



Food and Agriculture  
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United Nations

# Legal report on the ecosystem approach to fisheries in Mozambique

An analysis of the ecosystem approach to fisheries in selected  
national policy and legal instruments of Mozambique

FAO EAF-Nansen Programme Report No. 56  
EAF-N/PR/56 (En)

A decorative graphic at the bottom of the page consisting of several thick, wavy blue lines that resemble ocean waves. Scattered throughout these waves are several small, solid blue circles, which represent fish or bubbles.

PROGRAMME REPORT

## THE EAF-NANSEN PROGRAMME

The EAF-Nansen Programme “Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate and Pollution Impacts” supports partner countries and regional organizations in Africa and the Bay of Bengal improving their capacity for the sustainable management of their fisheries and other uses of marine and coastal resources through the implementation of the Ecosystem Approach to Fisheries (EAF), taking into consideration the impacts of the climate and pollution.

The Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme is the current phase of the Nansen Programme which started in 1975.

The aim of the Programme is that sustainable fisheries improve food and nutrition security for people in partner countries. It builds on three pillars, Science, Fisheries Management, and Capacity Development, and supports partner countries to produce relevant and timely evidence-based advice for management, to manage fisheries according to the EAF principles and to further develop their human and organizational capacity to manage fisheries sustainably. In line with the EAF principles, the Programme adopts a broad scope, taking into consideration a wide range of impacts of human activities and natural processes on marine resources and ecosystems including fisheries, pollution, climate variability and change.

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By Julia N. Nakamura, Teresa Amador and Arnaldo Bernardo

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## Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of the EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, inter-sectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how the EAF is being implemented through national policy and legal frameworks, FAO developed [\*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks\*](#).

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Mozambique with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, which are considered the minimum standards in legislating for the EAF, are reflected in Mozambique's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Mozambique. Drafted in July 2021, the report was first submitted to the national authorities of Mozambique in October 2021, further revised in view of the adoption of new relevant legal instruments by Mozambique and re-submitted to the national authorities in June 2022. The Ministry of the Sea, Inland Waters and Fisheries of Mozambique endorsed this EAF Legal Report of Mozambique in September 2022.



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The initial draft of this EAF Legal Report was prepared by Julia Nakamura, under the supervision, counsel and technical input of Pio Manoa, and extensively reviewed by Teresa Amador. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise Kuemlangan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report.

This EAF Legal Report also benefited from the important contributions of the Oceanographic Institute of Mozambique, the National Fisheries Administration, IP, and the National Directorate of Maritime and Fisheries Policies, bodies under the Ministry of Sea, Inland Water and Fisheries of Mozambique, which coordinated the institutional interactions during the regional workshop. These entities provided substantive additional information valuable to this report. We are also grateful to the delegates of Mozambique for their participation in the *Fifth Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (26–29 April 2021), and for providing additional information relevant to the present assessment.

## Abbreviations and acronyms

ADNAP	<i>Administração Nacional da Pesca</i> [National Fisheries Administration] (of Mozambique)
ANAC	<i>Administração Nacional das Áreas de Conservação</i> [National Administration of Conservation Areas] (of Mozambique)
CNAP	<i>Comissão Nacional de Administração Pesqueira</i> [National Fisheries Management Commission] (of Mozambique)
CSO	civil society organization
DNGHR	<i>Direcção Nacional de Gestão de Recursos Hídricos</i> [National Water Resources Management Directorate] (of Mozambique)
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
IMAF	<i>Instituto do Mar e Fronteiras</i> [Institute of the Sea and Borders] (of Mozambique)
IMO	International Maritime Organization
INAMAR	<i>Instituto Nacional do Mar</i> [National Institute of the Sea] (of Mozambique)
INATUR	<i>Instituto Nacional do Turismo</i> [National Institute of Tourism] (of Mozambique)
INoM	<i>Instituto Oceanográfico de Moçambique</i> [Oceanographic Institute of Mozambique]
IP	<i>Instituto Público</i> [Public Institute]
IUU	illegal, unreported and unregulated (fishing)
MCS	monitoring, control and surveillance
MCSE	monitoring, control, surveillance and enforcement
MIMAIP	<i>Ministério do Mar, Águas Interiores e Pescas</i> [Ministry of the Sea, Inland Waters and Fisheries] (of Mozambique)
MPA	marine protected area
NGO	non-governmental organization
PCLF	<i>Polícia Costeira, Lacustre e Fluvial Coastal, Lake and River Police</i> [Coastal, Lake and River Police] (of Mozambique)
POEM	<i>Plano Nacional de Ordenamento do Espaço Marítimo</i> [National Maritime Space Management Plan] (of Mozambique)
POLMAR	<i>Política e Estratégia do Mar</i> [Sea Policy and Strategy] (of Mozambique)
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

# 1. Introduction: legislating for the ecosystem approach to fisheries

The Food and Agriculture Organization of the United Nations (FAO) has promoted the implementation of the ecosystem approach to fisheries (EAF) through various activities conducted over the last decades (FAO, 2019), many of which under the EAF-Nansen Programme (FAO, n.d). Among the many ways or processes through which the EAF can be implemented is the review of national policies and/or legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policy and/or legal instruments for the EAF, and/or amending the existing ones so that they are appropriately aligned with the EAF.

FAO's initiative to promote legislating for the EAF has been undertaken through the development of studies, guidance materials and tools (Skonhoft, 2011; FAO, n.d-b; FAO, 2016; FAO, 2021a, 2021b, 2021c, 2021d, 2021e).

## 1.1 A diagnostic tool for implementing the ecosystem approach to fisheries through national policy and legal frameworks

The latest material developed by FAO for the implementation of an EAF through national policy and legal frameworks, published in 2021, is [\*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks\*](#) (hereafter referred to as "EAF Legal Diagnostic Tool" (FAO, 2021a, 2021b, 2021c). This tool, which constitutes the basis for the development of the present report, provides important information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support the EAF (Appendix A of the EAF Legal Diagnostic Tool), and a non-exhaustive list of examples of selected national policy and legal instruments relevant for an EAF (Appendix B of the EAF Legal Diagnostic Tool).

The Appendix C of the EAF Legal Diagnostic Tool provides the EAF Legal Checklist for Assessment and Implementation of the EAF Policy and Legal Frameworks (hereafter referred to as "EAF Legal Checklist"), based on which the level of alignment of a country's policy and/or legal frameworks with an EAF and the 17 EAF Components can be assessed (FAO, 2016).

## 1.2 International legally binding instruments and non-legally-binding instruments relevant to an ecosystem approach to fisheries

There are several international legally binding and non-legally-binding instruments that provide for the EAF. The Appendix A of the EAF Legal Diagnostic Tool highlights, in a non-exhaustive list, selected provisions of international instruments or decisions relevant for the EAF. Other legally binding instruments in support of the EAF are the applicable conservation

and management measures of regional fisheries management organizations/arrangements (RFMO/As) which should also be taken into account, on a country-by-country basis, in the assessment of a given country's EAF commitments.

It should further be noted that provisions of international non-legally-binding instruments that reflect principles of international law are also legally binding and therefore relevant in the analysis of the national policy and legal frameworks.

States which are a party to multilateral conventions or agreements, as well as States which adopt or endorse international non-legally-binding instruments that reflect principles of international law have the duty to align their national policy and legal frameworks with the obligations that derive from such international and regional instruments.

In light of these considerations, Table 1 below provides the present status of Mozambique in respect to the EAF's relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

Table 1. Status of Mozambique in Selected International Legally Binding Instruments relevant to the EAF	
Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance (Ramsar Convention)	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	Party

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of May 2022.

Mozambique is a **Party** to all the selected international legally binding instruments relevant to an EAF. For such instruments as well as the non-binding instruments that Mozambique has endorsed or adopted, it is important to ensure that the relevant provisions of an EAF highlighted in Appendix A of the EAF Legal Diagnostic Tool are properly reflected in the national policy and legal frameworks.

## 2. Legal report on the ecosystem approach to fisheries: assessing a country's policy and legal framework

The EAF Legal Diagnostic Tool was the main tool used for the preparation of this report (hereafter referred to as the “EAF Legal Report”). Selected national policies and legislation were assessed and applied against the EAF Legal Checklist.

This section is divided into two subsections. Subsection 2.1 describes the methodology and scope, including the selection of the national policy and legal instruments relevant for an EAF and the assessment of the EAF legal requirements in such instruments by filling in the EAF Legal Checklist using the symbols under Table 3 below. Subsection 2.2 provides an overview of main findings, highlighting some specific parts of the policy instruments and legal provisions identified as good practice in legislating for or addressing an EAF, and summarizes the information provided by Mozambique under the EAF legal questionnaire.

### 2.1 Methodology and scope

Understanding the complexities, detail and broad range of matters that the EAF comprises is a challenge due to *inter alia* its holistic nature and the context and priorities of each country. A simplified assessment methodology was therefore developed for the application of the EAF Legal Checklist against the selected national policy and legal instruments, leading to the compilation of this report.

During the elaboration of this EAF Legal Report, the *Instituto Oceanográfico de Moçambique* (INoM) [Oceanographic Institute of Mozambique], the *Direcção Nacional de Políticas Marítima e Pesqueira* [National Directorate of Maritime and Fisheries Policies] and the *Administração Nacional das Pescas, Instituto Público* (ADNAP, IP) [National Fisheries Administration, Public Institute], bodies under the *Ministério do Mar, Águas Interiores e Pescas de Moçambique* (MIMAIP) [Ministry of Sea, Inland Water and Fisheries] were contacted (hereinafter referred to as “National EAF-Focal Point”) and provided additional information concerning the implementation of the EAF at national level, which has been included in this report.

This desk-based preliminary assessment cannot however replace an in-country detailed assessment of the national policy and legal frameworks.

#### **2.1.1 Selection and collection of national policy and legal instruments of Mozambique**

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic

repository of national policy and legal instruments on fisheries and other sectors relevant for an EAF, including on environment, sea, water, and wild species and ecosystems.<sup>1</sup>

Additional relevant information was provided by the National EAF-Focal Point, which, together with the relevant information for the EAF available at FAOLEX, is listed under **Appendix A** and identified by a reference letter and number to facilitate their citation in the EAF Legal Checklist provided in **Appendix B** of this report. Appendix A and Appendix B shall therefore be read together.

### 2.1.2 Desk-based stepwise assessment of selected national policy and legal instruments

The selected national policy and legal instruments relevant for the EAF under **Appendix A** of this report were assessed against the EAF Legal Checklist following the steps described in Table 2 below.

Table 2. Summary of the Stepwise Assessment		
Steps	National policy and legal instruments analysed	Scope
1st	<b>Fisheries policy:</b> a plan, policy, strategy, action plan, policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management and/or conservation.	Searching for the EAF legal requirements with a focus on the parts of the policy that address the principles, objectives, plans, priorities, recommendations, strategies and actions.
2nd	<b>Fisheries primary legislation:</b> a fisheries act, code, law, or any other type of instrument implementing the fisheries policy as well as the general law on fisheries, forestry and wildlife providing the legal framework for fishing and fishing related activities. It is the main legal instrument on fisheries, which contains the typical outline and broadly covers the subjects described in subsection 3.1 of the EAF Legal Diagnostic Tool. It should be noted that this typical outline is without prejudice to the particular structure of the fisheries primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fisheries primary legislation.
3rd	<b>Fisheries secondary legislation implementing or elaborating the fisheries primary legislation:</b> fisheries decree, regulation, order, ordinance which sets out in more detail the requirements of the fisheries primary legislation – concerning e.g. fishing vessel registration, fishing vessel requirements, vessel monitoring system (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
4th	<b>Other sector's primary legislation:</b> an act, code or law on the relevant sectors of <i>inter alia</i> environment, sea, water, and wildlife species and ecosystems.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary and secondary legislation.
5th	<b>Other sector's secondary legislation:</b> a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

<sup>1</sup> Notwithstanding the importance of certain cross-sectoral issues such as gender and climate change, these were not considered in this report.

### 2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Mozambique

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a step-wise methodology (FAO, 2021, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the particular structure of the fisheries primary legislation of Mozambique (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries policies and primary/secondary legislation. In this process, the different symbols presented in Table 3 below were used.

Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. <sup>2</sup>
X	None or inexistent	No part in the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
●	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the <b>primary</b> fisheries policy/legislation, or in the <b>primary</b> legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

The last two columns of the EAF Legal Checklist indicate: **(i)** the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and **(ii)** additional relevant comments and explanatory notes that clarify, where appropriate, nuances in assessing the policy and legal instruments and the rationale for the assessment of partial or insufficient coverage of the EAF legal requirements. It should be noted that these additional comments and explanatory notes will benefit from a more in-depth analysis during the comprehensive review at country level.

The results of this assessment are presented in **Appendix B** of this report which provides the EAF Legal Checklist applied against the selected policies and legislation of Mozambique.

### 2.1.4 Additional observations

While filling in Appendix B, some parts of the policy framework and some provisions of the legal framework which in some cases are anchored in the Mozambique Constitution of 2004,

<sup>2</sup> A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

as last amended in 2018, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

### **2.1.5 EAF Legal Questionnaire of Mozambique**

The National EAF-Focal Point filled in the EAF Legal Questionnaire, which was developed by the project to collect additional relevant information from the assessed country. The results of the questionnaire are summarized under the section below.

Other legal instruments relevant to an EAF were subsequently provided, all of which were assessed in the present report.

## **2.2 Overview and main findings**

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of **Mozambique** presented under **Appendix B** and a summary of the additional relevant information provided under the EAF Legal Questionnaire of Mozambique.

### **2.2.1 Fisheries policy**

The assessed eleven fisheries policies correspond to A1 to A11 in Appendix A. They cover **47** of the 82 EAF legal requirements.

The *Política Pesqueira e Estratégias de Implementação de 1996* [Fisheries Policy and Implementation Strategies] (hereafter Fisheries Policy) , outlines the main Advantages and Opportunities, noting the existence of a Fisheries Master Plan, the unexploited fishery resources or with low level of exploitation and the areas with potential for aquaculture development, and the main Disadvantages and Limits in the Productive Sector, in the Fisheries Management and in the Fisheries Public Administration, which determine the general rules of the fisheries policy, and the general and specific strategies for its implementation (Part I, Section 1[i][ii][iv] and Section 2).

This Fisheries Policy has the following three sectoral objectives: improving domestic fish supply; increasing the net convertible currency earnings generated by the sector; and improving living conditions for fishing communities (Part II, Section 4). To achieve these objectives, the Policy is guided by principles, which include that fisheries resources are the property of the state (Part II, Section 5), with designated roles of the state and the private sector (Part II, Sections 7–8). The Fisheries Policy defines Implementation Strategies for, among others, artisanal fisheries, namely that the levels of catch and fishing effort do not exceed the limits of sustainability of the resources; the introduction, with the involvement of fishing communities, of management systems for artisanal fisheries in areas where there are



excessive levels of fishing; and the delimitation of zones closed to industrial and semi-industrial fishing in order to avoid conflicts between operators from the different sub-sectors; semi-industrial fishing, with regard to its promotion and the availability of fishing quotas; industrial fishing, with the definition of specific strategies for shrimp, prawn, lobster and pelagic and demersal species with a view to improving the profitability of the use of fishery resources on a sustainable basis; fisheries research; fisheries management and surveillance (Part III, Sections 9–11, 17 and 19).

The *2021–2025 Plano de Gestão da Pescaria de Crustáceos de Profundidade* [FMP for Deep-sea Crustaceans] is based on an EAF, clearly explaining the EAF’s three pillars of ecological wellbeing, socio-economic wellbeing, and ability to achieve (Section 2.1, Figure 1) whilst aiming at achieving its objectives through an EAF (Section 5). This Plan provides for various conservation and management measures for deep-sea crustacean fisheries, including control of fishing effort and its monitoring; re-definition of fishing zones; evaluation of the impacts of deep-sea crustacean fishing on ecosystems (Page 1264); definition of the total allowable catch (TAC); ensuring the co-management mechanisms; enhancing the capacity of local governments and fishing communities on matters of fisheries legislation; and improving the fishing inspection capacity and the level of participation in the monitoring, control and surveillance (MCS) system (Page 1265). It also delineates, for each of the Plan’s objectives, the actions to be taken, the responsible authorities and timeframe as well as the indicators and evidence sources (Pages 1267–1276).

The *2021-2025 Plano de Gestão da Pescaria de Peixes Demersais de Fundos Rochosos* [FMP for Rocky Bottom Demersal Fisheries] and the *2021–2025 Plano de Gestão da Pescaria de Camarão de Superfície do Banco de Sofala* [FMP for Surface Shrimp Fisheries at Sofala Bank], approved by the same legal instrument of the FMP for deep-sea crustaceans analysed above, present the same structure. These FMPs are also based on an EAF, and they provide various conservation and management measures for their respective fisheries. The *2020–2030 Estratégia para o Desenvolvimento da Aquacultura* [Aquaculture Development Strategy] has the mission of contributing to food and nutrition security, provision of jobs, tax revenues, and commercial stability through enhancing the production of fisheries from aquaculture (Section 2.2). This Strategy is founded on guiding principles of, *inter alia*, sustainable management of natural resources, with balance of community, public and private interests; and inter-institutional coordination (Section 2.3). It requires a Strategic Environmental Assessment for the development of aquaculture in reserved areas (Annex I).

The *2020–2024 Estratégia de Gestão do Mangal* [Mangrove Management Strategy] is founded on the values of sustainability, equity, transparency, and participation, as well as on the principles of, *inter alia*, rational management and utilization, recognition of local knowledge, precaution, integrated management of mangroves, broad participation of citizens in such management, environmental education, and international cooperation (Section 1.1). Due to its transversal nature, the implementation of this Strategy is coordinated by the Ministry in charge of sea matters, which is responsible for setting up a transdisciplinary internal body to coordinate, harmonize, monitor, and evaluate the strategy’s implementation (Section 2.1).

The technical team of this body is to be represented by a range of stakeholders, including representatives from NGOs and local communities (Section 2.1, and Page 15).

The *2016–2025 Estratégia para a Gestão Integrada da Zona Costeira* [Strategy for the Integrated Coastal Zone Management] is anchored in the following five pillars: management, protection and sustainable use of the mangrove ecosystem; inspection and legislation; capacity building and institutional coordination; environmental education and awareness; and research and knowledge management (Section 1.3). It is based on seven principles, namely: rational utilization and management of environmental components; equality, cohesion, social equity; prevention and precaution; coordinated and scientific approach; participatory approach; accountability; and international cooperation and operationalization (Section 4.3). It has the general objective of ensuring the balance of marine and coastal ecosystems through sustainable development, contributing to continuously bettering the quality of life of coastal communities (Section 4.4). Various strategic actions are outlined therein, including implementing clean mechanisms and technologies to reduce pollutant effects from industrial processes such as aquaculture and artisanal mining (Page 33), development of guiding instruments for the integrated coastal zone management, and review and/or development of legal instruments on coastal zone management (Page 35).

The *2017 Política e Estratégia do Mar* (POLMAR) [Sea Policy and Strategy] is a transversal policy designed to address the challenges of the blue economy and imbedded in various relevant values including sustainability and transparency (Section 15[b][d]) incorporating almost all the EAF principles. These include multisectoral and multi-disciplinary coordination, which calls for the state to foster the harmonised involvement of various sectors and disciplines all of which have the sea as a common denominator (Section 15[b]). It also includes the principle of community engagement, promoting and recognising the initiative and active participation of all citizens and traditional authorities in the planning, decision-making, use and conservation of marine and coastal resources (Section 15[c]) and the principles of integrated management and international cooperation (Section 15[i][j]). The EAF falls under the ‘holistic principle’, by which the state recognises the inter-relationship between marine and coastal ecosystems, spaces, and the need for their balanced treatment in line with the precautionary principle (Section 15[g]).

The guiding axis of the POLMAR include the establishment of mechanisms and instruments for the coordination between central, local and municipal authorities (Section 17[c]) as well as the reparation of damage cause to marine and coastal ecosystems, ensuring their ability to auto-restore (Section 17[d]). This Policy contains seven pillars.<sup>3</sup> The inter-institutional coordination pillar, among other guidelines, creates integrated systems of planning, monitoring and information, with the involvement of central and local bodies and the municipalities (Section 27[b]). It also creates a national council, which comprises all interests, with a view to conciliate and integrate policies, planning instruments, and to coordinate the

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<sup>3</sup> Pillars: A (Governance and Legal Framework), B (Inter-institutional Coordination), C (Marine and Coastal Environment), D (Economic Development), E (Territorial Development), F (Human Resources Development) and G (International Cooperation).

integrated management of marine spaces, coastal zones and living and non-living resources (Section 27[c]). The marine and coastal environment pillar fosters *inter alia* the adoption of integrated programmes of basic and applied research for the sustainable use and conservation of marine and coastal ecosystems under a multidisciplinary, participatory and community base (Section 35[b]). The fisheries pillar calls upon *inter alia*: the elaboration and implementation of FMPs based on an EAF (DC. D2); the fight against illegal, unreported and unregulated (IUU) fishing and destructive fishing practices (DC. d3); the involvement of the communities on the management of fisheries resources (DC. d4); and the strengthening of the inspection capacity (DC. d.6). The territorial development pillar calls for the government to adjust the current legislation concerning territorial management in order to include the marine and coastal spaces, taking into account the prevention of conflicts by users and activities (Section 75).

The *2010–2019 Plano Director das Pescas* [Fisheries Master Plan], while outdated, is the instrument that provides general guidelines for FMPs in Mozambique. It aims at strengthening the contributions of the sector to improving food security and nutrition; enhancing the quality of life of artisanal fishing communities and small-scale aquaculture producers; increasing the contributions of fisheries and aquaculture industries and those of small-scale towards the national objectives of economic and social development; as well as the contributions of the sector to the economic stability of the country (Page 20). It details the components, expected results and external factors underpinning artisanal fisheries, semi-industrial fisheries, industrial fisheries, aquaculture, fisheries processing, and the fisheries public administration, as well as clarifies the transversal aspects such as environmental issues, marine and riverine conservation areas (Pages 34–44).

The *2009 Plano Nacional de Acção para Prevenir, Impedir e Eliminar a Pesca Ilegal, Não Reportada e Não Regulamentada* [National Plan of Action for Prevent, Deter and Eliminate IUU Fishing (NPOA-IUU)], is of particular relevance to MCSE. It identifies the responsibilities of Mozambique as a coastal, flag and port state as well as trade related responsibilities and provides for several measures to be carried out concerning, among others, the review of the national legal framework, including with regard to: safeguarding the fishing rights of local communities and ensuring their responsibility in the management of resources as well as empowering them to develop local fisheries regulations; defining three categories of fisheries offences, according to their level of seriousness; and redefining the sanctions schemes through the establishment of a maximum of 20 percent difference between the minimum and the maximum amount of the fine for each sanction based on the multiplied value of the licence; and establishing an autonomous MCS Unit (Page 305–306).

Also relevant to MCSE is the *2008 Política de Monitorização, Controlo e Fiscalização da Pesca e Estratégia de Implementação* [Policy for the Fisheries Monitoring, Control and Surveillance and Implementation Strategy], whose vision is to create, in the long term, an MCS system covering the main fisheries to guarantee the sustainability of the resources and the maximization of the benefits from their exploitation. This Policy aims at, *inter alia*, ensuring the bio-economic sustainable exploitation of resources, securing the institutionalization of a

multi-sectoral and coherent system of fisheries surveillance, eliminating IUU fishing and consolidating regional cooperation (Pages 311–312).

### **2.2.2 Fisheries primary legislation**

The assessed fisheries primary legislation corresponds to B1 in Appendix A. It covers **33** of the 82 EAF legal requirements.

The Fisheries Law contains relevant EAF principles such as the conservation and adequate use of aquatic biologic resources and respective ecosystems, the precautionary principle, the principle of participatory management with regard to fisheries resources, and of institutional cooperation and coordination (Article 5[a]–([c][h])). According to this Law, the fisheries policy approved by the government must take into account *inter alia* the monitoring and surveillance of fishing activities and the participatory management and recognition of traditional knowledge of local fishing communities (Article 8[b][h]). The preparation of development plans for the fisheries sector is subject to an integrated and decentralised process that ensures the participation of social, professional and economic organisms involved in fishing and fishing related activities (Article 9[2]).

