

The elites of the Government and the Judiciary who took the space of the former Maputo Fish Market

- Former governors, counselor judges, plus a former PGR, occupied the space that once operated the Maputo Fish Market. The space is claimed by former sellers who, for more than 35 years, occupied it in good faith and developed their seafood activities. What these poor sellers don't know is that the space is in the hands of influential figures in the corridors of justice, so any legal battle is doomed to failure.



- The elite that is developing a real estate project (building for housing and commerce) have the protection of the Municipality of Maputo, which on several occasions came to the public to defend that there is no room for compensation for former sellers. The Police, for their part, have done their utmost to prevent peaceful demonstrations by former vendors claiming acquired rights over the space.



In the place where the Maputo Fish Market operated for decades, in an informal way, a real estate project is being born, whose works started in May 2022 and end in May 2024. The residential and commercial building, which is a few meters of Marginal de Maputo, is owned by Cooperativa Vila Praia, Lda, a limited company incorporated in May 2020, with a share capital of 500,000 Meticaís.

Cooperativa Vila Praia, Lda has 10 members, each with a stake equivalent to 50,000 Meticaís. On one hand, it is not new that the space disputed by the former vendors had been allocated to the Frelimo elite, on the other hand it's surprising to see the presence of former members of the Government, adviser judges (in active and retired), former Attorney General of the Republic and academics in the shareholder structure of Cooperativa Vila Praia, Lda.

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

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the Bank of Mozambique; Jorge Ferrão, former Minister of Education and current Rector of the Pedagogical University of Maputo; Machatine Mungambe, 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 Mungambe 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 struggle 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 previous 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 Marginal Avenue, 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. The space was assigned to an elite that includes magistrates and governors, but the sellers consider themselves legitimate owners.

In fact, one of the ways of acquiring the Right of Use and Benefit of Land (DUAT) is the occupation by national individuals who, in good faith, have been using the land for at least 10 years. The former sellers occupied the space in good faith and carried out their activities there uninterruptedly for over 35 years. Their transfer to a new market should not imply, in their view, the loss of acquired rights over the space where they worked.

Meanwhile, the Municipal Council of Maputo, Eneas Comiche, argues that there is no need to pay any compensation to the vendors. Using the Posture on Markets and Fairs, Comiche made it clear that the occupation of sales outlets in the markets has a precarious nature, with the improvements made to the Municipality. “For reasons of force majeure, or the need to carry out works, the Municipal Council may suspend the authorizations or adjudications made, without the right to any compensation from the sellers”.¹

Contrary to the sellers who claim ownership of the space, the mayor of the capital said, in a session of the Municipal Assembly of Maputo, that the space belongs to the Municipality and that it is up to them to determine the destination. “During the process of integration into the current Fish Market, all vendors signed the respective term of delivery of the kiosks. Regarding the destination of the space where the Luta Continua market once operated, we understand that it belongs to the Municipal Council and it was up to this institution to determine the destination to be given, either for public use or for a public-private partnership”.²

And the determined destination was to allocate the space to Cooperativa Vila Praia, Lda, which is developing the real estate proj-



REPÚBLICA DE MOÇAMBIQUE
MINISTÉRIO DA JUSTIÇA
DIRECÇÃO NACIONAL DOS REGISTOS E NOTARIADO
CONSERVATÓRIA DE REGISTO DAS ENTIDADES LEGAIS

Certidão

Data de constituição:	8/5/2020
Número da entidade legal:	101362892
Tipo de entidade legal:	Sociedade por Quotas (cooperativa)
Nome da entidade legal:	COOPERATIVA VILA PRAIA, LDA
Endereço:	Moçambique, Cidade de Maputo DISTRITO KAMPFUMO Bairro Central, Rua de Resistencia Nº 92 R/C D
Capital:	
Capital total:	500,000.00 MTn
Capital realizado:	500,000.00 MTn
Parte de grupo de empresas:	Não

Objecto:

- a) adquirir propriedades e outros direitos que assegurem o desenvolvimento da sua actividade;
- b) utilizar e permitir a utilização, no todo ou em parte, dos bens e serviços conjuntos, no espírito de ajuda e complemento de meios e operações dos membros;
- c) estabelecer com quaisquer pessoas jurídicas, singulares ou colectivas, contratos acordos ou convenções;
- d) contrair empréstimos e realizar outras operações financeiras;
- e) limpeza e terraplanagem dos terrenos;
- f) estudos topográficos e geológicos;
- g) adopção de uma planta uniforme para as construções;
- h) construção em condomínio nos limites permitidos por lei;
- i) arruamentos e urbanização;
- j) electrificação, [criação de espaços de disponibilização de serviços de internet pública], canalização de água e gás;
- k) tratamentos dos espaços comuns, nomeadamente, passeios, jardins e corredores;
- l) criação de condições de segurança electrónica e física ostensiva;
- m) tudo o demais não proibido por lei.

