

REPUBLIC OF MOZAMBIQUE  
MINISTRY OF THE SEA, INLAND WATERS AND FISHERIES (MIMAIP)

Elaboration of the Strategy for  
Monitoring, Control and Surveillance (MCS) system in Mozambique

**STUDY 4: FINAL REPORT**  
**Update the national action plan to deter and eliminate IUU fishing**  
**(NPOA IUU)**



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## List of acronyms

Acronym	Definition
<b>ADNAP</b>	National Fisheries Administration (MIMAIP) / Administração Nacional das Pescas
<b>AIS</b>	Automatic Identification System
<b>AU</b>	African Union
<b>CAP</b>	Fisheries Management Commission / Comissão da Administração Pesqueira
<b>CBD</b>	Convention on Biological Diversity
<b>CCP</b>	Fisheries Communities Councils
<b>CDS</b>	Guidelines for a Catch Documentation Scheme
<b>CEPAM</b>	Centre of Marine and Coastal Environment Research
<b>CFP</b>	Common Fisheries Policy
<b>CP</b>	Contracting party
<b>DAMAI</b>	Provincial Department of Sea and Inland Affairs/ Departamento de Assuntos do Mar e Águas Interiores (in charge of MCS within the provincial DPMAIP)
<b>DB</b>	Databases
<b>DEPI</b>	National Directorate for Studies, Planning and Infrastructure / Direcção de Estudos, Planificação e Infra-estruturas
<b>DIPOL</b>	National Directorate for Maritime and Fisheries Policies / Direcção Nacional de Políticas Marítima e Pesqueira
<b>DMAI</b>	District level of DPMAIP
<b>DNOP</b>	National Directorate for Directorate for the Operations / Direcção Nacional de Operações
<b>DPMAIP</b>	Provincial Directorate of the Ministry of the Sea, Inland Waters and Fisheries / Dirección Provincial del Ministerio do Mar, Águas Interiores e das Pescas
<b>EA</b>	Eastern Africa
<b>EC</b>	European Commission
<b>EEZ</b>	Exclusive Economic Zone
<b>ERS</b>	Electronic Recording and Reporting System
<b>ESA-IO</b>	Eastern Southern Africa-Indian Ocean
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organisation
<b>FFP</b>	Fisheries Development Fund / Fundo de Fomento Pesqueiro
<b>FMC</b>	Fisheries Monitoring Centre
<b>FMP</b>	Fisheries Management Plan
<b>FPA</b>	Fisheries Partnership Agreement
<b>IDEPA</b>	National Institute for Fisheries and Aquaculture / Instituto Nacional de Pesca e Aquacultura
<b>IDPPE</b>	Previously National Institute for the Development of Small-Scale Fisheries
<b>IF</b>	Industrial fisheries
<b>IIP</b>	Fisheries Research Institute / Instituto Nacional de Investigação Pesqueira
<b>INAHINA</b>	National Institute for Hydrography and Navigation / Instituto Nacional de Hidrografia e Navegação
<b>INAQUA</b>	Previously National Institute for the Development of Aquaculture
<b>INIP</b>	National Institute for Fish Inspection / Instituto Nacional de Inspeção do Pescado
<b>IPOA IUU</b>	International Plan Of Action to prevent, deter and eliminate IUU fisheries
<b>IO</b>	Indian Ocean
<b>IOC</b>	Indian Ocean Commission
<b>IOTC</b>	Indian Ocean Tuna Commission
<b>ISIF</b>	Industrial and semi-industrial fisheries
<b>IUU</b>	Illegal, unreported and unregulated fishing
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MCS</b>	Monitoring, Control and Surveillance
<b>MCSCC</b>	SADC MCS Coordinating Centre

<b>MIMAIP</b>	Ministry of Sea, Inland waters and Fisheries
<b>MoU</b>	Memorandum of Understanding
<b>MPA</b>	Marine Protected Area
<b>Mts, MZN</b>	Metical
<b>NEPAD</b>	African Union Development Agency
<b>NGO</b>	Non-Governmental Organisation
<b>NPOA IUU</b>	National Plan Of Action to deter and prevent IUU fisheries
<b>PAD</b>	Project Appraisal Document (World Bank)
<b>PDP</b>	Plano Director das Pescas
<b>PESPA</b>	Strategic Plan for Artisanal Fisheries Sector / Plano Estratégico do Subsector da Pesca Artesanal
<b>PRSP</b>	Plan Régional de surveillance des pêches (IOC) / Regional Fisheries Surveillance Plan (IOC)
<b>PSMA</b>	Port State Measures Agreement
<b>REPMAR</b>	Regulamento Geral da Pesca Marítima
<b>RFMO</b>	Regional Fisheries Management Organisation
<b>SADC</b>	Southern African Development Community
<b>SIF</b>	Semi-Industrial Fisheries
<b>SSF</b>	Small-scale Fisheries
<b>SWIO</b>	South West Indian Ocean
<b>TAC</b>	Total Allowable Catch
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>VHF</b>	Very High Frequency
<b>VG-FSP</b>	Voluntary Guidelines for Flag State Performance
<b>VMS</b>	Vessel Monitoring System

## 1 INTRODUCTION

### 1.1 Background

The South West Indian Ocean Fisheries Governance and Shared Growth project (SWIOFish) development objective is to “improve the management effectiveness of selected priority fisheries at regional, national and community level”. Mozambique is one of three countries, with Comoros and Tanzania, in the first project (SWIOFish1), followed by Madagascar (SWIOFish2) and the Seychelles (SWIOFish3) that complement the initial regional SWIOFish component. The project for Mozambique includes a strong MCS component focused on national and local capacity enhancement for data-collection and compliance, and co-management at community level; and on regional cooperation including plans to host the headquarters for the Southern African Development Community (SADC) Monitoring Control and Surveillance Coordination Centre (MCSCC).

The project to elaborate a Strategy for Monitoring, Control and Surveillance (MCS) system in Mozambique is organised into four studies:

- **STUDY 1:** Elaboration of a MCS strategy for small-scale fisheries (SSF) based on risk analysis, optimal use of control tools in order to better enforce national and local fisheries regulations;
- **STUDY 2:** Elaboration of a MCS Strategy for semi-industrial and industrial fisheries (ISIF) based on risk analysis, optimal use of control tools and cost-effective management in order to better enforce international and national fisheries regulations;
- **STUDY 3:** Study for a long-term sustainable financing regarding the MSC industrial, semi-industrial and small-scale components;
- **STUDY 4:** Update the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (NPOA-IUU);

The overall objective of **STUDY 4** is to update the national plan of action to deter and eliminate IUU fishing (NPOA IUU) already developed in 2009, taking into account the new international provisions on combating IUU fishing and adapting in with the new Fisheries Code and its implementing regulations. This action plan should also incorporate the objectives set out in all the relevant national documents with links regarding MCS aspects.

### 1.2 Specific scope and objectives of the Study 4

The diversity of Mozambique’s fisheries exploitation has been described in this project’s **Study 1** for Industrial and Semi-Industrial Fisheries (ISIF) and **Study 2** for Small-Scale Fisheries (SSF). The two reports describe in detail existing means of Monitoring, Control and Surveillance (MCS) for priority fisheries in selected sites and Provinces, and for these, the analysis of risks and most pressing needs to develop an effective MSC system. **Study 3** identify means to finance a reinforced MCS system in the future through specific means adapted to evolving challenges of Mozambique’s fisheries at the SWIO region, national, Provincial, District and local levels. Elements and results of the first three studies were necessary for the realization of the **Study 4** to provide the essential diagnostic data of the MCS situation, implementation and sustainable funding prospects.

The assessment of the NPOA's results would be based on existing data at the time of completion of the Study and not just in the implementation period (2009-2014). The scope highlighting the actions carried out and measurable by the responsible authorities, but also with regard to the gaps and bottlenecks which limit its enforcement, possibly including the total absence of data, information’s for certain types of actions/objectives. Indeed, the work conducted in this study did not have the scope of an analysis / survey of administrative science. The issues related to the organization and action of the institutions in charge of the MCS have been evaluated in more depth in previous studies and many recommendations formulated to improve the actual situation.

The scope of such a study is primarily based on a **process of integrating international legal tools** of varying legal value. The legal transposition of international recommendations and their compliance in the corpus of national rules is the first step in the development of a NPOA IUU. But its definition and its implementation are then part of a **political process**, marked by the will of action of its representatives, by the means and capacities at their disposal, by inter-ministerial arbitrations and by a large number of other constraints, especially financial.

Thus, the content of this study should allow to bring initially all the relevant elements to the update of the plan, according to a dynamic and evolving process. In a second step end due to political scope of the NPOA, the national authorities and their partners must initiate a **process of ownership (appropriation)** to define the approach for updating and strengthening the NPOA. This is the most important step, as it must bring together a maximum of public and private representatives concerned to ensure consistency, readability and legitimacy in the finalization and ambitions of the future plan.

### 1.3 Methodology

The methodology is mainly based on the orientations recommended in the terms of reference of the study and reproduced in the appendix 1:

- **Literature Review** of International binding and voluntary texts on MCS, with Priority for IPOA IUU adopted by FAO in 2001;
- **Documentary analysis** of texts, initiatives and regional projects involving Mozambique through its agreements, partnerships and cooperation in the Indian Ocean in the field of MCS;
- **Analysis of texts and results related to the implementation of MCS policy** by the Mozambique authorities through its NPOA IUU. This work prioritized the results of studies 1, 2 and 3 for several reasons: **1)** they conducted an applied and field analysis of the situation of MCS in Mozambique, risks and needs; **2)** they have capitalized a very large number of works, studies and legal texts already existing, valuing a very dense database; **3)** they propose an updated analysis of the situation, in particular at the legal level, which goes beyond the strict framework of the current NPOA, limited to the period 2009-2015;
- **Exchanges, discussions and requests for additional data from the authorities concerned, mainly the DNOP**, but also other representatives involved in the MCS;
- **Characterization** of the situation/fight against IUU fisheries in Mozambique and proposal of a **SWOT analysis** in the form of a summary table;
- **Detailed analysis (measurement by measure)** of the content of the NPOA IUU (objectives), its results and general orientations for its update. This work was based on a didactic presentation, in the form of a table with color codes to illustrate the results of the plan and its different levels of implementation;
- **Drafting of a new text for the update of the national plan.** Work based on the current text and complemented by blue update proposals. It should be recalled that this draft must be the subject of a process of ownership / finalization by Mozambican authorities and stakeholders. This step will require the mobilization of a larger number of bodies (public policy dimension of the NPOA) according to a consultative and participative approach in accordance with the mechanisms in force in the country;
- **Definition of support elements** for monitoring, evaluation of the implementation of the plan.

### 1.4 Timetable

The organization of the study and its implementation have been fairly recent (second quarter 2019) in the timetable for carrying out the entire strategic study. Several reasons explain this late implementation:

- The need to wait for the results of studies 1, 2 and 3 to be able to integrate them into the overall evaluation of the MCS and its NPOA updating objectives.
- Late mobilization of the expert in charge of study 4, Bertrand Cazalet due to the delay taken in the implementation of the previous studies and following project deadline shift in 2019. Finally, the expert conducted a field mission for Study 4 from 27 to 31 May 2019, just before the Beira restitution workshops.

It should be noted that during the restitution workshops, study 4 report was not finalised and its results not yet formally validated by the beneficiary. Therefore, the expert presented during the workshops the key findings of the study 4 such as: 1) the international framework set by FAO's IPOA IUU; 2) the evaluation of the NPOA IUU according to its chronological structure.

This last point aimed at engaging in the most effective and practical exchanges and discussions possible with the many representatives present. This allowed to partially validate certain results (up to measure 58) of NPOA IUU and update recommendations. These elements are integrated in the point 4.3.3 of the present study. Concerning the following measures (59 to 85) they could not be the subject of debates and validations during the workshops due to lack of available time.

## 1.5 Report outline

This report is organised in 5 sections. **Section 2** present a review of international IUU legal framework, standards and its formal enforcement by Mozambique. **Section 3** propose a global overview of regional context et cooperation approach on MCS and IUU prevention. **Section 4** aims to : **1)** recall the characterization of IUU fisheries situation in Mozambique mainly based on results of studies 1, 2 and 3 result's ; **2)** produce a SWOT synthesis table; **3)** analyse in detail NPOA IUU (2009-2014) implementation and assessment. Finally, **Section 5** contains the draft proposal for a new IPOA IUU updated (2020-2025) and definition of support elements for monitoring, evaluation of the implementation of the plan. Chapter 6 for appendix.

## 2 INTERNATIONAL FRAMEWORK AND REFERENCE STANDARDS ON IUU FISHERIES PREVENTION

We will first analyze the founding text adopted by the FAO in 2001, then return more briefly to other relevant and complementary texts currently in force and whose legal scope remains relatively variable, between conventional and soft law.

### 2.1 International Plan of Action (IPOA) to prevent, deter and eliminate Illegal, unreported and unregulated fishing (IPOA – IUU)

This plan of action was adopted on March 02, 2001 by the FAO Committee Of Fisheries. It is a voluntary (non-binding) instrument but is based on several international texts on which we will come back later (see Section 2.2). This IPOA IUU is a framework for States, including Mozambique, to develop their own national action plan. We will thus recall its essential content as it appears chronologically.

#### 2.1.1 Introduction

The risk generated by IUU fishing is recalled, leading to : 1) undermines efforts to conserve and manage fish stocks; 2) failure in achieving fisheries management organization's goals; 3) loss of social and economic opportunities; 4) negative effects on food security and environmental protection; 5) the collapse of a fishery or seriously impair efforts to rebuilt stocks.

#### 2.1.2 Nature of IUU fishing and scope of IPOA

##### 2.1.2.1 Definitions

a) Activities-typology of IUU fishing (**Art. 3**)<sup>1</sup>:

- **Illegal fishing** refers to activities carried out in the EEZ of a country, in violation of its laws and regulations, as well as in international waters in violation of the law of the flag State of that country and regulations relating to its obligations under international treaties and the provisions of conventions of Regional Fisheries Management Organizations (RFMOs) to which it is a party;
- **Undeclared fishing** refers to fishing activities that have not been reported, or have been misreported (false), to the relevant national authority or RFMO, in contravention of the laws, regulations and reporting procedures from that country or organization. These activities may occur both within an EEZ and on the high seas;
- **Unregulated fishing** refers to fishing activities that are conducted, or targeting stocks for which there are no measures (national, regional or international level) for conservation or management regulations applicable to a particular fishery or fishing vessel. Unregulated fishing may take place in an unexploited fishery within an EEZ or on the high seas by vessels without nationality, or by vessels flying the flag of a State not party to international conventions or an RFMO.

b) Terms used (**Art. 6**)

Definitions of different decision/management entities and reference texts: States, regional, regional fisheries management organization (RFMO), conservation and management measures, 1982 UN Nation, 1993 FAO Compliance Agreement, 1995 UN Fish Stock Agreement, Code of Conduct.

##### 2.1.2.2 Scope

**IPOA is a voluntary instrument** elaborated within the framework of article 2 (d) of the FAO Code of Conduct for Responsible Fisheries (**Art. 4 and 5**). It applies to all States, entities and fishers. Its measures should be implemented by all Members of the FAO.

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<sup>1</sup> See also **Study 3 point 2.3**.

### 2.1.3 Objectives and principles of the IPOA

#### 2.1.3.1 Objectives

The general objective provides a comprehensive, effective and transparent measures to prevent, deter and eliminate IUU fishing (**Art. 8**)

#### 2.1.3.2 Principles and strategies

By implementing the IPOA, the States (**Art. 9**) need to adopt:

- Close and effective coordination/cooperation/consultation between States or regional/global fisheries management organizations and full participation of stakeholders in combatting IUU fishing;
- Gradual but earliest possible phased implementation of national/regional/global plan of action;
- Comprehensive and integrated approach (ecosystem-based management), which appears at primary responsibility of the flag state, whose action plan should address all: 1) factors affecting all capture fisheries; 2) economic, social and environmental impacts of IUU fishing;
- Conservation and long-term sustainable use of fish stocks and protection of the environment;
- Transparency according to art. 6.13 of the Code of Conduct;
- Non-discrimination against any State or its fishing vessels.

### 2.1.4 Measures to prevent, deter and eliminate IUU fishing

This is the heart of the IPOA which define several categories of measures, generally but also in terms of: **1**) the situation of States and their specific responsibilities in the field of IUU fishing prevention (flag, coastal and port state); **2**) other complementary factors relating to, inter alia, international trade in fisheries species, research, the role of RFMOs, the special needs of developing countries, monitoring the implementation of the plan and the coordinating role of FAO.

#### 2.1.4.1 All States responsibilities

##### a) International instruments (**Art. 10 to 15**)

- States should ratify or accept and give full effect to the 1982 UN Convention, the 1995 UN Fish Stocks Agreement, the 1993 FAO Compliance Agreement and the Code of Conduct or shouldn't act in a manner inconsistent with these instruments;
- Nothing in the IPOA should affect the rights and obligations of States under these instruments or international law.

##### b) National legislation (**Art. 16 to 24**)

State's rules should:

- Address all aspects of IUU fishing in an effective manner, including electronic devices and new technologies (for research and evidence);
- Ensure State control over nationals to prevent and control effectively that they do not support or are not engaged in IUU fishing or do not place their vessels under the jurisdiction of a State not in compliance with its flag obligations;
- Prevent, deter and eliminate vessels without Nationality on the high sea involved in IUU fishing;
- Ensure severity as well as consistent, coherent and transparent application of the sanctions, including administrative procedure;
- Prevent, deter and eliminate the activities of non-cooperating States involved in IUU fishing;
- Avoid economic incentives to companies, vessels or persons involved in IUU fishing;
- Ensure comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its beginning to destination, by using: 1) access regime (authorizations); 2) vessel registers (owners and

operators) ; 3) vessels surveillance systems, embedded observers, training and sensitization of staff; 4) MCS planification and funding ; 5) awareness of the professional fishing sector and its participation to the MCS activities; 6) collecting, archiving and distributing MCS data while respecting the rules of confidentiality; 7) effective implementation of national boarding mechanisms and inspections regimes in accordance with relevant international agreements (guarantee of rights and obligations).

c) National Plans of Action (**Art. 25 to 27**)

State's should:

- Within 3 years maximum after the adoption of the IPOA, develop and implement 1) national plans of action (NPOA) to give full effect to its provisions and 2) initiatives adopted by relevant RFMO, including contribution of NGOs and fishing communities;
- Within 4 years after the adoption of NPOA, review its implementation to identify cost-effective strategies and increase its effectiveness (in conformity with FAO reporting scheme);
- Interstate coherence between their NPOA's efforts.

d. Cooperation between States (**Art. 28 to 31**)

State's should:

- Coordinate their activities directly and through relevant RFMO: 1) data exchange under standardized approach; 2) cooperation to collect, manage and validate data, as well as for investigation services (inspectors) and competences/technologies transfer.
- Make available to FAO, other States and relevant regional/international organizations, information about vessels deleted from their records;
- Nominate and publicize initial formal contact (focal points);
- Enter into agreements or arrangements with other States.

e. Publicity (**Art. 32**)

States should publicize widely full details of IUU fishing and actions taken to eliminate it.

f. Technical Capacity and Resources (**Art. 33**)

States shall make sure that technical capacity and resources needed (financial) to implement the IPOA are available.

#### **2.1.4.2 Flag States responsibilities**

a. Fishing vessel registration (**Art. 34 to 41**)

Flag State should:

- Ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing and avoid flagging vessels with a history of non-compliance;
- If involved in a chartering arrangement, ensure that chartered vessels are not engaged in IUU fishing;
- Adopt uniform actions and standards to avoid and deter reflagging for the purpose of non-compliance with conservation and management measures/provisions;
- Ensure that registration of a vessel and issuing of an authorization to fish are conduct through cooperation and information sharing to take into account the interdependence between these two levels of authorization;

b. Register of fishing vessels (**Art. 42 to 43**)

Flag State should maintain a record of fishing vessels entitled to fly its flag and that includes base information's mentioned: vessel name (actual and previous), name, address, nationality of owner and operator, historic of vessel previous owners and activities (especially if IUU), vessel dimensions and side photo.

c. Authorization to fish (**Art. 44 to 50**)

Flag State should:

- Adopt measure to ensure that : 1) no vessel be allowed to fish unless so authorized; 2) States authorization (establishment and delivery) include minimal information : name of vessel and operator/owner, fishing zones, duration and scope of authorization, species and gears allowed and management measures, vessel monitoring system if required, fishing reports (statistics, effort, catches, bycatch, discards, fishing area, duration, period), observers if required, logbook, marking of vessels and fishing gear, **Unique Vessel Identifier (UVI)** number whenever possible (independent of registration number changes);
- Ensure that their fishing, transport and supply vessels 1) do not support/engage in IUU fishing, 2) have an authorization to tranship and 3) report the information mandatory;
- Make information from catch and transshipment reports regularly available to relevant national/regional/international organizations: date, place, volume, species, landing port, etc.