The Fisheries Law requires the adoption of FMPs that take into account an EAF and shall be made available to the public for free consultation (Article 15). The FMP is guided by the Fisheries Master Plan, as referred to in the Fisheries Policy analysed in subsection 2.2.1. The first FMP was elaborated for the period 1995–2005 and replaced in March 2010 by the FMP adopted by the Ministry in charge of fisheries for the period 2010–2019 as a guidance instrument which identifies strategies and actions to achieve the medium- and long-term objectives of the fisheries sector.

In the marine and continental waters conservation zones may be designated for conservation, regeneration or restoration of the ecosystems and for the social and economic interest of communities, to be regulated by the government (Article 16). This Law prohibits the introduction in areas under national jurisdiction of any toxic substances or objects that may cause damage or pollution to the fishery resources and biodiversity (Article 17[1]). Specific measures are foreseen for the promotion of the development of artisanal fisheries including the allocation of part of the government's financial resources, from the exploitation of fisheries resources, directly to small-scale fisheries (Article 20[2][d]).

The Fisheries Law adopts a participatory management model, the implementation of which is to be defined by regulation, to ensure *inter alia* the rights of fishing communities to have access to fisheries resources and to participate in the planning and management (Article 23[2][a]). Conflict management from fishing activities is addressed through prevention and conflicts solving measures that take into account, among others, the establishment of mediating committees and the adoption of implementation measures of the recommendations adopted (Article 24[b]) as well as the involvement of community authorities within their duties. Two consultative bodies are established, the statutes of which are to be established by the government (Article 25): at central level the National Fisheries

Administration Commission (CNAP) coordinated by the Minister in charge of fisheries composed by representatives from the Environment, Tourism, Transport and Communications, Defence, Industry and Trade and Finance sectors as well as the Private Sector and Fishers Associations, whose organization and functioning are provided under the regulation approved by the Decree No. 74–2021, assessed in subsection 2.2.3; at local level the fisheries Co-management committees whose statutes and competences are being defined. The Fisheries Law also establishes that the entire extension of territorial waters up to three nautical miles, measured from the baseline, is reserved exclusively to fishing of small-scale, subsistence, scientific research, recreation and sportive (Article 27).

In addition to a broad fishing licensing scheme, the Fisheries Law provides that the construction and modification of fishing vessels are subject to authorization to ensure the adequate expansion of the fleet (Article 40[1]). The inspection officers have been granted extensive powers to conduct MCSE (Article 72[2]). A detailed administrative process for the investigation and enforcement of fishing offences, including provisions on provisional measures, confiscation of goods, right of appeal against the administrative decision are established (Articles 73–109). Fisheries offences have an administrative nature (Article 74) subject to an administrative process (Article 83) and classified in accordance with their degree of seriousness in very serious (Article 98), serious (Article 99) and light offences (Article 100). In case of recidivism the amount of the fine doubles and the corresponded accessory sanction applies (Article 81). Criteria are established for determining the applicable fine which *include* the type of fishing vessel, the economic benefit derived from the offence and any damages causes to the environment and ecosystems (Article 88).

### **2.2.3 Fisheries secondary legislation**

The assessed sixteen fisheries secondary legislation corresponds to C1 to C16. They cover **66** of the 82 EAF legal requirements.

The *Decreto n.º 21–2022, que aprova o Regulamento da Pesca nas Águas Interiores*, approves the Inland Fisheries Regulation, and is based upon principles relevant to an EAF, such as: conservation and appropriate use of aquatic biological resources and their ecosystems; precaution; participatory management of fishery resources; international, regional and transboundary cooperation and coordination; and polluter pays (Article 4[a]–[e]). This Decree establishes detailed rules and procedures for the management of inland fisheries, requiring that the respective FMPs be developed on the basis of the EAF and specifying their minimum content (Article 14[1]). It also requires that the process of developing and implementing a PGP be participatory (Article 14[2]) and that it takes into consideration the following elements: existing PGPs; the carrying out of scientific studies to identify resources and ecosystems suitable for local management; the demarcation of management areas; customary management measures, including cultural aspects of coastal communities, which constitute good fishing practices and the preservation of marine and coastal ecosystems; and the zoning of fishing areas to avoid overlapping with other activities which could lead to conflicts (Article 14[4]). Management measures include TACs and fishing quotas (Articles 16–19), and a participatory management system for fishery resources with community-managed fishing

area, as well as co-management agreements (Articles 20–23). The Decree establishes detailed rules for the use of fishing gear, including the prohibition of harmful gear and methods, and the identification and marking of fishing gear (Articles 31–50). Areas of operation, conditions and buffer zones are specified in this Decree in relation to artisanal (Article 54) and semi-industrial (Article 56) fishing, in addition to other rules applied to fishing vessels (Articles 51–63). Rules are established for vessel monitoring and fisheries surveillance (Articles 64–67, 82–87). It also determines fishery resource conservation zones with a view to protecting, regenerating or restoring ecosystems and fishery resources, taking into account the socio-economic interests of communities (Articles 71–73).

The *Decreto No. 99–2021, que aprova o Regulamento da Aquacultura*, approves the regulation on aquaculture. It establishes the rules and procedures for undertaking aquaculture and applies to national or foreign individuals or groups who conduct aquaculture activity in national territory, and to the aquaculture developed in national territory, including inland and marine waters (Article 2). This Decree follows important principles aligned with an EAF, such as the principles of sustainability, precaution, institutional cooperation and coordination, and the polluter-pays (Article 3[a][c]–[e]). It further lays down detailed requirements to be observed in carrying out aquaculture activities, classifies as of subsistence, artisanal, semi-industrial, industrial, experimental, research, training and recreational (Article 5). It determines the competences of authorised officers in the enforcement of the regulation (Article 50) and the infractions procedures (Article 53).

The *Decreto n.º 88–2021, que cria o Instituto Nacional do Mar (INAMAR, IP)*, which creates the National Institute of the Sea, provides that INAMAR's sectoral supervision is exercised by the Minister who oversees the areas of the sea, inland waters and fisheries (Article 4(1)). INAMAR's attributions include: the exercise of maritime authority in the areas of maritime, lake and river jurisdiction and coastal zones, as well as in the fields of maritime administration, safety and protection; the planning of maritime space and the maritime public domain of the coastal zone; the surveillance of activities in the maritime, fluvial and lacustrine space and in the maritime public domain of the coastal zone, as well as compliance with standards relating to the protection of marine and coastal ecosystems and the conditions of conservation and exploitation of marine conservation areas; and the development and application of measures to ensure the sustainable exploitation, conservation and preservation of aquatic ecosystems (Article 5[a]–[d]).

The *Decreto n.º 87–2021, que cria o Instituto Oceanográfico de Moçambique (InOM)*, which creates the Oceanographic Institute of Mozambique, states that the sectoral supervision of InOM, like that of INAMAR, is exercised by the Minister who oversees the areas of the sea, inland waters and fisheries (Article 4). InOM's powers include: exercising the authority of scientific research and investigation in the maritime, fluvial and lacustrine spaces, including their respective ecosystems; conducting applied research, monitoring, advising, and promoting scientific training and literacy development on the sea, fisheries, aquaculture, biodiversity, aquatic veterinary, environment, oceanography and limnology in the marine, coastal, fluvial and lacustrine domains, with a view to contributing to the conservation and management of ecosystems and sustainable use of aquatic resources; the definition of

research and investigation priorities, in coordination with the relevant entities, with a view to ensuring the planning of activities, optimisation of exploitation, conservation, sustainable and integrated management of the aquatic and coastal ecosystem and environment (Article 5[a][d][e]). The specific competences of InOM include conducting studies and monitoring the degradation and restoration of aquatic and coastal ecosystems, conducting studies on the function and services provided by such ecosystems (Article 6(2)(a)(viii)(ix)), and coordinating research activities aimed at the enhancement, conservation and recovery of these ecosystems and their resources (Article 6[2][b][iii]).

The *Decreto No. 82–2021, que aprova o Regulamento da Pesca Recreativa e Desportiva*, approves the regulation of recreational and sport fishing regulating the Fisheries Law (Article 2). The scope of application of this Decree is clearly delineated (Article 3), subjecting the exercise of recreational and sport fishing to the prior issuance of a fishing license by the competent fisheries authority (Article 4). It reinforces the principle of participatory management of fisheries resources, aiming to, *inter alia*, ensuring responsible management of fisheries; ensuring access to fisheries by recreational and sport fishers while protecting and promoting their wellbeing; promoting the participation of these fishers in the planning and implementation of fisheries management measures; ensuring the adoption of the EAF, education, and awareness-raising of fisheries practitioners and fishing communities; and preventing conflicts among fisheries sub-sectors (Article 5[1] and [2][a]–[d][f]). The requirements of the fishing licensing scheme for these types of fishing activities are detailed therein (Articles 9–17), as well as requirements on fishing gears and methods (Article 20–24), spatial and temporal controls (Articles 27–28), TAC (Article 29), and prohibitions of fishing protected species (Article 31). Landing requirements (Article 32) and fisheries offences and penalties (Articles 39–40) are also defined in this Decree.

The *Decreto n.º 74–2021, que aprova o Regulamento da Comissão Nacional de Administração Pesqueira (RECNAPE)*, which approves the Regulation of the CNAP, defines the statute, attributions, competences and organisational structure, as well as the functioning of the CNAP (Article 1 of the RECNAPE). The CNAP is the consultative body of the participatory management system of fishery resources at central level, in which all the interest groups involved are represented, with the purpose of coordinating efforts for the protection, conservation and sustainable and responsible use of fishery resources and respective ecosystems (Article 2 of the RECNAPE), composed of members from the public sector, the private sector and associations of fishermen and aquaculturists (Article 5[1][c] of the RECNAPE). The CNAP is empowered to be consulted on, *inter alia*, the following matters: policies and strategies for fisheries and aquaculture development; establishment and implementation of management measures for fisheries and aquaculture; state of exploitation of fishing resources; strategies and mechanisms for MCS in fisheries and aquaculture activities (Article 3[2][a]–[e] of the RECNAPE).

The *Resolução n.º 29–2021, que aprova o Estatuto Orgânico da Administração Nacional da Pesca (ADNAP, IP)*, which approves the Organic Statute of the National Fisheries Administration, provides that the sectoral supervision of the ADNAP is exercised by the Minister who oversees the area of fisheries and aquaculture (Article 3[1]). The tasks of the

ADNAP include: the management, conservation and sustainable exploitation of fishery resources and the establishment of monitoring and control mechanisms for fishing activity; the monitoring of the exercise of aquaculture activity; the promotion of institutional forms of involvement of fishing communities, fishing operators and other actors in the participatory management of fishery resources; the regulation and licensing of fishing and aquaculture activities; and ensuring the management, monitoring and control of fishery resources shared with other neighbouring states and of the region (Article 4[c]–[f][g]).

