

**CLIMATE CHANGE LEGISLATION IN**

# **MOZAMBIQUE**

*AN EXCERPT FROM*

## **The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries**



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# **Mozambique**

## **Legislative Process**

The Republic of Mozambique, which gained independence from Portugal in 1975, has a mixed legal system of Portuguese civil law and customary law. The first constitution was adopted in 1975 and the most recent constitution in 2004.

The President is the Head of State while the Prime Minister is the Head of Government. The legislature, a unicameral Assembly, holds the authority to pass laws. The Assembly is made up of 250 Members of Parliament (MPs), who are directly elected by popular vote to serve five-year terms. The most recent Parliamentary elections were held in October 2014 and the next ones are due in 2019.

Individual MPs, political groups within Parliament and other governmental institutions have the right to introduce legislation in the Assembly. Formal consideration of a legislative proposal requires it to be submitted to the president of the Assembly, after which the text will be presented to the relevant Parliamentary committees. After the committee discussion, the proposal is circulated amongst all MPs, followed by a debate between the representatives of the political parties. The working committees then summarise the main aspects of these discussions before sending the bill to the plenary.

Legislative proposals are subjected to two readings in different plenary sessions and require the approval of at least half of the MPs present in these sessions. If it wins a majority support, the legislation is then signed by the president of the Assembly before being sent to the President. The President has 30 days to consider the Bill, with the possibility of referring it to the Constitutional Council to verify its constitutional validity. With the presidential assent, the Bill comes into force as law once published in the Official Gazette.

## **Approach to Climate Change**

Climate change poses challenges to many sectors, but until very recently, government has lacked a clear strategy for addressing these issues. Mozambique's only national communication to the UNFCCC was submitted in 2003. However, in recent years, climate change has acquired more prominence in the political agenda, resulting in more legislation and policies. The most significant advancement was the adoption of the 2013-2025 National Climate Change Strategy in 2012. Representing a milestone in climate policy, the strategy widened the government's approach to climate change in proposing actions that combine measures of adaptation and mitigation with the development of a low-carbon economy. The strategy provides a policy framework for climate priorities identified at sector, provincial and district levels.

The 2011–2014 National Poverty Plan identifies climate issues as one of the obstacles for the country's economic development and includes measures to reduce disaster risks and to adapt to climate change. These are to: promote a strategy to reduce emissions from deforestation and forest degradation, to control wildfires and to promote reforestation; promote conservation agriculture and diversification of income sources in areas prone to natural disasters; establish, train and equip local risk management committees in areas prone to natural disaster or vulnerable to climate change; make the natural resource management committees operational; promote a programme for reforestation and reducing emissions from deforestation and forest degradation and establishing carbon stocks (REDD+).

The need to adopt measures to tackle climate change was later endorsed by The Five-Year Government Plan (PQG), launched in 2010. Mitigation and adaptation to climate change are considered strategic objectives of the Plan, guiding governmental policies from 2010–2014. Climate change is approached in association with economic development and poverty reduction issues. Details on how to achieve this strategic objective are not presented, but the Five-Year Plan points out a list of general measures to improve environmental protection and address climate change, such as the promotion of environmental management addressing forest fires, soil erosion and recovery of arid areas, all applying climate change adaptation technologies.

Climate change mitigation and adaptation measures generally fall under the authority of the Ministry for the Coordination of Environmental Affairs (MICOA); although, climate related disaster risk management, prevention and mitigation is considered an inter-ministerial issue.

### **Energy Supply**

Excluding the electricity market, in 2011, the primary energy mix was made up of 78% biomass, 13% hydropower, and 7% oil.

Mozambique is home to one of the largest hydropower dams in Africa: the Cahora Bassa Dam has an installed capacity of 2075MW and provides electricity not only to Mozambique but also South Africa, Zimbabwe, Botswana, and the Southern African Power Pool. The country has one of the highest hydroelectric power potentials in Africa, estimated at about 12,000MW.

Consequently, 99.9% of installed electricity generating capacity is hydropower generation while the remaining 0.1% of installed capacity is from fossil fuels. Wind power is in the early stage of development and Mozambique is currently mapping the wind potential via wind speed stations across the country with the aim of producing a wind energy resource atlas. The country's solar energy potential is largely untapped and is larger than current energy consumption, with an estimated 1.49GWh of potential.

The US Energy Information Agency classifies Mozambique as one of the most promising countries in Africa for untapped natural gas and coal resources, following significant natural gas discoveries since 2010. In 2012, Mozambique became the second-largest coal producer in Africa, surpassing Zimbabwe. Construction on the country's first coal-fired power plant is scheduled to begin in 2015.

