

Attribution of the land of the former Fish Market to former Prime Minister Alberto Vaquina proves the illegality of the expropriation

- Negotiations for the financing and construction of the new Fish Market took place at the time when Alberto Vaquina was Prime Minister of Mozambique. In that capacity, Vaquina had access to privileged information, and it is very likely that it was at that time when, using his political influence, he managed to take over the land of the former Fish Market.



A few days after the CDD¹ revealed the elites of the Executive and the Judiciary who exploit the land where for decades the Maputo Fish Market operated, in an informal way, the former Prime Minister, Alberto Vaquina, told Carta de Moçambique² that the space was allocated to him by the Municipality of Maputo following his request for land for housing. To escape the controversy, Vaquina said that when he applied for land for housing, he did not know that he would receive the space where the former Fish Market used to work.

In the interview, the former Prime Minister did not say when he submitted the request for land for housing in the Municipality of Maputo and when he received the allocation of space for the former Fish Market. The former ruler goes further by devaluing the controversy surrounding the matter, stating that he followed all legal procedures and that his political position did not influence the decision of the Municipality of Maputo³.

These statements by the former Prime Minister constitute unequivocal proof of the total illegality behind the process of expropriating the land of the former Fish Market. Under the terms of the applicable legislation, expropriation can only take place because of necessity, utility or public interests and always gives rise to fair compensation⁴, these being the requirements without which there can be no expropriation.

Expropriation is considered carried out for public interest, need or utility when it has as its final objective the safeguarding of a common interest of the entire community, when its final objective is to enable the Public Administration to respond to emergency situations arising from the occurrence or possibility of disasters or natural disasters or when it has as its final objective the pursuit of purposes proper to the Public Administration, as a provider of State security, maintenance of public order and the satisfaction of all the needs of society⁵.

The expropriation for public interest, necessity or utility always gives rise to the payment of fair compensation, which must be made prior to the transfer of ownership or possession of the assets to be expropriated⁶. Fair compensation is understood to cover not only the real and current value of the expropriated assets, the date of payment, but also the dam-



ages arising and the loss of profits of the owner, resulting from the divestiture of his assets⁷.

Now, in the case of the land of the former Fish Market, it was already known that the compensation had not been paid to the sellers and, even more serious, it is now known that the expropriation was not intended to pursue any public interest, need or utility, but rather deprived of the country's political and judicial elite.

Perhaps it is because it is aware that this is a manifestly illegal expropriation that the Government did not even deign to declare the public interest, need or utility of the area to be expropriated, let alone indicate the grounds that motivated the expropriation, as required by law⁸.

Even more ridiculous is the fact that the former Prime Minister, Alberto Vaquina, states that the DUAT attribution of the land of the former Fish Market was not due to his position as a former senior government official. However, the negotiations for the financing and construction of the new Fish Market took place at the time when Alberto Vaquina was Prime Minister of Mozambique. In that capacity, Vaquina had access to privileged information, and it is very

likely that it was at that time when, using his political influence, he managed to take over the land of the former Fish Market.

It is public knowledge that the Municipality of Maputo cannot satisfy even 1% of the thousands of DUAT requests it receives, a situation that leaves thousands of citizens marginalized and without access to land for housing. In fact, municipal authorities claim that there is no longer any land to allocate to citizens, especially young people, who require DUATs for housing.

However, the municipal authorities managed, in record time, to allocate that land located in one of the noblest areas of Maputo City to the former Prime Minister, to the detriment of other Mozambicans who have been waiting for decades to be granted a DUAT.

Instead of repeating that there is no place for compensation to former vendors and preventing peaceful demonstrations, the Municipality of Maputo should publicly explain under what circumstances the land of the former Fish Market was allocated to the former Prime Minister. Municipal authorities must explain the criteria they used to allocate precisely that land to a senior government official.

¹ <https://cddmoz.org/as-elites-do-governo-e-do-judiciario-que-ficaram-com-o-espaco-do-antigo-mercado-de-peixe-de-maputo-2/>

² <https://cartamz.com/index.php/sociedade/item/12069-sobre-o-antigo-mercado-do-peixe-alberto-vaquina-explica-os-contornos-da-aquisicao-do-terreno>

³ <https://cartamz.com/index.php/sociedade/item/12069-sobre-o-antigo-mercado-do-peixe-alberto-vaquina-explica-os-contornos-da-aquisicao-do-terreno>

⁴ Article 82 of the Constitution of the Republic

⁵ Number 2 Ministerial Diploma No. 181/2010, of 3 November

⁶ Numbers 1 and 2 of article 70 of Decree No. 23/2008 of 1 July

⁷ Number 3 of article 70 of Decree No. 23/2008 of 1 July

⁸ Article 69 of Decree No. 23/2008 of 1 July

Vaquina received the land and ceded it to Vila Praia Cooperative to develop real estate project

After all, it was the former Prime Minister who ceded the former Fish Market to Cooperativa Vila Praia, Lda, a limited company incorporated in May 2020, with a share capital of 500,000 Meticaís. Cooperativa Vila Praia has 10 members, each with a stake equivalent to 50,000 Meticaís. It is this society that is building a building for housing and commerce in the space disputed by the former sellers.

In addition to Alberto Vaquina, the list of members of Cooperativa Vila Praia included elites from the Government and the Judiciary, the power that was supposed to settle, in its own headquarters, the dispute between the Maputo Municipal Council and the former sellers of the Fish Market.

The certificate issued by the Registry of Legal Entities contains the names of Alberto Vaquina, former Prime Minister; Augusto Paulino, former Attorney General of the Republic; Ernesto Gove,

former Governor of the Bank of Mozambique; Jorge Ferrão, former Minister of Education and current Rector of the Pedagogical University of Maputo; Machatine Munguambe, former President of the Administrative Court; and Ozias Pondja, former President of the Supreme Court and current Counselor Judge of the Constitutional Council.

As can be seen, Cooperativa Vila Praia summarizes the promiscuity of holders of sovereign bodies in business. Four holders and former holders of sovereign bodies (Alberto Vaquina, Jorge Ferrão, Machatine Munguambe and Ozias Pondja) are brought together in a single company. It is these figures, including Augusto Paulino (former PGR), who make Cooperativa Vila Praia, Lda into an “armored” company against any lawsuit or legal dispute.

Therefore, it is easy to conclude how the strug-

gle of the sellers of the old Fish Market will end, who today demand compensation for their withdrawal to the new Fish Market. These are men and women who for over 35 years have occupied a space for the informal sale of seafood. The then market “A Luta Continua” became a reference in the capital and later became known by the name of Mercado de Peixe. In order to create better conditions for the treatment, conservation and sale of seafood, the Municipality of Maputo built a new Fish Market, on Avenida da Marginal, with funding from the Government of Japan.

In 2016, all sellers from the old market were transferred to the new Fish Market, where they carry out their activities under better conditions. However, the sellers demand compensation for the “expropriation” of the space where the former Fish Market used to be.



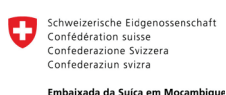
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