**2.1.4.3 Coastal State measures**

Detailed by **article 51**, coastal states should implement measures to prevent, deter and eliminate IUU fishing : 1) effective EEZ MCS; 2) cooperation with neighbouring coastal States and RFMOs; 3) vessels allowed and registered; 4) logbook mandatory and transshipment/transformation in accordance with rules in force (no authorization for vessels ever involved in IUU fishing).

**2.1.4.4 Port State measures (art. 52 to 64)**

Port State should:

- Use measures (fair, transparent and non-discriminatory) as well as establish and publicize a national strategy and procedure for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing;
- Provide all vessels (foreign) port access for different operation (refueling, bunkering, transshipment, landing) under specific conditions: prior authorization for entry into port (except in case of force majeure or distress) with sufficient prior notice and minimum information's (fishing operations, volume of catches, transmitted to port State.
- Publicize ports to which foreign flagged vessels may be permitted admission;
- Carry out inspections and transmitted information to flag State and/or RFMO. If the inspection suspects an IUU activity, the port State shall take the legal measures (international law), notify its observations to the flag State and adopt, with its agreement or at its request, any additional measures.
- Establish and publicize strategy and procedure for inspection/control (operational guidelines) and support cooperation between states and within relevant RFMO (compatibility of information, procedure require, control in case suspicion or statement of offense, etc.);
- Organize according to a strong presumption of IUU fishing risk for vessels whose flag is not a member of a RFMO or has not undertaken to cooperate with it: eg ban landing/transshipment, except proof by vessel that catches are legal.

**2.1.4.5 Internationally agreed market-related measures (Art. 66 to 76)**

States should:

- Prevent (and forbidden) fish caught by vessels identified by the relevant RFMO to have been engaged in IUU fishing being trade or imported into their territory (transparent measures based on scientific evidence);

- Adopt and implement trade-related measures through cooperation approach and in accordance with World Trade Organization (WTO) rules;
- Adopt measures that integrates: 1) information (document) and certification norms; 2) controls and restrictions to import/export;
- Adopt measures concerning species and stocks, fresh or fishery-derived products as well as all actors in the value chain, up to the final consumer (transparency of transactions/marketing's and origin of the products), including infringements definition and public/professional/bankers' awareness;
- Develop harmonized system of designation, codification and monitoring (documents, certificates, declarations, including electronic declarations) of fishery products

#### **2.1.4.6 Research (Art. 77)**

States should encourage scientific research on methods of identifying fish species from samples of processed products.

#### **2.1.4.7 Regional fisheries management organizations (RFMO) (Art. 78 to 84)**

States should:

- Ensure compliance with and enforcement of policies and measures adopted by relevant RFMO and cooperate in the establishment of such organizations;
- Through relevant RFMO: 1) take action to reinforce RFMOs and develop initiative ways included specific measures for institutional strengthening, reporting, conservation/management, information system and data exchange, common vessels registers (authorized and IUU), methods to collect and analyse commercial information's, improvement of MCS systems, action plans, etc.; 2) compile and make available (at least once a year) to other RFMO and to FAO, information previously mentioned;
- Contracting parties and RFMO should encourage the participation and cooperation of non-contracting parties.

#### **2.1.4.8 Developing countries specials requirements (Art. 85 to 86)**

States, with the support of FAO and relevant international financial institutions/mechanism, should cooperate to enable developing countries to develop and implement the IPOA and NPOA, including training, strengthening capacity, legal and regulatory revisions, MCS funding mechanisms, monitoring and collection catches data, regional institutional strengthening and integrated monitoring systems.

#### **2.1.4.9 Reporting (Art. 87)**

As part of their biennial reporting to FAO, states and RFMO should report to FAO on progress with the elaboration and implementation of the IPOA.

#### **2.1.4.10 Role of FAO (Art. 88 to 93)**

- Collect all relevant information and data to identify factors and causes contributing to IUU fishing;
- Support development and implementation of national and regional plans;
- Further investigate the issue of IUU fishing;
- Biennially evaluate the progress towards implementation of the IPOA.

## **2.2 Other relevant international standards and initiatives**

As indicated in the presentation of the IPOA IUU, it is a voluntary, non-binding instrument, but which incorporates for its implementation many other relevant and voluntary international texts and references.

### **2.2.1 The 1982 United Nations Convention on the Law of the Sea (UNCLOS)**

This instrument is the basis upon which all the subsequent instruments are built upon. UNCLOS defines the rights and responsibilities of States with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. It is a binding instrument,

although its principles may also be applied by countries who are not party to it, according to the rules of international legal custom.

### **2.2.2 The UN Fish Stocks Agreement**

The UN Fish Stocks Agreement is the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

The UN Fish Stocks Agreement entered into force on 11 December 2001, and is the most comprehensive of the binding international instruments in defining the role of Regional Fisheries Management Organisations and elaborating measures that could be taken in relation to IUU fishing activities. Although the UN Fish Stocks Agreement applies primarily to the highly migratory and straddling fish stocks on the high seas, its broad acceptance and application is evidenced by the reinforcement of other international instruments, implementation at the regional level, and to some extent by State practice within areas of national jurisdiction.

### **2.2.3 The Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)**

The FAO Agreement on Port State Measures<sup>2</sup> (from 2009) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing entered into force on the 5th of June 2016. The main purpose of the Agreement is to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing through the implementation of robust port State measures. The Agreement envisages that parties, in their capacities as port States, will apply the Agreement in an effective manner to foreign vessels when seeking entry to ports or while they are in port. The application of the measures set out in the Agreement will, inter alia, contribute to harmonize port State measures, enhanced regional and international cooperation and block the flow of IUU-caught fish into national and international markets.

### **2.2.4 The FAO Voluntary Guidelines for Flag State Performance (VG-FSP)**

The 2014 FAO Voluntary Guidelines<sup>3</sup> for Flag State Performance<sup>4</sup> spell out a range of actions that countries can take to ensure that vessels registered under their flags do not conduct IUU fishing, including monitoring, control and surveillance (MCS) activities, such as vessel monitoring systems (VMS) and observers. They promote information exchange and cooperation among countries so that flag states are in a position to refuse to register vessels that are "flag-hopping" by attempting to register with another flag state or to refuse vessels that have been reported for IUU fishing. The Guidelines also include recommendations on how countries can encourage compliance and take action against non-compliance by vessels, as well as on how to enhance international cooperation to assist developing countries to fulfil their flag state responsibilities.

### **2.2.5 The FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)**

The 1993 FAO Compliance Agreement entered into force on the 24th of April 2003. Its main purpose is to encourage countries to take effective action, consistent with international law, and to deter the reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas. With respect to the role of RFBs, the preamble calls upon States which do not participate in global, regional or sub regional fishery organizations or arrangements to do so, with a view to achieving compliance with international conservation and management measures.

### **2.2.6 The FAO voluntary Guidelines for a Catch Documentation Scheme (CDS)**

Also based on previous relevant international law and other international instruments<sup>5</sup>, the objective of these Guidelines<sup>6</sup> adopted in 2017 is to provide assistance to states, regional fisheries management organisations, regional economic integration organizations and other intergovernmental organisations when developing and

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<sup>2</sup> See also **Study 3 point 2.3.1**

<sup>3</sup> See also **Study 3 point 2.3.2**

<sup>4</sup> <http://www.fao.org/3/a-i4577t.pdf>

<sup>5</sup> See also **Study 3 point 2.3.3** and **2.3.4 for Marking of Fishing Gears, 2018, Draft Voluntary Guidelines**

<sup>6</sup> <http://www.fao.org/3/a-i8076e.pdf>

implementing new CDS, or harmonising or reviewing existing CDS define as a « system with the primary purpose of helping determine throughout the supply chain whether fish originate from catches taken consistent with applicable national, regional and international conservation and management measures, established in accordance with relevant international obligations, hereinafter referred to as “CDS” ». States should give full recognition to the special requirements to achieve the objectives of these Guidelines and to support its effective implementation, especially regarding issuance of electronic catch certificates and the needs/special requirements of small-scale fisheries (SSF). The main principles of these Guidelines have: 1) to be in conformity with the provisions of relevant international law ; 2) to not create unnecessary barriers to trade; 3) to recognize equivalence ; 4) to be risk-based; 5) to be reliable, simple, clear and transparent; 6) to be electronic.

### 2.2.7 Sustainable Development Goals (SDG) and Aichi Biodiversity Targets

These are more general international references, but nevertheless directly related to the governance of oceans and fishing activities in all their components related to sustainable development and the conservation of marine ecosystems.

#### 2.2.7.1 SDG 14

The **Sustainable Development Goals (SDGs)** are part of Resolution 70/1 of the United Nations General Assembly and a collection of 17 global goals adopted in 2015 for the year 2030. **Goal 14 « Life below water »** aims to "Conserve and sustainably use the oceans, seas and marine resources for sustainable development ». **Target 14.4** intended, by 2020, to effectively regulate fisheries, put an end to overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, the objective being to restore fish stocks as quickly as possible, at least at levels that provide maximum consistent yield based on biological characteristics.

#### 2.2.7.2 Aichi Targets

The "Aichi Targets" constitute the new "**Strategic Plan for Biodiversity 2011-2020**" for the planet, adopted by the Parties to the Convention on Biological Diversity (CBD) in October 2010. **Strategic Goal B** aims to « Reduce the direct pressures on biodiversity and promote sustainable use », with specific **Target 6**, by 2020, for all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits. Considering overexploitation, including that which results from illegal, unreported and unregulated (IUU) fishing, as the main pressure on marine ecosystems globally, leading to the loss of biodiversity and ecosystem structure . This target is also linked with **SDG Target 14.6** for ban fishing subsidies that contribute to overcapacity and overfishing. Encourage States to remove those that promote illegal, unreported and unregulated fishing and refrain from granting new ones, while considering that the provision of special and differential treatment that is effective and appropriate to developing and least developed countries must be an integral part of the fisheries subsidy negotiations in the framework of the World Trade Organization (WTO).

## 2.3 Synthesis of the implementation by Mozambique of International MCS instruments

Below is a table summarizing the different international legal tools and their level of integration into Mozambican law.

**Table 1: Binding and voluntary International instruments**

Year	International instruments	Mozambique legislation
<b>Adopted 1992 into force 2001</b>	UN Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement - UN FSA) <sup>7</sup>	Accession 10 Dec. 2008
<b>Adopted 1993 in force 2003</b>	UN Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (The Compliance Agreement <sup>8</sup> )	Accepted 9 Jan. 2009
<b>1995</b>	1995 FAO Code of Conduct for Responsible Fisheries was adopted in Resolution 4/95 by the FAO Conference on 31 October 1995 <sup>9</sup>	Mentioned by Ministerial Diploma (Ministry of fisheries) No. 58/2009 of December 15, National Action Plan to Prevent, Prevent and Eliminate Illegal Unreported and Unregulated Fishing
<b>2001</b>	Voluntary International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) <sup>10</sup>	Mentioned by Ministerial Diploma (Ministry of fisheries) No. 58/2009 of December 15, National Action Plan to Prevent, Prevent and Eliminate Illegal Unreported and Unregulated Fishing
<b>2007</b>	Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Recor).	2011 Mozambique takes part in the Pilot project
<b>2009</b>	Agreement on Port State Measures (PSMA) <sup>11</sup> , 1 <sup>st</sup> binding international agreement specifically targeting IUU fishing	Signed 4 NOV 2010 Ratified 19 AUG 2014
<b>2014</b>	Voluntary Guidelines for Flag State Performance (VGFSP)	No mention in existing texts
<b>2017</b>	FAO Voluntary Guidelines for Catch Documentation Schemes (VGCDS)	No mention in existing texts
<b>Various dates</b>	Resolutions and recommendations of IOTC, SWIOFC and other relevant regional fisheries bodies	IOTC; SIOFA

<sup>7</sup> [http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)

<sup>8</sup> [http://www.fao.org/fileadmin/user\\_upload/legal/docs/012s-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/012s-e.pdf)

<sup>9</sup> <http://www.fao.org/fishery/code/en>

<sup>10</sup> <http://www.fao.org/3/a-y1224e.pdf>

<sup>11</sup> [http://www.fao.org/fileadmin/user\\_upload/legal/docs/037s-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/037s-e.pdf)

### 3 REGIONAL APPROACH AND COHERENCE OBJECTIVES WITH NEIGHBORING COUNTRIES (SWIOFC) ON IUU FISHERIES PREVENTION

This third part examines the context of regional action in the area of MCS and IUU fisheries prevention. International references are available across regional seas and management organizations dedicated to them, particularly in the Indian Ocean. Co-operation between coastal States carries many inter-state projects and commitments which were previously described in *studies 1, 2 and 3*. We will take the essential elements of these developments by complementing them more specifically with regard to initiatives to fight against IUU fisheries.

#### 3.1 Indian Ocean Tuna Commission (IOTC)

The Indian Ocean Tuna Commission (IOTC) is an intergovernmental organization that co-ordinates the regulation and management of tuna and associated species in the Indian Ocean. Conceived in 1993, it came into existence in 1996. A multilateral Treaty, the Agreement for the Establishment of the Indian Ocean Tuna Commission, was approved by the Council of the Food and Agriculture Organization (FAO) of the United Nations (UN) in November 1993. The Agreement is open to any state that has coasts within the Indian Ocean region (or adjacent seas) as well as any state that fishes for tuna in the Indian Ocean region. The agreement is also open to regional economic organizations.

As a regional fisheries management organization (RFMO), the Commission performs the following standard functions:

1. carries out scientific monitoring and assessment of stocks, as well as catch and effort data;
2. supports and coordinates research, training, upgrading, technology transfer and capacity building activities related to its mandate;
3. adopts - on the basis of scientific evidence - conservation and management measures (CMM) to ensure the conservation of the stocks covered by the Agreement and to promote the objective of their optimal use throughout the area;
4. integrates in its work the economic and social aspects of fisheries based on the stocks covered by the Agreement, taking into account in particular the interests of developing coastal States.

Mozambique has been a member Contracting Party (CP) of the Indian Ocean Tuna Commission (IOTC) since 13 February 2012. As an IOTC CP, Mozambique has specific MCS duties, that include to timely submission of catch statistics, records of Authorized Vessels, Active Vessels List, IUU Vessels List, List of Designated Port, information on the official authorisation to fish outside National Jurisdictions, information on the official fishing logbook, and information on the official coastal State fishing Licence<sup>12</sup>.

Mozambique drew also an ambitious tuna fishery development plan in 2013, the *Plano de Desenvolvimento da Pescaria de Atum* (PEDPA)<sup>13</sup>, including a strengthening of the national VMS system and fisheries inspections capacities, and also possible finance mechanisms analysed and discussed in *Study 3*.

Mozambique's latest annual report to IOTC Compliance Committee for 2016<sup>14</sup> reports Mozambique-registered vessels compliance with IOTC conservation and management measures (CMM) in the IOTC Area; provides details on recent activities, training and support received from the IOTC in 2015 and 2016; and noted the following:

- The development and implementation since 2013 of a national tuna longliner logbook based on the IOTC requirements for data gathering, and plans to develop a specific logbook for purse seiners;
- The implementation of a national Observer Scheme for the national fleet, implementing Electronic Report System-ERS for EU Fleet, entry exit catch report system and Vessel Monitoring System, to cover all national and foreign tuna vessels;

Mozambique take also actions, under national legislation, to implement conservation and management measures : 1) The General Maritime Fisheries Regulation is in the process of revision to accommodate the

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<sup>12</sup> See <http://iotc.org/compliance>

<sup>13</sup> Plano de Desenvolvimento da Pescaria de Atum, ADNAP 2013, 29pp - see under *Measure 43 and 81* of NPOA IUU implementation.

<sup>14</sup> <http://iotc.org/documents/report-14th-session-compliance-committee>

requirements under the new Fisheries Law and to include requirements from IOTC resolutions (Port State Measures - PSM component); 2) Pending the conclusion of the above process, Mozambique has updated its Terms and Conditions for nationals and foreign tuna operators to include new resolutions approved by IOTC; 3) Mozambique also developed and approved the regulation of fishing right and fishing license; 4) Developed and approved Sea policy and regulation on Maritime Spatial Planning; 5) Conducted pre-fishing briefing and inspections for tuna fleet operators;

Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence, Mozambique is implementing an MCS system through: 1) Mandatory VMS system for all tuna vessels licensed to operate in its EEZ; 2) Conduct at sea and port inspections to comply with national and regional/international requirements; 3) Conduct pre-fishing briefings prior to commence the fishing operations; 4) Developed and introduced tuna logbooks to collect information; 5) Cooperation with regional initiatives to combat IUU Fishing; 6) Joint patrols with the IOC project (PRSP); 7) Implementation of the Terms and Conditions for tuna licensing including IOTC management measures.

Regarding AFVs (authorized fishing vessels) on the IOTC Record, which Mozambican authorities must make sure keep valid certificates of vessel registration and valid authorisation to fish and/or tranship on board: The Fisheries Law 22/2013 of 1 November, Maritime Fisheries Regulation 43/2003 of 10 December (REPMAR) and other legal instruments require that vessel masters keep on board their fishing vessels valid licenses and authorization issued by Mozambique authorities. This requirement is verified during the licensing process, and during at sea and port inspections.

For licence deliverance and it's monitoring, Mozambique license applications are subject to verification of any potential IUU activity records prior to issuance of the licence. The activity is carried out through cross-check of information held by different RFMOs and other combined IUU lists. Vessels with IUU history that has not been resolved cannot be licensed until the matter is completely solved.

### 3.2 The Southern African Development Community (SADC)

The legal basis for the Southern African Development Community (SADC) is a cooperation agreement adopted in 1992 (the most recent version of the treaty) by 16 Southern African countries. A fisheries-specific protocol<sup>15</sup> was signed in 2001, to promote responsible and sustainable use of the living aquatic resources and aquatic ecosystems of interest to State Parties, in order to (i) promote and enhance food security and human health, (ii) safeguard the livelihood of fishing communities, (iii) generate economic opportunities from nationals in the region, (iv) ensure that future generations benefit from these renewable resources; and (v) alleviate poverty with the ultimate objective of its eradication.

In support of Article 9 of the SADC Protocol on Fisheries, the SADC Ministers responsible for Marine fisheries signed in 2008 a "Statement of Commitment to combat Illegal, Unreported and Unregulated (IUU) fishing"<sup>16</sup>. The SADC Statement of Commitment to combat IUU fishing, which is an Annex to the Protocol on Fisheries, is aimed at (a) improving regional and inter-regional cooperation with a view to eradicating IUU fishing, (b) strengthening fisheries governance and legal frameworks to eliminate IUU fishing, (c) developing regional plan of action in relation to IUU fishing, and (d) strengthening fisheries monitoring control and surveillance capacity regionally. Point 5 of the IUU Statement, stipulates that a regional fisheries Monitoring, Control and Surveillance Coordinating Centre (MCSCC) must be created. Its location is planned in Maputo, Mozambique<sup>17</sup> as confirmed by a recent ministerial announcement (June 2018)<sup>18</sup>.

SADC IUU Statement also recalls the priority (point 6, 7 and 8) given to the States to adopt their national action plan against IUU fisheries, with particular support given to artisanal and small-scale fisheries (SFF), as well as to

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<sup>15</sup> [https://www.sadc.int/files/8214/7306/3295/SADC\\_Protocol\\_on\\_Fisheries.pdf](https://www.sadc.int/files/8214/7306/3295/SADC_Protocol_on_Fisheries.pdf)

<sup>16</sup> [https://www.sadc.int/files/8314/7306/3262/SADC\\_Statement\\_of\\_Commitment\\_on\\_IUU.pdf](https://www.sadc.int/files/8314/7306/3262/SADC_Statement_of_Commitment_on_IUU.pdf)

<sup>17</sup> For more informations:

[https://www.sadc.int/files/9814/8724/5613/SADC\\_Fisheries\\_Fact\\_Sheet\\_Vol.1\\_No.1\\_Focus\\_on\\_Mozambique.pdf](https://www.sadc.int/files/9814/8724/5613/SADC_Fisheries_Fact_Sheet_Vol.1_No.1_Focus_on_Mozambique.pdf)

[https://www.sadc.int/files/8514/7306/3248/Combating\\_IUU\\_fishing.pdf](https://www.sadc.int/files/8514/7306/3248/Combating_IUU_fishing.pdf)

<sup>18</sup> <https://noticias.sapo.ao/actualidade/artigos/mocambique-vai-ter-centro-de-controlo-e-monitorizacao-para-combater-pesca-ilegal>

post-harvest issues (monitoring and traceability of the products put for sale). Progressive harmonization of national legislations (point 15.e) is also considered essential for the implementation and effective enforcement of a regional MSC strategy;

### 3.3 The Southwest Indian Ocean Fisheries Commission (SWIOFC)

The SWIOFC is the SWIO (or Eastern and Southern Africa – Indian Ocean: ESA-IO) coastal states RFMO, the regional organisation in charge of coordinating regional fisheries management of all resources apart from those that fall under the IOTC remit. It was set up in 2004<sup>19</sup>, but various factors have slowed down the SWIOFC's work, including its delayed move to be hosted by the future SADC MSC Coordination Centre (MSCC) in Maputo that was originally planned in 2015, and also its financing by coastal states.