In 2009, the Council of Ministers approved the National Biofuels Policy and Strategy. The instrument aims to contribute to energy security and sustainable socio-economic development and energy security, by developing a biofuel sector. The document provides a general framework and guidelines for increasing activities in the sector; the policy and strategy adopts several measures for the promotion of biofuel production, adopting sustainability criteria, as well as limits for land allocation to be exploited by the sector. Proposing the adoption of the Biofuels Development National Programme, the Resolution establishes an institutional framework and a chronogram for the gradual increase of biofuel production and distribution.

The 2011- 2025 Renewable Energy Development Strategy was adopted by the Ministry of Energy to establish core guidelines and success indicators for the development of the sector. Actions target energy security and efficiency, increasing financing for new energy sources, including solar PV, wind, hydropower, and biomass. The Strategy calls for the adoption of fiscal benefits and credit for the production of renewables, emphasising that projects in these areas are potentially eligible for benefits from the Clean Development Mechanism (CDM).

### **Energy Demand**

Mozambique is a net exporter of electricity, yet only around 18% of the domestic population has access to electricity. The majority of the population depends on biomass and waste for energy for both household cooking and heating. Additionally, the national grid experiences transmission and distribution losses of about 25%.

Apart from informal guidance regarding energy conservation on the website of the state-owned utility, Electricidade de Mozambique, the government has not implemented any statewide energy efficiency programmes.

### **REDD+ and LULUCF**

In 2013, Mozambique established a Technical Unit for REDD+ (TU-REDD+) responsible for REDD+ activities in the country. The TU-REDD+ is co-ordinated by and subordinate to the Ministry for the Co-ordination of Environmental Affairs (MICOA) in collaboration with the Directorate of Land and Forest Management within the Ministry of Agriculture. TU-REDD+ is advised by a REDD Technical Review Committee (TRC) composed of stakeholders from government, NGOs, religious institutions, business, civil society and community associations.

The 1999 Forest and Wildlife Act regulates forest and wildlife management and conservation, legislating over illegal activities, such as illegal fires in forest areas. Similarly, the 1997 National Strategy for Forest and Wildlife Development aims to protect, preserve and develop in a sustainable manner all forest and animal resources for the socio-economic and environmental benefit of the people. To this end, the Strategy calls for the development of local and national investment plans to activities related to forest and wildlife and the adoption of more regulations in the sector.

The 1995 National Environmental Policy aims to promote sustainable development, translated into the integrating environmental issues in socio-economic planning. The Policy proposes the adoption of sectoral policies in a wide range of areas. In associating deforestation with expansion of activities within the energy sector, the document draws attention to the importance of adopting an energy policy that promotes the use of renewable energy and discourages the use of fossil fuels and biomass. In addition, it suggests the adoption of a forest management plan for areas close to urban spaces to increase supply of wood-based fuels.

### **Adaptation**

Mozambique's First National Communication identifies seven sectors particularly vulnerable to climate change: agriculture; forests and pastures; livestock; water resources; coastal areas and resources; infrastructure; and health and fishing. The National Communication further outlines two adaptation pathways: (i) integrating environmental concerns with socio-economic development and (ii) sustainably managing natural resources across sectors.

As a Least Developed Country (LDC) in the UNFCCC, Mozambique elaborated a National Adaptation Programme of Action (NAPA) in 2007, identifying the most vulnerable areas to climate change, and proposing immediate actions to promote adaptation to these urgent issues. The NAPA proposes four adaptation initiatives which include: (i) strengthening an early warning system; (ii) developing capacities of agricultural producers to cope with climate change impacts by reducing soil degradation due to inappropriate agricultural practices; (iii) reducing climate change impacts in coastal zones via dune erosion control and mangrove restoration; and (iv) improved management of water resources through updated water infrastructure and establishment of water sharing agreements.

In 2010 the government also adopted the Strategy and Action Plan on Gender, Environment and Climate Change. The plan aims to improve women's and poor communities' participation in climate change mitigation and adaptation interventions, but also foster their engagement in environment management.