The *Decreto No. 89–2020, que aprova o Regulamento da Pesca Marítima – (REPMAR)*, approves the regulation of marine fisheries. Among various provisions relevant for an EAF, it provides for a mandatory administrative registration of industrial, semi-industrial, and artisanal fishing vessels and gears (Article 7); the minimum contents of fisheries development plan, considering consultation with decentralized government bodies and various other stakeholders in the process of its development, and possibility of review in the face of evolving biological, social and economic data (Article 9). This Decree also provides fisheries management principles of, *inter alia*, adequate conservation and utilization of biological aquatic resources and ecosystems; sustainability, precaution, participatory management, institutional cooperation and coordination (Article 12). The development of FMPs must be based on an EAF, with broad participation, and taking into account elements of existing FMPs, scientific studies, demarcation of management areas, customary management measures, and fishing zones (Article 13), provincial, district and municipal bodies are granted with the right of proposing the adoption of a FMP (Article 13[3]). It is the competence of the Ministry in charge of fisheries to, upon proposal of the Central Fisheries Administrative Body responsible for fisheries research, and after advice of the CNAP, establish TACs (Article 17) and total allowable efforts (TAEs) (Article 18). The Decree also emphasizes the participatory approach in fisheries management (Article 21), especially of artisanal fishers through the Fisheries Community Councils (Article 22), and of fishing communities through the delineation of community fisheries management areas, to ensure the sustainable exploitation of the fisheries resources, where only artisanal, subsistence, recreational, sport, research and experimental fishing are allowed (Article 23). Several requirements on spatial control and fishing gears are also outlined therein (Articles 26, 27, 37–57, Annex II). The Decree also details rules on MCSE, defining the various monitoring instruments (which include the fishing logbook, the VMS and the observers reports) (Article 130) and requiring, for instance, periodic reporting of fisheries catch data (Article 135); providing more details on the System of Monitoring of Fishing Vessels, composed by a Surveillance Monitoring Centre at the Ministry responsible for fisheries and a VMS installed on board the fishing vessels (Article 136); and providing for an observers scheme (Articles 142–144). Also important for an EAF are the provisions on the protection of species (Article 146), conservation of coastal and marine ecosystems, including fragile habitats (Articles 147–148) and conservation of fishery resources (Articles 149–152).

The *Decreto No. 80–2020, que aprova o Regulamento para o Controlo Hígio-Sanitário dos Produtos da Pesca*, approves the regulation of hygiene-sanitary control of fishery products. It is founded on the principles of, *inter alia*, food safety, consumers' protection, traceability, accountability, and transparency (Article 4). Another regulation covering a very specific issue



is the *Diploma Ministerial No. 58–2018, que actualiza as taxas a pagar pela prestação de serviços de inspecção do pescado*, which updates the fees for the provision of services of licensing, sanitary certification and laboratory analysis.

The *Decreto No. 74–2017, amended and republished by Decreto n.º 60/2018 with the amendments introduced by Decreto 21/2021 que estabelece os critérios, requisitos e períodos de concessão de direitos da pesca para cada pescaria*, , establishes the criteria, requirements and periods of concession of fishing rights for each fishery. It provides detailed regulation on fishing access rights and the licensing scheme, establishing, among many other provisions, that fishing rights comprise the privileged access of artisanal fisheries to a local fishing area (Article 6[e]); the concession of fishing rights in artisanal fisheries through registration in the fishing license by the respective district competent authority, and exempted from the payment of fees (Article 7[1][b]); allowing for the state's unilateral modification of the fishing rights authorization due to new scientific knowledge or fishing management data in accordance with the prevention and precautionary principles (Article 22), and allocating the amount of the different types of fishing licenses to *inter alia*, financing activities of surveillance of the fishing activities and fisheries management, as well as financing the activities of the fishing communities of the respective district (Articles 46 and 48).

The *Decreto No. 29–2017, que aprova o Regulamento do Uso e Aproveitamento de Albufeiras e Lagos*, approves the regulation of use and exploitation of reservoirs and lakes, including the use of non-motorized commercial and recreational fishing vessels in specified zones, upon payment of fees for such utilization (Article 18[2][a]).

The *Diploma Ministerial No. 286–2012, que aprova o Regulamento de Funcionamento do Centro de Monitorização e Vigilância*, approves the regulation of the functioning of the Centre of Monitoring and Surveillance, which has the competence of continuously monitoring via satellite, the national and foreign licenced fishing vessels in areas under Mozambique's jurisdiction, in the waters of other states or in the high seas (Article 6). It details the VMS requirements, including the responsibilities of the master or owner of the fishing vessel to ensure the maintenance and well-functioning of the VMS (Articles 11–21). It should be noted that REPMAR briefly assessed above provides for the adoption of a specific regulation for the Centre of Monitoring and Surveillance which, once adopted, will repeal the present one (Article 138[2], REPMAR).

The *Diploma Ministerial No. 22–2008, que aprova o quadro jurídico normativo do Processo de Infração da Pesca*, approves the legal framework for the fisheries infraction process. It details the administrative process for fisheries offences, including the specification of the competence for issuing the administrative notice, its formalities, means of proof, safeguards, procedure to follow for industrial fisheries and artisanal fisheries, and provisional measures (Articles 4–47). It should be noted that REPMAR briefly assessed above provides for the adoption of new legal framework for the fisheries infraction process which, once adopted, will repeal the present one (Article 166[2], REPMAR).

The *Diploma Ministerial No. 49–2007, que aprova o Regulamento-Tipo do Comité de Co-Gestão de Pesca*, approves the regulation of the Fisheries Co-Management Committee. It describes this Committee as an advisory forum for the local fisheries management authority that provides advice and recommendations on matters concerning the preservation of fisheries resources and fisheries management (Article 1), including the establishment of closed season, proposals for fisheries legislation, planning and development plans, protection of endangered species, of the coastal zone and the marine environment (Article 2). It integrates representatives of such authority as well as of the community fisheries council, the fisheries research, the fisheries monitoring, the maritime authority and others (Article 3) and articulates with the CNAP (Article 11).

#### **2.2.4 Other sectors primary legislation**

The other sectors primary legislation corresponds to D1 to D5 in Appendix A.

The *Law No. 10–2022, pursuant to the review of the Law No. 5/96*, approves the organisation, composition, operation and competences of the Maritime Courts, which have jurisdiction to settle disputes relating to maritime, fluvial and lake jurisdiction in civil, criminal and commercial matters, as well as maritime, fluvial and lake contraventions and other matters of a maritime, fluvial and lake nature that are not attributed by law to another jurisdiction (Article 2). Competences in civil matters include the use, loss, finding or appropriation of apparatus or gear for fishing or harvesting shellfish, molluscs and marine plants, irons, gear, weapons, provisions and other objects intended for navigation or fishing, as well as damage to property (Article 17[m]) and in criminal matters consists in judging maritime crimes committed in the respective area of jurisdiction and typified as such by the maritime criminal law or other applicable legislation (Article 18). The Law defines maritime crimes as offences that, due to their close connection with life at sea, on inland waterways or lakes, are typified as such by maritime criminal law and other applicable legislation (Article 20).

The recently adopted *Law of the Sea of 20/2019* broadly provides for the ecosystem approach as well as other relevant EAF principles such as international and regional transboundary cooperation and coordination, adaptive management and the multidisciplinary, transversal and integrated management (Article 5[a]–[d]). This Law subjects the government to the obligation of adopting legislation for the prevention, reduction and control of pollution of the marine environment in accordance with international law and prohibits certain activities including: the intentional or nonintentional discharges of waste and marine pollution from installations and devices; the pollution from vessels; and the conduction of geophysical and/or geological research without taking on board the vessel equipment for the detection and continuous observation of marine mammals within a radius of 500 m (Article 42[2]). It establishes the National Council of the Sea in charge of implementing the POLMAR (Article 81) and creates the *Centro de Coordenação de Operações de Fiscalização Marinha* (CEFMAR) [Centre for the Coordination of Maritime Surveillance Operations] to ensure the coordination of maritime surveillance and involving all the entities with competence in the Mozambique's maritime space (Article 92). It establishes maritime crimes, subject to the jurisdiction of the Maritime Courts, whose organization, composition, functioning and competencies are defined in the above Law No. 10-2022, and which include pollution of the national maritime space,

destruction of prohibited or protected fauna, flora, coral and mangroves and illegal fishing by foreigners (Article 93).

The *Environment Law of 1997*, as last amended in 2014, provides for principles derived from the right of all citizens to an ecologically balanced environment, enshrined in Article 90 of the *Mozambique Constitution of 2004*, revised in 2018. These principles include the precautionary principle, the global and integrated vision of the environment, comprising the interdependent natural and built ecosystems, which are to be managed so that their functional equilibrium is maintained, and the principle of broad participation of citizens (Article 4[c]–[e]). This Law creates local services to ensure the coordination of environmental action, decentralisation in order to allow for the adequate consideration of local knowledge and initiatives (Article 7). It also requires the government to create adequate mechanisms to involve the various sectors of the civil society, local communities, particularly the environmental protection associations, in the preparation of policies and legislation on the management of national resources as well as in the implementation of the National Program on Environmental Management (Article 8).

The Environment Law prohibits all activities that threaten the conservation, reproduction, quality and quantity of biological resources, especially those threatened with extinction, requiring the government to take measures to, *inter alia*, maintain and regenerate animal species, restore damaged habitats and create new ones (Article 12). It also expressly ensures the right of access to information related to the management of the country's environment and the right to formal and informal environmental education to be granted by the government in collaboration with social communication entities (Articles 19–20). It establishes the Environmental Impact Assessment (EIA), whose models and formalities are to be determined by specific regulation (Article 16), is based on an Environmental Impact Study (EIS) and establishes the minimum contents of the EIS (Article 17).

The *Biological Diversity Protection, Conservation and Sustainable Use Law of 2014*, as amended in 2017, details the description of fully conserved areas and of sustainably used areas for the conservation of ecosystems and coexistence of local communities with other conservation interests and values. It establishes the national network of conservation areas (Article 12) and promotes the regional and international cooperation in the management of shared resources in transboundary areas as well as the implementation of common approaches for the conservation of ecosystems and species therein (Article 36[2][a][c]) and ensures the right of local communities to submit the proposal for the creation of conservation areas (Article 38).

The *Law on Forests and Fauna of 1999*, as amended in 2017, is based on an integrated management and establishes, among other provisions on the protection of forestry and fauna resources, the zone of historical-cultural use and value, which are designed for the protection of forests of religious interest and other sites of historical importance and cultural use, in accordance with the customary practices and norms of local communities (Article 13).

### **2.2.5 Other sectors secondary legislation**

The other sectors secondary legislation corresponds to E1 to E16 in Appendix A.

The *Diploma Ministerial n.º 55–2022, que aprova a directiva sobre os contrabalanços da biodiversidade*, which approves the directive on the biodiversity offsets, establishes the principles, methodologies, requirements and procedures for the correct implementation of Biodiversity Offsets, integrated in the EIA processes (Paragraph 2), and applicable to all national and foreign public and private entities registered in Mozambique that implement projects that may generate impacts on the set of natural values and resources existing in the national territory and in waters under national jurisdiction, and to all sectors of activity subject to an EIA (Paragraph 3).

The *Decreto No. 100–2021, que cria o Parque Nacional de Maputo*, creates the National Park of Maputo, delimiting its boundaries and its contiguous zone (Articles 1–2) with a view to guarantee the protection, conservation, preservation and integrated management of flora and fauna, as well as the protection of sites, landscapes and geological formations of particular scientific, cultural or aesthetic value, in the interest and for public recreation, representative of the national heritage.

The *Decreto No. 59–2021, que cria os Conselhos de Gestão das áreas de conservação*, creates the Management Councils for Conservation Areas. These Councils establishes for 11 conservation areas ensure the articulation and coordination at local level with all the relevant stakeholders in the conservation of existing natural resources as well as support in their management (Article 1). The members of these Councils include representatives of the respective conservation area, Districts' managers covered by such area, members of the Natural Resources Management Councils, private sector, Fisheries Community Councils, Social Associations, experts in conservation, biodiversity or fauna, the chief of the section on Conservation, Tourism, and Community Development, and the chief of the section on Protection and Surveillance of the Conservation Area (Article 2). Among various other responsibilities, the Management Councils for Conservation Areas are in charge of reviewing the management plan in collaboration with all interested and affected persons at least once every five years and of responding to the development needs of communities legally residing in the conservation areas and contiguous zones (Article 3).

The *Decreto No. 97–2020, que aprova o Regulamento de Gestão e Ordenamento da Zona Costeira e das Praias*, approves the regulation for the management of the coastal zones and beaches. It is founded on the principles of, among others, sustainability, shared and integrated territorial management, co-accountability, environmental liability, environmental and civic education, coordinated and scientific approach, participation of all citizens, and international operationalization and cooperation (Article 4). Among other provisions, it provides for ornamental fishing and shells (Article 24); prevention and fighting against pollution (Articles 34–36) and requires all relevant stakeholders to collaborate with inspection officers in the exercise of their duties (Article 49).