The SWIOFC) which secretary is currently based in Mauritius, was established by Resolution 1/127 of the FAO Council under Article VI 1 of the FAO Constitution. The SWIOFC aims to become a regional fisheries organisation in charge of shared fisheries resources or widely distributed stocks in the SWIO region that do not come under IOTC's remit. Its Rules of Procedures were adopted by the Commission at its First session in 2005. It aims to promote concerted action for the sustainable exploitation of fisheries resources, in accordance with the provisions and objectives of the Code of Conduct for Responsible Fisheries and various international relevant legal tools described in previous sections. A recent UNEP initiative aims to jointly support Nairobi Convention signatories and SWIOFC member states and promote adaptive ocean governance and fisheries management for Sustainable Blue Growth in the WIO region, especially in support of small-scale fishing communities with a focus on women and youth.

At its 9<sup>th</sup> session held in December 2018<sup>20</sup>, the SWIOFC Scientific Committee report drew the attention of the Commission to the initiatives already taken to develop the capacity of scientists and managers on fish stock assessment and fisheries management and, standardise procedures and organise data and information and recommended that SWIOFC members make an effort to improve the systems and procedures for management of data from the port and at-sea sampling, to facilitate quality control and availability of data for analyses. It was also noted at the meeting that 40% of the managed fish stocks were classified as overexploited and a significant part of the fish populations need to be better managed through improved regional effort in fisheries scientific research, resource management and compliance with best national and international instruments so as conserve fish resources for future generations<sup>21</sup>.

Mozambique chairs the SWIOFC Technical Group that coordinates the development of Guidelines on the Minimum Terms and Conditions for foreign fishing access to SWIOFC region, which have been approved for adoption by 9 out of 10 members present at the December meeting, are therefore expected to be adopted in 2019. The Guidelines would be an important milestone to empower the coastal states to engage effectively with Distant Water Fishing Nations to secure effective, coherent and coordinated management of shared fish stocks, reduce the Monitoring, Control and Surveillance costs, and increase equity in benefit sharing.

In liaison with other regional organizations, particularly the SADC, the SWIOFC aims (art. 4.h) to provide, advice and promote co-operation on monitoring, control and surveillance (SFS/DM/SWIOFC17/6 for Regional Monitoring Control and Surveillance Coordination Centre – SWIOFISH 1 project), including joint activities, especially with regards to regional and sub-regional cooperation.

### 3.4 The Indian Ocean Commission (IOC)

The Indian Ocean Commission is an intergovernmental organization that was created in 1982 at Port-Louis, Mauritius and institutionalized in 1984 by the Victoria Agreement in Seychelles. The COI is composed of five African Indian Ocean States: Comoros, Madagascar, Mauritius, Réunion (an overseas region of France), and Seychelles. COI's principal mission is to strengthen the ties of friendship between the countries and to be a platform of solidarity for the entire population of the African Indian Ocean region. COI's mission also includes development, through projects related to sustainability for the region, aimed at protecting the region, improving

<sup>19</sup> <http://www.fao.org/fishery/rfb/swiofc/en>

<sup>20</sup> <https://nfdi.info/news/the-ninth-session-of-the-south-west-indian-ocean-fisheries-commission-swiofc/>

<sup>21</sup> <http://africanfarming.net/livestock/aquaculture/swiofc-urged-to-effectively-respond-to-the-fisheries-development>

the living conditions of the populations and preserving the various natural resources that the countries depend on. Here we will look at projects specifically oriented towards fisheries under EU-funded MCS projects called the Regional programme of fisheries surveillance (PRSP in French).

### 3.4.1 Regional VMS Protocol (SIGMA)

The PRSP (Regional programme of fisheries surveillance) was initially only concerning IOC member states, of which Mozambique is not. However, Mozambique was included in some activities to strengthen regional MCS capacity and cooperation over the years, including when the PRSP project<sup>22</sup> was carried on by the SMARTFish2 EU-funded project, also based with the IOC, but for Mozambique was a beneficiary. A new EU-funded project, EEOFISH, is planned to start in 2019 and to carry on supporting regional MCS capacity building and training.

Through the PRSP, several operational solutions were implemented to prevent and detect foreign IUU activities (data sharing and at sea inspections). Regional cooperation was initiated or improved. However, given the country's budgetary difficulties, these measures are still being implemented (implementation of databases, VMS, etc.) or have been suspended (at sea inspection missions) for lack of means and budgets.

The IOC has set up and manages a Regional VMS Protocol (SIGMA) in use by its member states. Mozambique has been invited to join, but has not yet done so. The IOC SIGMA system is based on a VMS data exchange protocol, authorised at the highest level by participating countries in order to exchange their VMS data. The Themis server installed in Mauritius on the premises of the IOC makes it possible to merge the information transmitted by the different countries and rebroadcast them on a web interface to the agents in charge of the operation of the VMS in the different countries covered by the agreement. The protocol makes it possible for each country to transmit the following information to the regional server:

- Position of national fishing vessels authorized to fish outside their flag State EEZ, when they actually are outside the EEZ and operate inside the regional cooperation area, consisting of the sum of the EEZs of all participating countries; and
- Position of foreign vessels to licensed or authorized to fish in the EEZ of collaborating countries when there are present.

Through the regional VMS Protocol, participating States undertake to exchange their active fishing license registers in a transparent and timely manner. The system is housed and maintained at IOC headquarters in Ebene, Mauritius. The process of joining the SIGMA system is supported by the IOC as part of the program responsible for the implementation of the PRSP. However, to date, the PRSP is dormant due to the completion of the Smartfish program that funded it. The EEOFISH program should soon replace it in this task and allow the advancement of the accession process to the exchange protocol. Given the obvious added value of having this regional tool, SIGMA, and the very low cost of participating (in practice, the country only contributes with the transmission of position data for the vessels concerned), the study strongly recommends initiating the steps to adhere to this regional protocol.

### 3.4.2 EEOFISH program (2009-2024)

EEOFISH is EU-OIC program granted with 28 millions euros for the period 2019-2024. The overall objective is to *enhance equitable economic growth by promoting sustainable fisheries in the EA-SA-IO region*. Mozambique is involved in this program, specifically for achievement of **Results 2 and 3**:

- **Result 2** is specifically focused toward enforcement of RFMO legislation and improvement of compliance records involve support to joint **regional Monitoring, Control and Surveillance Action Plans, notably to deter illegal, unreported and unregulated (IUU) fishing**, and implementation of conservation measures based on scientific evidence. Result 2 develop Strategic actions to fostering regional cooperation for combating IUU in continuation of the PRSP : 1) Support inter-regional (at regional level), inter-agency (at national level) and inter-governmental MCS cooperation, coordination and harmonization processes; 2) Support exchanges of experiences and the development of coordinated approaches to improve MCS of artisanal and semi-artisanal vessels targeting shared marine resources; 3) Organize and coordinate joint sea and aerial patrols with National Competent Authorities in continuation of the Joint Regional Fisheries Patrol Program of the IOC-PRSP (Grant - direct

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<sup>22</sup> <http://www.commissionoceanindien.org/archives/fisheries.ioconline.org/regional-fisheries-monitoring.html>

management); Facilitate the interoperability of systems and **exchange of data** at (sub)regional level; 4) Support capacity-building for regionally harmonized enforcement, compliance and prosecution procedures (including PSMA) ; 5) Provide capacity-building and technical assistance on certification and traceability schemes; 6) Encourage synergies with other regional initiatives including marine security programs; 7) Establishment of a regional risk assessment framework with the support of EFCA through a twinning program; 8) If required, support regional and national observer schemes (SWIOFish activities)

- **Result 3 carries actions for Concrete fisheries management and governance initiatives in small-scale inland and marine fisheries:** 1) Support the implementation of FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of Food Security and Poverty Eradication<sup>7</sup> and FAO Voluntary Guidelines on the responsible Governance of tenure of land, fisheries and forests in the context of national food security; 2) Support activities that aim at reducing overfishing and excess capacity, including adjusting fleet composition; 3) Strengthen community-based management of small-scale fisheries (inland and marine) including participative surveillance; 4) Support to biodiversity conservation and rehabilitation measures; 5) Encourage value addition and food losses reduction through value chain approaches; 6) Support fisheries and fish product safety and standard from production to consumption; 7) Support the continuation and/or replication at regional level of successful pilot initiatives initiated under the EDF10 SmartFish programme.

See below for the budget guidelines and the indicative logframe with the activities, targets and baselines.

**Table 2: Indicative budhet (in euro)**

Activity <sup>23</sup>	EU Contribution	Indicative third party contribution
<b>Call for Proposals to support concrete fisheries management and governance initiatives</b> in the small-scale inland and marine fisheries (Result 3) – (direct management)	8 000 000	900 000
<b>Direct grant to National Competent Authorities</b> of member states of the DMROs to support regional MCS activities under the Joint Regional Fisheries Patrol Programme of PRSP (Result 2) – (direct manament)	2 000 000	500 000

<sup>23</sup> modified from [https://ec.europa.eu/europeaid/sites/devco/files/c-2018-4132-f1-annex\\_2-sustainable-fisheries.pdf](https://ec.europa.eu/europeaid/sites/devco/files/c-2018-4132-f1-annex_2-sustainable-fisheries.pdf)

**Table 3: Indicative logframe matrix<sup>24</sup>**

<b>Result 1</b>	<p><b>Regional policies and institutional frameworks are enhanced to secure more sustainable fisheries management</b></p>	<p>1) No. of fisheries management plans reviewed and/or implemented;</p> <p>2) No. of regional framework for fisheries data management developed and operationalised;</p> <p>3) No. of regional registration and licensing frameworks established;</p> <p>4) Adoption of joint resolutions tabled for RFMOs meetings;</p>	<p>1) None at start;</p> <p>2) None at start;</p> <p>3) None at start;</p> <p>4) Nil</p>	<p>1) At least 10 management plans reviewed/implemented;</p> <p>2) At least 2 data management systems (1 inland and 1 marine) developed;</p> <p>3) At least 3 licensing frameworks established (2 inland and 1 marine);</p> <p>4) At least 3 resolutions adopted</p>	<p>1) Technical Reports</p> <p>2) Statistical reports/ Data management reports;</p> <p>3) Technical reports from RFMO &amp; RFOs and National Competent Authorities;</p> <p>4) Workshop report; joint statements</p>	<p>1) Timely preparation of fisheries management plans</p> <p>2) Buy-in of the private organisations who are usually reluctant to provide business data;</p> <p>3) Licensing frameworks are prepared by the relevant organisations in a timely manner and accepted by all parties for implementation</p> <p>4) MS approve the joint resolutions in a timely manner</p>
<b>Result 2</b>	<p><b>Strengthened capacity to prevent, deter and eliminate IUU fishing in the EA-SA-IO region</b></p>	<p>1) IUU fishing is reduced</p> <p>2) No. of days of joint patrols conducted by Member States of DMROs;</p> <p>1) Automatic VMS data exchange on industrial vessels operational in at least 7 coastal states;</p> <p>2) No. of trainings conducted on Enforcement, Compliance and Prosecution procedures in the fisheries sector at regional &amp; national levels;</p>	<p>1) Estimated to 37% of catches / EUR 1.5bn (2014)</p> <p>2) Baseline reference the no. of joint patrols conducted in 2017 under IOC-PRSP;</p> <p>3) Current baseline 4-5;</p> <p>4) Training not available or not adapted</p>	<p>1) Reduction by 20%</p> <p>2) Minimum of 100 days of joint patrols annually;</p> <p>3) At least 7 coastal states achieve automatic VMS data exchange;</p> <p>4) At least 1 procedural training annually</p>	<p>1) International and regional organisations reports</p> <p>2) Monitoring reports;</p> <p>3) Monitoring reports of Regional Coordinating Unit</p> <p>4) Training reports</p>	<p>1) Participating States joint efforts to fight IUU are effective</p> <p>2) National Competent Authorities sign grant contracts for joint patrols in a timely manner;</p> <p>3) Effective data exchange system put in place;</p> <p>4) Efficient trainers identified and willingness of judiciary to participate to the training programme</p>

<sup>24</sup> modified from [https://ec.europa.eu/europeaid/sites/devco/files/c-2018-4132-f1-annex\\_2-sustainable-fisheries.pdf](https://ec.europa.eu/europeaid/sites/devco/files/c-2018-4132-f1-annex_2-sustainable-fisheries.pdf)

## 4 IMPLEMENTATION AND ASSESEMENT OF ACTUAL NPOA IUU

Considering the elements put forward in the terms of reference, we will: **1)** briefly recall the situation of IUU fisheries in Mozambique. This work is based mainly on the results of studies 1, 2 and 3; **2)** propose a SWOT synthesis of the NPOA in force (2009-2014); **3)** propose a detailed analysis of the implementation of the national action plan. This last component will be based on the chronological structure of the NPOA and the different series of measures adopted. The presentation will be in the form of a table, recalling the nature of the measure considered, its implementation (complete, incomplete / in progress, to be carried out) and the possible corrective orientations.

### 4.1 Overview of IUU fisheries in Mozambique

#### 4.1.1 General situation

The results of **Studies 1, 2 and 3** are mainly characterized by the following orientations:

##### ***4.1.1.1 A risk assessment applied to the various fisheries sectors (IFFI and SSF) and related financing issues***

This assessment was based on fieldwork and analysis of existing data. Through all these observations, it appears that the evaluation of the effort of the MCS activities done by administrations and other stakeholders (as CCPs) is not always measurable, as well as the concrete content of its results. However, the absence or weakness of data on this subject is a real indicator and has made it possible to precisely identify various recommended corrective measures to better identify various corrective measures recommended to fill these gaps and to be able to establish mechanisms for monitoring/evaluation of MCS. The legal texts in force are very numerous, dense and recent. They constitute a normative device globally relevant, certainly perfectible, sometimes to clarify, but it is especially their legal applicability that raises the most questions and refers us to the next point.

##### ***4.1.1.2 An assessment of priority needs of an institutional nature***

Aimed at strengthening the means of action and organization of the different structures involved in the fight against IUU fisheries, both at central and local level. Enforcement of the preventive and repressive rules of IUU fishing requires above all a functional framework, a clear division of powers/skills between the various authorities involved and their capacity to implement the required procedures. The institutions being the fruit of the political will, it joins to the highest point all the meaning and the scope of a NPOA IUU which remains an instrument of public policy with multi-year dimension. Its translation in terms of technical, institutional and legal means stems directly from the political choices that will or may be made during the five years set for its implementation.

##### ***4.1.1.3 The need to implement MCS objectives and actions in a progressive and structural way***

Indeed, monitoring, in particular registration and the granting of licenses or access/exploitation of fishing rights, is a prime component for the effective prevention of IUU fisheries. This work is a priority for example to be able to: **1)** determine the difference of regime (fisherman and vessel) between professional and non-professional fishing; **2)** Know the state/evolution of professional and non-professional fisheries, both qualitatively and quantitatively: number of vessels, profiles (motorized, non-motorized), number of fishermen (on-board, un-embedded), profiles (shipowners, sailors, others) and to adapt the national MCS policy with this aim; **3)** Establish, control and sanction obligations related to the landing and first sale of fish products by professional, which is a key data base for monitoring fishing effort, identifying species, their sizes, their prices, as well as the traceability and transparency of the marketing mechanisms all along the value chain, as well as the intervention of the other control authorities (health and commercial in particular) at the level of the ports and the points of sale.

**These few examples simply remind us that the action on MCS must foremost effectively articulate, coordinate and balance its three different components.** The primary purpose of the MCS is to ensure a preventive approach to IUU practices as the foundation of the administrative police action. Prevention first requires operational monitoring to identify and structure the fisheries sector and its stakeholders. This clarifies the professional and non-professional categories as well as the minimal conditions of access/exploitation of the resource and fishing zones. This first level of regulation acts as a filter that reduces the risks of IUU activities. That includes information on the legal framework in force and the rights/obligations that arise for professional fishermen. Their awareness

(sensitization) of the rules and issues related fisheries management are all the more important to help the State and its authorities in their work to prevent IUU fishing (*see Study 1 and 2 point 2.4.3*).

It also bases the second level, for *in situ* implementation strategy for surveillance and control actions, both preventive and repressive. For the latter, it is a way to better target the control effort (and corresponding sanctions) according to the major risks that persist in fishing activities. Finally, it should be remembered that fines from fisheries offenses should not be considered as a sustainable form of financing because they are intended to be exceptional or greatly reduced/decreasing. From this point of view, it may appear as a relevant indicator of the effectiveness of preventive management measures established upstream.

#### 4.1.2 A low level of control/sanction of illegal fisheries

##### 4.1.2.1 *The lack of regular surveillance, control and monitoring of offenses/fines*

The main difficulty of this analysis lies in the weakness of the monitoring and evaluation tools for fisheries control and surveillance. **Offense data, in particular, does not provide relevant information** on the institutional effort produced and results achieved. The data obtained from the beneficiary show fragmentary information, both in terms of the fishing segments considered (SSF and ISIF), of the nature of the infringements found and the effectiveness of the sanctions pronounced, mainly pecuniary.

We were not aware of global routine data regarding the establishment of offense logs for the 2009/2014 NPOA reporting period. For the 2013-2017 period, *Study 3 (see Table 51 p.61)* identifies revenue from fines (infringements) for 2014 only for the amount 1 790 (10<sup>3</sup> Mts MIMAIP), with no further details relating to the nature of the infringements found and their spatial and/or sectoral distribution. Some recent data provided by DNOP give more precise information for the period 2018/2019 related to the ISIF fisheries sector which we can summarize in the table below.

**Table 4: Updated fishing infringement (modified from DNOP 2018/2019)**

Nature of the infringements	Number	Average value of fines (mt)
Fishing in prohibited area	9	406,500,00
Non transmission of statistical data	3	10,000,00
Disabling automatic localization device (DLA in Portuguese)	1	15,000,00
Non-compliance with the conditions and terms set out in the fishing license	2	286,250,00
Fishing without authorization (license)	9	418,600,00 <sup>25</sup>
Fishing unauthorized species	2	380,182,00
Non functioning of the automatic localization device	3	199,000,00
Transshipment without prior authorization	2	Current procedure

As explain previously in *Study 1 and 2 (point 2.4.3)* for SSF and in most cases for ISIF “*there is no inspection/infraction report*” which would have made possible a global and comparative analysis of the control effort and the sanctions imposed. This marks the institutional difficulties and the weakness of the existing means/capacities, often amplified by the particularly difficult conditions of intervention of the inspectors and support agents (CCPs), as well as the vastness of the spaces to cover which do not allow to realize a daily surveillance and control in the act of committing offenses. This situation is also expressed in terms of monitoring and evaluating the results of the control effort, which remains very laconic and very heterogeneous depending on the geographical areas concerned.

At the more central level (*Study 1 and 2 point 2.4.4.5*), the creation in 2012 of the FMC under the authority of the ADNAP (with equipment for satellite tracking system - VMS) has not been able to integrate the surveillance action carried out by the DNOP. There is no coordination mechanism between these two major authorities, which

<sup>25</sup> 8 fines to 302,172,00mt and 1 fine to 1,350,000,00mt

greatly reduces the operability of the FMC. The technical functioning of the Center also raises difficulties (training deficit) for the agents responsible for its use. Finally, it was impossible to consult a digital register of inspections, which also tends to confirm the problems of coordination between the CMF and territorial levels, particularly at the provincial level.