## Mozambique: Legislative Portfolio

<b>Name of law</b>	<b>Law 15/2014 Establishing the Framework for Disaster Management, Including Prevention and Mitigation</b>
<b>Date</b>	<b>20 June 2014</b>
<b>Summary</b>	<p>Serves as the framework law for disaster prevention, mitigation, and management and emphasises the importance of strategic readiness and systematic preparedness to prevent the impacts of climate change, reducing vulnerability to disasters. Defines strategic readiness as including the identification of climate change impacts, as well as necessary legislation and education to mitigate these impacts.</p> <p>Directs the government to approve contingency plans founded in the science of climate forecasts and requires it to carve out areas of risk, likely to be affected by disasters. Disaster management plans should include forecasted risks of: floods, drought, cyclones, fire, epidemics, erosion, landslides, and oil spills. Provides for the establishment of an early warning system to monitor phenomena likely to cause disasters. Requires the system to use yellow, orange, and red risk levels and commensurate alerts to the public. The levels are defined, as follows:</p> <ul style="list-style-type: none"><li>• Yellow Alert: activated when a forecasted occurrence of a phenomena is liable to cause human or material damage</li><li>• Orange Alert: activated when an imminent occurrence of a phenomena, liable to cause human or material damage, is forecast</li><li>• Red Alert: activated when human and material damage is going to occur on a likely calamitous scale</li></ul> <p>Provides for the declaration of local and national emergencies and authorises and prescribes emergency actions of the Council of Ministers in the event of an imminent or occurring disaster. Directs the Council of Ministers to establish a Disaster Management Fund.</p>

## Mozambique: Executive Portfolio

<b>Name of Policy</b>	<b>Decree 70/2013 Regulating Procedures for Project Approval for the Reduction of Emissions from Deforestation and Forestry Degradation (REDD+)</b>
<b>Date</b>	<b>20 December 2013</b>
<b>Summary</b>	<p>Outlines the procedures governing REDD+ projects and creates a Technical Unit of REDD+ (TU-REDD+), responsible for the implementation of REDD+ activities but subordinate to the Minister of the Environment and the Minister of Agriculture. Directs the TU-REDD+ to:</p> <ul style="list-style-type: none"><li>• Develop regulations governing its operation</li><li>• Implement REDD+ strategy</li><li>• Develop and implement procedures for trading carbon under REDD+</li><li>• Coordinate activities with NGOs and local communities and organisations</li><li>• Outline legally binding conditions for REDD+ projects</li><li>• Prepare rules governing the allocation of carbon rights based on national and international legislation, and in particular the requirement to safeguard under of the United Nations Framework Convention on Climate Change</li><li>• Create a National Forest Resource Information Platform to serve as a database for REDD+ information</li></ul> <p>Creates a REDD+ Technical Review Committee (TRC), which is required to meet quarterly, to advise the TU-REDD+ on its activities.</p>

Authorises individuals, legally registered public or private national and foreign non-governmental organizations, and local communities to apply for approval of REDD+ projects. Outlines the parameters for project approval and the issuance of licenses by the:

- Governor of the Province, when the project concerns areas up to 20,000ha
- The Minister of the Environment or the Ministers of Agriculture and Tourism, when the area of land in questions is between 20,000 ha and 100,000 ha
- The Council of Ministers, when the area of land in questions is larger than 100,000 ha

Requires the Ministry for the Co-ordination of Environmental Affairs (MICOA) and the National Directorate of Land and Forests, within the Ministry of Agriculture, to co-ordinate the processing and approval of REDD+ projects. Explicitly defines key terms related to REDD+ governance, including but not limited to: REDD+, forest degradation, forest carbon stock, and adaptation measures.

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<b>Name of Policy</b>	<b>2013-2025 National Strategy for Climate Change (ENMC)</b>
<b>Date</b>	November 2012
<b>Summary</b>	<p>The National Climate Change Strategy aims to reduce vulnerability to climate change and improve the living conditions of the Mozambican people. It proposes climate change adaptation and disaster risk reduction measures and also focuses on mitigation by targeting low carbon development. The ENMC is structured around three core themes: (i) adaptation and climate risk management; (ii) mitigation and low carbon development (iii) cross cutting issues. These include institutional and legal reform for climate change, research on climate change, and training and technology transfer.</p> <p>Covering the period 2013-2025, the implementation of the ENMC is planned in three phases. The first phase (2013-2015) focuses on improving the response of local communities to climate change, reducing poverty, planning adaptation measures, as well as identifying opportunities for the development of low-carbon economy in local communities.</p> <p>The Strategy also proposes the establishment of a Centre of Knowledge on Climate Change (CGC) within the Ministry of Science and Technology. The primary objective of the centre should be to collect, manage and disseminate scientific knowledge on climate change, providing crucial information for the development of policies and plans.</p>

