development area where customary activities of resident local communities are authorized, which may include conservation agriculture, harvesting and/or extraction of non-timber forest products, medicinal plants, agro-forestry activities, fishing, small game hunting for subsistence purposes, animal husbandry, among other things, provided that these activities:
    - i. do not adversely affect the conservation objectives of the area;
    - ii. do not result in the transformation of natural habitats;
    - iii. respect the limits established by the conservation area concerning aspects such as type of activity, its location, size, quantities, equipment used, among other things;
    - iv. are authorized by the management entity of the conservation area in the terms established in the respective Management Plan, and provided that they are not subject to licensing of economic activities provided for in the prevailing legislation.
  - e) economic development area, to exist only in the Environmental Protection Areas of and in the Cross-Border Conservation Areas, in which economic activities will be authorized that respect the limits established in the Management Plan.
  - e) identification of procedures for environmental rehabilitation and/or translocation of fauna;
  - f) evaluation of options for rescue and/or salvage of fauna;
  - g) evaluation of the destination options for the translocation of fauna;
  - h) evaluation of waste management and of records of processes and works;
  - i) estimation of costs for environmental rehabilitation and/or translocation of fauna, as well as for the monitoring of this process by ANAC.
4. The Closure Plan is approved by the general director of ANAC.
  5. The Closure Plan shall be reviewed every five years by the owner of the conservation area and submitted for approval to the general director of ANAC.

### SECTION III

#### **Consultants for the elaboration of the Management Plan, the Inventory of Wildlife and Forest Resources and the Closure Plan**

##### Article 72

#### **(Mandatory Registration)**

1. The management plan of privately owned conservation areas, the inventory of wildlife and forest resources in privately owned conservation areas and the Closure Plan may only be elaborated by technicians authorized as consultants, under the terms and conditions established in this section.
2. They may be registered as an individual consultant, consulting firm or consortium of consulting firms or institutions dedicated to conservation and environmental studies.
3. Registration as consultant to elaborate management plans, the inventory of wildlife and forestry resources and the closure plan is subject to the payment of a single fee to the amount of 5 minimum wages as paid in the public sector.
4. ANAC keeps the register of consultants authorized to elaborate management plans, inventories of wildlife and forest resources and closure plans updated.

##### Article 73

#### **(Competencies)**

It is incumbent upon the general director of ANAC to license persons eligible for the elaboration of management plans, inventories of wildlife and forest resources and closure plans in conservation areas.

##### Article 74

#### **(Individual Consultants)**

- ### SECTION II
- #### **Closure Plan**
- ##### Article 71
- #### **(Closure Plan)**
1. Conservation areas in the private domain with animals in captivity shall have a plan for the closure or deactivation of the conservation area in case it is terminated, be it at the request of the owner or because it is decreed to be terminated by the competent entity for sound reasons.
  2. The Closure Plan covers the entire conservation area and its buffer zone, as the case may be.
  3. The Closure Plan shall contain at least the following information:
    - a) brief biophysical and socioeconomic characterization of the area in question;
    - b) identification and quantification of existing fauna and flora;
    - c) characterization of existing equipment and waste and indication of the treatment and/or destination to be given to these in case of deactivation;
    - d) identification of potential environmental, social, economic or cultural damages;

1. The requirements for an individual consultant for the elaboration of management plans, inventories of wildlife and forestry resources and closure plans are the following:
  - a) a masters or doctoral level in at least one subject of wildlife and forest resources management, conservation biodiversity and the environment of or related areas;
  - b) a bachelor's degree and at least five years of experience

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in wildlife and forest resources management, conservation of biodiversity and the environment or related areas.

2. The request to obtain an Authorization Card shall contain:
  - a) request for the issuance of the Authorization card;
  - b) two passport photographs;
  - c) qualification certificate;
  - d) equivalence certificate for courses taken abroad;
  - e) curriculum vitae.

#### Article 75

##### **(Legal Persons)**

Companies or consortia, as well as institutions, shall submit:

- a) documents proving the legal existence of the company or institution in question;
- b) an indication of the team leader who fulfills the requirements of the previous article.

#### Article 76

##### **(Procedures)**

1. The request to obtain the Authorization Card is addressed to the general director of ANAC and may be submitted at the ANAC headquarters, at ANAC delegations or at the Provincial Directorate with oversight of the conservation areas.
2. ANAC has a period of 15 days to issue the card, counting from the date of the request's entry into its headquarters.

#### Article 77

##### **(Liability of Consultants)**

1. Consultants for the preparation of management plans, inventories of wildlife and forest resources, and closure plans are held liable on civil and criminal terms for the information they provide in the inventory reports and for the contents of the Management Plan and the Closure Plan.
2. The general director of ANAC may cancel the registration of the consultant or of the company or institution concerned, when the latter presents technically unacceptable inventories or management plans, the implementation of which may jeopardize the sustainability of the resource.

### CHAPTER VII

#### **Permitted and banned activities in Conservation Areas**

#### SECTION I

##### **General Provisions**

#### Article 78

##### **(Categories of banned activities in conservation areas)**

1. The following activities are strictly prohibited in the Full Natural Reserve, except for scientific reasons and provided no infrastructure is being built:
  - a) hunting, fishing, camping, undertaking any forestry, agricultural, mining or livestock breeding operations;

- b) conducting research, prospecting, drilling, undertaking earthworks or works designed to modify the appearance of the terrain or vegetation;
  - c) introducing or harvesting any zoological or botanical species, whether exotic, wild or domestic;
  - d) any action that affects biological diversity.

2. The following activities are strictly forbidden in national parks, except for scientific or maintenance reasons:

- a) hunting, undertaking any forestry, agricultural, mining or livestock breeding operations;
- b) conducting research or prospecting, drilling or constructing landfills;
- c) all works that tend to modify the appearance of the land or the characteristics of the vegetation, and that cause water pollution;
- d) any introduction of zoological or botanical species, whether exotic or wild;
- e) any act which by its nature may disturb the preservation of ecological processes, flora, fauna and the cultural heritage.

3. The following activities are strictly forbidden in the special reserve, except for scientific or maintenance reasons:

- a) sport and commercial hunting or undertaking any forestry, agricultural, mining or livestock breeding operations, except those permitted by the Management Plan;
- b) conducting research or prospecting, drilling or the construction of landfills;
- c) all works that tend to modify the appearance of the land or the characteristics of the vegetation, and that cause water pollution;
- d) any introduction of zoological or botanical species, whether exotic or wild;
- e) any act which by its nature may disturb the preservation of ecological processes, flora, fauna and the cultural heritage.

4. Forbidden in the official preserve are activities that are likely to compromise the objectives of the concession contract for hunting activities and for the protection of species and ecosystems entered into between the State and the concessionaire.

#### Article 79

##### **(Activities permitted in conservation areas)**

1. Without prejudice to the provisions of the previous article and under the terms set forth in these Regulations, for reasons of necessity, utility or public interest, activities in conservation areas may be authorized in accordance with the objectives of each conservation area category and provided they are specified in the Management Plan, including:

- a) tourism;
- b) hunting;
- c) hunting, fishing and exploitation of forest resources;
- d) capture of live animals and collection of eggs;
- e) beekeeping;
- f) scientific research.

2. In all areas of conservation sightseeing is allowed, unless

- prohibited by the Management Plan.
3. People are admitted in national parks under the controlled conditions provided for in the Management Plan, provided they do not constitute a threat to the preservation of natural resources and biological diversity.
  4. In environmental protection areas natural resources may be exploited, in accordance with the integrated development plan.
  5. In official preserves the use of forest and fauna resources by local communities is allowed, provided this is undertaken in a sustainable way for subsistence purposes and without compromising the objectives of the creation of the official preserve.
  6. In community conservation areas and sanctuaries, the sustainable use of natural resources is allowed subject to having a special license.
  7. The management plans of conservation areas may allow other activities by specifying the terms and conditions under which these may be undertaken and provided they do not infringe the conservation objectives for which these areas have been created.

Article 80  
**(Tourism)**

1. Tourism in conservation areas has to be ecologically sustainable and depend on the limits imposed by the Management Plan, with the following activities being allowed:
  - a) hunting in sustainable use conservation areas;
  - b) recreational tourism;
  - c) sightseeing.
2. Building tourism infrastructures in conservation areas in the public domain of the State does not imply the right to partial occupation, except in the case of time-sharing, in accordance with the rules as set out by the Management Plan.