#### **4.1.2.2 Difficulties in assessing inspection procedures and sanctions (fines) effectively imposed**

As explain in **Study 1 and 2 (point 2.4.3)**, the **obstacles to the application of the rules of procedure** in the area of control strongly limit the action of agents and their effectiveness: *“It was impossible to know precisely the procedure followed by inspectors during inspections and in case of discovery of infringement. It seems that most of the offenses are treated administratively, directly by the fisheries officer, without any control of the administrative authority or ability for the offender to present a contradictory defence”*. The inspectors thus act on a total opportunity, without any specific framework, or limits to their own competences, as regards the choice of the amount of the fines, the decisions of confiscation of fishing gear or other conservatory measure. This lack of transparency increases the risk of arbitrariness, of individual and non-uniform negotiation/arbitration practices (case by case) and conflict with offenders.

**The training/knowledge of inspectors and the information/awareness of fishermen about the regulations** in force are largely lacking. The latest regulations adopted<sup>26</sup> or planned have clarified the scope of control officers, the distribution of fines, etc. However, there is still a need to better regulate the legal framework of these agents, their physical and institutional identification on the field, the procedural guidelines and their control/coordination by the supervisory authorities.

Stakeholder’s knowledge of the rules applicable to fisheries is particularly relevant to the implementation of the **decision-making process** prior to their adoption. The fishermen's association to this process through consultation and participation mechanisms is a key factor in: **1)** fostering a dialectical and constructive approach between the state, its administration and the stakeholders involved in norms development; **2)** to achieve a more legitimate and ultimately more efficient regulatory framework in terms of its application, including control and sanction.

#### **4.1.2.3 The problem of unreported / unregulated fisheries**

Beyond the above-mentioned issue of control and sanction, **basic monitoring** of fisheries (professional and non-professional vessels and fishers) is also an essential element of any preventive action plan against IUU fisheries. Indeed, fight against unreported and/or unregulated fisheries is a major component of fisheries governance objectives and represent a strong indicator of the challenges and risks associated with implementing the current management plan, particularly for the SSF segment.

We will recall that according to the IPOA: **1)** Undeclared fishing refers to fishing activities that have not been reported, or have been misreported (false), to the relevant national authority or RFMO, in contravention of the laws, regulations and reporting procedures from that country or organization. These activities may occur both within an EEZ and on the high seas; **2)** Unregulated fishing refers to fishing activities that are conducted, or targeting stocks for which there are no measures (national, regional or international level) for conservation or management regulations applicable to a particular fishery or fishing vessel.

Without considering a form of hierarchy between the different IUU fishing categories, it is important to consider that certain activities can be considered as IUU, even if they do not systematically contravene the technical regulations generally in force (species, gear, zones, periods, effort quota / capture, etc.). Indeed, certain activities can be IUU by simple "omission"<sup>27</sup>, because not manage, not referenced, not registered (not officially authorized)

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<sup>26</sup> See for example : 1) Article 98 to 109 of the Fisheries Law; 2) Article 48.3 of Decreto n.º 74/2017.

<sup>27</sup> See also the FAO :

- *Technical guidelines on methodologies and indicators for the estimation of the magnitude and impact of illegal, unreported and unregulated (IUU) fishing - Volume 2 – Guiding Principles and Approaches* (2018) <http://www.fao.org/3/CA0458EN/ca0458en.pdf>
- *Review of studies estimating levels of IUU fishing and the methodologies utilized* (2016) <http://www.fao.org/3/a-bl765e.pdf>

and especially not followed and not sanctioned. This makes their evaluation even more difficult since they are not subject to specific management actions including MCS. The weakness of data on these basic issues (as well as the effectiveness of sanctions) reinforces the need for a broad and extrapolated analysis of the potential and proven risks of IUU fisheries.

In this context, **domestic unlicensed fishing** appears in all *studies 1, 2 and 3* as a major risk (apart from a few cases of well-identified ISIF) and as an eradication priority. In addition, this objective seems to us all the more important as it results from these unauthorized activities a whole number of other consequences (unsustainable practices, overexploitation, habitat degradation, spatio-temporal conflicts, etc.) likely to further aggravate the situation. Finally, the impacts of these IUU activities need to be considered all along the entire value chain, especially as soon as the first sale and application of market control/surveillance measures and the sanitary quality of the products. The products exported are mainly from ISIF activities and are subject to international standards that are generally quite strict in order to access certain markets, such as the EU. From this point of view, the risk generated is often quite low and well controlled by the rules and authorities responsible. On the other hand, local and national economic valuation raises more questions, still due to the same deficiencies and monitoring / evaluation mechanisms (traceability, origin, processing, packaging, transportation of products, etc.).

This is generally referred to by the FAO as "**Fishing outside of regulations**" and may correspond to **activity unseen** or **unknown vessel**. This reinforces the difficulty of assessing the situation of IUU fisheries in Mozambique because, as the FAO recalls that of *the three components of IUU fishing, unregulated fishing is perhaps the hardest to define in clear terms and therefore the hardest to estimate with any precision*". In the national context, this mainly concerns SSF fisheries whose simple authorization rate is not satisfactory. Under these conditions a large part of the fishing activity remains invisible and therefore unquantifiable in terms of the impact of its practices at the legal, socio-economic and environmental levels.

*Studies 2 (point 2.3)* and *3 (point 4.2.2<sup>28</sup>)* show the **low rate of licensing** in the field of SSF. The evolution of the licensing rate is even worrying since it tends to be reduced in most provinces of the country. This situation confirms that the priority in MCS is institutional for Mozambique to firstly find the means and the support necessary to structure the SSF sector, identify its actors and strengthen their organizations in order to implement an effective follow-up with the corresponding monitoring and control mechanisms.

The question of **subsistence** activities, **recreational and sport (Study 3, point 4.2.4)** fishing should also be included in these issues. Especially for subsistence fishing, its legal definition must be clarified in their non-commercial category in order to avoid any ambiguity with the professional SSFs (*Study 2, point 1.2.2 and 4.8, Study 3, point 4.3.2<sup>29</sup>*). Notably due to the common management arrangements of these activities with the SSF, in particular in the context of the instruction and the local delivery of authorization requests and the complementary intervention of the CCPs in these different processes.

The special situation of the SSF appears here to be very sensitive because it is the least well-monitored and regulated professional segment while it represents nearly **90%** of the country's catches and the bulk of active fishermen, both onboard and non-on board. Under these conditions, the **priority actions in favor of the SSF**, with their full and regular identification and monitoring, must be confirmed and should constitute a major axis of action for the future updated NPOA IUU.

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See also about OECD :

- Combatting Illegal, Unreported and Unregulated Fishing Where countries stand and where efforts should concentrate in the future (2018)  
[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/FI\(2017\)16/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/FI(2017)16/FINAL&docLanguage=En)

<sup>28</sup> Recalling that : **1)** Low licensing coverage weakens the entire MCS system; **2)** Low licensing coverage = lost licensing revenue; **3)** The 5-year Fishery Census due in 2018 needs to be undertaken as soon as possible to provide a baseline for the new Policy and the development of MCS activities; **4)** Incomplete requirements for the technical regulation of fishing effort for certain types of gear need updating, in particular gillnets, of which only the maximum permitted lengths are known, but without elements regarding the number of gear that can be used by one vessel or per fisherman.

<sup>29</sup> Considering that : **1)** Catches from non-commercial activities have to be recorded otherwise they are IUU catches; **2)** IUU catches compete unfairly with legal production and need to be eliminated; **3)** If catches can be sold occasionally, they need to be registered as commercial to ensure product hygiene and avoid low value parallel markets.

## 4.2 SWOT synthesis

Table 5: SWOT analysis of NPOA IUU implementation

Positive To reach the goal	Negative To reach the goal
<p style="text-align: center;"><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>• Strong political will for a national MCS enhancement (NPOA IUU renewal) and its local variations</li> <li>• Adoption of recent and renewed national legal texts (laws and regulations) and management plans with positive impact for implementation of the actual/future plan</li> <li>• Adoption / ratification of relevant international texts and agreements on MCS (compliance)</li> </ul>	<p style="text-align: center;"><b>WEAKNESSES</b></p> <ul style="list-style-type: none"> <li>• No regular monitoring/ evaluation of the: 1) IUU fisheries situation; 2) global implementation of the NPOA IUU</li> <li>• Weak institutional/administrative means (human, logistic) and financial resources for MCS activities</li> <li>• Lack of data for catch/landing (SSF, ISIF)</li> <li>• Administrative leafleting and coordination difficulties between different public authorities involved, both horizontally and vertically, and from the central to the local level</li> </ul>
<p style="text-align: center;"><b>OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>• Improve International and regional cooperation in support of the national MCS strengthening policy/objectives/projects</li> <li>• Improve: 1) administrative coordination and mission/responsibilities sharing; 2) organization, training and efficiency of inspection services; 3) integration of professional bodies and boost civil society (compliance culture) in the implementation and effectiveness of the MCS process</li> <li>• Strengthen operational surveillance capacity (sea / air patrol)</li> </ul>	<p style="text-align: center;"><b>THREATS</b></p> <ul style="list-style-type: none"> <li>• Lack of regulation and sanction (efficiency) of certain practices, including basic identification and monitoring of activities (e.g. problem of SSF and foreign fleets unlicensing)</li> <li>• Persistence of destructive and unsustainable practices (xicocotadas, prohibited areas, periods, gears, overfishing, etc.)</li> <li>• Difficulties of organization and representation of the professional sector (e.g. CCP's for SSF)</li> <li>• Spatio-temporal constraints of access for surveillance / control (distance, difficulties of access, etc.)</li> </ul>

## 4.3 NPOA IUU (2009-2014) implementation and assessment

Firstly, we will quickly recall the nature and scope of a management plan, particularly in relation to other public policy tools implemented at the national level. Secondly, we will detail the content of the plan and the evaluation of its implementation, accompanied by brief directions for an update.

### 4.3.1 Integration of the NPOA into the national strategic approach

These prior developments are justified by the current context and the **political** objectives assigned to the “sea” by the Mozambican State. Indeed, the **resolution n° 39/2017 of September 14, 2017** devotes the new **Policy and Strategy of the Sea (Política e Estratégia do Mar - POLMAR<sup>30</sup>)**. Initially, a sea policy aims to achieve objectives of general interest, justifying its implementation by legal instruments (laws, decrees, resolutions etc.) that are binding on all. A marine policy has at least objectives of regulation of private activities (control of risks and protection of public issues associated with the general interest), and can also contribute to a better integration of marine sectoral policies (fisheries, environment, energy, etc.).

In a second step, the results set and expected by the political objectives are specified in **strategy**, which are considered here in one and the same text. The same policy can be applied in several strategies, and the same strategy can contribute to several policies. The objectives of the strategy are associated with many constitutive elements (measurable indicators, timetable, identification/role of the actors involved, governance, methods,

<sup>30</sup> <http://extwprlegs1.fao.org/docs/pdf/moz172386.pdf>

legal frame, assessment of the means, monitoring procedures, evaluation and revision), including **action plans** that will contribute to the implementation of the strategy.

Thus, the **revision and adoption of a new NPOA IUU is fully in line with the ambitions set by the new marine strategy set at 15 years**<sup>31</sup> and structured around 10 pillars of actions, including fishing (DC). The latter sets specific objectives in relation to the MCS and the prevention of IUU fisheries which are listed in the following tables. This illustrates the different components of the MCS taken into account in the Strategy, as well as the priority of achievement mainly **high**, that is to say to be achieved within **3 years** after the entry into force of the strategic text, ie 2020, although we can logically consider that next year will simply mark the launch of a new NPOA IUU renovated and adapted to challenges and objectives for the fishing sector.

**Table 6: Strategic Objectives of the Fishing Pillar (DC) in relation to the MCS Activity and Prevention of IUU Activities**<sup>32</sup>

PILAR DC PESCAS		RESPONDABILIDADE		PRIORIDADE			PILARES							
		EXECUÇÃO	HARMONIZAR	Alta	Méd	Bax	A	B	C	D	E	F	G	
<b>DC.a. Promove um sector de Pescas fortalecido através de uma exploração sustentável dos recursos pesqueiros, evitando a concentração de interesses nas pescarias, com ligação a uma indústria de processamento que acrescente valor ao pescado capturado com a presença crescente de investidores nacionais.</b>														
	DC.a1. <i>Orientar a monitorização pesqueira para os recursos pesqueiros em exploração e que têm importância significativa para o país do ponto de vista económico.</i>	MIMAIP	MITADER; SEPRIV	●						0	0	DD		
<b>DC.b. Promove as condições necessárias para que o sector privado empreenda actividades de captura, de processamento, de comercialização de pescado, aquícolas e outras afins e garantirá a participação do mesmo, através das suas legítimas organizações, na gestão das pescarias, na tomada de decisão sobre as medidas de gestão e na fiscalização das actividades de pesca e de aquacultura.</b>														
	DCb6. <i>Estabelecer os mecanismos que encorajem a participação do sector privado, organizado em associações, na gestão e na fiscalização. (ver pilar A, estratégia Ac1).</i>		SEPRIV; GOVPROV; Sectores utilizadores do mar	●				0	0				0	
<b>DC.d. Garante uma administração e uma gestão das pescas e das pescarias conducentes a uma pesca e aquacultura responsáveis.</b>														
ESTRATÉGIA	DC.d1. <i>Promover a exploração sustentável dos recursos, adequando o nível de esforço de pesca à obtenção do máximo rendimento sustentável.</i>	MIMAIP	SEPRIV; OCB	●					0					
	DC.d2. <i>Elaborar e implementar planos de gestão das pescarias em exploração baseados numa abordagem ecossistémica.</i>		MIRADER; SEPRIV; OCB	●				0					0	
	DC.d3. <i>Combater a pesca ilegal, não reportada e não regulamentada e as práticas de pesca destrutivas.</i>		MINT; MITADER; GOVPROV; SEPRIV; OCB	●				0		0				
	DC.d4. <i>Promover o envolvimento das comunidades na gestão dos recursos aquáticos.</i>		SEPRIV; GOVPROV; Municípios; OCB	●				0	0	0	0			

<sup>31</sup> 3 levels of temporal implementation priority: 1) high over the first 3 years, 2) average, between the third and seventh year 3) low, between the eighth to the fifteenth years.

<sup>32</sup> <http://extwprleqs1.fao.org/docs/pdf/moz172386.pdf>

ESTRATÉGIA	DC.d5. <i>Elaborar o Plano de Desenvolvimento da Pesca de Pequena Escala.</i>	MIMAIP	Tds sectores; GOVPROV; SEPRIV; OCB	●	0	0	0	0	0		
	DC.d6. <i>Reforçar a capacidade de fiscalização e adequá-la às novas tecnologias neste domínio</i>	MIMAIP + MINT	Sectores utilizadores do mar; MDN; GOVPROV; OCB	●	0	0	0	0	0	0	
	DC.d7. <i>Assegurar que as estatísticas oficiais se desenvolvam de forma coordenada, integrada e racional, com base numa norma técnica, uniforme em todo o território nacional. (ver Pilar D, estratégia D5).</i>	MIMAIP	Todos os sectores; INE	●	0	0					
<b>DC.e. Potencia os serviços públicos, tais como a extensão e o fomento, a formação técnico profissional, a investigação, a fiscalização da pesca e a inspeção do pescado.</b>											
ESTRATÉGIA	DC.e1. <i>Estabelecer serviços de extensão pesqueira e de fomento, nos domínios da tecnologia da pesca e da tecnologia do pescado, incluindo a redução de perdas pós-captura, dirigidos à pesca artesanal e à aquicultura, com vista a aumentar a capacidade produtiva dos produtores de pequena escala.</i>	MIMAIP	MITADER; MASA; GOVPROV; OCB; SEPRIV	●			0	0		0	
	DC.e2. <i>Garantir a formação técnico profissional no domínio da investigação, da fiscalização da pesca da inspeção do pescado e da extensão pesqueira e aquícola</i>	MIMAIP + MCTESTP	MIMAIP; MINEDH; MIC; MITADER; MINT; SEPRIV; UNIV	●			0	0		0	0

### 4.3.2 Preliminary elements

Our analysis will be carried out in a progressive way while preserving the chronological presentation of the NPOA IUU. In a very classic way, the plan is structured in line with the IPOA IUU text we have already presented. After recalling the **context** and the **introductory** elements, the national plan establishes a list of **85 measures** that we will successively evaluate in tabular form. These tables are presented as follows:

**Table 7: General presentation/structure of NPOA IUU assessment/updating tables**

<b>Provision (Disposition)</b> which simply recalls the nature of the <b>measure</b> concerned	<b>Action</b> and its <b>assessment</b> through color coded to consider either that it has been: <b>1) performed (fulfilled);</b> <b>2) unrealized (missing);</b> <b>3) carried out partially (incomplete); 4) requiring a specific update</b>	<b>Provides guidelines for updating the plan</b> , also incorporating the reference to the <b>key decision points of MCS Roadmap</b> that were synthesized at the end of studies 1, 2 and 3, presented/validated during the <b>Beira restitution workshops</b> (4-7 June 2019) and reproduced as an <b>appendix to the final report</b> of this mission.
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It should be noted that points 1, 3 and 4 can sometimes be considered together in the evaluation of the same measure. Indeed, it may appear that some measures indicated in blue are incomplete both in their temporal and material implementation process. Thus, a different color (green or maroon) may be used in the update column to indicate that the measure was completely or incompletely implemented and must be corrected in the next national plan. To facilitate the reading on a black and white support the Action name is indicated for all dispositions.

### 4.3.3 NPOA IUU content, assessment and guidance for updating

**Table 8: NPOA IUU (2009-2014) content, assessment and guidance for updating**

<b>NPOA IUU (2009-2014)</b>		
<b>DISPOSITION</b>	<b>ACTION</b> <b>Fulfilled Missing Incomplete To be update</b>	<b>UPDATING</b> <b>(Key decision points from MCS Roadmap)</b>
<b>Preamble</b>	<b>To be update</b> - Reference to the new law of fisheries; - Reference to Sea Policy and Strategy, whose objectives Dcd3, Dcd6 and Dcd7 with priority of implementation (high 3 years, medium 3-7 years, long 8-15 years)	- Lei n°22/2013 de 1 de Novembro 2013 Aprova a Lei das Pescas e revoga a Lei n.º 3/90, de 26 de Setembro. - Resolução n.º 39/2017 de 14 de Setembro 2017 Aprova a Política e Estratégia do Mar (POLMAR) - Plano Director Pescas 2010-19 <b>(H)</b>
<b>1. Introduction</b>	<b>To be update</b> - Global population of Mozambique ; - Number of people employed and economic value of the sector (focused on shrimp);  <b>Missing</b> - Artisanal (SSF) sector and its socio-economic weight not cited / evaluated	- Check the updating of socio-economic data (30 million people in 2019? – FAOSTAT) - Propose a more complete assessment of the economic weight of the fishing sector; - Integrate the SSF as the major segment of the fisheries economy (fishermen, production, etc.) <b>(H)</b>
<b>2. Goal</b>	<b>To be update</b> - Reference to other relevant and complementary international texts; - Founding principles of the fight against IUU Fishing	- Add a reference sentence regarding these tools ; - Recall the principles enshrined in Article 9 of the IPOA IUU (but ever cited in point 3 under) <b>(H)</b>
<b>3. IPOAA</b> <b>3.1. Definition</b>	<b>Fulfilled</b>	Check the updating of Moz. international commitments <b>(H)</b>
<b>4. Situation of IUU fishing in Mozambique</b>	<b>To be update</b> - Are the impacts levels of IUU fisheries still the same? 1) fishing without permits and incursions into waters under jurisdiction (tuna, SWF, sharks); 2) shrimp and prawns (no respect of fishing areas); - Partial assessment of the value of national fisheries and IUU losses - SSF and coastal habitats protections objectives	- Check the updating of IUU threats ; - Check the updating of fisheries values at national and categories level - Reference to Lei n.º 16/2014, de 20 de Junho e Lei n.º 5/2017, de 11 de Maio da Protecção, Conservação e Uso Sustentável da Diversidade Biológica Add :  - The difficulties of coordination of the MCS between the central level and deconcentrated and decentralized levels;