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<b>Name of Policy</b>	<b>Decree No. 58/2011 Regulating Biofuels and their Mixtures</b>
<b>Date</b>	10 November 2011
<b>Summary</b>	<p>Explicitly defines biofuels and their numerous variations and outlines the rules and regulations to govern the production, processing, marketing, and distribution of biofuels and their mixtures.</p> <p>Requires the provision of a licence from the Ministry of Energy for the production of biofuels by an entity that annually produces more than 5,000 litres of biofuel, not intended for their own consumption. Details the parameters of licenses and their provision to producers.</p> <p>Codifies the mandatory blending parameters, in force as of January 2012, from the 2009 National Biofuel Policy and Strategy.</p>

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<b>Name of Policy</b>	<b>Presidential Decree No. 7/2011 creating the Inter-ministerial Commission of Biofuels</b>
<b>Date</b>	July 2011
<b>Summary</b>	<p>Creates the Inter-ministerial Commission on Biofuels (CIB) to coordinate, supervise, and monitor the implementation of the Biofuels Policy and Strategy, enacted in May 2009.</p> <p>Outlines the responsibilities of the Commission, including:</p> <ul style="list-style-type: none"> <li>• The promotion of research, development, and innovation in biofuels</li> <li>• To encourage and support material recycling initiatives of animal and vegetable greases</li> <li>• Establish sustainable production mechanisms for biofuels</li> <li>• To promote capacity building</li> </ul> <p>Further outlines the composition and powers of the CIB's composite parts.</p>

<b>Name of Policy</b>	<b>Strategy for New and Renewable Development 2011-2025</b>
<b>Date</b>	2011
<b>Summary</b>	<p>Developed and adopted pursuant to Resolution 62/2009 this strategy aims to sustainably diversify Mozambique's energy mix to include renewable resources in order to meet domestic demand for energy, while protecting the environment of Mozambique.</p> <p>Outlines the following three central objectives of the strategy:</p> <ol style="list-style-type: none"> <li>(i) improving access to energy services through renewables</li> <li>(ii) developing renewable energy technology</li> <li>(iii) accelerating private investment in renewables</li> </ol> <p>Separates the strategy into two types of actions: actions for the off-grid systems and actions for the on-grid connected systems. Specifically proposes, for off-grid systems to:</p> <ul style="list-style-type: none"> <li>• begin a large-scale PV programme for lighting and water pumping systems</li> <li>• begin a large-scale solar PV water and space heating programme</li> <li>• approve regulations relative to a solar PV water and space heating programme</li> <li>• establish fiscal incentives and licensing to stimulate private sector investment</li> </ul> <p>Devises specific fiscal incentives for off-grid investments in renewables, including: tax exemptions of equipment imports, VAT exemptions for rural electrification and expansion projects, and corporate tax exemptions for foreign companies who seek to expand rural electrification. Additionally, pursuant to this strategy a Solar PV Feed-in-Tariff has been proposed. Nevertheless, the above fiscal incentives have yet to be structured.</p>

<b>Name of Policy</b>	<b>Ministerial Decree 277/2009 approving the Rules of the National Directorate of New and Renewable Energy</b>
<b>Date</b>	31 December 2009
<b>Summary</b>	<p>Creates a new National Directorate for New and Renewable Energy within the Ministry of Energy (DNER) responsible for the design, promotion, evaluation and implementation of policies under the new and renewable energy sector.</p> <p>Outlines the structure of the DNER, led by a National Director, as well as the explicit function and duties of the DNER, notably including:</p> <ul style="list-style-type: none"> <li>• the promotion of the sustainable use and spread of new, lower cost, forms of energy generation</li> </ul>



- the preparation of studies regarding energy use and proposal of measures for more efficiency use
- the promotion of research and development into new and renewable energy technologies
- to assess, certify, and monitor new and renewable energy technologies to ensure they conform with standards of quality for safety, health, and the environment

Additionally, details the power and responsibilities of the DNERs component and subordinate departments.

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<b>Name of Policy</b>	<b>Policy on the Development of New and Renewable Energy (resolution 62/2009)</b>
<b>Date</b>	14 October 2009
<b>Summary</b>	<p>Builds upon the New Policy for Energy and serves as a framework for the promotion and development of renewable energy. Outlines definitions for types of renewable generation sources including: biomass, bioenergy, biofuels, thermal energy, hydroelectric power, wind energy, ocean energy and geothermal energy.</p> <p>Provides a current assessment of the status of the renewable energy mix. Outlines principles to consider when expanding renewable generation, including costs associated with various energy options, a comprehensive framework of incentives for development, and the creation of an investment priority plan that lays prioritises investments in least cost renewable sources. Additionally, recognises that energy efficiency investments may be cheaper than investment in additional energy capacity.</p> <p>Recommends the development and establishment of a National Plan for New and Renewable Energy. This Strategy was, ultimately, adopted in 2011.</p>