Article 81  
**(Activities on Game Farms)**

1. The management, breeding, rearing, import or export of wild animals as well as the facilities and infrastructures of game farms are regulated by regulations approved by the minister with oversight of the conservation areas.
2. The game farm owner may undertake the balanced exploitation of certain species for the production of meat and the use of other derivatives and by-products.
3. The game farm owner who keeps animals in captivity is responsible for their feeding, health and upkeep.
4. The game farm owner owns the animals that are introduced.
5. In case the game farm owner intends to explore the animals found in the area, he/she is to acquire the right to slaughter wild animals, taking into account the following aspects:
  - a) the right to slaughter wild animals is acquired for all species whose slaughter price is regulated by specific legal provisions, with the exception of birds;
  - b) the game farm owner is responsible for submitting to the provincial or regional ANAC branch a survey of the existing populations of the species mentioned in the previous paragraph;

- c) the population survey of existing species is subject to on-site verification by the provincial or regional ANAC branch and the costs of the survey and verification are to be borne by the game farm owner;
  - d) the deadline for submitting a survey is one year after issuance of the DUAT;
  - e) for game farms existing at the time of approval of these Regulations, the deadline for submitting a survey is one year after their publication;
  - f) the purchase price for the right to slaughter wild animals is the price of the trophy fee in force at the time of purchase.
6. The payment schedule of the amounts calculated in this article is agreed with the game farm owner, in accordance with his exploration plan.
  7. Animals belonging to the game farm owner are subject to a slaughtering permit.

SECTION II  
**Limitations to permitted activities**

Article 82  
**(General Provision)**

In conservation areas in the public domain of the State and their buffer zones where the presence of humans is allowed, the undertaking of economic activities by the local communities is generally subject to the conditions set forth in the following articles and in particular to the provisions of the Management Plan, which may establish other conditions or limitations and even bans on the activities referred to.

Article 83  
**(Authorization and registration by the Conservation Areas Administration)**

The exercise of economic activities by local communities shall be previously authorized by the Conservation Area Administration, which registers them and informs the applicant of the conditions under which they may be undertaken.

Article 84  
**(Agriculture and animal husbandry)**

Where agriculture by local communities in conservation areas and buffer zones is permitted, it is subject to the following conditions:

- a) each family may only work the area authorized by the conservation area administration;
- b) mechanical equipment may not be used.

Article 85  
**(Fishery)**

Where fishing by local communities in conservation areas and buffer zones is permitted, it is subject to the following conditions:

- a) the season and the fishing gear are established by the ministry with oversight of fishing, on a proposal of or heard ANAC;
- b) the places where fishing is done are defined in the Management Plan and in the case this does not exist by agreement between the entity managing the

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conservation area and the local communities represented by the natural resources management committees.

#### Article 86

##### **(Hunting)**

Where hunting for own consumption by local communities in sustainable use conservation areas and their buffer zones is permitted, it is subject to the following conditions:

- a) the terms, places, season and hunting gear shall be determined by agreement between the local communities represented by the natural resources management committees and the entity managing the conservation area;
- b) the entity managing the conservation area determines the quotas and the species hunted by the local communities;
- c) traps or other similar or equivalent means may not be used;
- d) if any animal referred to in the previous paragraph is killed due to its posing an imminent danger to human life, it shall be delivered in its entirety to the entity managing the conservation area;
- e) the hunting of any animal is authorized by the entity managing the conservation area, using the form in Annex 1 to these Regulations.

#### Article 87

##### **(Exploitation of forest resources)**

1. The exploitation of forest resources in community conservation areas by the residing local communities comply with the provisions of the applicable legislation and with the terms and conditions set forth in the Management Plan.
2. The exploitation of forest resources in community conservation areas and their buffer zones by entities from outside the area of jurisdiction of the conservation area in question can only be undertaken in partnership with local communities, in addition to having to comply with the applicable legislation and the Management Plan.
3. In conservation areas that are not community conservation areas, forestry by local communities residing in the conservation area in question shall be subject to applicable legislation, the conditions established in the Management Plan and to the following rules:
  - a) the extraction of non-timber forest products for marketing purposes shall be carried out within the limits established by agreement between the local communities represented by the natural resources management committees and the body managing the conservation area in question;
  - b) the exploitation of timber forest products for marketing purposes is not permitted;
  - c) extraction of timber and non-timber forest products for own consumption is free, but subject to registration with the body managing the conservation area in question.

#### Article 88

##### **(Beekeeping)**

Where beekeeping by local communities in conservation areas and buffer zones is permitted, it is subject to the following conditions:

- a) deforestation within the conservation area is forbidden;
- b) uncontrolled burning to extract honey is forbidden;
- c) extraction of honey in conservation areas using traditional methods is forbidden.

### CHAPTER VIII

#### **(Undertaking activities in conservation areas)**

#### SECTION I

##### **General provisions**

#### Article 89

##### **(Environmental license)**

1. The exercise of any economic activity which includes the occupation of space in conservation areas and the construction or installation of any project or building in conservation areas is preceded by an environmental impact study in accordance with the prevailing legislation, while the exercise of any economic activity without prior obtainment of the respective Environmental License or statement of exemption, as the case may be, is not authorized.
2. Exceptions to the provision in the previous number are authorizations to be granted for the exercise of economic activities by local communities in conservation areas or buffer zones that, due to their small size, may be authorized by the entity managing the conservation area in accordance with Articles 83 to 88 of these Regulations.
3. The exemption provided for in the previous number does not apply to the construction of buildings for the exercise of economic activities.

#### SECTION II

##### **Exercise of economic activities in conservation areas in the public domain of the State**

#### Article 90

##### **(General rule)**

1. The exercise of economic activities in the conservation areas in the public domain of the State implying the occupation of space is authorized by contract, preceded by a public tender.
2. The signing of the contract does not exempt from obtaining licenses or other authorizations required for the pursuit of the intended economic activities, which comply with the requirements of the prevailing legislation and whose licensing is requested from the competent authorities.

#### Article 91

##### **(Public tender)**

1. The public tender referred to in the previous article follows the general rules laid down in prevailing legislation for public works contracting, the supply of goods and the

provision of services to the State or in the legislation on public-private partnerships, large-scale projects or business concessions, depending on whether the State intends to establish a Public-Private Partnership, a large-scale project or a business concession, as the case may be, in accordance with the criteria established by prevailing legislation for the application of one or other contracting regime.

2. Only national citizens are eligible for tendering and in the case of legal persons, they shall hold 25% of the share capital held by each citizen or national citizens.
3. In the cases referred to in number 1, the granting of the special license is an integral part of the contracting, in compliance with the provisions of the following section.

### SECTION III Special license

#### Article 92

##### **(Authority for issuing the special license)**

It is incumbent upon the minister with oversight of the land sector to authorize special license applications in conservation areas in the public domain of the State.

#### Article 93

##### **(Term)**

1. The Special License is issued for the duration of the agreement giving rise to it.
2. The renewal of the license depends on the renewal of the contract giving rise to it.

#### Article 94

##### **(Contents of the Special License)**

The Special License issued pursuant to these Regulations contains the following elements:

- a) Identification of the holder of the Special License;
- b) Identification and delimitation of the area and term of the Special License;
- c) The amount of the fee to be paid each year;
- d) Other specific terms and conditions that the competent authority for issuing the Special License deems appropriate.

#### Article 95

##### **(Termination of the Special License)**

The Special License lapses by virtue of the termination, revocation or non-renewal of the contract that gave rise to it.

### SECTION IV

#### **Licensing the exercise of economic activity in sustainable use conservation areas that allow the obtainment of a DUAT**

#### Article 96

##### **(General rules)**

Licensing for the exercise of economic activity in sustainable use conservation areas that allow the obtainment of a DUAT obeys the provisions in prevailing legislation for the exercise of the activity in question, with the specifications and conditions

set forth in these Regulations.

#### Article 97

##### **(Competences and procedures for the exercise of activities)**

1. The exercise of any activity in a conservation area other than the activity that is the subject of this conservation area always requires licensing by the entity responsible for the activity in question to which the requests are submitted, accompanied by the documents and information provided for in prevailing legislation for the exercise of the respective activity, as well as the title or documentary evidence or information concerning the land rights where one intends to undertake the activity, or documentary evidence of the authorization of the holder of said land rights.
2. Licensing requests for the exercise of an activity in the conservation area are submitted for scrutiny to the conservation area administrator, whose negative opinion, duly substantiated and justified, is binding.
3. The conservation area administrator may only give a positive opinion about the exercise of the activity, if it is not prohibited in the conservation area in question, in accordance with these Regulations and the Management Plan.
4. Requests for opinions shall be submitted with all the information accompanying the request.
5. The conservation area administrator may, on a substantiated basis, request the applicant for the activity in question to submit more information or documents which he/she deems relevant for issuing the opinion requested, within a period of 15 days counting from the date of receipt of the request.
6. The conservation area administrator has thirty days, counting from the date of receipt of the request for licensing or from the submission of other information or documentation requested, as the case may be, to give the opinion referred to in the previous number.
7. The person interested in the exercise of an activity in a conservation area may request from the conservation area administrator information on whether or not the activity that he/she wishes to exercise in that conservation area is permitted by the applicable legislation and the Management Plan, before proceeding to deliver all the documentation to the competent authority for the purpose of proceeding with the authorization of the activity.
8. In cases where the conservation area is not under the direct administration of ANAC, the conservation area administrator sends his/her opinion to ANAC, which is responsible for referring the process, with his/her opinion, to the competent authority for authorizing the activity applied for, with the negative opinion of ANAC being binding.