	<p><b>Incomplete</b> 8 main vulnerabilities of the MCS system identified: <b>To be update</b> A) No central dedicated MCS unit at the central administrative level;</p> <p><b>Missing</b> b) Lack of means (maritime/air surveillance); <b>To be update</b> c) Non-operational VMS system; <b>Missing</b> d) weak human resources; e) weak system of sanction; f) weak process of investigation and prosecution;</p> <p>g) Weak system data collection, storage and analysis; h) Shortage of funds for MCS operations.</p>	<ul style="list-style-type: none"> <li>- Deficiency of involvement / capacity of fishermen communities and guarantee of rights at local / decentralized level (CCP);</li> <li>- Retain/remove (?) : No central dedicated MCS unit at the central administrative level</li> <li>- References to REPMAR draft for CCPs recognition and legal regime</li> </ul> <p style="text-align: center;"><b>(H)</b></p>
<p><b>5. Coastal State responsibility</b></p> <p><b>5.1. International tools</b></p> <p><b>Measure 1</b></p>	<p><b>Fulfilled</b></p> <p>Commitment to ratify two major agreements:</p> <ul style="list-style-type: none"> <li>- Acordo de Cumprimento da FAO (AC, 1993);</li> <li>- Acordo NU para as Populações de Peixes (ANUPP, 1995)</li> </ul>	<ul style="list-style-type: none"> <li>- AC : Resolução n.o 20/2008 de 16 de Dezembro, official acceptance transmitted to FAO 09/01/2009</li> <li>- ANUPP : Resolução n.o 19/2008 de 16 de Dezembro, official acceptance transmitted to FAO 10/12/2008</li> </ul> <p style="text-align: center;"><b>(SO3, SO2)</b></p>
<p><b>5.2. National law</b></p> <p><b>Measure 2</b></p>	<p><b>Fulfilled</b></p> <ul style="list-style-type: none"> <li>- MCS Legal framework analysis and review ;</li> <li>- Linked with regional approach and legal context (OIC and SADC) ;</li> </ul> <p><b>Incomplete</b></p> <ul style="list-style-type: none"> <li>- Harmonization efforts with neighboring countries (mutual recognition of legislation)</li> </ul>	<ul style="list-style-type: none"> <li>- Lei n°22/2013 and other legal instruments in force (références) ;</li> <li>- ECOFISH Activity 1 and 2 and Strategic actions ;</li> <li>- SADC Action Plan IUU, Protocol on Fisheries, Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS)</li> </ul> <p style="text-align: center;"><b>(SO3, SO2)</b></p>
<p><b>Measure 3</b></p>	<p><b>Incomplete</b></p> <ul style="list-style-type: none"> <li>- Eliminate the hierarchical recourse (appeal) to the Minister</li> </ul> <p><b>Missing</b></p> <ul style="list-style-type: none"> <li>- Delegate sanction process to a competent technical department within the Fisheries Administration: 1) analyzing the cases submitted; 2) establish sanctions</li> </ul>	<ul style="list-style-type: none"> <li>- Art. 84 Law : hierarchical appeal <i>under 8 days</i> but no precision of hierarchical authority (level central/delegated, both)</li> <li>- No particular relevance to abolish the principle of hierarchical appeal, due to administrative nature of investigation, finding and treatment procedure of the offense</li> <li>- The surveillance/control system stay integrated into the administrative action (central and deconcentrated);</li> <li>- Strengthens transparency and controls;</li> <li>- Implementing regulations to define and clarify: inspection procedures, procedures for dealing with offenses and their follow-up</li> </ul> <p style="text-align: center;"><b>(H-SO2)</b></p>

<p><b>Measure 4</b></p>	<p><b>Fulfilled</b> - Ministry of Fisheries - <b>Missing-</b> and a designated technical department responsible for determining the admissibility of cases (infringement) ;</p> <p>- Only the minister can override the sanctions (motivated decision, e.g. procedural error)</p>	<p>- Art. 84 Law : hierarchical appeal <i>under 8 days</i> but no precision of hierarchical authority (level);</p> <p>- No particular relevance to abolish the principle of hierarchical appeal, due to administrative nature of investigation, finding and treatment procedure of the offense;</p> <p>- Need to reform the sanction process to improve transparency, oversight and the rights of offenders (art. 92 L.)</p> <p><b>(H-SO2, SO1)</b></p>
<p><b>Measure 5</b></p>	<p><b>Fulfilled</b></p> <p>Delete Art 43.2 Fisheries Law inspector is official responsible for deciding what action to take after the detection of a fishing offense.</p>	<p>- Art. 72 Law 22/2013 sets out more precisely the framework of action of the inspectors</p> <p>- Necessary to specify the framework of the procedures and the contents of the report of offense (model)</p> <p><b>(H-SO2, SO1)</b></p>
<p><b>Measure 6</b></p>	<p><b>Fulfilled</b></p> <p>Rephrase Article 59 in order to define a transgression as a repeat offense when a new offense of "equal or greater gravity"</p>	<p>Art. 81 Law : In the case of recidivism, the limits of the fine to be applied are doubled</p> <p><b>(SO2, SO1)</b></p>
<p><b>Measure 7</b></p>	<p><b>Fulfilled</b></p> <p>Rephrase Article 31 (2), fishing license is not issued if the applicant is identified as a repeat offender</p>	<p>- Art. 43c : OK</p> <p>- Art. 33d : Also applicable to fishing rights (withdrawal of the right, not only renewal)</p> <p><b>(SO2, SO1)</b></p>
<p><b>Measure 8</b></p>	<p><b>To be update</b></p> <p>- Protect fishing rights of local communities</p> <p><b>Fulfilled</b></p> <p>- Responsible managing of SSF resources</p> <p><b>To be update</b></p> <p>- Empower SSF communities to produce their local regulations</p>	<p>- Art. 23 : Participative management and recognition of community rights ;</p> <p>- Need to strengthen the organizational and management capacity of CCPs (MIMAIP, DPMAIP, Districts for projects Dir, Off. Man.);</p> <p>- Specify content and scope of CCP competencies for contributing to MCS activities</p> <p><b>(SO2, SO1)</b></p>
<p><b>5.3. Penalties</b></p> <p><b>Measure 9</b></p>	<p><b>Fulfilled</b></p> <p>- Define three categories of fishing offenses, from simple, serious and very serious</p> <p>- Classify offenses in these three categories, according to perceived benefits derived and damages inflicted on the resource and associated management efforts.</p>	<p>- Art. 98, 99, 100 Law</p> <p>- Art. 103 (accessory penalties), 104, 105, 106;</p> <p>- Supplemented by penalties for aquaculture, hygiene/health safety and other crimes</p>

<p><b>Measure 10</b></p>	<p><b>Fulfilled</b></p> <p>Redefine sanctions scheme: 1) min/max for each sanction, 20% range between max/min of the maximum value; 2) Define monetary sanctions as multiples of the value of the license; 3) Establish and clearly define in which cases pecuniary measures are applied</p>	<p>- Art. 103 (accessory penalties), 104, 105, 106;</p> <p>- Very punitive and dissuasive sanctions framework (but only administrative), which goes even beyond the recommendations but need to guarantee the means of application and reinforce the framework of the sanctions in terms of transparency, control and guarantee of the rights of the offenders (appeals)</p>
<p><b>Measure 11</b></p>	<p><b>Missing</b></p> <p>In case of seizure of fishing vessels for fishing without a license, apply following additional clauses : a) prohibit the resale of the ship ; b) Vessel can only be operated by the State as a research or patrol vessel ; c) If State has no use for the vessel, it must be dismantled, destroyed and sunk to produce an artificial reef.</p>	<p>Complete the law (except art. 85.3) or provide a regulatory text applicable to seizures of fishing vessels and their destination</p> <p style="text-align: center;"><b>(H-SO2)</b></p>
<p><b>5.4. MCS unit</b></p> <p><b>Measure 12</b></p>	<p><b>Missing</b></p> <p>- Create an MCS unit, separate from the current departments of fisheries administration and management, with the power to cover all aspects related to the implementation of the Fisheries Law, from fleet control to inspection, investigation and sanction of infringement cases</p> <p>- Chief of Unit with a body of specialized technicians in adequate number.</p>	<p>Action/objective different than recommended guidelines: 1) DNOP Surveillance; 2) ADNAP Monitoring and control ;</p> <p>Propositions :</p> <p>- Clarify the recognition of this MCS scheme (interconnexion or coordination unit) and sharing of powers between these two authorities (and other institutions involved) memorandum of understanding;</p> <p>- Propose a statutory evolution to reinforce DNOP's capacities: functional and financial autonomy, decision-making power, development of complementary financing, etc.</p> <p style="text-align: center;"><b>(H, SO1)</b></p>
<p><b>Measure 13</b></p>	<p><b>Missing</b></p> <p>Assign sufficient work equipment to the unit to allow the creation of four sub-units, which would include:</p> <p>a) VMS and communications (MCS Control Center) ;</p> <p>b) Operations ;</p> <p>c) Data and intelligence ;</p> <p>d) Instruction of proceedings and sanctions</p>	<p>- Define and clarify missions of MCS scheme and responsibilities, coordination between ADNAP (management of fisheries) and DNOP (surveillance of fisheries)</p> <p>- Join IOC's Regional VMS protocole (SIGMA)</p> <p style="text-align: center;"><b>(H-SO1, SO3)</b></p>
<p><b>5.5. VMS</b></p>	<p><b>Fulfilled</b></p>	<p>- VMS functional but not operational</p>

<b>Measure 14</b>	Reach an agreement with the provider of the current system to remedy the technical problems within an established period of time or put the system effectively functional, or give up and face the consequences of a legal process based on non-compliance with the contractual terms.	- Join IOC's Regional VMS protocole (SIGMA)  <b>(H-SO3, SO1)</b>
<b>Measure 15</b>	<b>To be update</b> Urgent functional VMS system	VMS center operational, linked with provincial levels  <b>(H-SO3, SO1)</b>
<b>Measure 16</b>	<b>To be update</b> Duplicate the VMS interfaces for Provinces for inspectors and DLA installation of SIF vessels	DLA and/or VMS on SIF vessels  <b>(H-SO3, SO1)</b>
<b>Measure 17</b>	<b>To be update</b> Install all depth and coastal zone automatic control alarms with automated reporting and initiate sanctioning of offenders based on VMS data	Effective automatic control system and sanctions through VMS data  <b>(H-SO3, SO1)</b>
<b>5.6. Input and output reports in the EEZ</b>  <b>Measure 18</b>	<b>To be update</b> - Introduce a requirement in the Law, for fishing vessels in transit : report to the Fisheries Administration (focal point) indicating date, time and position of entry/exit ; - Failure constitute a violation of the Fisheries Act.	- Updating Law in accordance with the provisions of international law (UNCLOS) and check with : 1) art. 42/50 from section VI of Ante-projecto da revisao da lei do mar; 2) art. 135 REPMAR (124 REPMAR Draft)  - Eventually obligation of stowage of fishing gear during passage  <b>(SO3, SO2-M)</b>
<b>5.7. Means of Patrol</b>  <b>Measure 19</b>	<b>To be update</b> - Identify funds to acquire or charter (with the option to purchase) at least one medium-sized (± 100ft) patrol vessel (one week autonomy) ; - Regular fishing patrol in the Sofala Bank (crucial months) and other relevant types of fisheries in the EEZ when weather permitting)	- charter a middle-range patrol vessel (ISIF)  - Supplemented by: 1) charter a long-range patrol vessel; 2) implementation of air surveillance  <b>(SO1-H)</b>
<b>5.7. Means of Patrol</b>  <b>Measure 20</b>	<b>Missing</b> Acquire two RIBs (fast) for coastal patrols on the North and South of the Sofala Bank, with potential operating with the vessel recommended in measure 19	Not recommended by the strategic proposals (done by middle-range patrol vessel), but conceivable in the medium-term as part of the process of progressive development of means of surveillance on Sofala Bank and beyond  <b>(M/L-SO1)</b>
<b>Measure 21</b>	<b>To be update</b> Develop collaborative partnerships with Navy and Maritime Police for operation of the vessel (memorandum of understanding)	- Maintain this objective of implementation. Including other pertinent institutions (sanitary, etc.) - Integrate also partnership with the private sector to better achieving goal  <b>(H-SO1)</b>

Measure 22	<p><b>Missing</b></p> <p>Acquire land patrol for provincial fisheries dir. and services (9 for each)</p>	<p>Maintain this objective of implementation</p> <p><b>(M/L-SO1)</b></p>
Measure 23	<p><b>To be update</b></p> <p>Planning of patrol operations and inspections on a routine basis</p>	<p>Update the necessary means</p> <p><b>(M/L-SO1)</b></p>
<p><b>5.8. Registration system for the acquisition, storage and dissemination of MCS data</b></p> <p>Measure 24</p>	<p><b>Incomplete</b></p> <p>Common, integrated, country-level database system (central and decentralized combining data base) : a) Vessel (company name, owner, crew list, IICR, specifications, registration number, equipment, movement, VMS data links); b) License (value, payments, duration, type, conditions); c) quota allocated (where applicable), catch records, landing and transshipment data; d) Registration of offenses (vessel, type of offense, zone, identity of master, inspector, sanction, payments, number and location of the file).</p>	<p>- <b>OK for ISIF</b> but incomplete and need to be implemented and updated for fishing rights data;</p> <p>- <b>Not OK for SSF</b> and need to be implemented, with priority for vessel/fishermens identification (base monitoring);</p> <p>- Planned approach for progressive completion for SSF (% year objectives);</p> <p>- Reference to art. 52 Law regarding compulsory for fishing vessel captain for registration of declarative obligations and their provision to the administration</p> <p><b>(H/M/L-SO1)</b></p>
Measure 25	<p><b>To be update</b></p> <p>Sufficient amount of computer for the central and decentralized offices to install and operate the database</p>	<p>- OK for central and to be updated</p> <p>- Not sufficient for decentralized and local level</p> <p><b>(H-SO1)</b></p>
Measure 26	<p><b>To be update</b></p> <p>- Withdrawal of current tax boarding system ;</p> <p><b>Missing</b></p> <p>- Put in place an observer program for enforcement contribution</p>	<p>- Maintain objective;</p> <p>- Progressive approach: ISIF following by SSF or propose to developpe a specific mecanism of observer (strenghten extantionist or another qualification – add eventually these category as observers for SSF sector) for SSF</p> <p>- OK with section IV REPMAR draft about fishing observers, but whose some attributions go beyond the traditional skills of an observer and should be reduced (see article 138 a.i.ii.iii.iv.v.)</p> <p><b>(M/L-SO1)</b></p>
Measure 27	<p><b>Missing</b></p> <p>Mechanism that allows the MCS unit to analyze compliance information from the observer program</p>	<p>Integrate other mecanism of control/monitoring (e.g. using cameras in ISIF vessels, etc.)</p> <p><b>(M/L-SO1)</b></p>
Measure 28	<p><b>Missing</b></p>	<p>Maintain objective;</p> <p><b>(M/L-SO1)</b></p>

	Introduce sea allowance and travel insurance for observers and inspectors of fishing going to sea, observer missions and sea patrols	
<p><b>5.10. Human resources and training of MCS staff</b></p> <p>Measure 29</p> <p>Measure 30</p> <p>Measure 31</p> <p>Measure 32</p> <p>Measure 33</p> <p>Measure 34</p> <p>Measure 35</p>	<p><b>To be update</b></p> <ul style="list-style-type: none"> <li>- Redefining tasks carried out by inspectors + human resources plan body of fishery inspectors ;</li> <li>- Recruitment and training plan for new staff. Option of removing older (very old) inspectors with very low level of service training (early retirement plan) ;</li> <li>- Do not recruit elements under 10th grade in terms of formal education ;</li> <li>- All inspectors undergo specific and specialized training for their tasks ;</li> <li>- Training course to familiarize with the operation and use of the fisheries ;</li> <li>- Design and implement a uniform for fisheries inspectors priority)</li> </ul>	<ul style="list-style-type: none"> <li>- Reorganise DPMAIP Inspection Services (DAMAI): Recruitment, training, equipment and IT, maintenance and replacement of operational assets, MCS databases</li> <li>- Creation of a structured corps of Fisheries Officers: Define statutes, hierarchy, career opportunities and mission</li> <li>- Reinforcement of inspector’s training: Definition of a minimum common curricula (initial training), functional modules, specialized modules</li> </ul> <p style="text-align: center;"><b>(H/M/L-SO1)</b></p>
<p><b>5.11. Planning and financing MCS activities effectively</b></p> <p>Measure 36</p> <p>Measure 37</p> <p>Measure 38</p> <p>Measure 39</p>	<p><b>To be update</b></p> <ul style="list-style-type: none"> <li>- Routine (semiannual or annual) to plan MCS activities ;</li> <li>- Central and decentralized MCS units with a dedicated and affordable budget. Allow flexibility between lines access in necessary cases ;</li> <li>- MCS planning routine, with briefing to maritime and land patrols, and de-briefing sessions after each patrol ;</li> <li>- Routine of presenting reports and records of activities and results of MCS and use the existing information at the end of the routine cycles to be able to pronounce itself in the planning process.</li> </ul>	<ul style="list-style-type: none"> <li>- Largely incomplete</li> <li>- Maintain this objective</li> <li>- Linked to the MCS scheme which need to define and clarify missions and responsibilities of ADNAP and DNOP</li> </ul> <p style="text-align: center;"><b>(H/M/-SO1)</b></p>
<p><b>5.12. Management Plans</b></p> <p>Measure 40</p>	<p><b>Fulfilled</b></p> <p>Implementation of fisheries management plans across the sector and sub-sectors (economic, social, biological and ecological objectives) in participative way</p>	<ul style="list-style-type: none"> <li>- Incomplete improvement</li> <li>- Implementation of specific MCS plans + Implement integrated MCS plan for Cabora Bassa and Sofala Bank</li> <li>- Update of Fisheries Management Plan</li> </ul> <p style="text-align: center;"><b>(H/M SO1)</b></p>
Measure 41	<p><b>Fulfilled</b></p> <p>Adapt/limit development of MP due to monitoring/management capacity : assesment and ajustement each 3 or 5 years</p>	<p>Transpose each National FMP into provincial FMP</p> <p style="text-align: center;"><b>(H/M SO1)</b></p>
Measure 42	<b>To be update</b>	Law definition of prohibition, closure and art. 12j. 15 (conservation zone), 16

	Shrimp MP: avoid bad SSF practices for spawning/recruitment, and for trawl mandatory turtles excluding devices	(environment protection) and 98g. (no TED represent a very serious offense) <b>(H/M SO1)</b>
<b>Measure 43</b>	<b>Fulfilled</b> For tuna management = apply IOTC rules	- OK with IOTC legal/technic framework - Tuna fishery development plan in 2013 ( <i>Plano de Desenvolvimento da Pescaria de Atum - PEDPA</i> ) <sup>33</sup> but different than a management plan <b>(M/L-SO1)</b>
<b>Measure 44</b>	<b>Missing</b> NPOA for sharks	- No specific MP, maintain objective - OK with IOTC legal/technic framework <b>(M/L-SO1)</b>
<b>5.13. Licensing</b> <b>5.13.1. Industrial and semi-industrial fishing</b>  <b>Measure 45</b>	<b>To be update</b> Routine to ensure that licenses for tuna fishing for vessels on IOTC positive list. Consider expanding the blacklist query of CCAMLR, NEAFC, NAFO, ICCAT and IATTC	Strengthen licenses terms and conditions (By-catch, designated ports and landing obligations) <b>(H/M/L-SO1)</b>
<b>Measure 46</b>	<b>To be update</b> Routine for verifying national vessel infringement records at the time of renewal of a license	- Complete eventually Art. 42 law to condition the renewal of the license to the absence of infringement the previous year - OK with art. 43c <b>(H/M/L-SO1)</b>
<b>Measure 47</b>	<b>To be update</b> Routine procedures for requesting the first license for foreign vessels (specific document)	- Check to new fishing law article (art. 98c. and 99 i.); - Define and clarify missions and responsibilities of ADNAP and DNOP, including effective process for information exchange on these issues, including maritime administration <b>(H/M/L-SO1)</b>
<b>Measure 48</b>	<b>To be update</b> Extend the periods for requesting licenses to allow the necessary checks to be carried out.	- <b>Not complete</b> - Update Law (art. 47) and other legal framework - Strengthen licenses terms and conditions <b>(H-SO1, SO2, SO3)</b>
<b>Measure 49</b>	<b>To be update</b>	- <b>Not complete</b>

<sup>33</sup> Plano de Desenvolvimento da Pescaria de Atum, ADNAP 2013, 29pp.