The *Decreto n.º 91–2019, que cria o Fundo de Desenvolvimento da Economia Azul (ProAzul, FP)*, which creates the Blue Economy Development Fund, under the supervision of the Minister who oversees the area of the sea, defines its attributions which include: attracting and making available financial resources, both internal and external, for projects and actions of the organic units of the Ministry with sectoral supervision, as well as of the other institutions, both public and private, involved in the activities of the Blue Economy value chains; financing and guaranteeing the administrative and financial management of the programmes and projects aligned with the principles of the Blue Economy (Article 5[b][c]).

The *Decreto No. 30–2019, que aprova o Regulamento de Investigação e Pesquisa Científica Marinha*, approves the regulation of marine scientific research. In addition to outlining the authorization scheme and requirements for conducting marine scientific research (Articles 6–23), this Decree requires environmental monitoring with a view to provide informed guidance for ensuring marine and coastal ecosystems services (Article 24). It is the responsibility of the Ministry in charge of marine areas to, through the institute responsible for maritime management and security, carry out the inspection of marine scientific research in areas under Mozambique’s jurisdiction, according to an inter-sectoral coordination framework and support from inspection agents (Article 26).

The *Decreto No. 21–2017, que aprova o Regime Jurídico de Utilização do Espaço Marítimo Nacional*, approves the legal regime for utilization of the national maritime space with many provisions relevant for an EAF. It establishes the following marine spatial planning (MSP) instruments: the Situation Plan and the Allocation Plans. The objectives of these instruments include the promotion of the sustainable, rational and efficient economic exploitation of the sea and marine resources as well as ecosystem services, ensuring the preservation, protection and restoration of natural values, coastal and marine ecosystems and the maintenance of the marine environment’s wellbeing, planning the uses and activities to be developed in the maritime space with due regard to marine ecosystems, and preventing or minimizing eventual conflicts between uses and activities developed in the maritime space (Article 5). This Decree requires cooperation and transboundary coordination in the development, amendment, review and suspension of the MSP instruments (Article 7). It also ensures the right of all interested persons to information on the development, approval, monitoring and evaluation of such instruments (Article 8) as well as the right of all citizens, scientific, professional associations, labour unions and enterprises to participate, directly or indirectly, in the development, amendment, review and evaluation of the MSP instruments (Article 9).

The *Decreto No. 34–2016, que aprova o Regulamento sobre o Comércio Internacional de Espécies de Fauna e Flora Silvestres Ameaçadas de Extinção*, approves the regulation on the international trade of endangered species of wild fauna and flora, pursuant to the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES). Among other issues, it provides for the conditions and procedure for carrying out CITES international trade transactions involving CITES-listed species, including the requirements for obtaining an export licence (Article 12), an import licence (Article 13), a re-export certificate (Article 14), and an introduction from the sea certificate (Article 15). Due to increased number of commercially exploited aquatic species being included in CITES Appendix II, and the resulting legal and

institutional implications to the fisheries sector (Kuemlangan and Nakamura, 2022), it is fundamental that this sector is aware of the Decree No. 34–2016 and collaborates with the relevant authorities responsible for implementing CITES in Mozambique.

The *Decreto No. 6–2016, que cria o Fundo Nacional de Desenvolvimento Sustentável*, establishes the National Sustainable Development Fund, with a view to foster and finance programmes and projects that ensure an inclusive and balanced sustainable development (Article 3). Its attributions include promotion of research programmes and actions in the field of sustainable development and financing programmes for environmental management and biodiversity conservation (Article 5).

The *Decreto No. 54–2015, que aprova o Regulamento sobre o Processo de Avaliação do Impacto Ambiental*, approves the regulation on the EIA process. The following activities are classified as category A and therefore subject to mandatory EIA: industrial fishing activities with high pressure on the fisheries resources and aquaculture activities with more than 100 tons of annual production (Article 4 and Annex II [2.4]). It also requires the results of the evaluation of the proposed activity to be determined based on *inter alia* the affected ecosystems, plants and animals, and their importance for the biodiversity and ecosystem services (Article 9[1][b]). The decree further outlines the list of minimum requirements of the EIA, including the characterization of the environmental and social status and the quantitative evaluation of the ecosystem services, the identification and analysis of the impact of the project on the health, gender and vulnerable groups in affected communities, the identification and evaluation of direct, indirect, residual and cumulative impacts, and respective mitigation measures and/or compensation (Article 11[2]), and provides for a process of public consultation and participation (Article 15).

There are two regulations which delineates the areas of marine protected areas, namely, the *Decreto No. 71–2011, que cria uma Reserva Aquícola Marinha*, creates a Marine Aquatic Reserve; and the *Decreto No. 42–2009, que cria a Reserva Marinha Parcial da Ponta do Ouro*, establishes the Partial Marine Reserve of Ponta do Ouro.

The *Decreto No. 88–2009, que aprova o Regulamento do Ecoturismo*, approves the regulation of ecotourism. It is founded on the principles of, *inter alia*, sustainability, environmental protection, environmental accountability, monitoring, cooperation and interactional education (Article 4). Among other provisions, it subjects eco-tourism activities to an EIA or declaration of exemption (Article 7) and imposes requirements on eco-tourism operators in interacting and engaging with local communities that live in the eco-tourism area or in adjacent zones (Article 28).

Finally, other decrees relevant for an EAF and which incorporate specific EAF requirements are: the *Decreto No 25–2008, que aprova o Regulamento para o Controlo de Espécies Exóticas Invasivas*, which approves the regulation for the control of exotic invasive species; the *Decreto No. 19–2007, que aprova o Regulamento sobre Acesso e Partilha de Benefícios Provenientes de Recursos Genéticos*, which approves the regulation on the access and benefit-sharing arising from genetic resources; and the *Decreto No. 45–2006, que aprova o Regulamento para*

*Prevenção da Poluição e Protecção do Ambiente Marinho e Costeiro*, which approves the regulation for the prevention of pollution and protection of the marine and coastal environment, and was partially revoked by the Decree No. 97–2020 analysed above.

### **2.2.6 Additional relevant information from the National EAF-Focal Point**

The fisheries sector interacts with the following institutions: the National Administration of Conservation Areas (ANAC), for conservation purposes; the National Institute of Tourism (INATUR) for culture and tourism issues; the Navy in respect of sea defence matters; the Coastal, Lake and River Police (PCLF) for security at sea and its ecosystems; the National Directorate for Water Resources Management (DNGRH) for public works housing and water resources; the Institute of Sea and Boundaries (IMAF) under the Ministry of Foreign Affairs and Cooperation; as well as with other sectors, including sciences, technologies, universities and academia, and civil society organizations (CSOs) operating in the marine and coastal domains (e.g. WWF, Livaningo, CTV, AMA, ABIODES, MEGAFUNA, ADEL, IUCN, BIFUND and RARE). A practical example of interaction among these different stakeholders is the control of international trade in marine species (ANAC) and the licensing of artisanal fishing by the District Services of Economic Activities.

The preparation of the POLMAR was based on a multi-sectoral collaboration through the creation of an Inter-ministerial Commission composed by focal-points representative of each relevant sector. Another Consultative Commission, covering about 14 sectors directly and indirectly acting at sea, was created for the ongoing process of developing the National Maritime Space Management Plan (POEM), in charge of providing advise on the process and being responsible for its evaluation and monitoring. Annual meetings are held within the scope of the Inter-ministerial Water Commission and the Inter-ministerial Sea and Border Commission. Various sectors, including the private and business sector and CSOs are involved in the preparation and revision of fisheries legal instruments and related legislation.

The following three projects were reported as having been implemented following an EAF: (i) the Project to Strengthen Resilience in Vulnerable Communities in the Coastal Zones of Mozambique (from May 2018 until October 2021), which includes the ecological resilience component (the integrity and ecological health of coastal and marine ecosystems and habitats will be improved and/or maintained to allow socio-ecological systems to better absorb and withstand the stresses and shocks of climate change); (ii) the Artisanal Fisheries Adaptation to Climate Change Project, which contributes to the promotion of shared and sustainable prosperity, income and livelihoods of fishing communities through improving community management of selected priority fisheries and identifying a scalable approach to reduce the Mozambique's vulnerability to climate change, by improving the sustainable management of fisheries and natural resources (which ended in April 2019); and (iii) the Small Scale Aquaculture Development Project – PRODAPE (valid for 5 years), which addresses disaster risk reduction and response.

### 3. Conclusion

#### 3.1 Main gaps in the assessed policy and legal instruments

Some of the EAF legal requirements in the EAF Legal Checklist in **Appendix B** were not incorporated (X) or were only partially incorporated (Ø) by the assessed policy and legal instruments of Mozambique identified under **Appendix A**. This subsection summarizes the main gaps from the desk-based preliminary assessment without prejudice to others that may be identified in a comprehensive analysis of the national policy and legal frameworks at country level.

Of the 82 EAF legal requirements, **78** EAF legal requirements were found in Mozambique's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **4** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Mozambique.

The assessed policy and legal instruments did not provide for periodic review of fisheries conflict management, indicating a gap with respect to EAF Component 7. Another shortcoming was found as regards TACs, including requirements on monitoring catch in real-time, which is an essential requirement under EAF Component 9.

In respect of MCSE, which is of particular relevance to the fisheries sector, the requirement to keep a registration of all fishing vessels that operate in the maritime waters of Mozambique has been regulated but the regime established by the administrative registration does not include the requirements under the EAF Component 11.

Another gap found concerns the promotion of energy efficiency in fishing vessels, pursuant to EAF Component 15.

#### 3.2 Level of alignment of the assessed policy and legal instruments with an ecosystem approach to fisheries

In determining the level of alignment of the assessed policy and legal instruments with an EAF in the EAF Legal Report, the following criteria were used:

Number of EAF legal requirements incorporated in the assessed policy and legal instruments	Percentage of the 82 EAF legal requirements incorporated	Overall level of alignment with an EAF
0 – 30	0 – 36%	Low
31 – 50	37 – 61%	Low-medium



<b>Number of EAF legal requirements incorporated in the assessed policy and legal instruments</b>	<b>Percentage of the 82 EAF legal requirements incorporated</b>	<b>Overall level of alignment with an EAF</b>
51 – 61	62 – 75%	Medium
62 – 72	76 – 87%	Medium-high
73 – 82	88 – 100%	High

The policy and legal instruments of Mozambique, assessed in this Report, incorporate **78** out of the 82 EAF legal requirements, therefore indicating a **high** level of alignment with an EAF.

### **3.3 Final considerations and proposed way forward**

Legislating for an EAF is complex and challenging. Due to the numerous national policy and legal instruments relevant to the EAF, this EAF Legal Report should be considered as a desk-based preliminary assessment. It provides the initial basis upon which countries can advance the work towards improving their national policy and legal frameworks in alignment with an EAF, contributing to the ultimate goal of sustainability in fisheries.

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instrument to which Mozambique is a Party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

Overall, the policy and legal instruments of Mozambique assessed in this Report demonstrate a high level of alignment with an EAF. The few gaps identified should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (particularly managing fisheries conflict) “control on fishing operations” (especially TACs), and “MCSE” (especially the incorporation in the administrative registration of the requirements for the registration of fishing vessels).

The review of policy and legal instruments with respect to “fisheries management” and “MCSE” could be led by fisheries, using as a basis the subsidiary legislation foreseen under the REPMAR. Others, such as “stakeholders participation, coordination, cooperation and integration” and “conservation measures”, would require a more active involvement of other sectors in the review of their transversal relevant provisions.

This preliminary assessment is aimed at assisting legal practitioners, policymakers and fisheries managers in taking the necessary steps for improving the EAF implementation in their country.

The review of national policies and/or legislation is one of the many ways or processes through which an assessment of the implementation of the EAF can be conducted. It provides a country with the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policies and/or legal instruments for an EAF, and/or amending the existing ones to bring them fully in line with an EAF.