#### Article 98

##### **(Alteration of activities)**

In addition to the provisions of the previous number, the alteration or inclusion of new activities in the conservation area requires its projection to be included in an addendum to the Management Plan.

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#### Article 99

##### **(Transfer of infrastructure)**

The transfer of infrastructure in conservation areas always requires authorization from ANAC, and the transferor shall meet the following requirements:

- a) Not having been convicted of illicit acts against biodiversity;
- b) Be a Mozambican citizen, and in the case of a legal person, hold the minimum capital of 25% held by a citizen or national citizens.

#### Article 100

##### **(Activity reports of preserves and game farms)**

1. The entity managing preserves and game farms submits the plan of activities to be undertaken in the following year by October 30 to ANAC, and the annual report on the activities undertaken in the preceding year by February 28 of the following year.
2. Failure to submit any of these reports within the period provided for in the preceding paragraph, without justification accepted by ANAC, shall be punished with the cancellation of the hunting quota for the following year.

### SECTION V

#### **Research and investigations**

#### Article 101

##### **(Research and investigations)**

1. Those interested in conducting research and investigations in a conservation area shall submit the application for authorization to ANAC.
2. It is incumbent upon the Council of Ministers to decide on the request to conduct research and investigations within a period of thirty days, counting from the date of receipt of the request.

### SECTION VI

#### **Building, basic sanitation and road network standards in conservation areas**

#### Article 102

##### **(Constructions)**

With the exception of sanctuaries where the construction or installation of buildings is strictly forbidden, conservation areas allow under the terms and conditions set forth in the management plans, and after obtaining the respective environmental license or a statement of exemption from it, the installation or construction of:

- a) buildings necessary for the functioning or for supporting the administration of the conservation area;
- b) buildings related to scientific research, of public interest, for tourism or other activities related to the purpose for which the conservation area has been created;
- c) ports and berths for vessels and ramps with erosion coating enabling vessels to have access to water resources in the conservation area;

- d) basic infrastructures for the installation of water supply systems, electric energy and telecommunications lines.

#### Article 103

##### **(Construction requirements)**

1. Construction in conservation areas shall comply with the following requirements, without prejudice to the provisions of prevailing legislation, in particular in environmental legislation, and obtain the respective environmental license or a statement of exemption from it:
  - a) Installation adapted to the terrain and vegetation, in order to avoid the building of walls, slopes and landfills with significant footprint;
  - b) Incorporate the volume of buildings harmoniously in existing surroundings.
2. The execution of any building works in areas prone to landslides or surface erosion shall be preceded by detailed geological and geotechnical studies that assess the conditions of stability and propose the necessary intervention measures.

#### Article 104

##### **(Specific sanitation rules)**

The construction works referred to in the previous article, shall comply, in addition to the provisions of prevailing legislation, with the following:

- a) for buildings not covered by a drainage and sewage treatment network it is mandatory to install watertight septic tanks with a capacity adequate to the installed capacity;
- b) the tanks referred to in the previous paragraph shall be installed in a place that is accessible and signposted, in order to allow for their cleaning;
- c) economic units shall only be allowed to start operating after the installation of the infrastructures designed to ensure the adequate treatment of waste and of their complementary equipment, and the disposal of waste without adequate treatment is prohibited;
- d) in tourist areas, the appropriate treatment of waste and sewage shall be ensured and is to be approved by the Regional Water Administration of the area of jurisdiction of the conservation area;
- e) the regular cleaning of individual or collective waste water treatment installations and the appropriate final destination of generated sludge shall be ensured;
- f) basic sanitation projects contemplating water supply networks, drainage, treatment and final disposal of waste water shall be duly approved by the competent entities, taking into account the need to guarantee the quality of the discarded waste.

#### Article 105

##### **(Road network and parking)**

1. In conservation areas where vehicles are allowed, the opening of roads to car traffic and the construction of car parks shall comply with the following requirements, without prejudice to the provisions of prevailing

legislation:

- a) roads and car parks that are paved shall be made of permeable material and drained in such a way as to ensure that drained water does not disturb or damage the environment;
  - b) drainage projects to be carried out in accordance with the previous paragraph shall be subject to a binding opinion of the competent authorities;
  - c) roads shall have a maximum transverse width of 6,5 m, including berms, with simple aqueducts or pontoons where necessary, with a course such that curves have a radius and inclinations appropriate to allow for the circulation of fire engines and surveillance vehicles;
  - d) landfills and excavations shall be kept to a minimum, avoiding the felling of trees.
2. The capacity of car parks shall comply with the maximum authorized capacity for tourism developments and recreational areas of the conservation area in question.
  3. The provisions of the previous numbers do not apply to the building of national roads crossing conservation areas and connecting with other areas of the country, which will comply with applicable legislation.

## CHAPTER IX

### **Recovery, restoration or rehabilitation of biological diversity**

#### **SECTION I (General Provisions)**

##### **Article 106 (General criteria)**

1. Degraded areas are recovered in accordance with the following criteria:
  - a) biological diversity can be recovered by means of different processes, such as restoration, rehabilitation and environmental remediation
  - b) specific activities such as reforestation or restocking fall within the concept of recovery of biological diversity;
  - c) recovery is promoted by the State and undertaken by the entity considered responsible in accordance with these Regulations;
  - d) determining responsibility for the recovery depends on the underlying cause of the need for recovery, in accordance with the provisions of these Regulations;
  - e) the definition of the type of intervention shall be based on a prior ecological assessment of the ecosystem in question;
  - f) recovery is needed whenever a habitat, an ecosystem or the population of a plant or animal species is damaged or reduced, thus compromising their natural balance, both in terrestrial and aquatic (continental or marine) environments, in accordance with the criteria established in these Regulations;
  - g) the causes of the damage, decline, reduction or degradation identified in the preceding number may be anthropogenic, either deliberate or not, or they may

be natural causes of ecological, climatic or some other origin;

- h) degraded areas to be recovered within a conservation area are identified on the basis of the priorities and criteria set forth in the corresponding Management Plan and should involve local communities if these exist or make use of the area in question;
  - i) the recovery of a given area should first analyze the potential effect of climate change in this area and its surroundings, favouring whenever possible the concept of adaptation based on ecosystems and giving priority to the use of local native species in the recovery process;
  - j) if the need for recovery in a conservation area is due to an impact resulting from human activity authorized through environmental licensing (in cases where this is permitted in accordance with the Law and these Regulations), the Recovery Plan shall be included in the Environmental Management Plan resulting from the environmental licensing process, thus ensuring respect for the location and standards defined in the Management Plan of the conservation area in question;
  - k) irrespective of whether it results from an environmental licensing process or not, if the need for recovery is to be found outside the national system of conservation areas, then recovery shall be implemented through the prior development of a Restoration Plan, a Rehabilitation Plan, or an Environmental Remediation Plan, which may or may not be integrated into other plans, such as: i) Environmental Management Plan, ii) Biodiversity Management Plan, iii) Biodiversity Action Plan, iv) Plan for Adaptation to Climate Change or some other plan of a similar nature;
  - l) in cases where the responsibility for recovery lies with the State, in addition to the priorities concerning type and location identified in the management plans of conservation areas, outside the national system of conservation areas priority shall be given to species and ecosystems that are considered threatened or declining, to critical or declining natural habitats, as well as to habitats and ecosystems that have a positive impact on climate change;
  - m) infrastructures that need to be built to support the management of a conservation area shall give priority to degraded areas, whose recovery potential is considered to be not adequate;
  - n) the recovery process of a degraded area requires the existence of a monitoring plan, with regular samplings, and which covers the entire period necessary for the recovery;
  - o) where local communities are present in or make use of the recovery area, they shall be involved in its management and monitoring.
2. The monitoring plan shall be based on an adaptive management system that provides for the general strategies for dealing with contingencies in the recovery period.