	Request complete inspection of the vessel in a national port before the first license (repeat every two to three years).	<ul style="list-style-type: none"> <li>- Update Law (art. 47) and other legal framework</li> <li>- Strengthen licenses terms and conditions</li> </ul> <p><b>(H-SO1, SO2, SO3)</b></p>
<b>Measure 50</b>	<p><b>To be update</b></p> <p>Records of mandatory data submission and compliance with them before renewing fishing licenses.</p>	<ul style="list-style-type: none"> <li>- Not complete</li> <li>- Update Law (art. 47) and other legal framework</li> <li>- Strengthen licenses terms and conditions</li> </ul> <p><b>(H-SO1, SO2, SO3)</b></p>
<b>Measure 51</b>	<p><b>To be update</b></p> <p>Introduce the FAO standardized system for the marking and identification of fishing vessels using (IICR as a basis)</p>	<ul style="list-style-type: none"> <li>- OK for ISIF vessels</li> <li>- Check the content of the acronym "IICR" (not defined in the NPOA) with regard to FAO standard references<sup>34</sup></li> <li>- See also REPMAR draft art. 168 and annex XI</li> </ul> <p><b>(H-SO1, SO2, SO3)</b></p>
<p><b>5.13.2. SSF Fishing</b></p> <p><b>Measure 52</b></p>	<p><b>To be update</b></p> <p>Continue efforts to return licensing functions to administrative units and highest possible licensing fee</p>	<ul style="list-style-type: none"> <li>- Implemented as a very high priority to eradicate domestic unlicensed fishing and destructing fishing practices;</li> <li>- Improve the licensing rate for artisanal fishing;</li> <li>- Complete measures regarding CCPs functions strengthening: 1) designate CCP Project managers; 2) accompany the structuring of the CCPs; 3) licenses register, record of infringement and penalties; 4) Clarify CCP member's surveillance prerogatives; 5) Subsistence fishing</li> </ul> <p><b>(H-SO1)</b></p>
<b>Measure 53</b>	<p><b>Missing</b></p> <p>Introduce an authorization for importer / buyer / processor / exporter for holotúrias and fins shark droughts. Recording the origin and destination of all products</p>	<ul style="list-style-type: none"> <li>- Specific regulation to be adopted</li> <li>- Remove "fins sharks droughts"</li> </ul> <p><b>(H-SO1)</b></p>
<p><b>5.14. National Action Plans</b></p> <p><b>Measure 54</b></p>	<p><b>To be update</b></p> <p>Taking into account the suggestions of the IUU-NAP for creation of a simple matrix with performance indicators, allowing for an assessment of the progress achieved in the annual work items of the NPOA-IUU, assessing</p>	<p>Maintain this action and reinforce capacities and tools for monitoring and control</p> <p><b>(H-SO1)</b></p>

<sup>34</sup> <http://www.fao.org/3/a-i7783e.pdf> Document relating to the identification and marking of fishing vessels in which the abbreviation "IICR" does not appear. The term "International radio call sign" (IRCS) is usually used for vessels equipped with radios.

	progress at the end of each cycle, circulate the results comprehensively and use them to guide future planning	
<b>5.15. Cooperation between States</b>  <b>Measure 55</b>	<b>Fulfilled</b> Disseminate relevant MCS contacts on the Ministry of Fisheries website (telephone numbers, fax and e-mail available 24/7) of employees who have access to all sectoral data (licenses, operations, statistics, infringements) and who can act as contacts to provide or receive information on IUU fishing operations.	Maintain objective <b>(H-SO1)</b>
<b>Measure 56</b>	<b>To be update</b> Actively seek the establishment of MCS hotlines between countries on a bilateral basis, providing and collecting phone numbers, e-mail contacts, etc., to ensure that relevant officials in neighboring jurisdictions can be effectively contacted in case of emergencies.	Maintain objective To be improve <b>(H-SO1)</b>
<b>Measure 57</b>	<b>Fulfilled</b> Dialogue with IOTC to find a solution to overcome the current problems of unreported catches of tuna fisheries in Mozambique - some of which can be addressed through existing mechanisms for monitoring the State Ports and regional database system	Maintain objective <b>(H-SO1)</b>
<b>Measure 58</b>	<b>To be update</b> « Early as possible » basis and simple / standardized format for reporting violations, the results of administrative and / or judicial proceedings, and all other relevant information related to the fishing activities of foreign flagged vessels in Mozambican waters are reported to the Flag State and relevant RFMOs on an "as for doing so »	Maintain objective to be improve <b>(H-SO1)</b>
<b>Measure 59</b>	<b>To be update</b> Ensure full participation in existing regional programs for IUU fishing (e.g. EU-IOC, DFID-SADC) to stimulate regional cooperation to minimize the incidence of IUU fishing.	Maintain objective to be improve <b>(H-SO1)</b>
<b>5.16. Publicity</b>  <b>Measure 60</b>	<b>To be update</b> Update and dissemination on the internet (website of the Ministry) of information related to the MCS activity	Maintain the objective, update and supplement existing information <b>(H-SO1)</b>
<b>6. Flag State Responsibilities</b>	<b>To be update</b>	- Maintain the objective (partially compliant with art. 33 decree 2017 on commercial fishing license)

<p><b>6.1. Ship Registration</b></p> <p><b>Measure 61</b></p>	<p>Procedure and minimum requirements applicable to Flag State for the first registration of a foreign ship:</p> <ul style="list-style-type: none"> <li>- Originals authorizations to fish abroad;</li> <li>- Moz. Law prevent (refusal licence) and sanction (fines) all false or incomplete statements</li> <li>- Record of infringements of the Flag State - Verification of the blacklists (RFMOs) related to the vessel</li> </ul>	<ul style="list-style-type: none"> <li>- See elements <b>measures 47 and art. 33 decree 2017</b></li> <li>- Need to improve monitoring by relying on new technologies ADNAP to create / improve national database systems, tools and registers, including National fishing vessel register and memorandum of understanding (MoU) between the maritime administration and the ministry of fisheries.</li> </ul> <p style="text-align: center;"><b>(H-SO1, SO3)</b></p>
<p><b>6.2. Register of Fishing Vessels</b></p> <p><b>Measure 62</b></p>	<p><b>Incomplete</b></p> <p>Establish a separate register of Moz. vessels which have been authorized to fish outside the territorial waters</p>	<ul style="list-style-type: none"> <li>- Not specifically implemented</li> <li>- Maintaining this goal, but advocate for an improvement of a national database for fishing vessels register as a whole (regardless of their fishing areas and nationality) and strengthen the role and missions of the ADNAP/DNOP in this regard, linked/coordinate with maritime administration.</li> </ul> <p style="text-align: center;"><b>(H-SO1, SO3)</b></p>
<p><b>Measure 63</b></p>	<p><b>To be update</b></p> <p>IICRs (IRCS ?) as identification keys for national and foreign fishing vessels registration</p>	<ul style="list-style-type: none"> <li>- OK for ISIF vessels (see also measure 51) Complete with Maritime mobile service identity (MMSI) number if relevant (?)</li> <li>- not OK for SSF vessels (without radio equipment), introduce specific requirements for SFF ?</li> </ul> <p style="text-align: center;"><b>(H-SO1, SO3)</b></p>
<p><b>Measure 64</b></p>	<p><b>Incomplete</b></p> <p>Individualized file (standardized format) for the monitoring of infringements of fishing vessels entrusted to INAMAR, including: date, place and nature of the offense, identity of the master and / or the shipowner and corresponding penalty</p>	<ul style="list-style-type: none"> <li>- No systematic and generalized monitoring file, very fragmented and often incomplete data;</li> <li>- Maintain objective, improve INAMAR 's interministerial dimension for better coordination between maritime and fisheries administrations and central/local levels, or...</li> <li>- Consider also objective of creation of an autonomous national entity responsible for inspecting maritime and inland waters activities, bringing together responsibilities currently assigned to DNOP, ADNAP and INAMAR (see <b>Study 1 and 2 point 2.2.2</b>)</li> </ul> <p style="text-align: center;"><b>(H-SO1, SO3)</b></p>

<p><b>6.3. Authorization to Fish</b></p> <p><b>Measure 65</b></p>	<p><b>To be update</b></p> <p>Develop a model of fishing license for national vessels actives in waters outside Mozambican jurisdiction. Limited to FAO statistical area 51, due to weaknesses of Mozambique in high sea MCS.</p>	<p>- No information available on: 1) the active presence of Moz. vessels outside the EEZ; 2) a specific authorization model for this type of activity (art.33 decree 2017 and annex);</p> <p>- Maintain the goal, complete the definition of “<i>Pesca longinqua</i>” (art. 19.1.c. 2013 Fishing Law and 4.1.a.iv Decree 2017) active in high Sea or waters of third States using industrial fishing vessels, specifying the existing conditions/models for industrial fishing rights and license</p> <p><b>(H-SO1, SO3)</b></p>
<p><b>7. Measures related to the Port State</b></p> <p><b>Measure 66</b></p>	<p><b>Missing</b></p> <p>- Develop a national Port Control strategy (based on 2005 FAO Model for IUU fishing and Annex 5)</p> <p>- Published and widely disseminated</p>	<p>- No common Strategic document adopted. Local approach and strategies for inspections through PSMA implementation (no access to inspection reports);</p> <p>- Maintain objective and update with PSMA last version<sup>35</sup> ratified in 2014 by Moz.</p> <p>- Adopt National Fisheries Surveillance Plan (with Provincial levels) under DNOP responsibility</p> <p><b>(H-SO1, SO3, SO2 C, H, A)</b></p>
<p><b>Measure 67</b></p>	<p><b>Missing</b></p> <p>- Industrial fishing limited to 3 ports (Quelimane, Beira and Maputo) for entry of national and all foreign fishing vessel</p> <p>- Prohibit the entry of industrial fishing vessels in all other fishing ports</p>	<p>- Not enforced: industrial fishing vessels can access to other national ports, including other provinces (Cabo Delgado, Nampula, etc.).</p> <p>- Relevant to maintain objective? Propose a wider distribution of ports accessible to industrial fishing (update list) and provide the appropriate means</p> <p>- Maintain the limit for foreign vessels (IF and / or ISIF?)</p> <p><b>(H-SO1, SO3)</b></p>
<p><b>Measure 68</b></p>	<p><b>To be update</b></p> <p>- Change current group of port authorization cards in use (inconsistent and outdated)</p> <p>- Develop a form with all relevant information before allowing entry to port</p> <p>- Implementation at the level of the whole country and the shipping agencies</p> <p>- Ensure consistent use of IICR (ICRS ?)</p>	<p>- No elements to assess the level of implementation: 1) no knowledge of an old or new standard model; 2) no example of completed models or subsequent reports of inspections</p> <p>- Develop inspection reports DB - including simplified SSF Inspection report templates that should be mandatory for each SSF inspection and should be available on a digital basis for recording and consultation</p>

<sup>35</sup> <http://www.fao.org/3/a-i5801e.pdf>

	- Refuse entry to vessels that do not use appropriate form	- Check REPMAR draft art. 124 <b>(H-SO1, SO3, SO2)</b>
<b>Measure 69</b>	<b>Missing</b> - Memorandum of understanding (MoU) between INAMAR and the fisheries administration for consistency and cross-checking of entry / exit authorization procedures - MoU also for monitoring of infringements in vessel register file	- Not adopted, check REPMAR draft art. 124, 125.1.l - Maintain objective - REPMAR draft art. 86 and 87 : qualification criteria for IUU vessels, their inscription on a national file and the corresponding prohibitions <b>(H-SO1, SO2)</b>
<b>Measure 70</b>	<b>To be update</b> - Dialogue between institutions involved in fishing vessels inspections - Procedure and data reporting mechanism <b>Missing</b> - Autorisation form by relevant institutions for living port before final autorisation given by INAMAR	- Difficult to accurately assess the nature of the exchanges (dialogue) without relevant indicators. - Develop inspection reports DB - including simplified SSF Inspection report templates that should be mandatory for each SSF inspection and should be available on a digital basis for recording and consultation <b>(H-SO1, SO2)</b>
<b>Measure 71</b>	<b>To be update</b> Provision of inspection results for flag States of relevant vessels and RFMOs: 1) Quarterly basis in case of routine/neutral inspection; 2) Within 24 hours in case of infringement found and proven	No information on this measure: <b>green</b> if applied, <b>blue/maroon</b> if incomplete and necessary to set up <b>(H-SO1, SO2)</b>
<b>Measure 72</b>	<b>Fulfilled</b> Export authorization form elaborated through the involvement of all relevant institutions	- licensed by competent authority (INIP for Sanitary Certificate) and renewed on the basis of regular audits ( <b>Study 3 point 4.4.</b> ) - art. 67 and 95 Law of Fisheries, art. 35 to 40 of the General Regulation for the Sanitary Control of Food Products of Aquatic Origin (Decree 76/2009 of 15 December) for the Sanitary Requirements for Sanitary Certification and by the Sanitary Certification Procedures (Order of June 2, 2004) and art. 125.1.m REPMAR draft - Integrate links with EU catch certification scheme (CCS) ? <b>(H-SO1, SO2)</b>
<b>Measure 73</b>	<b>Fulfilled</b> Tuna industry transshipments: 1) logistic implications ; 2) carried out at port or under supervision of fishing inspectors	- OK REPMAR Draft (art. 120, 121, 122, 124.3, 125.1.d, 164.d.i) for general approach - do not limit these provision to tuna fishing activities only

		(M-SO2)
<b>8. Trade Related</b> <sup>36</sup>		
<b>Measure 74</b>	<b>To be update</b> Documentation schemes in land processing units contribute to prevent IUU fishing (content, monitoring and control) and sensitize processing companies with this aim	- Law art. 12.1.m and 70 for general consideration but no specific elements - Check other regulations and complete if necessary <b>(H-SO1, SO2)</b>
<b>Measure 75</b>	<b>To be update</b> Severe penalties (law) for the import, export (attempt), processing products from IUU fishing	- No specific penalty in fisheries Law (art. 70 for commercial rules, art. 95-96 for sanitary rules and infringement, 100.h for sale of fishery products caught in prohibited zones or period) and REPMAR art. 87.2.c <b>(H-SO1, SO2)</b>
<b>Measure 76</b>	<b>To be update</b> No certification of dry shark fin products in cases of lack of information (true origin or IUU recognized) and prohibit access to markets	REPMAR 148.4 foresee prohibition of shark finning <b>(H-SO1, SO2)</b>
<b>Measure 77</b>	<b>Fulfilled</b> Ensure that illegal fishing gear and other illegal materials are regularly available in the industry and make them at the retail level	- OK, art. 71 and 99 Law of fisheries - Reformulate more generally <b>(H-SO1, SO2)</b>
<b>9. Regional Fisheries Management Organizations</b>		
<b>Measure 78</b>	<b>Fulfilled</b> To become a member of IOTC with immediate effect (contracting party)	OK, complete with other regional relevant organizations and projects <b>(H-SO3)</b>
<b>Measure 79</b>	<b>To be update</b> Implement positive collaboration mechanisms with the IOTC Secretariat, and ensure submission of catch data, inspection and infringement reports, etc.)	OK maintain objective No detailed information on the level of implementation of this provision <b>(H-SO3)</b>
<b>Measure 80</b>	<b>To be update</b> Seek support from the ANUPP Help Fund to support finance membership in IOTC and the development of MCS	OK maintain objective, complete with other potential funding sources (?) <b>(H-SO3)</b>
<b>Measure 81</b>	<b>Fulfilled</b> Develop unilateral tools to harmonize measures for the exploitation and management of tuna in Mozambique with IOTC recommendations	- Tuna fishery development plan in 2013 ( <i>Plano de Desenvolvimento da Pescaria de Atum - PEDPA</i> ) <sup>37</sup> - Development and implementation since 2013 of a national tuna longliner logbook and plans to develop a specific logbook for purse seiners;

<sup>36</sup> See also **Study 3 point 2.3.6** about *Other IUU-relevant international obligations*

<sup>37</sup> Plano de Desenvolvimento da Pescaria de Atum, ADNAP 2013, 29pp.

See also IOC SmartFish Programme Report (SF/2012/14) on MCS Capacity in the ESA-IO Region. 2012

		<p>- Implementation of a national Observer Scheme for the national fleet, implementing Electronic Report System-ERS for EU Fleet, entry exit catch report system and Vessel Monitoring System, to cover all national and foreign tuna vessels;</p> <p>- Activities to accommodate provisions of relevant IOTC Resolutions as part of Mozambique’s national legislation.</p> <p><b>(H-SO3)</b></p>
<p><b>10. Implementation of the NIP-IUU</b></p> <p><b>Measure 82</b></p>	<p><b>Fulfilled</b></p> <p>Ensure the circulation of the IUU-NPA by all selected institutions and partners at national and regional level</p>	<p>OK maintain objective</p> <p><b>(H-SO3)</b></p>
<p><b>Measure 83</b></p>	<p><b>To be update</b></p> <p>Assess what measures can be implemented in 2009, and integrate measures remaining as fully planned and budgeted work items in the annual fisheries work plans</p>	<p>OK recalls the foundations of a national plan in its multi-year implementation process and the definition of priority actions with corresponding resources and institutional means</p> <p><b>(H-SO1, SO2)</b></p>
<p><b>Measure 84</b></p>	<p><b>To be update</b></p> <p>Provide for the implementation of mixed work groups to work on measures aimed at integrating the activities of more than one institution / body</p>	<p>OK to recall the necessary approach of cooperation and coordination between the different institutions and stakeholders involved</p> <p><b>(H-SO1, SO2)</b></p>
<p><b>Measure 85</b></p>	<p><b>To be update</b></p> <p>Assign responsibility to an organic unit (from Ministry of Fisheries) to integrate NPOA IUU into the management framework of administration</p>	<p>OK – DNOP (?) as a leading administration subject to strengthening its autonomy - or a joint entity (temporary, <i>ad hoc</i>) between the DNOP / ADNAP in charge of the coordinated application of the plan.</p> <p><b>(H-SO1, SO2)</b></p>

## 5 PROPOSITIONS FOR NPOA IUU (2020-2025) AND SUPPORT ELEMENTS

As indicated in advance, we will propose below a draft text for updating the plan for the period 2020-2025. It is based on the structure and content of the current plan (2009-2014) with additional elements indicated in blue (or between \*[...] for black and white printed copy).