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## Appendix A. List of national policy and legal instruments assessed in this report

Identification	Instruments of MOZAMBIQUE
<b>A</b>	<b>Fisheries Policies</b>
<b>A1</b>	Política Pesqueira e Estratégias de Implementação, aprovada pela Resolução n.º 11-96
<b>A2</b>	Plano de Gestão da Pescaria de Crustáceos de Profundidade 2021-2025, aprovado pelo Diploma Ministerial n.º 80-2021
<b>A3</b>	Plano de Gestão da Pescaria de Peixes Demersais de Fundos Rochosos 2021-2025, aprovado pelo Diploma Ministerial n.º 80-2021
<b>A4</b>	Plano de Gestão da Pescaria de Camarão de Superfície do Banco de Sofala 2021-2025, aprovado pelo Diploma Ministerial n.º 80-2021
<b>A5</b>	Estratégia para o Desenvolvimento da Aquacultura 2020-2030, aprovada pela Resolução n.º 48-2020
<b>A6</b>	Estratégia de Gestão do Mangal 2020-2024, aprovada pela Resolução n.º 33-2020
<b>A7</b>	Estratégia para a Gestão Integrada da Zona Costeira 2016-2025
<b>A8</b>	Política e Estratégia do Mar (POLMAR) de 2017, aprovada pela Resolução n.º 39-2017
<b>A9</b>	Plano Director das Pescas 2010-2019
<b>A10</b>	Plano Nacional de Acção para Prevenir, Impedir e Eliminar a Pesca Ilegal, Não Reportada e Não Regulamentada de 2009, aprovado pelo Diploma Ministerial n.º 58-2009
<b>A11</b>	Política de Monitorização, Controlo e Fiscalização da Pesca e Estratégia de Implementação de 2008, aprovada pela Resolução n.º 26-2008
<b>B</b>	<b>Fisheries Primary Legislation</b>
<b>B1</b>	Lei n.º 22-2013: aprova a Lei das Pescas
<b>C</b>	<b>Fisheries Secondary Legislation</b>
<b>C1</b>	Decreto n.º 21-2022: aprova o Regulamento da Pesca nas Águas Interiores
<b>C2</b>	Decreto n.º 99-2021: aprova o Regulamento Geral da Aquacultura
<b>C3</b>	Decreto n.º 88-2021: cria o Instituto Nacional do Mar (INAMAR, IP)
<b>C4</b>	Decreto n.º 87-2021: cria o Instituto Oceanográfico de Moçambique (InOM)
<b>C5</b>	Decreto n.º 82-2021: aprova o Regulamento da Pesca Recreativa e Desportiva
<b>C6</b>	Decreto n.º 74-2021: aprova o Regulamento da Comissão Nacional de Administração Pesqueira (RECNAV)
<b>C7</b>	Resolução n.º 29-2021: aprova o Estatuto Orgânico da Administração Nacional da Pesca (ADNAV, IP)
<b>C8</b>	Decreto n.º 89-2020: aprova o Regulamento da Pesca Marítima (REPMAR)
<b>C9</b>	Decreto n.º 80-2020: aprova o Regulamento para o Controlo Higié-Sanitário dos Produtos da Pesca
<b>C10</b>	Decreto n.º 90-2019: Concernente a Administração Nacional das Pescas abreviadamente designada por ADNAV que passa a designar-se Administração Nacional da Pesca, IP abreviadamente designada por ADNAV, IP
<b>C11</b>	Diploma Ministerial n.º 58-2018: actualiza as taxas a pagar pela prestação de serviços de inspecção do pescado
<b>C12</b>	Decreto n.º 74-2017: aprova o Regulamento de Concessão de Direitos de Pesca e Licenciamento da Pesca, alterado pelos Decretos n.º 60-2018 e 21-2021
<b>C13</b>	Decreto n.º 29-2017: aprova o Regulamento do Uso e Aproveitamento de Albufeiras e Lagos

Identification	Instruments of MOZAMBIQUE
c14	Diploma Ministerial n.º 286-2012: aprova o Regulamento de Funcionamento do Centro de Monitorização e Vigilância
c15	Diploma Ministerial n.º 22-2008: aprova o quadro jurídico normativo do Processo de Infração da Pesca
c16	Diploma Ministerial n.º 49-2007: aprova o Regulamento-Tipo de funcionamento dos Comités de Co-Gestão de Pesca
<b>D</b>	<b>Other Sector's Primary Legislation</b>
d1	Lei n.º 10-2022: atinente a revisão da Lei n.º 5/96, de 4 de Janeiro, que aprova a organização, composição, funcionamento e competências dos Tribunais Marítimos e revoga a Lei n.º 5/96 de 4 de Janeiro
d2	Lei n.º 20-2019: aprova a Lei do Mar
d3	Lei n.º 16-2014 aprova a Lei de Protecção, Conservação, e Uso Sustentável da Diversidade Biológica, com a redacção dada em 2017
d4	Lei n.º 10-99: aprova a Lei de Florestas e Fauna Bravia com a redacção dada em 2014
d5	Lei n.º 20-1997, aprova a Lei do Ambiente, com a redacção dada em 2014
<b>E</b>	<b>Other Sector's Secondary Legislation</b>
e1	Diploma Ministerial n.º 55-2022: aprova a directiva sobre os contrabalanços da biodiversidade
e2	Decreto n.º 100-2021: cria o Parque Nacional de Maputo
e3	Decreto n.º 59-2021: cria os Conselhos de Gestão das áreas de conservação
e4	Decreto n.º 97-2020: aprova o Regulamento de Gestão e Ordenamento da Zona Costeira e das Praias
e5	Decreto n.º 91-2019: cria o Fundo de Desenvolvimento da Economia Azul (FP)
e6	Decreto n.º 30-2019: aprova o Regulamento de Investigação e Pesquisa Científica Marinha
e8	Decreto n.º 21-2017: aprova o Regulamento que estabelece o Regime Jurídico de Utilização do Espaço Marítimo Nacional
e9	Decreto n.º 34-2016: aprova o Regulamento sobre o Comércio Internacional de Espécies de Fauna e Flora Silvestres Ameaçadas de Extinção
e9	Decreto n.º 6-2016: cria o Fundo Nacional de Desenvolvimento Sustentável
e10	Decreto n.º 54-2015: aprova o Regulamento sobre o Processo de Avaliação do Impacto Ambiental
e11	Decreto n.º 71-2011: estabelece a Reserva Aquícola Marinha
e12	Decreto n.º 88-2009: aprova o Regulamento do Ecoturismo
e13	Decreto n.º 42-2009: cria a Reserva Marinha Parcial da Ponta do Ouro
e14	Decreto n.º 25-2008: aprova o Regulamento para o Controlo de Espécies Exóticas Invasivas
e15	Decreto n.º 19-2007: aprova o Regulamento sobre Acesso e Partilha de Benefícios Provenientes de Recursos Genéticos
e16	Decreto n.º 45-2006 aprova o Regulamento para Prevenção da Poluição e Protecção do Ambiente Marinho e Costeiro, derogado pelo Decreto 97-2020

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

## Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Scope and definitions</b>								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	✓	✓	✓	✓	(A2) Section 2.1 (A3) Section 2.1 (A8) Sections 1–12 (B1) Articles 1–4 (C1) Article 2 (C2) Article 2 (C9) Articles 1–2 (C14) Articles 2–3 (C5) Articles 2–3 (D2) Article 2 (E5) Article 3 (E10) Articles 1–3	
	<b>Principles and objectives</b>								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation	2.	– Clearly define and apply the precautionary approach.	✓	✓	✓*	✓	•	(A6) Section 1.1 (A7) Section 4.3 (A8) Section 15(g)(h) (B1) Article 5(b) (C1) Article 2(b) (C2) Article 3(c)	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.6 Integration of lower level authorities C.7 Conflict management and C.11, C.13, C.14 and C.17								(c8) Article 12(c) (p2) Article 5 (h)	
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	✓*	✓	✓	(A6) Section 1.1 (A7) Section 4.3 (A8) Section 15(c) (B1) Article 5(c) (c1) Articles 2(c) and 20 (c5) Article 5 (c6) Articles 5(1)(c) (c8) Articles 10(2), 12(d), 13(2) and 21 (D5) Article 4(e) (E4) Article 2 (E5) Articles 4 and 6 (E7) Article 9	
	4.	– Ensure the right of access to fair and transparent information.	✓	X	✓*	✓	✓	(A6) Section 1.1 (A9) Chapter IV (page 22) (c3) Article 2(2)(c)(x) (c8) Article 21(2)(i) (c9) Article 4(i) (D5) Article 19 (E7) Article 8	
	5.	– Promote institutional coordination, cooperation and integration.	✓	✓	✓*	✓	✓	(A5) Section 2.4 (A7) Section 4.3 (A8) Section 17(c)	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(A9) Measures 21 and 70 (B1) Article 5(h) (C2) Article 3(d) (C6) Article 12(e) (C7) Article 15(1)(c) (C8) Article 12(e) (D2) Article 4(g) (E7) Article 7	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	X	●*	✓	●	(A2) Section 5 (A3) Section 5 (A4) Section 5 (A8) Section 15(g) (C1) Article 14(4) (C6) Article 2(2) (D5) Article 4(d)	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	✓*	✓	✓	(A1) Part II, Section 5 (A5) Section 2.4 (A6) Section 1.1 (A7) Section 4.3 (A8) Section 15(b) on 'values' (B1) Article 5(a) (C1) Article 2(a) (C2) Article 3(a) (C3) Article 5(d)	



Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(c6) Article 2(2) (c7) Articles 4(a)(c) and 5(a)(e) (c8) Article 12(b) (d2) Article 5(e) (E5) Articles 4, 6 (E7) Article 5(b)	
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.		✓	✓	●*	✓	✓	(A6) Section 1.2 (A8) Sections 22(d), 32 and 35(a) (B1) Article 5(a)(e) (c1) Articles 71–72 (d5) Article 4(a) (E7) Article 5(c)	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.		✓	✓	✓*	✓*	✓*	(A2) Sections 2.1, 5 (A3) Sections 2.1, 5 (A4) Sections 2.1, 5 (A6) Section 1.2 (A7) Section 4.4 (A8) Sections 16(d) and 33 (B1) Article 5(a)(b)(e) (c1) Article 2(a) (c3) Article 5(2)(c) (c5) Article 5(2)(d) (c8) Articles 12(a), 21(2)(a) (d2) Article 5(a)	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(E3) Article 10(a) (E4) Articles 24–25	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	✓*	✓*	✓*	(A2) Page 1264 (C8) Articles 9, 13 (D2) Article 5(c) (E12) Article 4(d)	
11.	– Harmonize management measures, including those for shared resources.	✓	X	X*	●*	●*	(A8) Section 15(b) on ‘principles’ (C1) Article 13 and 14(4) (C7) Article 4(g)	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	X	✓*	●*	✓*	(A1) Part III, Section 9.2 (A2) Section 4.3 (A4) Page 1325 (A6) Section 1.2 (A9) Chapter IV (page 22) (B1) Article 24 (C1) Article 20(2)(d)(e) (C5) Article 5(2)(e)(f) (C8) Article 21(2)(d)(e)(f) (E5) Article 5(g)	Provision in (B1) establishes conflict management measures on fisheries in general.
13.	– Consider socio-economic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	✓*	✓*	✓*	(A5) Section 2.2 (A6) Section 1.2 (A9) Chapter IV, pages 19–20 (B1) Article 5(a)(d) (C2) Article 3(f)	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(c8) Article 21(2)(e)(f) (d2) Article 5(e)(j) (E7) Article 5(g)	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	✓*	●*	●*	(A9) Chapter VII (page 49) (c1) Article 6 (c6) Article 3(2)(b) (c7) Articles 5(f) and 15(1)(a) (c8) Articles 10 and 13	
15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	●*	●*	(A1) Part III, Section 19.7 (A2) Pages 1263–1265 (A3) Page 1289 (A4) Pages 1324–1325 (A7) Page 1065 (A10) entire plan (A11) entire policy (b1) Article 8(b) (c1) Article 64 (c3) Article 6(2)(b)(x) (c6) Article 3	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	●*	●*	●*	(A2) Pages 1267–1271, 1275 (A3) Pages 1287–1290 (A4) Pages 1323–1325 (A6) Page 8 (A8) Section 90 and Pilar DC.d2	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(b1) Article 51 (2) d) and Art. 53(3) (c1) Articles 14–15	
	17.	– Promote the right of access to education and awareness raising on EAF.	✓	∅	∅*	●*	●*	(A6) Section 1.1, Page 8 (A8) Sections 11(j) and 35(b) (b1) Article 5(a) (c8) Article 21(2)(h)	Provisions in (b1) and (c8) are too broad without particular concern to education on EAF.
		<b>Institutional arrangements</b>							
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	X	✓	✓*	✓*	(A8) Section 75 (c8) Articles 149–152 (D2) Article 5 (D4) Article 13 (E4) Articles 1–3 (E10) Entire regulation	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	✓	✓*	✓*	(A8) Section 75 (c8) Articles 149–152 (D2) Articles 6–10 (D4) Articles 13 (E2) Articles 1–2 (E4) Articles 1–3	
C.5 Coordination, cooperation and integration	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	X	✓*	✓*	(A6) Section 1.1 (A7) Section 4.3 (A8) Section 11(g) (b1) Article 5(h)	
C.7 Conflict management									
C.8 Integrated management									