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Article 107  
**(Accountability)**

1. Whenever the need for recovery results from illegal activities within or outside the national network of conservation areas, the offender is responsible for the recovery, including its monitoring, irrespective of the penalties applicable under the law, and the final outcome of recovery shall always consist in zero net loss of biodiversity compared to the situation that existed prior to the impact.
2. The responsibility for the recovery and its monitoring lies with the entity that has caused the impacts on the environment, whether planned or not in the Environmental Impact Assessment process:
  - a) whenever the need for recovery results from an activity or project with due environmental licensing, which nevertheless causes residual impacts that have been identified during the course of the Environmental Impact Assessment, and for which a recovery plan or a management plan for counterbalancing biodiversity, which includes recovery activities, has been requested;
  - b) for the purposes of the previous paragraph, there shall be no net loss or net gain of biodiversity, in accordance with the provisions of the environmental license, or of the environmental management plan in case the former does not specify it;
  - c) when, despite the activity having a valid environmental license in accordance with prevailing legislation unforeseen impacts, including accidents, occur that cause damages in the conservation area;
  - d) for the purposes of the previous paragraph, the final result shall always be no net loss of biodiversity, compared with the situation prior to the impact.
3. Whenever the need for the recovery of a species, habitat or ecosystem results from natural processes or other causes whose liability is not attributable to third parties, the responsibility for recovery and its monitoring rests with:
  - a) the management entity, whenever the area to be recovered lies within a conservation area;
  - b) the holder of the DUAT, whenever the area to be recovered lies outside the national system of conservation areas;
  - c) in both cases the objective shall always be to achieve a net gain in biodiversity in comparison with the situation existing at the beginning of the recovery intervention.

Article 108  
**(Requirements for recovery)**

1. Species and ecosystems shall be recovered when any of the following conditions are met:
  - a) species diversity declined 20% or more below the level one would expect;
  - b) the population of a threatened species declined below the minimally viable population, or the reduction has

affected the male/female ratio in the population structure;

- c) the presence of invasive alien species;
  - d) allocation of ecological processes of ecosystems in such a way as to jeopardize its operation normal;
  - e) the capacity of ecosystems to provide environmental goods and services fell 20% or more below the level one would expect;
  - f) level of pollution and contamination capable of interfering with the normal functioning of ecosystems.
2. The verification of the conditions indicated in the previous number is the responsibility of the entity that manages the conservation area or of the entity with oversight of biodiversity conservation in the cases where the situation in question occurs outside the national system of conservation areas.

Article 109  
**(Assumptions for the recovery of degraded areas through restoration, rehabilitation and environmental remediation)**

1. Degraded areas shall be recovered following a detailed ecological assessment of the conditions of the area in terms of biophysical (soil, water, ecosystems and species) and socio-economic (lost environmental goods and services) elements and of ecological processes.
2. The objectives of the recovery of the degraded area shall be assessed and harmonized, taking into account the development objectives of the region where it is situated, in order to define the recovery process to be used with a view to the intended final result (rehabilitation, restoration or remediation).

Article 110  
**(Minimum content for restoration, rehabilitation and remediation plans)**

1. For the purposes of these Regulations, a restoration, rehabilitation or remediation plan shall be understood as the technical document that defines actions to ensure, respectively, the restoration, rehabilitation or environmental remediation of the target areas, including their monitoring.
2. The plan shall include at least the following:
  - a) contextualization;
  - b) geographical location of the area at local and regional level;
  - c) objectives of the Plan;
  - d) relevant legislation;
  - e) description of the recovery planning process;
  - f) characterization of the reference situation, including the reference ecosystem or the land use plans in force in the region;
  - g) characterization of type and level of degradation;
  - h) description of proposed practices and techniques (this should include maps, sketches, schematics, and other relevant illustrations) and implementation strategies;
  - i) monitoring and evaluation plan (which should for



each result contain key indicators, means of verification, frequency of monitoring and responsibilities);

- j) timeline of activities;
- k) required budget required.

#### Article 111

##### **(Criteria guiding the restoration, rehabilitation and environmental remediation processes)**

The decision on the appropriate technique to be implemented in each case shall meet the following criteria:

- a) state of degradation of the area;
- b) harmonization with the management objectives of the area;
- c) harmonization with the development objectives of the region where it is located;
- d) involvement of the main stakeholders and users of the area, in particular local communities;
- e) technical and financial resources are available for implementation and monitoring;
- f) Use of best practices and existing technical guides on the matter in question.

#### Article 112

##### **(Elaboration of restoration, rehabilitation and remediation plans)**

1. The restoration, rehabilitation or environmental remediation plan is prepared by the entity responsible for it, in accordance with the criteria established in these regulations, and shall be submitted within a period of at most one hundred and twenty days after its request by the entity managing the conservation area or by the entity with oversight of biodiversity conservation, depending on the situations defined in these Regulations.
2. The entity referred to in the previous number has a maximum period of thirty days to evaluate the technical and scientific features of the plan, determine its suitability and feasibility, verify that it complies with the current legislation and approve or disapprove it; and in the latter case it shall request the entity to elaborate a new plan that meets the needs that were identified.
3. If the plan in question results from the Environmental Impact Assessment process, the procedures defined in the specific legislation in force shall be followed, which require the positive opinion of the entity managing the conservation area or of the entity with oversight of biodiversity conservation, in accordance with these Regulations.

#### Article 113

##### **(Recovery techniques)**

1. The anticipated recovery techniques, independently of other ones that may be considered appropriate on a case-by-case basis, are as follows:
  - a) biological and/or vegetative;
  - b) mechanical;
  - c) bioengineering;
  - d) chemical, in cases where it is necessary for

environmental remediation processes.

2. In cases where the degraded area presents low levels of degradation, i.e. where its ecological integrity has not been compromised, recovery can be achieved through natural regeneration of the ecosystem through best practices and available techniques.
3. In cases where the degraded area has been deprived of its ecological components, compromising its integrity, recovery shall depend on the state of degradation and may be carried out through enrichment by planting, transplantation, the reintroduction or removal of species, repopulation, reforestation using native species, topographical and landscape reshaping, bioengineering, nucleation, or any other technique that proves viable for terrestrial and aquatic (continental and marine) environments; and they can be used individually or in combination.
4. Where recovery implies a change in the original use, the practices to be used shall be in accordance with the intended use (agriculture, forests, pasture, lake, garden, among other uses), but guided by principles of environmental and ecological sustainability, and always fit in well with the local ecosystem without interfering with the processes and services it provides.

#### Article 114

##### **(Recovery of degradation at landscape level)**

Degradation at landscape level, such as fragmentation, shall be recovered through the creation and operation of ecological corridors combined with the practices referred to in the previous articles.

#### Article 115

##### **(Recovery of contaminated or pollutes areas)**

Contaminated or polluted areas, whether in terrestrial or aquatic ecosystems, shall be recovered by environmental remediation, using the appropriate chemical, biological and/or technological processes on a case by case basis.

## SECTION II Reforestation

#### Article 116 (Reforestation)

1. Reforestation within conservation areas can only be carried out in accordance with the needs, criteria and priorities identified in the management plan, while always using native species characteristic of the area in question; the use of non-infesting exotic species is restricted to maintenance needs that are duly justified and approved by the management plan of the conservation area in question.
2. In addition to a need identified in the management plan of a conservation area, reforestation may also result from a need for recovery in accordance with the criteria and requirements set forth in this chapter.
3. Reforestation due to the need for recovery requires a technical opinion from the entity managing the conservation area that justifies the need for reforestation, with the authorization of the reforestation being entrusted to the national authority that manages the conservation areas.

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4. Without prejudice to the provisions of the previous numbers, reforestation shall follow the technical specifications provided for in the forest law and regulations, as well as the guidelines on best practices, which conform to the features of the site to be reforested.

#### Article 117

##### **(Reforestation in the buffer zone)**

In the buffer zones of conservation areas, reforestation can be done using exotic species, provided these are authorized in the management plan, which demonstrably contribute to the improvement of the livelihood of the local communities, integrating them as beneficiaries, and which comply with the provisions of these Regulations.

#### Article 118

##### **(Reforestation by exotic species)**

In cases where reforestation is done using exotic species, these may never be weeds. Previous landscape planning shall respect existing land use plans, ensure the connectivity of forest patches and natural or critical habitat and of existing wildlife corridors so as to ensure the normal functioning of the ecosystem and zero net loss of biodiversity.

#### Article 119

##### **(Reforestation Plan)**

1. Reforestation requires a detailed plan, with the contents recommended by international best practice and/or existing technical guides for the country or region, and it shall always include a monitoring plan.
2. Reforestation plans concerning conservation areas are approved in accordance with the procedures described in these Regulations, while always requiring a positive opinion from the national authority that manages the conservation areas.