### DRAFT FOR NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL FISHING - 2020-2025

#### **Ministry of Fisheries: Ministerial Diploma No ..../2020: Approves the National Plan of Action to Prevent, Deter and Eliminate Illegal Fishing - 2020-2025**

*The implementation of the Policy and Strategy of Fisheries Monitoring, Control and Surveillance activities requires the adoption of a National Plan to Fight Illegal Fishing to prevent, deter and eliminate illegal, unreported and unregulated fishing that clearly establishes a systematic and integrated approach of coordination and collaboration at national, regional and international levels as a key element in efforts to combat illegal fishing.*

*There is a need to adopt measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in Mozambique, pursuant to \*Law no 22/2013, of 1st November 2013 Approves the Fisheries Law and repeals Law No. 3/90 of 26 September, to Resolution 39/2017 of 14 September 2017 Approves the Sea Policy and Strategy (POLMAR) and to Fisheries Master Plan 2010-19 (adding also reference to the previous NPOA IUU 2009-2014?)\*, The National Plan of Action to Prevent, Prevent and Eliminate Illegal Unreported and Unregulated Fishing is approved.*

#### **National Action Plan to Prevent, Prevent and Eliminate Illegal, Unreported and Unregulated Fishing**

##### **1. Introduction**

*Mozambique is located in Southern Africa and has the third largest coastline of the African continent. The north and south ends of its coastline are bounded by Latitudes 10 ° 28 'S and 26 ° 51' S, respectively. In 2006, it was estimated that its population was slightly over \*30 (to be updated)\* million.*

*Mozambique has a coastline of 2,780 km and is characterized by a variety of inhabitants including sandy beaches, coral reefs, estuarine systems, bays, mangroves and sea grass carpets. The Mozambique Channel separates Mozambique from the island of Madagascar, which is 400 km wide at its narrowest point. Madagascar protects Mozambique from the open sea, with the exception of the South and North extremes, where the coast is directly exposed to the Indian Ocean. The continental shelf is on average 15 to 25 km wide, however, it can be as narrow as 100 m (off Pemba, in the north of Mozambique), and extend to 145 km (at the Sofala Bank) in sections the shoreline. The distribution and abundance of aquatic resources, as well as the fishing methods used to exploit them, depend to a large extent on the physical characteristics of the coast.*

*The fisheries sector plays an important role for the Mozambican economy, both for subsistence as well as for the income and food security of fishing communities. Fishing is also an economic driving force in the semi-industrial and industrial fishing sectors, which are mainly concentrated on shrimp for export \*(to be updated if necessary). In 2019\*, an estimated \*.....(to be updated)\* people were involved in fishing. In 2019, agriculture, fisheries and forestry together accounted for .....% of GDP \*(to be updated)\*. Shrimp ranked as the third largest national export product, grossing US \$ ..... million \*(to be updated)\* (the former being aluminum and electricity), followed by sugar and cotton in 4th and 5th place with foreign currency receipts totaling, in US \$ ..... million \*(to be updated)\* - thus highlighting the importance of the shrimp fishing industry to the national economy.*

*\*Add a sentence relating to the importance of the SFF fishing sector, both in terms of social (majority of jobs in the sector), economic (90% of landed catches) and environment (pressure on spaces/resources and associated risks). \**

##### **2. Purpose**

*In a first step, the National Action Plan to Prevent, Prevent and Eliminate Illegal, Unreported and Unregulated Fishing (IUU-PNA) attempts to gain insight into the extent and impact of IUU fishing in Mozambique. Then, in the light of the initiatives and measures already implemented to curb the incidence of IUU fishing (eg policies, legal basis, work processes and monitoring) and, based on the principles and measures set out in the International Plan of Action to Prevent, to prevent and eliminate Illegal, Unreported and Unregulated (IUU) Fisheries, the objective is to formulate a set of additional measures necessary to fill the gaps and failures of the existing system with a view to minimizing the incidence of IUU fishing in Mozambique. The IUU-NAP was designed in accordance with*

*the principles and provisions contained in the IPOA IUU,\* as well as with all other international and regional texts, agreements, standards, binding or voluntary, having been adopted or ratified by Mozambique (possibly add the list or an updated table of reference texts).\**

### **3. The International Plan of Action (IPOA)**

*The IPOA IUU is a voluntary instrument developed by FAO in 1999 and approved by COFI in 2001. The IAP-IUU is one of the four IPAs that fall within the framework of the FAO Code of Conduct for Responsible Fisheries (CCPR 1995). The IPOA-IUU sets out the principles and measures to prevent, deter and eliminate IUU fishing at the level of States, Regional Economic Integration Organizations and Regional Fisheries Management Organizations (RFMOs). The IPOA-IUU clearly states that national, regional and international coordination and collaboration are key elements in the implementation process. The IPOA-IUU is based on cardinal principles of participation and coordination, in systematic and integrated approaches to transparency and non-discrimination. Although voluntary in nature, the IPOA-IUU incorporates many of its core legal provisions into international conventions and agreements, which are currently in force. These include the United Nations Convention on the Law of the Sea (UNCLOS, 1982), the FAO Compliance Agreement (AC, 1993), and the United Nations Fish Stocks Agreement (ANUPP, 1995) \*and the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA, 2009), all\* ratified by Mozambique.*

#### **3.1. Definition of IUU fishing**

*This Plan defines IUU fishing in the following terms:*

**Illegal fishing** refers to fishing activities:

- *Carried out by national or foreign vessels in Mozambican jurisdictional waters, without their permission, or in violation of their Laws and Regulations;*
- *Carried out by flagged vessels of States that are part of a relevant regional fisheries management organization but which operate in violation of the conservation and management measures adopted by that organization and for which Mozambique is governed, or of relevant legal provisions applicable international law;*
- *In violation of national laws or international obligations, including those carried out by cooperating States to a relevant regional fisheries management organization.*

**Unreported fishing** refers to fishing activities:

- *that have not been reported or reported incorrectly to the relevant national authority in violation of national laws and regulations; or*
- *carried out in the area of competence of a relevant regional fisheries management organization that has not been reported or has been poorly reported, in violation of the procedures of such an organization. Unregulated fishing refers to fishing activities:*

**Unregulated fishing** refers to fishing activities :

- *In the area of a relevant regional fisheries management organization conducted by vessels without nationality, or by vessels flying the flag of a State that is not part of that organization, or by a fishing entity, in a manner that is not consistent, or disagree with conservation and management measures of such organization; or*
- *In areas or fish stocks for which no conservation or management measures exist, and where such fishing activities are conducted inconsistently with State responsibilities for the conservation of living marine resources under international law.*

### **4. Analysis of the IUU fishing situation in Mozambique**

*Unreported and unreported illegal fishing affects the Mozambican economy and presents a number of challenges.*

*Unlicensed fishing, in particular, is more common practice in IUU fishing. There are regular incursions of purse seine vessels and unlicensed longliners in the Mozambican EEZ, targeting tuna, swordfish and shark \*(to be updated if necessary)\*.*

*Another IUU fishing problem of medium severity is the incursion of shrimp (gamba and camaroa) fishing boats into forbidden areas. For shrimp trawlers, this refers to the foray into the 3mn zone reserved for artisanal fishing. In the case of shrimp vessels, this refers to the breach of areas of mandatory depth which must be respected,*

where shrimp fishing in shallower waters than those to which they are confined by the provisions contained in the licenses. Other causes of concern are catch and discharge reports, in particular as regards catches of tuna where there is still poor data control. The data are collected and compiled by the fisheries administration, port authorities, customs. They usually do not check, often finding different values for the same statistics in reports from different sources.

It is estimated that the national economy loses about \$ ..... million *\*(to be updated if necessary)\** due to the under-reporting in the shrimp sector, and \$ ..... *\*(to be updated if necessary)\** million due to non-reporting of bycatch. Based on the assumption that about ..... *\*(to be updated if necessary)\** tonnes of tuna are annually reported in the Mozambican EEZ and establishing the value of tuna at USD ..... *\*(to be updated if necessary)\** per tonne, the loss to the economy would amount to USD ..... *\*(to be updated if necessary)\** million, total IUU fishing to more than \$ ..... *\*(to be updated if necessary)\** million per year. Assuming that one tonne of tuna is charged at \$ ..... *\*(to be updated if necessary)\**, revenues lost with licenses to the Mozambican government due to lack of presentation of data on tuna fishing would amount to about \$ ..... *\*(to be updated if necessary)\**. *If necessary, supplement with other ISIF sectors based on available data\*.*

Finally, Mozambique has been used as a transit country for illegal fishery products of foreign origin, mainly shark fin (some of which are likely to originate from illegal seizures of its own EEZ), toothfish (*Dissostichus spp*) caught in the CCAMLR and abalone products from South Africa. There have been very few seizures of poorly labeled products leaving the country, and the entry points of illegal products in the country remain as yet unknown *\*(to be updated if necessary)\**.

In small-scale fisheries, illegal activities are confined to traditional breaches, particularly in the areas of use of illegal fishing gear, unlicensed fishing *\*(add global date regarding licensing rate)\**, capture and landing of prohibited or protected species, zonal violations and transshipments at sea, particularly artisanal and semi-industrial fishermen, before semi-industrial vessels enter ports. The last infringement removes, on the one hand, operators who are beneficiaries of semi-industrial vessels from the actual catches and, on the other hand, falsifies the fishing data by means of small quantities landings. In addition, it is thought that some illegal shark catch by illegal longliners in the outer EEZ, and their dry shark fin products, are brought ashore in semi-industrial boats that function as transporters.

The main issues related to the lack of regulation in the artisanal *\*(make consistent throughout the text the use of the term "artisanal" fishing with "small-scale fishing")\** fisheries subsector are currently related to the protection of sensitive coastal habitats such as breeding grounds, nurseries and growing areas where excessive fishing activity by artisanal fishermen may significant negative impacts on shrimp recruitment, *\*compliance with legal provisions in force and notably with Law 16/2014 of 20 June and Law 5/2017 of 11 May on the Protection, Conservation and Sustainable Use of Biological Diversity\**. Due to its importance, the development of short-term fisheries management plans for the Kapenta fishery in the Cahora Bassa reservoir would also be advisable *\*(to be updated if necessary)\**.

Any attempt to provide a structured response to these IUU problems will be greatly undermined by the fragility of the MCS system currently in place. The weaknesses of this system have already been highlighted in several important external funding reports and can be summarized as follows:

- a) No central dedicated MCS unit at the central administrative level (*\*maintain or remove if sharing between DNOP and ADNAP?\*) and difficulties of coordination between central levels and deconcentrated/decentralized levels;\**
- b) Lack of means of maritime and air surveillance;
- c) A non-operational VMS system;
- d) Scarcity of qualified human resources;
- e) A weak sanctioning system;
- f) A weak process of investigation and prosecution;
- g) Weak system for the collection, storage and analysis of data; and
- h) Shortage of funds to finance CSM operations ;

*\*i) Deficiency of involvement/capacity of recognized fishermen communities (mainly SSF) and guarantee of rights at local levels (CCPs)\**

Although these points have been addressed in detail in the NPOA-IUU, it is important to note that the fragility that has characterized the MCS system for years, largely determines the existence and extent of the IUU fishing problems diagnosed. In addition to the fragility of the MCS system - considered to be a key issue, requiring urgent intervention in order to prevent IUU fishing, there are a number of legal, Port State and Flag State control could substantially improve the legal framework and current control to prevent illegal or unreported fishing. The NPOA-IUU, which is designed around these aspects, proposes an important series of measures (a total of 85 technical measures), which address the following areas in general:

- a) The responsibilities of Mozambique as a Coastal State, including high priority areas such as VMS, Legislation, sanctions and MCS;
- b) Responsibility of Mozambique as a Flag State, including important areas related to the registration and authorization of fishing outside of Mozambican waters;
- c) Port State measures and issues related to landings by means of transshipment and non-access of ports for the landing of illegal fishing vessels;
- (d) measures relating to marketing;
- e) Research; and
- f) Regional Fisheries Management Organizations, including important proposals for Mozambique to become a member of the regional fisheries organization that manages highly migratory and transboundary fish stocks and to assume its responsibilities fully from a regional and international perspective.

*\*If necessary, add a point on the duration of the plan and its process of implementation / evaluation, including the adoption of measurable indicators, in accordance with the standards in force and possibly included in the appendix to this plan.\**

## **5. Responsibilities of Mozambique as a Coastal State**

### **5.1. International Instruments**

#### **Measure 1**

Ratify the AC and ANUPP agreements *\*(OK sine end of 2008 – complete with other texts if necessary)\**, and transcribe their fundamental legal provisions not yet integrated into the legal framework of fisheries, into the Fisheries Law and its regulations.

### **5.2. National Legislation**

#### **Measure 2**

Analyze *\*/update\** the legal *\*and regulatory\** framework and current practices of the State with the aim of harmonizing the national approaches to MCS and IUU fishing with the revision of the legal framework to be carried out in the Indian Ocean region. Full consideration should be given to the IOC and SADC approaches and national frameworks of the neighboring countries reviewed during the course of such a review to ensure that harmonization efforts go as far as possible.

#### **Measure 3**

Eliminate the hierarchical appeal to the Minister, and delegate the sanction process to a competent technical department within the Fisheries Administration, with the task of analyzing the cases submitted to it, and establish sanctions in accordance with the legal provisions provided for in the Law. *\*Proposition to clarify: Promote a relevant administrative process for sanctions, including the ability to exercise grievous and hierarchical recourses (appeal) at central and local levels, in accordance with Article 84 of the Fisheries Law. With this aim, strengthens transparency of fishing controls, by implementing regulations to define and clarify inspection procedures, procedures for dealing with offenses and their follow-up.\**

#### **Measures 4**

*Establish that the Ministry of Fisheries and a designated technical department are responsible for determining the admissibility of cases, and that the sanctions established by the department may only be exceeded by the Minister, stating the reasons for this action based on established procedural errors, which such changes.*

*\*Proposition to clarify: Due to the administrative nature of the procedures for investigating, detecting and dealing with offenses, the penalty-setting (sanction) mechanism needs to be reformed in order to improve its transparency, the control rules implemented by the competent services and the rights of offenders in accordance with art. 92 of the Fisheries Act.\**

#### **Measure 5**

*Delete the current wording prescribed in Article 43 (2) of the Fisheries Act and establish that the fisheries inspector is the designated official responsible for deciding what action to take after the detection of a fishing offense.*

*\*Proposition: In accordance with art. 72 Law 22/2013 setting out the framework of the action of the fishing inspectors, a regulation should be adopted to specify the framework of the procedures and the contents of the report of offense through suitable model.\**

#### **Measure 6**

*Rephrase Article 59 in order to define a transgression as a repeat offense when a new offense of "equal or greater gravity" (delete: "and identical") is committed within the specified term.*

*\*Proposition: In accordance with art. 81 Law, in the case of recidivism, the amounts of the fines to be applied are doubled.\**

#### **Measure 7**

*Rephrase Article 31 (2), ensuring that a fishing license is not issued if the applicant is identified as a repeat offender pursuant to Article 59 (new).*

*\*Proposition: In accordance with art. 33d and 43c Law, fishing rights and fishing licenses are withdrawal or not renewed to the beneficiary in case repeat offender.\**

#### **Measure 8**

*Safeguard the fishing rights of local communities and take responsibility for managing resources accessible to small-scale fishing and empower them to produce their regulations for local fisheries.*

*\*Proposition: In accordance with art. 23 Law, participative management and recognition of community rights are legally guaranteed and enforceable. Their representative organizations are strengthened in terms of management capacity, and for the content and scope of competencies for contributing to MCS activities.\**

### **5.3. Penalties**

#### **Measure 9**

*\*According to art. 98 to 100 and 103 to 106 Law\*, three categories of fishing offenses *\*are define\**, from simple, serious and very serious. *\*The\** typical offenses *\*are classified\** in these three categories, according to perceived benefits derived and damages inflicted on the resource and associated management efforts. *\*These categories are supplemented by penalties for aquaculture, hygiene/health safety and other crimes linked with IUU fisheries\**.*

#### **Measure 10**

*Redefine the sanctions scheme by:*

*a) Establishment of a minimum and a maximum for each sanction, limiting the range between maximum and minimum to 20% of the maximum value;*

*b) Define monetary sanctions as multiples of the value of the license;*

*c) Establish and clearly define in which cases pecuniary measures are applied.*

*\*Redefine/characterize the framework in force for sanctions, very punitive and dissuasive (but only administrative) and which goes even beyond the recommendations here under.\**

### **Measure 11**

Provide *\*regulatory text\** for the seizure of fishing vessels (*\*art. 85.3 Law\**) for the case of fishing without a license, and apply the following additional clauses:

- (a) A vessel without a seized license may not be resold on the market;
- b) A vessel without a confiscated license may only be returned to the State and operated by the State (as a research vessel or patrol vessel);
- c) In case the State has no use for the vessel, it must be dismantled, destroyed and sunk to produce an artificial reef.

### **5.4. MCS unit**

#### **Measure 12**

Create an MCS unit, separate from the current departments of Administration and Management of fisheries with the power to cover all aspects related to the implementation of the Fisheries Law, from fleet control to inspection, investigation and sanctioning of infringement cases. This unit would be headed by a chief and would have a body of specialized technicians in adequate number.

*\*Action/objective different than recommended guidelines\**

*\*Propositions : Creates a bicameral MCS unit for interconnexion and/or coordination between the two main authorities in charge of MCS (DNOP Surveillance, ADNAP Monitoring and control). Clarify the recognition of this MCS scheme (unit) and sharing of powers between these two authorities (and other institutions involved) by the establishment of a memorandum of understanding;\**

*\*New Measure (?): Adopt a statutory evolution to reinforce DNOP's capacities, through functional and financial autonomy and decision-making power.\**

#### **Measure 13**

In accordance with MCS scheme, assign sufficient work equipment to the *\*competent authorities\** (unit) to allow *\*carrying out the following actions\** (the creation of four sub-units), which would include:

- a) VMS and communications (MCS Control *\*(Surveillance ?)\** Center);
- b) Operations;
- c) Data and intelligence; and
- d) Instruction of lawsuits and sanctions.

### **5.5. VMS**

#### **Measure 14**

Reach an agreement with the provider of the current system to remedy the technical problems within an established period of time or put the system effectively functional, or give up and face the consequences of a legal process based on non-compliance with the contractual terms.

*\*Allow the currently functional VMS system to become fully operational at central level, in accordance with the MCS scheme and the IOC's Regional VMS protocole (SIGMA)\**

#### **Measure 15**

Place the functional VMS system with the utmost urgency, (number one priority established in this NPOA-IUU).

#### **Measure 16**

Once the operating system, duplicate the VMS interfaces in the provincial delegations, allowing the provincial inspectors are directly informed about activity in the waters under their control, and to expand the installation of DLAs/*\*VMS\** in all fleets of semi-industrial vessels, as provided by the Law.

### **Measure 17**

*Install all depth and coastal zone automatic control alarms on the system for automated alarms, automated reporting and initiate sanctioning of offenders based on VMS data.*

### **5.6. Input and output reports in the EEZ**

#### **Measure 18**

*Introduce a requirement in the Law [\\*of fisheries \(or revision draft of Law of the Sea in course, art. 42/50 from section VI\)\\*](#), requesting that all fishing vessels in transit should report to the Fisheries Administration (the CMV should be the designated point of contact) through a navigation agency, informing the date, time and position of entry and date, time and estimated outbound position (DHLPS), and reporting your location on entering and exiting. Failure to comply with this measure should be treated as a violation of the Fisheries Act. [\\*Add eventually : All fishing vessels in transit should stowage fishing gear during passage.\\*](#)*

### **5.7. Means of Patrol**

#### **Measure 19**

*Identify funds to acquire or charter (with the option to purchase) at least one medium-sized ( $\pm 100$ ft) patrol vessel with autonomy of one week to ensure regular fishing patrol in the Sofala Bank during the crucial months of the year and patrolling other relevant types of fisheries during other times of the year (including ad hoc patrols in the EEZ when weather permitting). [\\*Add : These action should be supplemented by chartering a long-range patrol vessel and by implementation of air surveillance.\\*](#)*

#### **Measure 20**

*[\\*In the medium-term\\*](#), acquire at least two RIBs mounted on large, fast trailers for coastal patrols, allowing rapid use and intervention in coastal areas. Install one to the North of the Sofala Bank and another to the South or operate them together with the vessel recommended in measure 19.*

*[\\*Not recommended by the strategic proposals \(done by middle-range patrol vessel\), but conceivable in the medium-term as part of the process of progressive development of means of surveillance on Sofala Bank and beyond \(to be confirmed ?\)\\*](#).*

#### **Measure 21**

*Develop collaborative partnerships with the Navy and Maritime Police for the operation of the vessel. Given the lack of resources in Mozambique, it is necessary to consider the development of multi-sectoral mechanisms between the Navy, the Maritime Police and the Ministry of Fisheries, which would a priori release the Ministry to develop (and duplicate existing) management of vessels. It will be necessary to establish and sign a Memorandum of Understanding between the respective institutions, establishing the tasks and duties according to the scheme. If there is insufficient fleet management capacity at MGM and FPMLF level and the direction of the Ministry of Fisheries on the vessel can not be clearly established under the Memorandum, the vessel should be managed by charterers based on the agreement reached. [\\*Add: Partnerships with private actors may also be implemented in order to strengthen the chartering arrangements, the availability and the effectiveness of the means of surveillance / control.\\*](#)*

#### **Measure 22**

*Acquire land patrol facilities necessary for provincial fisheries directorates and services and ensure that the resources made available are actually delivered to the MCS unit of the provincial directorates and services and used for patrolling and inspection of fisheries. Such means should include at least one 4-wheel drive, open-wheeled vehicle, two quad-type vehicles and two motorized vehicles for each direction and provincial fisheries service.*

#### **Measure 23**

*Once acquired the means, ensure the planning of patrol operations and inspections on a routine basis taking into account the analysis of data, risk and anticipated incidence of IUU fishing. [\\*Add eventually: Agents in charge of patrol operations and inspections receive an appropriate training device according to the identified needs to ensure the implementation of the routine basis\\*](#).*

## **5.8. Registration system for the acquisition, storage and dissemination of MCS data**

### **Measure 24**

Develop a common, integrated, country-level database system that allows the introduction of decentralized data, combining with centrally data and researching decentralized or combined data sets in both central and decentralized offices. The database system should include, among others, the following data:

- (a) Vessel (company name, owner, crew list, IICR, vessel specifications, registration number, fishing equipment, vessel movement, VMS data links);
- b) License (value, payments, duration, type, special conditions);
- (c) quota allocated (where applicable), catch records, landing and transshipment data;
- (d) Registration of offenses (vessel, type of offense, zone, identity of master, inspector, sanction, payments, number and location of the file).

Automated data search routines for the most common tasks must be pre-installed (eg, search for data by owner, radio call sign, type of violations, violated zones, etc.). Reports in the electronic version should also be installed, allowing for the regular production of comprehensive "push a button" reports (eg quota completion reports). Data transfer protocols using physical data carriers such as flash disks and CD-ROMs should be established to allow use in field situations where network access would be difficult, impossible, or very expensive. *\*Add eventually : Due to the weakness of SSF fisheries monitoring data, their improvement should be a priority for action in the implementation of NPOA-IUU.\**

### **Measure 25**

Ensure the acquisition of sufficient amount of computer equipment for the central and decentralized offices to install and operate the database system.