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
of aquatic ecosystems							(c1) Article 2(d) (d2) Article 5(b) (E7) Article 7	
	20. – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:  (a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	∅	✓	✓*	✓*	(A9) Chapter IV (page 22) (B1) Article 23(1)(2)(c) (c8) Articles 149–152 (d2) Articles 6–10 (d4) Article 13 (E4) Articles 1–3	Provision in (B1) is broad referring to sustainability in fisheries and responsible exploitation.
	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	✓	●*	●*	(A2) Pages 1267–1276 (A3) Pages 1291–1311 (A4) Pages 1327–1343 (A5) Annex I (A9) Chapter IV, pages 25–26 (B1) Article 9, 23(1)(2)(a) (c1) Article 6 (c8) Article 5	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	✓	X	✓*	✓*	(A6) Section 2.1 (A9) Chapter V (page 44) (B1) Article 23(1)(2)(b) (c6) Article 5€ (d3) Article 12 (E4) Articles 1–3	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(d) monitor, assess and align the various environmental policies and plans.	✓	✓	X	✓*	✓*	(A8) Section 75 (B1) Article 25 (D3) Articles 6–7 (E4) Articles 1–3	The National EAF-Focal Point emphasised that the provision in (B1) has been implemented through the creation of the CNAP and the Fisheries Co-Management Committee, which represent all groups of interests, promoting their participation in the management and conservation of fisheries resources.
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	✓	✓	X	●*	●*	(A9) Chapter IV (page 22) (B1) Article 24 (C1) Article 14(4)(e)	
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	●*	●*	(A7) Page 35 (A8) Section 27(a) (C6) Article 5(e)	
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	✓	X	X	●*	●*	(A7) Page 35 (A8) Section 27(b)(c) (C6) Article 5(d)	
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	✓	X	X	●*	●*	(A8) Sections 27(d) and 75 (C6) Article 5(d)	The National EAF-Focal Point informed that a periodic evaluation is planned

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								every 5 years to assess the degree of implementation of activities under <b>(A8)</b> by the sectors involved.
	(i) ensure periodic reviews of conflict management processes.	X	X	X	●*	●*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	X	●*	●*	(A2) Pages 1267–1276 (A3) Pages 1291–1311 (A4) Pages 1327–1343 (A5) Annex I (A6) Pages 17–32 (A8) Section 90 (A11) Section 3.4 (B1) Articles 6, 7, 23 (C1) Articles 20–21 (C6) Articles 8 and 11	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	✓	✓	✓	(A6) Section 2.1 (A9) Chapter IV (page 25) and Chapter VII (page 48) (B1) Article 23 (C1) Articles 7, 20–23 (C5) Article 5(3) (C8) Articles 21(2)(b)(c), 22, 24, 25 (D5) Articles 6–7 (E4) Articles 1–3	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(E6) Article 26 (E7) Articles 15 and 22 (E12) Article 28	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	X	✓	●	(A8) Sections 15(i)(j) on 'principles' and 84(b) (B1) Articles 9, 37 and 73 (c1) Article 5(5) (D2) Article 21	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	✓	✓	●	✓	(A9) Chapter IV, pages 30–32 (B1) Article 20(2)(d) (c8) Article 22 (c11) Articles 46 and 48 (E12) Article 28	
	<b>Stakeholder participation, coordination, cooperation and integration</b>							
C.4 Stakeholder participation  C.5 Coordination, cooperation and integration  C.6 Integration of lower level authorities,	23. – Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	✓	✓	✓	✓	✓	(A1) Part III, Section 18.1 (A6) Section 2.1 (A9) Chapter IV, pages 25–26 (B1) Article 23 (c1) Article 21 (c5) Article 5(3) (c6) Article 5(9) (c8) Articles 21(3), 22 (D5) Articles 7–8 (E3) Article 11 (E4) Article 2	



Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
bodies and stakeholders								(E7) Articles 15–18	
C.8 Integrated management of aquatic ecosystems	24.	– Establish and properly publicize public meetings or hearings.	X	∅	✓	X	✓	(B1) Article 34 (C12) Articles 26 and 27 (E1) Para 5 (E8) Article 15	Provision in (B1) refers to public offer of fishing rights.
	25.	– Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	✓	X	✓	(C12) Article 27 (E10) Article 15	
	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	X	✓	✓	(A6) Section 1.1 (A7) Section 4.3 (A9) Chapter IV (page 33) (A10) Measures 55–59 (A11) Section 3.5.2 (B1) Article 5(h) (C1) Article 2(d) (D2) Article 5(b) (E7) Article 7	
		<b>Fisheries management</b> <b>Catch/output controls</b>							
C.9 Controls on fishing operations	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or	✓	X	✓	N/A	N/A	(A1) Part III, Section 19.4 (A2) Page 1265 (A3) Page 1286–1287	Provision in (B1) empowers the government to establish mechanism to limit access to

**Perceived level of alignment with the EAF legal requirement**

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.10 Fishery management plans C.17 Monitoring and review		discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.						(A4) Page 1323 (B1) Article 14(1) (C1) Articles 18–19 (C5) Article 9 (C8) Articles 14, 16(1), 17, 19	fishing and fishing efforts but has no reference to TAC or to limits of acceptable bycatch and/or discards from fishery.
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	✓	✓*	N/A	N/A	(B1) Article 12(1)(I) (C1) Article 18 (C5) Article 9 (C8) Articles 14, 16(1), 17	
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	✓	N/A	N/A	(C1) Article 19 (C8) Article 19 (C12) Articles 26–27	
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A	(C1) Article 13	
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	✓*	N/A	N/A	(C12) Articles 28–30	
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A	(C1) Articles 17(3), 18, 19(6) (C8) Articles 16(4), 19	
		<b>Effort/input controls</b>							

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	✓	✓	✓*	N/A	N/A	(A10) 5.13.1 (Industrial and semi-industrial fishing) and 5.13.2 (artisanal fishing) (B1) Articles 29–36, 39–47 (C1) Articles 5–8 (C5) Articles 10–17 (C12) Articles 31–41	
	35.	– Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	X	∅	✓*	N/A	N/A	(B1) Articles 39(5), 42, 46 (C5) Article 4 (C8) Article 6 (C12) Articles 31–41 and 44	Provision in (B1) does not define the authority but generally refers to the 'government'.
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	∅	∅	✓*	N/A	N/A	(A1) Part III, Section 11.2 (A2) Page 1264 (B1) Article 40 (C8) Article 18 (C12) Articles 26–27	References in (A1) and (A2) concern fishing effort limits for shrimp fishing in the Sofala Bank and deep-sea crustacean fisheries, and its monitoring.  Provision in (B1) is limited, only referring to the need of authorization for expanding fishing fleet.
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	✓*	X*	✓	N/A	N/A	(A2) Page 1268 (A3) Pages 1291–1293 (A4) Page 1337 (C12) Article 13 and Annex 2	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(b1) Articles 39(5), 42(2) and 43 g) (c12) Article 51	
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	✓	✓*	N/A	N/A	(b1) Article 40(1) and 43 b)	
	<b>Fishing gear and method controls</b>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	✓	✓	✓	N/A	N/A	(A1) Part III, Sections 10.3 and 11.2 (A2) Page 1257 (A3) Page 1279 (A4) Page 1315 (b1) Article 48 (c1) Articles 31–47 (c5) Articles 20–24 (c8) Articles 32(3), 37–57, 61–83	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	∅	✓	✓*	N/A	N/A	(A8) Page 1064 (b1) Articles 17(1) and 50 (c1) Article 37 (c5) Article 21 (c3) Articles 32(4)	Reference in (A8) establishes the overarching strategy of combating destructive fishing practices.
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	X	∅	✓	N/A	N/A	(A1) Part III, Section 11.2 (b1) Article 48 (c1) Article 35(3) (c5) Article 22–24 (c8) Articles 37–57	Provision in m (A1) bans tuna fishing with driftnets but does not define criteria Provision in (b1) only empowers the government to

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									establish technical and method controls.
		<i>Spatial and temporal controls</i>							
C.9 Controls on fishing operations c.10 Fishery management plans c.17 Monitoring and review	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	✓	✓	✓*	N/A	N/A	(A2) Page 1264 (A3) Pages 1286–1287 (A4) Page 1323 (B1) Article 16 (c1) Articles 5(2)(3), 24, 25 (c5) Articles 27–28 (c8) Articles 23, 32(6), 58, 95, 99, 102 (c13) Article 18(2)(a) (c10) Articles 33, 42, 45, 49	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	∅	✓*	N/A	N/A	(B1) Article 16 (c1) Article 5(4) (c5) Articles 27(2), 28(3) (c8) Articles 14–15, 30	Provision in (B1) does not define the authority but generally refers to the ‘government’.
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	✓	X	X*	N/A	N/A	(A9) Chapter V (page 44) (c1) Articles 21–22	
	46.	– Establish technical details and specifics on spatial controls.	✓*	X*	✓	N/A	N/A	(A2) Page 1264 (A3) Pages 1286–1287 (A4) Page 1323	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(c5) Article 27 (c8) Articles 26–27, 29, Annex II	
	<i>Fishery management plans</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	✓	∅	✓*	N/A	N/A	(A8) Section 90 (B1) Article 15 (C1) Article 14 (C8) Articles 9, 13 (C16) Article 2(I)	Provision in (B1) does not define the authority but generally refers to the ‘government’. Provisions in (C16) grant the Co-management committees with the power to give opinions and recommendations with regard to FMP’s proposals. The EAF-National Focal Point informed that pursuant to (B1), the FMP for Surface Shrimp Fisheries at Sofala Bank, FMP for Rocky Bottom Demersal Fisheries and the FMP for Deep-sea Crustaceans for the period 2021-2025 were approved and, according to information provided

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									by the National Focal Point of AEP, the Fisheries Management Plan for the Cahora Bassa Reservoir is being harmonized for its conclusion.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	✓	X	X	●*	●*	(A8) Section 27 and Page 1067 (c1) Article 14(4)	
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	✓	X	✓*	N/A	N/A	(A2) Sections 2 and 7.2 (A3) Section 2 (A4) Section 2 (c1) Article 14 (c8) Articles 9, 13	
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	✓	X	✓*	N/A	N/A	(A9) Entire FMP (A10) Measure 41 (c1) Article 14 (c8) Articles 9, 13	(A9) requires monitoring by the coordinator of each component. The mid-term review of the later FMP was undertaken in 2017. (A10) establishes as a rule that the FMP shall be monitored and readjusted every three or five years. The first FMP was