### SECTION III

#### **(Repopulation of wildlife)**

#### Article 120

##### **(Terms and conditions of repopulation)**

1. Repopulation shall be promoted by the State and shall be done in accordance with the management plan and in accordance with the legislation and best practices in this area.
2. Repopulation may be carried out within the scope of the restoration, rehabilitation and remediation plans provided for in these Regulations, under the responsibility of the one who caused the damage or of an interested entity.
3. Repopulation of wildlife may concern terrestrial or marine species, and always guarantee the use of native species characteristic of the ecosystems and habitats where the repopulation takes place, provided that the historical occurrence of these species in the surrounding area is duly proven.
4. Repopulation using exotic and invasive species, both terrestrial and aquatic, is forbidden.
5. Repopulation within conservation areas may only be done

in accordance with the needs, criteria and priorities identified in the management plan, while always respecting the provisions of the previous number.

6. In addition to a need identified in the management plan of a conservation area, repopulation may also result from a need for recovery, in accordance with the criteria and requirements presented in the previous articles of this chapter or with the results from a monitoring plan.
7. In case there are results from a monitoring plan, the submitted request shall be accompanied by a technical opinion from the entity managing the conservation area that justifies the need for repopulation, while authorization rests with the national authority with oversight of the national network of conservation areas.
8. Without prejudice to the provisions of the preceding numbers, repopulation shall comply with the technical specifications provided for in the specific legislation and with the guidelines for best practice, which is adjusted to the features of the site and the species to be repopulated.

#### Article 121

##### **(Repopulation Plan)**

1. Repopulation requires a detailed plan, whose contents are recommended by international best practice and/or existing technical guides for the country or region, and it shall always include a monitoring plan.
2. Reforestation plans concerning conservation areas are approved in accordance with the procedures described in these Regulations, while always requiring a positive opinion from ANAC.

### SECTION IV

#### **Environmental education programme and monitoring of repopulated species**

#### Article 122

##### **(Environmental education programme)**

Whenever appropriate, an environmental education programme may be executed, which shall contain at least:

- a) a description of the target group;
- b) the biodiversity of the area;
- c) the behavior of the species to be repopulated;
- d) precautions to be taken in living with them;
- e) strategies for raising awareness of the local communities;
- f) strategies for the dissemination of the programme in local communities;
- g) formation of a conservationist attitude and behavior.

#### Article 123

##### **(Monitoring programme for repopulated species)**

The monitoring programme for repopulated species shall comply with the methods of collecting scientific data set out in the guidelines recommended by the specialized international organizations for such activities, and shall contain at least:

- a) the monitoring of all individuals or of a sample of them after release;
- b) the promotion of demographic, ecological and

- behavioral studies of the species reintroduced within a given period, to be defined on a case-by-case basis;
- c) an investigation of mortalities and collection of dead individuals for study;
  - d) decisions for review, reprogramming or discontinuation of the project, if necessary;
  - e) evaluation of the project's success and of the technique used;
  - f) interventions to be carried out, if necessary;
  - g) habitat protection or area recovery, if necessary.

## CHAPTER X

### Compensation mechanisms for conservation efforts

#### Article 124

##### (Types of compensation for conservation efforts)

The types of compensation are the following:

- a) compensation for the ecological services provided by the conservation area and buffer zone;
- b) Compensation for impacts that are expected and quantifiable in environmental licensing, caused by the use of natural resources in conservation areas and buffer zones, and ensuring zero net loss of biodiversity;
- c) Compensation for impacts on biodiversity that are unforeseen or unquantifiable in environmental licensing, in order to ensure zero net loss of biodiversity;
- d) Payment for carbon stocks related to a conservation area and its buffer zone.

#### Article 125

##### (Zero Net Loss of Biodiversity)

1. Zero net loss of biodiversity is a goal for a development activity or project whose impacts on biodiversity are fully compensated by measures to prevent and minimize biodiversity loss.
2. Zero net loss of biodiversity implies that biodiversity shall not be reduced in the following cases:
  - a) within a species and between species or types of vegetation;
  - b) with respect to the long-term viability of species and types of vegetation, ensuring the adequate size of their populations and areas of occupation;
  - c) with respect to the functioning of groups of species and ecosystems, including ecological and evolutionary processes.

#### Article 126

##### (Compensation for impacts that are expected and quantifiable in environmental licensing, caused by the exploitation of natural resources in conservation areas and buffer zones)

1. The exploitation of natural resources in a conservation area and buffer zone includes all activities that have an impact on those natural resources, and this may concern extractive, productive or infrastructure-related activities.
2. Monetary compensation for impacts caused by the exploitation of natural resources follows the principle that there is a relationship between quality of the habitat and biodiversity richness, and monetary compensation matrix

shall be in accordance with the following habitat ranking:

The costs associated with habitat loss shall be calculated using the following formula:

$$VC = A \times \text{Value/ha}$$

Where:

VC = Compensation value

A = area of habitat affected by activity

Value/ha = compensation value per hectare of the respective habitat

#### Article 127

##### (Compensation for impacts on biodiversity not provided for or not quantifiable in environmental licensing)

1. Whenever there are unforeseen or unquantifiable impacts in environmental licensing, the entities that exploit natural resources are obliged to compensate these, without prejudice to other sanctions provided for by law.
2. Compensation shall be realized by improving the quality of habitats and ecosystem services in the conservation area or buffer zone in question, or by extending any area to ensure zero net loss of biodiversity:

Type of habitat	Mt/ha/year
Forests and miombo savannah	20 minimum wages from the government sector
Forests and mopane savannah	20 minimum wages from the government sector
'afromontante' ecosystems	40 minimum wages from the government sector
Dunes and forest mosaics	150 minimum wages from the government sector
Aquatic ecosystems	175 minimum wages from the government sector
Grasslands and wetlands	200 minimum wages from the government sector
Mangroves	175 minimum wages from the government sector
Other habitats	20 minimum wages from the government sector

3. If the extent of the impact is such that compensation cannot be realized within the conservation area in question, the entity responsible for the impact is required to compensate in other conservation areas, preferably with similar characteristics, on a scale of at least equal to or larger than that of the impacted area.
4. In the case provided for in the previous number, compensation shall be suitable to the management of the selected conservation area or buffer zone in order to guarantee conservation benefits in perpetuity.
5. The compensatory measures referred to in this article are implemented through a Compensation Plan approved by ministerial diploma of the minister with oversight of the conservation areas.

#### Article 128

##### (Use and benefit from carbon stocks in conservation areas and buffer zones)

1. The right to use and benefit from carbon stocks in a

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- conservation area and its buffer zone belongs to the entity that manages the conservation area.
2. Carbon stocks shall be traded in accordance with the provisions of the Law, in the form of carbon credits traded in the carbon market or otherwise in accordance with applicable legislation in force in Mozambique and with the specifics set out in the following numbers.
  3. Existing carbon credits in a conservation area can only be traded with a favorable opinion from the entity managing the conservation area in question.
  4. Carbon trading licensing fees are determined by specific legislation.
  5. The percentage of the charged fees destined for conservation areas is equal to the percentage of the area of the project in question, which covers one or more conservation areas and shall be distributed as follows:
    - a) 70% of the net value obtained by the trading of existing carbon credits in conservation areas shall be paid to the entity managing the conservation area;
    - b) The remaining 30% of the net duplicate value shall be channeled to ANAC.

#### Article 129

##### **(Destination of amounts resulting from compensation)**

The amounts resulting from compensation for biodiversity conservation efforts will be applied in accordance with the following order of priority:

- a) maintenance, restoration, rehabilitation, or creation of conservation areas;
- b) institutional development of ANAC;
- c) acquisition of goods and services necessary for the implementation, management, monitoring and protection of the area;
- d) elaboration, revision or implementation of the Management Plan;
- e) implementation of environmental education programmes;
- f) development of necessary research for the management of the conservation area and its buffer zone.

#### CHAPTER XI

##### **Conservation outside the natural habitat**

#### Article 130

##### **(Concept)**

Conservation outside the natural habitat is the process of preserving endangered, widely used or unique animal and plant species by removing part of their population or their genes from the threatened natural habitat to another habitat, a botanical garden, grove, zoo, game farm or gene pool.