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<b>Name of Policy</b>	<b>Resolution No. 10/2009 approving the New Policy on Energy</b>
<b>Date</b>	4 June 2009
<b>Summary</b>	<p>Repeals and replaces Mozambique’s October 2000 Energy Strategy and outlines the rationale for its replacement, citing numerous changes that have occurred since 2000, including the rise of global warming, fossil fuel scarcity, and the challenge of energy security and stability. Adopts the strategic objective that Mozambique should align with internationally recognized best practices regarding energy-efficiency, energy mix diversification, and new and renewable sources.</p> <p>Directs the expansion of the National Network of Energy Transport (RNT) (e.g. continued expansion of electrification in Mozambique), highlighting the need for electricity in rural areas, as well as the acceleration of the expansion of alternative energy.</p> <p>Outlines five global and major challenges that Mozambique needs to address in the coming decades:</p> <ol style="list-style-type: none"> <li>1. increased risk of ruptures in energy supply;</li> <li>2. threat of environmental degradation due to energy production;</li> <li>3. lack of access to energy by economically disadvantaged;</li> <li>4. sustainability of energy; and</li> <li>5. diversification of the energy matrix</li> </ol> <p>Outlines Mozambique’s energy policy vision, mission, and principles of strategy.</p> <ul style="list-style-type: none"> <li>• The vision: to ensure the availability of energy at a national level to meet the challenges of sustainable socio-economic development</li> <li>• The Mission: to sustainably improve access to energy</li> </ul>

- The Principles:
  - Sustained increased access to electricity and fuel
  - Sustainable use of woody biomass
  - Spread of new and renewable energies
  - Diversification of energy sources
  - Sustainable production of biofuels to substitute imported fuels
  - Integrated energy planning across sectors
  - Sustainable development and preservation of the environment
  - Adoption of tariffs to reflect real costs of adverse environmental impacts
  - The efficient use of energy
  - Encouraging private and scientific involvement, spurring investment in research and development of new technologies

Provides an analysis of the energy mix and reaffirms the responsibilities of the Ministry of Energy to develop energy sector policies, long-term plans, and ensure their implementation. Outlines strategic objectives related to the development of hydroelectric generation, wind, geothermal, biomass, biogas, solar and demand side energy-efficiency.

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<b>Name of Policy</b>	<b>National Biofuels Policy and Strategy</b>
<b>Date</b>	21 May 2009
<b>Summary</b>	The Biofuels Policy and Strategy aims to strengthen the production of biofuels, establishing general guidelines for the development of the sector.

The document adopts an Action Plan, identifying specific measures to be taken in the first five years following the entry into force of the Policy/Strategy. The Plan calls for the institution and is the foundation of the National Programme for the Development of the Biofuels Purchase Programme and the Biofuels National Commission.

A calendar for the gradual implementation of the Biofuel Policy and Strategy is also defined, consisting of three phases. The “pilot phase” extends from 2012–2015 establishes a fuel blending mandate of 10% for bioethanol and 3% for biodiesel and foresees the first acquisitions of biofuels from national suppliers, on a small scale. The “operational phase” (2016-2020) consists of the consolidation of activities within the sector, increasing the fuel blending mandate to 15% bioethanol and 7.5% biodiesel. Finally, the “expansion phase” expects to develop independent distribution networks for fuels with a high percentage of ethanol, and purely for biofuels and further expands the blending mandate to 20% bioethanol and 10% biodiesel blending.

The document includes a budget for defining the allocation of resources for specific projects from 2009–2013.

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<b>Name of Policy</b>	<b>National Environmental Policy</b>
<b>Date</b>	3 August 1995
<b>Summary</b>	<p>The National Environmental Policy was adopted by the Council of Ministers as a part of the implementation of the Five-Year Government Plan (1995–1999). The Policy provides guidance for the establishment of national environment plans and legislations, aiming at conciliating development with environment protection. Under this broad scope, the 1995 National Policy proposes a set of activities in the short and long term in the field of the environment.</p> <p>The Policy suggests the adoption of an Environment Law and regulations, followed by the creation of a Ministry for Co-ordination of Environmental Action, and an Environmental Monitoring Centre.</p> <p>General recommendation of the following issues: marine and coastal area protection; engagement of the private sector in environmental management; development of databases and research activities; investments in environmental education projects; the engagement of civil society with environmental protection; waste management; and international co-operation.</p>

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