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								developed for the period 1995-2005 and the 2nd one for the period 2010-2019
51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account EAF;	✓	✓	✓*	N/A	N/A	(A2) Sections 2.1, 5 (A3) Sections 2.1, 5 (A4) Sections 2.1, 5 (A9) Chapter IV, pages 19–20 (B1) Article 15(2)(c) (C1) Article 14(1)(b) (C8) Article 13(1)	
	(b) biological description of fishery and ecosystem in which it takes place;	✓	✓	✓*	N/A	N/A	(A2) Section 3 (A3) Section 3 (A4) Section 3 (A9) Chapter IV, pages 29–30 (B1) Article 15(2)(b) (C1) Article 14(1)(c) (C8) Article 13(1)(c)	
	(c) social, economic and institutional aspects of the fishery;	✓	✓	✓*	N/A	N/A	(A9) Chapter V, pages 34–38 (B1) Article 15(2)(a) (C1) Article 14(1)(b) (C8) Article 13(1)(b)	
	(d) species composition and levels of bycatch, both retained and discarded;	X	X	✓*	N/A	N/A	(C1) Article 14(1)(d) (C8) Article 60	
	(e) ecological relationships between harvested, dependent and associated species;	✓	X	X*	N/A	N/A	(A9) Chapter IV (page 43) (C1) Article 14(4)	



Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A	(c1) Article 14(4)	
	(g) a review of the relationship with other coastal or marine resource management plans.	✓	X	X*	N/A	N/A	(A9) Chapter VII (page 49) (c1) Article 14(4)	
	<b>Conservation measures</b>							
C.14 Habitat and biodiversity conservation and restoration	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	✓	✓	✓*	✓*	✓	(A2) Page 1264 (A3) Pages 1286–1287 (A4) Page 1323 (B1) Article 48 (c1) Article 14, 68–70 (c5) Articles 29 and 31 (c8) Articles 13(3), 146–152 (D3) Article 2 and 5 (E14) Entire Decree	
	53. – Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	∅	∅	✓	X*	X	(A3) Page 1288 (A10) Measure 42 (B1) Articles 14(1)(2) and 98(g) (c5) Article 31, Annexes VII–VIII (c8) Articles 146–149 (E16) Article 64	Reference in (A3) is limited to the protection of corals and reference in (A10) is limited to turtles. Provision in (B1) is limited to categorising as very serious offence the non-use or the fraudulent utilization of marine turtle exclusion device.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	✓	✓*	✓*	✓	(A7) Chapter 4(4.5)(AT-IV) (B1) Article 25 (C1) Articles 20(2) and 23(4) (C3) Articles 5(2)(c)(vii) (C8) Articles 146–147 (D5) Articles 6–7 (E5) Article 49	
55.	– Establish mechanisms and designation of authority responsible for establishing:  (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	X	∅	✓*	∅*	●	(B1) Article 14(2) (C8) Articles 146 (D3) Article 46	Provision in (B1) is broad, prohibiting the possession, transport, storage, processing, exposure and selling of protected species generally.  Provision in (D3) empowers the Council of Ministries to approve the list of protected species without detailing the process or providing for consultation
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.	∅	∅	✓*	✓*	∅	(A3) Page 1287 (A7) Chapter 4(4.5) (AT-I) (B1) Article 14(1) (C1) Articles 71–74 (C8) Articles 149–152 (D3) Articles 4(d), 6 and 48 (E11) Entire regulation	Reference in (A3) requires an assessment of the role of the MPAs in the conservation of demersal fishing but does not provide for their nominations,

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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								protection and management. Reference in <b>(A7)</b> does not provide details but fosters the creation of new marine and coastal protected areas. Provision in <b>(B1)</b> only empowers the government to establish protected areas. <b>(E11)</b> is about the creation of a marine protected reserve.
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	X	X	✓*	✓*	✓	<b>(B1)</b> Articles 60(2) <b>(C1)</b> Article 74 <b>(D3)</b> Articles 150–152 <b>(E9)</b> Article 5(e)	Provision in <b>(B1)</b> establishes the general commitment to restore mangroves when its use is allowed.
	56. – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	X	X*	∅*	✓	<b>(A8)</b> Sections 11(j) and 35(b) <b>(D5)</b> Article 20 <b>(E3)</b> Article 6(1)(s)(2)(b)(c) <b>(E9)</b> Article 5(d)	Provision in <b>(D5)</b> is too broad and does not dedicate a special fund to support educational activities.
C.15 Regulation of activities potentially harmful to	57. – Adopt measures to:  (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and	✓	✓	✓	✓	✓	<b>(A7)</b> Chapter 4(4.5)(AT-III) <b>(B1)</b> Article 17(2)(3) <b>(C1)</b> Article 75 <b>(C3)</b> Article 6(2)(b)(ii)	

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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
aquatic ecosystems	cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.						(c6) Article 3(2)(f) (c8) Articles 154–155 (D2) Articles 42, 53 and 58 (E5) Articles 34–39 (E7) Articles 12, 22 and 70 (E16) Entire regulation	
	(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	X*	X*	X*	X	X		
	(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	✓	✓	●	●	(B1) Articles 48, 49 (c8) Article 41	
	58. – Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	∅	∅	✓	X	✓	(A8) Pages 1063 (B1) Article 57(1)(d) (c2) Articles 9(1)(c), 18 (E14) Entire decree	Reference in (A8) establishes the overarching strategy of promoting aquaculture with high levels of biosecurity, protection of the environment and well-being of the cultivated species. Provision in (B1) only empowers the government to regulate the introduction of species.

Perceived level of alignment with the EAF legal requirement

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.16 EIS or EIA	59.	– Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	X	X	✓	●	(c8) Article 159 (d2) Articles 51–58 (e7) Articles 11–60	Provision in (c8) requires the establishment of maritime safety areas but does not regulate the marine extractive activities.
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	✓	✓	∅	✓	✓	(a2) Pages 1264 (a5) Page 1187 (b1) Article 63(2) and 64 (c2) Article 42–43 (d5) Articles 16–17 (e1) Para 6 (e10) Articles 3, 4, 8, 10 and 11 and Annex II 2.4 (e12) Article 7	Provision in (b1) requires an EIA prior to using mangrove areas and aquaculture. Provision in (c2) subjects aquaculture activities in water bodies and the use of mangrove waters to environmental studies (e10) an EIA is required for industrial fishing activities with high pressure on the fisheries resources and aquaculture activities with more than 100 tons of production per year.
	61.	– Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and	X	X*	X*	✓	✓	(d5) Article 17 (e10) Articles 9, 10(2) and 11(2)	

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	potential alternatives or mitigation and rehabilitation measures.								
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	∅	✓	(D5) Articles 16–17 (E1) Para 6 (E10) Articles 6–21	Provisions in (D5) do not provide details on the process related to EIA. These details are provided in (E10).
	<b>Fishery monitoring and research</b>								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	X	X*	∅	∅*	(A2) Pages 1264–1265 (A3) Pages 1287–1290 (A4) Pages 1323–1325 (A8) Pilar C(cb.22) (C1) Article 10(1)(g) (D3) Article 46(2) (E3) Article 6(2)(b)(c) (E6) Article 4 (E9) Article 5(d)	Reference in (D3) is limited to promoting research on biological diversity status for the decision-making on species management and reference in (E9) provides for the promotion of scientific research programmes for sustainable development but does not specifically refer to EAF.  (E6) provides as a fundamental condition for authorization of marine scientific investigation and

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✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									research the contribution to national technical-scientific development and transfer of knowledge to the country, but does not include reference to EAF.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	X	X*	X	X*	(A6) Table 1 (c4) Article 5(a)(d)(e) (E3) Article 5(a)(d)(e)	
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	✓	X	X*	X	X*	(A6) Pilar 5 (E3) Article 5(a)(d)(e)	
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	X	✓*	X	∅*	(c12) Article 22 (E3) Article 5(a)(d)(e)	
		<b>MCSE</b>							
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the	✓	✓	✓	N/A	N/A	(A10) Measure 27 (A11) Section 3.5.2 (B1) Article 51 (c8) Articles 142–144	Provision in (c8) is limited and more details are provided in (b1).

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		authority to register and/or report violation of management measures).							
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	✓	✓	✓	N/A	N/A	(A11) Section 3.5.2 (B1) Article 51(3) (C8) Articles 142–144	
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	✓	X	X	N/A	N/A	(A11) Section 3.5.2(b)	
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	∅	✓	✓	N/A	N/A	(A2) Page 1264 (A3) Page 1289 (A10) Measures 15–16 (A11) Section 4.12 (B1) Article 54 (C1) Article 67 (C8) Articles 136–138 (C14) Articles 11, 17–18	References in (A2) and (A3) concern strengthening surveillance over deep-sea crustacean fisheries and rocky bottom demersal fisheries through the use of VMS.
	71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).	∅	✓	✓	N/A	N/A	(A2) Page 1265 (B1) Article 52 (C1) Article 65 (C5) Article 32 (C8) Article 135	References in (A2) requires improving the statistical information on catch and fishing effort in the logbook with georeferenced information over deep-sea crustacean fisheries.



Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	X	✓	✓	N/A	N/A	(b1) Article 22 (c1) Article 60 (c8) Article 7	
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	∅	X	N/A	N/A	(b1) Article 22 (c12) Article 31	Provision in (b1) determines that the requirements, conditions and elements to be recorded are to be established by regulation and the provision in (c12) establishes the administrative registration but does not include the requirements for registration of industrial fishing vessels.
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	✓	∅	X	N/A	N/A	(A10) Measures 24, 61, 62, 63, 69 (b1) Article 22 (c12) Article 31	Provision in (b1) requires all fishing vessels to be registered in the administrative registry to be established by specific regulation and the provision in (c12) establishes the

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								administrative registration but does not incorporate the information required, including on the vessel flag and beneficial owner. .
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	∅	∅	✓	N/A	N/A	(A10) Measure 51 (B1) Article 49 (C1) Articles 48–51 (C8) Articles 90–92, 94	Reference in (A10) is limited to marking of fishing vessel and provision in (B1) is limited to marking of fishing gear.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	✓	X	X	N/A ✓	N/A	(A10) Measure 69 (A11) Sections 3.4 and 3.5(a) (D1) Articles 81 and 92	The EAF-National Focal Point informed that annual meetings are scheduled within the scope of the Centre for the Coordination of Maritime Inspection Operations (CEFMAR), the regulation of which is under elaboration, as well as the National Council of the Sea (CNM).
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to	X	✓	✓	N/A	N/A	(A1) Part III, Section 19.7 (B1) Articles 72–73 (C1) Articles 83–85 (C8) Articles 160–164	

Perceived level of alignment with the EAF legal requirement

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.								
	78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	✓	∅	✓	N/A	N/A	(A11) Section 3.5.2 (b1) Article 99 (c1) Articles 58 (c5) Article 30 (c8) Articles 98, 118, 122–126	Provision in (b1) classifies as a serious fisheries offence the transshipping of unauthorised fishing products or in a port other than the one authorised.
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	✓	N/A	N/A	(c1) Articles 67 (c14) Articles 11–21	
	<b>Enforcement processes and sanctions scheme</b>								
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	✓	✓	✓	(b1) Articles 98–109 (c5) Articles 39–40 (c9) Article 69 (c15) Articles 31–34 (d3) Articles 53–63 (e8) Articles 25–27	Provision in (c15) is limited to provide that the Ministry in charge of fisheries will establish the sanction scheme. This scheme is defined under (b1).
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	✓	✓	✓	(b1) Articles 74–97 (c1) Article 87 (c8) Articles 165–166 (c15) entire regulation (d3) Articles 53–63 (e5) Articles 48–53 (e7) Articles 84–88	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(E10) Articles 28–29 (E11) Articles 45–55	
82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	∅	X	✓	X	(B1) Article 83 (D1) Articles 18, 20, 32–58 (D2) Article 93 (D5) Articles 21–27	Fisheries offences are subject to an administrative process expect with regard to the crime of resistance with violence or threats of violence against an inspection officer which is to be dealt under criminal law. As such the fisheries legislation does not establish judicial procedures.



The ecosystem approach to fisheries (EAF) is a risk-based management process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. EAF addresses ecological consequences of fishing as well as social, economic and institutional aspects of fisheries sustainability. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of information on legislation and regulatory instruments require the analysis of existing legal frameworks at all levels of governance, to assess whether they remain in force, valid and aligned with international fisheries law standards, including the EAF. The present work was prepared with a view to assess the level of alignment of national policy and legal frameworks of Mozambique. Based on this preliminary assessment, policymakers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with an EAF.

**For more information:**

**The EAF-Nansen Programme**

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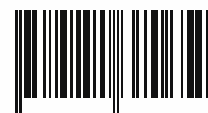
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