#### Article 131

##### **(Criteria for initiating a conservation program outside the natural habitat)**

1. The decision to initiate conservation programmes outside the habitat shall be based on one or more appropriate Red List criteria of the specialized international organizations and, in particular, on the need to bring specific biodiversity

education and exposure into tourist and population centers, including:

- a) when individuals or the category of a specific taxon or taxonomic category are threatened by human activity or stochastic events;
  - b) when individuals or the category of a specific taxon or taxonomic category is likely to become critically endangered, extinct in its natural environment, or extinct in a very short time;
  - c) when individuals or a category of a specific taxon or taxonomic category are of such cultural, economic or scientific importance that it is necessary to ensure their conservation.
2. All critically threatened or extinct wild taxonomic categories shall be managed outside the natural habitat to ensure the recovery of wild populations.
  3. Conservation outside the natural habitat shall be initiated only when the understanding of the biology of the target species and the management and storage needs of the taxonomic category are such that it is reasonable to assume that the conservation of the species can be strengthened or that the development of such protocols can be achieved within the conservation period required by the taxonomic category.
  4. The conservation programme outside the natural habitat to be initiated by a private entity is only authorized if it is duly substantiated, specifying which of the criteria referred to in number one of this article underlies the conservation programme.

#### Article 132

##### **(Promotion and regulation of conservation outside the natural habitat)**

1. It is incumbent upon the ministry with oversight of conservation to promote conservation initiatives outside the natural habitat through the reproduction of plant and animal species threatened with extinction as a way of guaranteeing their preservation.
2. The ministry with oversight of conservation shall elaborate the policy governing conservation outside the natural habitat, whose strategic objective is to:
  - a) to enrich the genetic diversity of grown and reared species with a view to reduce genetic vulnerability;
  - b) develop a monitoring and alert system to avoid loss of genetic resources;
  - c) establish minimum criteria for a number of species to be conserved, compatible with the possibilities of management and the objectives intended with their conservation;
  - d) protect, by means of appropriate technology, wild, vulnerable and rare species and those threatened by human activity, especially at local and regional level, and to protect species of economic and ecological importance for the restoration or rehabilitation of ecosystems;
  - e) promote the standardized computerization of large collections, especially arthropods and other taxons particularly rich in species;
  - f) promote the genetic characterization of specimens in captivity.

3. ANAC creates the national institutionalized repository to house germplasm considered of importance for the country, as well as the national documentation and information system on conservation activities outside the natural habitat, which can provide updated information to assist in guiding policies and actions in the sector.
4. The ministry with oversight of conservation approves by ministerial diploma the regulations that guide the establishment and functioning of the various categories of institutions dedicated to conservation outside the natural habitat in Mozambique, in order to:
  - a) create internal norms for transit or quarantine of materials between institutions dedicated to conservation outside the natural habitat and with other countries, and for access to germplasm;
  - b) standardize documentation related to the registration system for plants and animals as well as the verification of their possession;
  - c) establish ways of obtaining and transferring resources;
  - d) establish policies to organize and disseminate collections;
  - e) standardize knowledge about breeding and management techniques for animals in captivity.
5. The ministry with oversight of conservation shall also:
  - a) adopt measures for the recovery and regeneration of species under threat through the use of germplasm retained outside the natural habitat in repopulation programmes or the reintroduction of these into their natural habitat under appropriate conditions;
  - b) regulate and manage the collection of genetic resources in natural habitats so as not to threaten ecosystems and in-situ populations of species;
  - c) Guarantee financial support to relevant State institutions for maintaining conservation outside the natural habitat of genetic plant animal and microorganism resources.

#### Article 133

##### **(Categories of institutions dedicated to conservation outside the natural habitat)**

1. Conservation outside the natural habitat can be done in:
  - a) botanical gardens;
  - b) zoological gardens;
  - c) biotechnology laboratories;
  - d) germplasm banks;
  - e) water parks;
  - f) aquariums.
2. Any entity legally registered in the national territory that meets the conditions for the breeding of wild animals can undertake conservation outside the natural habitat.

#### Article 134

##### **(Competences with respect to conservation outside the natural habitat)**

1. It is incumbent upon ANAC to decide on conservation outside the natural habitat in local municipalities, higher education and other institutions.
2. The genetic heritage available in genetic fauna banks originating from conservation outside the natural habitat is

owned by the State and it is incumbent upon ANAC to coordinate its management and protection.

3. Reproduction within the framework of conservation outside the natural habitat, using techniques such as artificial insemination and in-vitro fertilization, among others, shall be previously authorized by ANAC and requires the technical opinion of recognized scientific institutions.
4. The export of genetic bank material requires the authorization of ANAC, after hearing the public scientific research entity about the matter at hand.
5. When conservation outside the natural habitat pursues economic, ornamental or educational purposes and involves the private sector, it is incumbent upon the State, through ANAC, to coordinate the conservation and the expansion of gene banks of plant species, with the technical opinion of a recognized scientific research institution.

#### Article 135

##### **(General rules for conservation outside the natural habitat)**

1. Conservation outside the natural habitat of species under threat shall comply with the standards and principles established by the Convention on the International Trade in Endangered Species of Wild Fauna and Flora – CITES and other best practices established in conservation.
2. Herbariums and zoological collections provide basic information on the original distribution of species and shall assist in the recovery and regeneration process of species under threat and their reintroduction into their natural habitat.
3. All germplasm collections in the country shall be identified and cataloged.
4. When conservation outside the natural habitat is undertaken by the private sector then, in addition to other obligations, the procedures provided for in the Convention on Biological Diversity shall be observed, without prejudice to compliance with national legislation and under the control of the ANAC.

#### CHAPTER XII

##### **(Protection and Inspection of Biodiversity)**

#### Article 136

##### **(Competences)**

1. It is incumbent upon the ministry with oversight of the conservation sector at central and local level, to supervise, monitor, discipline and guide the protection, conservation, use, exploitation and management of natural resources, especially in conservation areas, without prejudice to the competences and attributions of other State organs.
2. The protection and inspection of areas in the private domain and under private management is guaranteed by sworn inspectors, without prejudice to the support, control and supervision of the protection and oversight activities undertaken by the ministry with oversight of conservation areas and other defense and security organs of the State.
3. By joint Ministerial Diploma of the ministers with oversight of the areas of conservation and the interior, the Statute and the Regulation of State Inspectors shall be approved with

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respect to:

- a) the conduct of inspectors;
  - b) the type of uniform and identification;
  - c) firearms and other equipment necessary for supervision and protection of inspectors;
  - d) technical and specific training;
  - e) coordination mechanisms between inspectors and police authorities in the exercise of supervision and maintaining security and public order.
4. By joint Ministerial Diploma of the ministers with oversight of the areas of conservation, the interior and justice, the Statute of Sworn Inspectors is approved.

#### Article 137

##### **(Stakeholders in the supervision process)**

1. State prosecutors, sworn inspectors and community agents intervene in the process of protection and inspection of natural resources.
2. In addition to those indicated in the previous number, the Board of Directors, as well as the defense forces and public security personnel may intervene in inspection.
3. Forest and wildlife resources located in Defense and Security Zones of the State are protected and inspected by the Ministry of National Defense, unless otherwise established by Decree.

#### Article 138

##### **(Procedures)**

1. It is incumbent upon the parties referred to in number 1 of the previous article to proceed with drawing up the notices immediately after taking note of the facts constituting an infringement.
2. It is incumbent upon the parties referred to in number 2 of the previous article to submit the denunciations on all infringements they took note of to the nearest prosecutor for due legal process.
3. In drawing up the notice the reporting officer shall indicate the complete identification of the offender, the characteristics of the event, the place, date and hours, the circumstances and all other components of the infringement. Whenever possible the officer shall produce photographic records of infringement and offender.

#### Article 139

##### **(Notices)**

1. The notices shall be drawn up in triplicate, containing:
  - a) The identification of the offender, and other persons involved in the infringement;
  - b) an indication of the facts and evidence, if any;
  - c) the circumstances of the event and antecedents, if any;
  - d) the means, instruments and products of the infringement;
  - e) the date, time and place of the infringement and of its recording, in case these differ;
  - f) the means, instruments and products of the infringement;
  - g) the date, time and place of the infringement and of its recording, and the seizures made by the recording officer;

h) an indication of witnesses, if any;

i) the photographic record of infringement and offender.

2. The notification of a fine shall always be mentioned and attached to the notice and together these are submitted to the nearest public prosecutor with copies delivered to the sectors with oversight of biodiversity conservation.
3. In case voluntary payment of the fine is not forthcoming within the established period, a copy of the case file shall be sent to the competent court in order to enforce payment.

#### Article 140

##### **(Detention of offenders, products and instruments of the infringement)**

In drawing up the notice, the inspectors and parties in the inspection process, shall:

- a) detain the offenders caught in the act and these shall be immediately presented to the Public Prosecutor;
- b) seize the objects and instruments which directly served for committing the infringement;
- c) seize of the direct proceeds of the infringement and any others that may serve as evidence;
- d) seize the hunting or logging license, as the case may be.