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Proprietários estrangeiros: Não

Sócios e respectivas quotas-partes sociais:

Alberto Clementino António Vaquina, casado, natural de Timaquela-Erati-Nampula, residente no Bairro da Polana Caniço, Rua das Bougainvilleas, número 79, Cidade de Maputo, portador do Bilhete de Identidade número 070100003575A, de Dez de Outubro de Dois mil e dezassete, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

Augusto Raúl Paulino, casado, natural de Inharrime, residente no Bairro Central, Avenida Karl Marx, número 1462, quinto andar, flat 1, Cidade de Maputo, portador do Bilhete de Identidade número 110100134969A, de Dezanove de Março de Dois mil e vinte, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

Carlos dos Santos, casado, natural da Manhica, residente no Bairro da Sommerschild, Avenida do Zimbabwe, número 1374, Cidade de Maputo, portador do Bilhete de Identidade número 1101035909811, de Sete de Janeiro de Dois mil e dez, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo, representado no acto por Carlos António Xerinda, solteiro, natural de Maputo, residente no Bairro da Polana Cimento, Avenida Julius Nyerere, número 794, sexto andar direito, Cidade de Maputo, portador do Bilhete de Identidade número 110100069600B, de Oito de Fevereiro de Dois mil e dez, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo;

Ernesto Gouveia Gove, casado, natural de Jangamo, residente no Bairro da Polana Cimento, Rua do Sidano, número 21, Cidade de Maputo, portador do Bilhete de Identidade número 110100000057A, de Doze de Março de Dois mil e dez, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

Gomes de Rosário Xavier Gomes, casado, natural de Maputo, residente no Bairro da Sommerschild, Rua Garcia de Resende, número 153, segunda andar, Cidade de Maputo, portador do Bilhete de Identidade número 110103590532B, de Quinze de Dezembro de Dois mil e nove, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

Luis Jorge Manuel António Ferrão, casado, natural de Iapala-Ribaue, residente no Bairro da Sommerschild, Rua da Frente de Libertação da Frelimo, número 147, quarto andar direito, Cidade de Maputo, portador do Bilhete de Identidade número 110102278327F, de Dezasseis de Janeiro de Dois mil e doze, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo;

Machatine Paulo Marregane Munguambe, casado, natural de Chidenguele-Manjacaze, residente no Bairro da Sommerschild, Avenida do Zimbabwe, número 908, Cidade de Maputo, portador do Bilhete de Identidade número 110100000006J, de Treze de Novembro de Dois mil e nove, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

Ozias Pondja, viúvo, natural de Marracuene, residente no Bairro da Sommerschild, Rua Garcia de Resende, número 190, Cidade de Maputo, portador do Bilhete de Identidade número 110100000005I, de Vinte e oito de Outubro de Dois mil e dezasseis, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

Paulo Felisberto Maculuve, casado, natural de Panda, residente no Bairro da Liberdade, Silva Porto, número 526, Cidade da Matola, portador do Bilhete de Identidade número 1101000000831C, de Nove de Janeiro de Dois mil e quinze, emitido pelos Serviços Provinciais de Identificação Civil da Cidade de Maputo

O capital social da Vila Praia é de 500.000,00 MT (quinhentos mil meticais), dividido pelos 10 membros (cabendo a cada membro o valor de 50.000,00) a ser subscrito e realizado por cada membro em doze prestações iguais e sucessivas, no prazo de um ano.

3. O capital mínimo, para o início das actividades da cooperativa, será de 100.000,00 MT (cem mil

¹ <https://evidencias.co.mz/2022/08/24/comiche-reitera-que-transferencia-de-vendedores-para-o-novo-mercado-de-peixe-nao-envolvia-o-pagamento-das-compensacoes%EF%BF%BC/>

² <https://evidencias.co.mz/2022/08/24/comiche-reitera-que-transferencia-de-vendedores-para-o-novo-mercado-de-peixe-nao-envolvia-o-pagamento-das-compensacoes%EF%BF%BC/>

ect called “AURA”, which consists of a mixed building for housing and commerce. In addition to excluding the payment of compensation, the Municipality of Maputo and the Police of the Republic of Mozambique (PRM) have been making the protesting sellers’ right to demonstrate unfeasible.

For example, on August 17, 2022, the PRM, through the Rapid Intervention Unit (UIR), illegally prevented a demonstration by the fish market vendors. The group had communicated to the Maputo Municipal Council, on August 4, 2022, of its intention to take to the streets to demonstrate against what they consider to be an injustice. The Municipal Council did not present any objection to the holding of the aforementioned demonstration.


Under the law, failure to notify the promoters within two days of the decision to ban the demonstration must be considered as the absence of any objection on the part of the authorities. In other words, silence constitutes a true tacit acceptance. However, on the appointed day and time, a contingent of the UIR appeared to prevent the march from taking place, an action that constitutes a serious violation of the right to freedom of assembly and demonstration enshrined in the Constitution of the Republic of Mozambique (CRM).



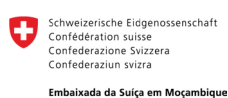
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