#### CHAPTER VII

##### **Infringements and penalties**

#### Article 141

##### **(Destination of fines)**

1. The amount of the fines collected under Law Nr. 16/2014 and these Regulations is distributed as follows:
  - a) 50% to the inspectors and community agents who participated in drawing up the notice concerning the infringement, and to local communities or any citizen who has reported the infringement;
  - b) 30% to the State Budget;
  - c) 20% to ANAC.
2. The revenue of fines collected under these Regulations shall be delivered to the Treasury of the competent Tax Authority until the 10th of the month following the month of collection, using the Model B form.

#### Article 142

##### **(Destination of confiscated products and by-products)**

1. Products and by-products confiscated pursuant to Article 60, paragraph b) of Law Nr. 16/2014, have the destination provided for in Article 63 of the same Law, while they will remain under the trusteeship of the administration of the conservation area during the course of the infringement proceedings and until the final destination of the products and by-products is decided, without prejudice to the provisions of the following numbers.
2. Perishable products and by-products of seized plants and animals shall be donated, within a maximum period of 24 hours after their seizure, to social institutions or non-profit organizations, by decision of the entity managing the conservation area.
3. Within a period of fifteen days counting from the date of final judgment of the offenders from whom they have been confiscated, the non-perishable products and by-products

resulting from the offense will have the destination determined by the minister with oversight of the conservation areas, who may decide:

- a) for them to be destroyed;
  - b) for them to be sold in public auction, with the proceeds of the sale benefiting the conservation area where the infringement was committed;
  - c) for the return of living specimens of flora and fauna to their area of origin or to the nearest conservation area that is able to receive them;
  - d) that timber will either be used by the conversation area from which it originates or be given a social destination.
4. The costs of transportation, storage and final destination of confiscated products and by-products shall be borne by the infringer.
  5. The instruments used in committing the offense, provided these are not prohibited, shall be returned to the primary offender within 15 days after the final judgment, and to that end it suffices for the offender to request their restitution from the court, provided the fine is paid and other penalties and/or legal obligations have been complied with.
  6. The instruments used in committing the offense, if useful in the conservation area where the offense has been committed and in other social scientific and cultural institutions, shall revert to them provided they are not claimed by the primary offender within 30 days after the final judgment, by a decision of the judge of the case upon a request from the conservation area.
  7. In the event of acquittal of the offender by a final judgment, confiscated non-perishable products and by-products shall be returned to their owner.

### CHAPTER XIII Final Provisions

#### Article 143 (Logos)

It is incumbent upon the minister with oversight of the conservation areas to approve the logo of the National Parks, the Full Natural Reserves, the Special Reserves and the Environmental Protection Areas.

#### Article 144 (Omissions and doubts)

Doubts and omissions resulting from the application of these Regulations will be remedied by dispatch of the minister with oversight of the conservation areas.

### CHAPTER XIV Temporary Provisions

#### Article 145 (Reclassification of existing conservation areas)

1. Existing conservation areas will be reclassified in accordance with prevailing legislation, following the criteria established in these Regulations with respect to

their conservation objectives and main characteristics.

2. ANAC, in coordination with each conservation area and its management partners, shall draw up a list of conservation areas whose current characteristics clearly conform with one of the categories defined by the current Law and these Regulations.
3. The remaining conservation areas, whose current characteristics are not easily classified on the basis of the categories defined in the current law and of the criteria established in these Regulations, will follow individual processes of consultation and coordination between ANAC, the conservation area in question, its management partners and others key actors with a view to defining the new category.
4. The ministry with oversight of the conservation areas proposes to the Council of Ministers the lists referred to in the previous numbers for their approval.

#### Article 146 (Management Boards)

Within 90 days from the date of entry into force of these Regulations, the management entities of the existing conservation areas shall promote the appointment or election of the members of the Management Board of the respective conservation area under the terms of these Regulations.

#### Article 147 (Management Plans and Regulations of Conservation Areas)

Within a period of twenty-four months, counting from the date of entry into force of these Regulations, the management entities of the existing conservation areas shall elaborate the Management Plan and the Specific Regulations of the conservation area, or if these have already been elaborated, submit them to the Management Board of the conservation area in question, pursuant to Article 66 and subsequent articles of these Regulations.

#### Article 148 (Signaling)

1. ANAC approves the rules regarding the signaling of conservation areas provided for in Article 41 of these Regulations within a period of 90 days, counting from the date of their entry into force.
2. The conservation areas shall proceed with signaling in accordance with the norms foreseen in the previous number, within a period of twelve months, counting from the date of their publication in the Bulletin of the Republic.

#### Article 149 (Acquired rights)

The holders of rights covered by these Regulations have a period of twelve months to regularize their situation in accordance with the provisions of these Regulations.

## ANNEX I

### GLOSSARY A

1. **Tourism** - commercial activity that competes for the provision of services related to accommodation, catering and/or meeting the needs of people who travel for leisure or business, or who travel as tourists.
2. **Adaptation based on ecosystems** - the use of biodiversity and environmental services as part of a comprehensive adaptation strategy to help people adapt to the adverse effects of climate change, a strategy which recognizes that humans, with their cultural diversity, are an integral part of ecosystems.
3. **Community development agenda** - a written document that expresses the vision of a particular community and contains the different views of men, women, youth and vulnerable groups on priority actions and their respective modes of implementation.
4. **Conservation area** – delimited aquatic or terrestrial area, established by specific legal means, especially dedicated to the protection and maintenance of biological diversity and of associated natural and cultural resources.
5. **Degraded area** - piece of land showing adverse changes in the natural features of the environment including, among other things, soil erosion, water and air pollution, deforestation, desertification, fragmentation and loss of habitat, resulting from anthropogenic factors.
6. **Multiple use area** - area outside protection zones dedicated to varied forms of land use, resulting from the application of land use planning instruments.
7. **Knife** – weapon provided with a cutting or perforating blade used in hand-to-hand combat.
8. **Firearm** – any weapon functioning through the ignition of an explosive charge that gives rise to the release of gases whose expansion propels the projectile.
9. **Bioengineering** - a technique that combines the use of engineering and biological practices for the recovery of areas such as biomass, concrete with vegetation, live cuttings and branches, sediment retainers, vegetation gabions, among other things.
10. **Hunting** - form of rational exploitation of hunting resources.
11. **Hunting or shooting** – series of movements performed by the hunter while making use of his hunting gear, consisting of a series of operations characterized by action or actions of looking for, tracking, waiting, seizing, killing and carrying wild animals, dead or alive.
12. **Natural Capital** - the value of nature to people, society, companies and the economy; it encompasses the stock of physical and biological resources and the capacity of ecosystems to provide a series of services that contribute to human well-being and sustainable development.
13. **CITES** - Convention on International Trade in Endangered Species of Wild Flora and Fauna.
14. **Biological community** - a set of populations of species living in a given geographical area and interacting with one another.
15. **Local community** - a group of families and individuals living in a territorial district of locality level or smaller, which aims at safeguarding common interests through the protection of residential areas, agricultural areas, whether cultivated or fallow, forests, sites of cultural importance, pasture, water sources, hunting areas and expansion areas.
16. **Compensation (or payment) for Services by Ecosystems** – a term used to define a variety of mechanisms through which beneficiaries or users of ecosystem services, which include water, biodiversity and carbon sequestration, make a payment to the managers or providers of ecosystem services so that these protect or improve the provision of these services.
17. **Environmental Compensation** - Reward for any loss, damage or service, which may involve money to be given or received as payment for use, improvement or repair of a service, loss or environmental damage.
18. **Conservation** - set of interventions aimed at protection, maintenance, rehabilitation, restoration, enhancement, management and sustainable use of natural resources in order to ensure their quality and value, by protecting their material essence and ensuring their integrity.
19. **Ex Situ Conservation** - process of protection and maintenance of animal and plant species by removing part of their population from their natural habitat to a new location.
20. **Biodiversity counter-balances** - are measurable conservation outcomes that result from actions to offset the significant adverse residual impacts on biodiversity, resulting from the development of an activity or a project after appropriate measures have been taken to avoid and minimize impacts and restore affected areas.
21. **Closed season** - period of the year designed to allow for the reproduction and growth of species, during which activities exploiting them are prohibited.
22. **Sustainable development** - development based on environmental management that meets the needs of the present generation without compromising the environmental balance, thus allowing future generations to meet their needs.
23. **Hunting spoils** - are the parts of the animal that do not fall under the definition of trophy, including meat and raw skin (not tanned).
24. **Biodiversity** - the variety and variability among living organisms from all origins, including among other things, terrestrial, marine and other aquatic ecosystems, as well as the ecological complexes of which these are part; it concerns the diversity within species, between species and of ecosystems.
25. **Ecosystem** - a dynamic complex of plant, animal and microorganism communities and their non-living environment, interacting as a functional unit.
26. **Fragile ecosystem** - ecosystem that by its very natural and geographical characteristics is susceptible to rapid degradation of its attributes and that is difficult to restore.
27. **Ecotourism** - set of tourist activities carried out in natural areas, ensuring the conservation of the environment and



the welfare of local communities with the involvement of tourists and consumers of tourism products and services.

28. **Erosion** - detachment from the soil surface by the natural action of wind or water, intensified by human practices of vegetation removal.
29. **Species** - a group of individuals who share the same genetic setup, morphologically similar and able to crossbreed, thus generating fertile individuals.
30. **Endemic species** – species confined to a particular geographical region.
31. **Endangered species** - species whose population has been reduced, or with reduced habitat, or in a process of reduction, in need of special protection measures to ensure its conservation and recovery.
32. **Native Species** - a lower-level species or taxon that lives within its natural range (past or present), including the area it can reach and occupy using its natural dispersal systems.
33. **Rare species** - species with low abundance and restricted distribution and due to such ecological characteristics susceptible to becoming a vulnerable species.
34. **Specimen** - designates a specimen or sample of any material or living being. More specifically, it individually designates an animal, plant or microorganism, or an identifiable part, used as a representative sample for the study of the properties of a population of the species or subspecies to which it belongs.
35. **Status of threat** - integrated vulnerability indicator of a species or type of biological community, which contains information on past losses, the number of individuals and the amount of available habitat, the number and intensity of threats and a current outlook of population trends based on recent data on its growth or decline, whose reference is the Red List of Threatened Species of the International Union for the Conservation of Nature.
36. **Carbon stock** - product of a particular ecosystem that is natural or modified by the weight of biomass and necromass converted into carbon.
37. **Forest carbon stock** - a component of a given ecosystem that is natural or altered by human activity, measured by biomass weight and converted carbon necromass.
38. **Sustainable exploitation** - rational and controlled use of forest and fauna resources through the application of technical and scientific knowledge, aimed at achieving the resource conservation objectives for present and future generations.
39. **Wildlife** – the whole of terrestrial and aquatic animals, amphibians and wild birds and all aquatic mammals of all species, at any stage of their development, living naturally, as well as wild species caught for the purpose of breeding in captivity.
40. **Forest** - vegetation cover capable of providing timber or other plant products, hosting wildlife and having a direct or indirect effect on soil, climate and water regime.
41. **Habitat fragmentation** – set of mechanisms that lead to discontinuity in the spatial distribution of resources and conditions present in a given area, on a scale that affects the occupation, reproduction and survival of a species. It can be caused by natural or man-made environmental disturbances.
42. **Adaptive management** - management based on the assumption that the components of the ecosystem are not fully understood, and that it is valuable to monitor their conditions and use what one has learned doing so, while managing biodiversity.
43. **Critical habitat** - an area of high biodiversity value, including (i) habitat of significant importance for Critically Endangered and/or Threatened species, (ii) habitats of significant importance to endemic and/or restricted-action species, (iii) habitats offering significant concentrations of migratory and/or congregatory species, (iv) highly threatened and/or unique ecosystems, and/or (v) areas associated with key evolutionary processes.
44. **Natural habitat** – consists of an area formed by viable associations of plant and/or animal species and/or other organisms of predominantly native origin and/or where human activity has not changed the primary ecological functions and species composition of the area.
45. **Mitigation Hierarchy** - a process that works in stages in order to reduce the impacts of a given activity on the environment and which consists of: i) avoiding - measures taken to avoid the generation of impacts by the project, such as adequate spatial or temporal planning, the adjustment of infrastructure elements in order to avoid impacts on the environmental receivers or on certain components thereof; (ii) minimizing - measures taken to reduce the duration, intensity and/or extent of impacts (including direct, indirect and cumulative impacts) that cannot be avoided in a feasible way; (iii) recovering or restoring - measures taken to recover degraded ecosystems or restore ecosystems that have been destroyed after exposure to impacts that could not be completely avoided or minimized; (iv) counterbalancing - measures taken to compensate for significant adverse residual impacts that cannot be avoided, minimized and restored or recovered, so as to ensure there is zero net loss.
46. **Zero net loss of biodiversity** - a target for a development activity or project, where the impacts they cause on biodiversity are fully balanced or counterbalanced by measures taken to avoid and minimize their impacts by undertaking site restoration activities and, finally, by counterbalancing residual impacts.
47. **Social preparation** - a process by which communities themselves or through facilitation, reactivate endogenous social energy by creating the basis leading local change and development processes, by means of a participatory approach to the mobilization of local actors, their knowledge and resources, aimed at community ownership and leadership with respect to development actions.
48. **Net loss of biodiversity** - the impacts caused by activities on the composition of species, habitat structure, ecosystem functions, cultural values and the use of biodiversity by communities.

49. **Fishing** - any act leading to the capture of aquaculture species in the state of natural freedom, exercised in inland waters or their margins.
50. **Management plan** - technical document containing the activities and other technical measures to be implemented by the various stakeholders in conservation, management and use of forest and wildlife resources.
51. **Preservation** – aims at maintaining assets in the condition they are in, trying at the same time to halt or slow down their degradation.
52. **Biodiversity Counterbalance Management Plan (PGCB)**: a plan that aims at defining the management objectives and identifies the complete set of issues associated with its design and implementation.
53. **Biological practices** - techniques that use vegetative and biological resources for the recovery of a degraded area, such as natural regeneration, planting of exotic and/or native species, biological control of invasive plants, nucleation, agricultural conservation techniques, among other things.
54. **Mechanical Practices** - techniques that use artificial structures of portions through the proper provision of patches of land, in order to break the flow velocity of runoff and facilitate the infiltration of water into the soil.
55. **Natural resource** - natural environmental components useful for humans, providing goods and services, including air, water, soil, forest, fauna, fishing and minerals.
56. **Mineral resources** - any solid, liquid or gaseous substance formed in the earth's crust by geologic phenomena or linked to these.
57. **Biological resource** - includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for mankind.
58. **Hunting resource** - birds and terrestrial mammals that are in a state of natural liberty, whether they are sedentary in the country or migrate through it, even those originating from reproduction processes in captivity or by artificial means.
59. **Forest and wildlife resources** - forests and other forms of vegetation, including forest products, wildlife, trophies and spoils, either processed or not.
60. **Restoration** - the restitution of a degraded ecosystem or wild population, as close as possible to its natural condition.
61. **Genetic resources** - the genetic material, in particular of plant, animal or microbiological origin, containing functional heredity units, with an actual or potential use value.
62. **Recovery** – a set of restoration, rehabilitation or other activities, such as environmental remediation, aimed at improving the state of a given ecosystem or habitat. These measures can also be generically referred to as the process of improvement, creation, or recreation of habitats and/or populations and/or ecological processes.
63. **Reforestation** - the planting of trees and other associated vegetation in areas that have been deforested, either by nature (fires and storms) or by human influence (burning, construction, mining or logging, etc.) normally carried out using native species.
64. **Restoration** – restitution of a degraded ecosystem or wild population as close as possible to its natural condition prior to degradation, for example due to biophysical phenomena or human interference, with the goal to restore them to their historical trajectory. Recovery may occur naturally following the elimination of the degradation factors.
65. **Rehabilitation** - consists of repairing processes, productivity and ecosystem services of an area degraded through human activity, not necessarily meaning a return to pre-existing biotic conditions.
66. **Environmental remediation** - the set of techniques and operations that seek to eliminate the harmful effects, either to man or to biodiversity in general, of toxic elements in a given place.
67. **Ecosystem services or ecological services** - the benefits that humans derive from ecosystems.
68. **Trophy** - the durable parts of wild animals, in particular the head, skull, horns, teeth, leathers, hair and bristles, nails, claws, hooves and eggs, nests and feathers, provided these have not lost their original look by any manufacturing process.
69. **Indirect use** - use that does not involve consumption, collection, damaging or destruction of natural resources.
70. **Direct use** - use that involves collection and use, commercial or otherwise, of natural resources.
71. **Sustained use of biodiversity** – the use of components of biological diversity in accordance with management practices at a rate that does not lead to long-term decline, thus maintaining its potential to meet the needs and aspirations of present and future generations.
72. **Natural value** - element of biodiversity, landscapes, territories, habitats or geosites.
73. **Zoning** - division and classification of forest, fauna and cultural heritage, including related elements, according to type, use and purpose.