## **5.9. Observer Program**

### **Measure 26**

Phase out the dismantling of the current tax boarding system *\*(to be removed if effectively deleted)\**, and create a single observer program of monitoring, but rather monitoring and reporting on fishing activity as a whole. Establish that observers do not carry out any enforcement activity *\*(see REPMAR draft art 138 giving legal attributions goes beyond the traditional skills of an observer)\** on board fishing vessels and that the information collected by them can not be used for direct enforcement purposes (to file a report, evidence, court, etc.). *\*Add eventually the extantionist or another qualification as a complementary category of observers for SSF sector\*.*

### **Measure 27**

Develop a mechanism that allows the MCS unit to analyze compliance information from the observer program in an aggregated and / or combined way to identify threats, and plan operations in a more focused and effective manner, based on the analysis of compliance data provided by observers - eliminating reactive action based on specific observer reports, linked to specific vessels and fishing campaigns in particular. *\*Add eventually proposal made during the workshop : The use of cameras can be a support for observers on board on ISIF vessels.\**

### **Measure 28**

Introduce sea allowance and travel insurance for observers and inspectors of fishing going to sea, observer missions and sea patrols.

## **5.10. Human resources and training of MCS staff**

### **Measure 29**

*\*Create a fishery officer body and reorganise DPMAIP Inspection Services (DAMAI)\**

Redefining the tasks to be carried out by inspectors and drawing up a human resources plan for the body of fishery inspectors across the country.

### **Measures 30**

*Establish a recruitment and training plan for new staff. Consider the option of removing older (very old) inspectors with very low level of service training, giving them access to an early retirement plan.*

### **Measure 31**

*Do not recruit elements for the inspection career who have less than 10th grade in terms of formal education.*

### **Measure 32**

*Ensure that all inspectors undergo specific and specialized training for their tasks - being provided at the workplace for those who are already integrated, or through a root formation before being incorporated into the fishing inspectorate brigade.*

### **Measure 33**

*Following the development of the fisheries database, a training course will be designed to familiarize all compliance personnel with the operation and use of the fisheries.*

### **Measure 34**

*Train the heads of fisheries inspection units in decentralized offices in planning for MCS.*

### **Measure 35**

*Design and implement a unifor, **\*a card or official badge\*** for fisheries inspectors, considering this priority measure.*

## **5.11. Planning and financing MCS activities effectively**

### **Measure 36**

*Establish a routine (semiannual or annual) to plan MCS activities*

### **Measure 37**

*Provide central and decentralized MCS units with a dedicated and affordable budget - regardless of size - and divide budgets into specific budget lines for the various operations and activities to be performed. Allow flexibility between lines access in necessary cases.*

### **Measure 38**

*Establish a MCS planning routine, provide detailed briefing to maritime and land patrols, and organize de-briefing sessions after each patrol.*

### **Measure 39**

*Create a routine of presenting reports and records of activities and results of MCS and use the existing information at the end of the routine cycles to be able to pronounce itself in the planning process.*

## **5.12. Management Plans**

### **Measure 40**

*Ensure the implementation of fisheries management plans across the sector, integrating all relevant subsectors of a given type of fishery, ensuring that clear goals, objectives and expected results of the plans formulated for the various subsectors are established - bearing in mind that Economic, social, biological and ecological objectives may differ widely across sub-sectors, and a process of dialogue, consultation and negotiation is necessary to develop acceptable plans for all stakeholders..*

### **Measure 41**

*Avoid developing too many management plans at once, and ensure the establishment of monitoring and management capacity of management plans at central and provincial level. Management plans should be monitored, accompanied and readjusted every three to five years (as a rule) - requiring qualified human resources for these tasks*

#### **Measure 42**

*Under the Shrimp Management Plan, ensure that harmful artisanal fishing practices in sensitive and spawning / recruitment areas can be phased out, and that the use of TEDs is in line with existing legal provisions in the law. With regard to TEDs, it is essential that the Ministry of Fisheries communicate the technical details to the industry, and allow it to purchase its own equipment on the market; Appliances purchased must comply with the stated specifications. The burden of compliance with technical equipment specifications should be placed on industry and the Ministry of Fisheries should not buy and resell the equipment directly.*

#### **Measure 43**

*In the management of tuna fishing, follow and apply the IOTC management measures [\\*in continuity with the national development plan adopted in 2013.\\*](#)*

#### **Measure 44**

*Launch an effort to develop the National Shark Resource Management Action Plan (PANTubarões). Such a plan should include proposals to identify current sources and flows of shark products throughout the territory and to make effective recommendations to address this problem in addition to the formulation of proposals for direct management of shark populations.*

### **5.13. Licensing**

#### **5.13.1. Industrial and semi-industrial fishing**

#### **Measure 45**

*Establish a routine to ensure that licenses for tuna fishing are only issued for vessels on the IOTC positive list, regardless of Mozambique's status as a member of IOTC. [\\*Add eventually: Adopt strengthened measures laying down the terms and conditions of licenses, indicating in particular the by-catch rules, designated ports and landing obligations.\\*](#) Never issue a license to a vessel on the IOTC blacklist. Consider expanding the blacklist query to the lists of CCAMLR, NEAFC, NAFO, ICCAT and IATTC.*

#### **Measure 46**

*Establish a routine for verifying national vessel infringement records at the time of renewal of a license, in order to ensure that the infringement patterns that would lead to a licensing penalty are detected and effectively enforced. Complete Art. 42 law, OK with art. 43 to condition the renewal of the license to the absence of infringement the previous year*

#### **Measure 47**

*Establish a routine on which procedures for requesting the first license for foreign vessels always ask for the following:*

- a) Originals of the fishing permits abroad of the Flag State;*
- (b) a statement by the vessel's owner concerning the IUU fishing record (certified, signed and dated as true owner) - advising the owner that false or incomplete statements may lead to refusal of the license and a fine under [\\*art. 98c. and 99 i.\\*](#) of the Fisheries Act;*
- (c) a record of infringements of the Flag State (of the Maritime Authority or of the Ministry of Fisheries);*
- d) Check the blacklists of relevant regional institutions to establish the status of said vessel.*

#### **Measure 48**

*Extend the periods for requesting licenses for sufficiently long periods of time in order to allow the necessary checks to be carried out.*

#### **Measure 49**

*Always request a complete inspection of the vessel in a national port before the first license, and repeat this inspection every two to three years.*

#### **Measure 50**

Always check the records of mandatory data submission and compliance with them before renewing fishing licenses.

#### **Measure 51**

Introduce the FAO standardized system for the marking and identification of fishing vessels using the IICR *\*(verify the content of the acronym "IICR" - not defined in the NPOA, with regard to FAO standard reference used "International radio call sign" - IRCS)\**, and implement it in all types of industrial and semi-industrial fishing, including registers forcing all semi-industrial vessels to apply for, and owning a IICR.

#### **5.13.2. Artisanal *\*(Small-scale)\** Fishing**

#### **Measure 52**

Continue efforts to devolve licensing functions to government administrative units located in district areas (ie provincial and district fisheries offices that work with offices of other administrations in areas where they are unable to place their own personnel), with a view to achieve the highest licensing rate possible. *\*Add eventually: SSF licensing should be consider as a high priority to eradicate domestic unlicensed fishing and destructing fishing practices. Annual targets for SSF licensing should be put in place to gradually and progressively complete the objective of 100% securing the licensing of SSF fishing activities by the end of this plan, ie in 2015. Strengthen fishing communities' organisations, their functions and capacities (see proposals made in study 1) as a support for administration to achieve this objective by adopting corresponding regulatory texts.\**

#### **Measure 53**

Introduce an authorization *\*(or Adopt a regulatory text)\** for importer / buyer / processor / exporter for holotúrias and fins shark droughts *\*(remove « fins shark droughts-art. 148 REPMAR draft)\**, catches generally considered as originating from artisanal fisheries, and to develop a system for recording the origin and destination of all products at the purchase level, and to ensure the functioning of the system effectively.

#### **5.14. National Action Plans**

#### **Measure 54**

~~*\*Taking into account the suggestions made in Chapter 10 on the implementation of the IUU NAP, (remove)\**~~ ensure the creation of a simple matrix with performance indicators, allowing for an assessment of the progress achieved in the annual work items of the NPOA-IUU, assessing progress at the end of each cycle, circulate the results comprehensively and use them to guide for future planning.

#### **5.15. Cooperation between States**

#### **Measure 55**

Disseminate relevant MCS contacts on the Ministry of Fisheries website (telephone numbers, fax and e-mail available 24/7) of employees who have access to all sectoral data (licenses, operations, statistics, infringements) and who can act as contacts to provide or receive information on IUU fishing operations.

#### **Measure 56**

Actively seek the establishment of MCS hotlines between countries on a bilateral basis, providing and collecting phone numbers, e-mail contacts, etc. - as appropriate to ensure that relevant officials in neighboring jurisdictions can be effectively contacted in case of emergencies.

#### **Measure 57**

Engage in a dialogue with IOTC to find a solution to overcome the current problems of unreported catches of tuna fisheries in Mozambique - some of which can be addressed through existing mechanisms for monitoring the State Ports and regional database system being implemented.

#### **Measure 58**

Ensure that all reports of violations, the results of administrative and / or judicial proceedings, and all other relevant information related to the fishing activities of foreign flagged vessels in Mozambican waters are reported

to the Flag State and relevant RFMOs on an "as early as possible" basis - developing a simple and standardized format for doing so.

#### **Measure 59**

Ensure full participation in existing regional programs for IUU fishing, eg. EU-IOC initiatives and DFID-SADC *\*(complete eventually)\**, in order to stimulate regional cooperation and ensure Mozambique's full contribution to regional initiatives to minimize the incidence of IUU fishing.

### **5.16. Publicity**

#### **Measure 60**

Update the websites of the Ministry of Fisheries devoted to MCS, frequently updating the information. Internet pages could explain the foundation of the current CSM and the active partnerships, available for patrolling the waters and Mozambican airspace, and the results achieved to date.

## **6. Flag State Responsibilities**

### **6.1. Ship Registration**

*\*Add new measure eventually: To improve monitoring by relying on new technologies ADNAP to create / improve national database systems, tools and registers, including National fishing vessel register and memorandum of understanding (MoU) between the maritime administration and the ministry of fisheries.\**

#### **Measure 61**

Reflect the measures proposed *\*(add eventually : and complete if necessary the regulatory framework-see art. 33 decree 2017)\** for the first licensing of foreign vessels, establish a routine where the procedure of registration of vessels always requests the following:

- Originals of Flag State authorizations to fish abroad;
- A statement by the owner of the vessel on the IUU fishing register (certified, dated and signed by the owner proving to be true) - advising the owner / shipowner that false or incomplete statements may lead to the refusal of the license and a fine under Fisheries should be provided for in the sanctioning framework;
- A record of infringements of the Flag State (of the Maritime Authority or of the Ministry of Fisheries)
- Verification of the blacklists of relevant regional fisheries management institutions to establish the status of the vessel.

### **6.2. Register of Fishing Vessels**

#### **Measure 62**

Establish a separate register of Mozambican vessels which have been authorized to fish outside the territorial waters. This record can be kept to list authorized vessels in the past, as well as currently authorized vessels.

#### **Measure 63**

With regard to the registration of vessels licensed for fishing (domestic and foreign), ensure that IICRs *\*(add eventually if relevant : and Maritime mobile service identity – MMSI\*)* number - and not vessel names - can be used as identification keys.

*\*Add eventually: Regarding SSF vessels/practices, enable the record of one RFID tag identification number for marking of fishing gear and enable the consultation through a mobile app on inspector's tablet.\**

#### **Measure 64**

The Ministry of Fisheries should ensure that all data on vessel were submitted to INAMAR, in order to include this information in individual files of the vessels held by INAMAR. A standard format for submitting this information can be developed by ensuring that the date, location and nature of the infringement are clearly indicated, that the the owner and the owner are duly identified and that the penalties applied are specified.

### **6.3. Authorization to Fish**

### **Measure 65**

*Develop a model and regulate the details of the fishing license that authorizes national fishing vessels to engage in fishing activities in waters outside Mozambican jurisdiction. Such authorization should never extend beyond FAO statistical area 51, given the current weaknesses of Mozambique in the control of national vessels on the high seas.*

*\*Add eventually: Adopt a specific regulatory text for definition of “Pesca longínqua” in accordance with art. 19.1.c. 2013 Fishing Law and 4.1.a.iv Decree 2017 active in high Sea or waters of third States using industrial fishing vessels, by specifying the existing conditions/models for industrial fishing rights and license.\**

## **7. Measures related to the Port State**

### **Measure 66**

*Develop a national Port Control strategy *\*(replace by: Adopt a National Fisheries Surveillance Plan)\** for fishing activities, clearly stating the rules and measures that apply under such a scheme. It is suggested that this scheme be based on *\*PSMA last version<sup>38</sup>* ratified in 2014 by Mozambique. National plan should also be declined to provincial levels of implementation and *\*contain the 14 *\*(remove by « all »)\** elements listed in Annex 5. Once developed, it should be published and widely disseminated - including on page of the Ministry of Fisheries.**

*\*Add eventually : Develop inspection reports DB, including simplified SSF Inspection report templates that should be mandatory for each SSF inspection and should be available on a digital basis for recording and consultation.\**

### **Measure 67**

*Consider and limit to three *\*(change if necessary)\** the number of fishing ports to accept entry of *\*(add eventually ISIF)\** national and of all foreign fishing vessels, designating the ports of Quelimane, Beira and Maputo *\*(complete if necessary)\** as industrial *\*(add eventually semi-industrial)\** fishing ports. Prohibit the entry of industrial fishing vessels in all other fishing ports in the country. Broadly publicize these ports, and ensure that the measure is implemented and enforced.*

### **Measure 68**

*Change the current group of port authorization cards in use, inconsistent and outdated, and develop a form, ensuring the provision of all relevant information before being allowed entry to port. Ensure the implementation of this measure at the level of the whole country and the shipping agencies. Ensure consistent use of IICR. Refuse entry to vessels that do not use the format appropriate.*

### **Measure 69**

*Draw up and sign a Memorandum of Understanding between INAMAR and the Fisheries Administration, establishing the principle that vessels that are refused entry or exit of the national fishing ports by the Fisheries Administration can not have INAMAR authorization of entry or exit. (the same MoU should formalize the relationship between the two parties with regard to flag vessels and the inclusion of information on infringements in the vessel's log file*

### **Measure 70**

*Establish a dialogue *\*(coordination mechanism ?)\** with all relevant government institutions carrying out inspections in the fishing vessels, and designing a procedure and data reporting mechanism to ensure that relevant and necessary checks are carried out in a consistent manner, minimizing embarrassment for the vessel. Design a procedure and authorization form for leaving port, which must be seen and authorized by all relevant institutions, before INAMAR provides a vessel with the final authorization to leave the port.*

### **Measure 71**

*Provide all inspection results to Flag States of foreign vessels and RFMOs regardless of whether or not a violation has been detected. This can be done on a quarterly basis for regular inspections and neutral results, and should be carried out within 24 hours on a case-by-case basis for detected and incriminated offenses.*

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<sup>38</sup> <http://www.fao.org/3/a-i5801e.pdf>

#### **Measure 72**

*For export fishery products, an export authorization form should be created in which all relevant institutions (ie Customs, INIP, Port Authority and DPP) should verify the quantity and nature of the product being to be exported.*

#### **Measure 73**

*Evaluate the logistic implications of the monitoring of all transshipments in the tuna industry [\\*\(ISIF fisheries\)\\*](#). Based on this evaluation, design a system where all transshipments are carried out or at port facilities or buoys under the supervision of fisheries inspectors. Then deactivate the currently existing unmonitored transshipment scheme.*

### **8. Trade Related Measures**

#### **Measure 74**

*Ensure that documentation schemes in land processing units are solid and properly maintained and regularly inspected. To sensitize processing companies to the impacts of IUU fishing.*

#### **Measure 75**

*[\\*Complete Chapter III, section 1 of fisheries law\\*](#) to include sufficiently severe penalties ~~in the law~~ for the importation, processing and attempted exportation of IUU fishery products.*

#### **Measure 76**

*Stop the practice of certification of dry shark fin products in cases of lack of information of their true origin, recognizing that their origin is most likely IUU fishing, and refuse legalized access to markets [\\*\(remove due to shark finning prohibition – see REPMAR draft art. 148.4\)\\*](#).*

#### **Measure 77**

*Ensure that illegal fishing gear and other illegal materials are [\\*not\\*](#) regularly available in the industry [\\*\(it seems fishing industry or all sectors ?\)\\*](#) and make them at the retail level.*

### **9. Regional Fisheries Management Organizations**

#### **Measure 78**

*To become a member of IOTC with immediate effect, with the aim of becoming a contracting party, being the formal status of the non-contracting cooperating party to the minimum necessary - should full membership be postponed any longer. [\\*\(remove – member since 2012\)\\*](#)*

#### **Measure 79**

*Implement positive collaboration mechanisms with the IOTC Secretariat, and ensure submission of catch data, inspection and infringement reports, etc. on a case-by-case basis, as suggested in the relevant measures outlined above.*

#### **Measure 80**

*Seek support from the ANUPP Help Fund to help finance membership in IOTC and the development of MCS.*

#### **Measure 81**

*Develop unilateral measures to harmonize measures for the exploitation and management of tuna Mozambique with IOTC recommendations, ~~\*regardless of their membership status~~ [in accordance with Tuna Fisheries Development Plan adopted in 2013.\\*](#)*

### **10. Implementation of the NIP-IUU**

#### **Measure 82**

*Ensure the circulation of the IUU-NPA by all selected institutions and partners at national and regional level. These include but are not limited to INAMAR, DPPs and SPPs, Fisheries Authority Authorities, MGM, FPMFL, INIP, Customs, SWIOFC, IOC, SADC, IOTC, and relevant regional projects, especially those dealing with MCS.*

**Measure 83**

*After the adoption of the plan, assess what measures can be implemented in \*2020\*, and integrate measures remaining as fully planned and budgeted work items in the annual fisheries work plans.*

**Measure 84**

*Provide \*a coordinate approach through\* the implementation of mixed work groups to work on measures aimed at integrating the activities of more than one institution / body.*

**Measure 85**

*Assign responsibility to an organic unit \*(DNOP, if subject to strengthening its autonomy or a joint entity - temporary, ad hoc - between the DNOP / ADNAP in charge of the coordinated application of the plan)\* within the Ministry of Fisheries with the task of integrating the NPOA-UU into the management planning framework as described above.*

*\*Add Measures regarding the establishment of indicators for evaluation of the plan as well as complementary and accompanying measures likely to facilitate its application and monitoring?\**

## 6 APPENDICES

### 6.1 Annex 1 – Study 4 Terms of references

#### ***Study 4 : Update the national action plan to deter and eliminate IUU fishing. ( NPOA IUU)***

##### **a. Contents**

- i. Check for each main fisheries and for each fleet (industrial, semi- industrial, artisanal, subsistence, sport and recreational fishing and whatever its flag) the prevalence, the extension, the impact of the illegal, unreported and unregulated fishing (IUU) in Mozambique, relative to different regulations to apply.

This review must also consider different duties specific to Mozambique as coastal State, flag State and port State. This study must also present an analysis on the risks for each category of infraction mentioned earlier with the identification of the actual facts, which worsen or decrease the risks of IUU fishing and an evaluation of its risks.

A summary table of this information will be included in the final report.

- ii. Analyse the results of the first national plan against IUU fishing (2009-2014) taking into account the concluding assessment carried on in 2012. A general analysis will take place to summarise the measures implemented, results achieved and to identify the progress but also the challenges encountered during the implementation of this first project.

A summary table will be developed in reference to each measure, its state of implementation, its effectiveness, its impact and the reasons for success or challenges resulting in non-achievement.

- iii. Written on the basis of the methodology provided in the international plan of action to prevent, deter and eliminate illegal fishing, undeclared and unregulated (IPOA-IUU) an update the NPOA-IUU for Mozambique (2018-2024) will be prepared. This updating must take into account the other NPOA-IUU already developed in Neighbouring countries e.g., SWIOFC countries to ensure coherence, complementary, synergy and include impacts of the different proposed measures.

The NPOA-IUU proposed measures must also include the operational implementation progress in the context of the Law No. 8/2003 of 19<sup>th</sup> May LOLE law and develop a global strategy which emphasizes the regional cooperation, existing bi- or multi-lateral agreements, the SADC, the SWIOFC, the relationships between the regional organizations of the region (IOTC, SWIOFC, IOC,

and SADC) and the minimum terms and conditions of foreign fishing access (MTCs) currently under discussion.

The NPOA-IUU proposed measures must also take into account the new international provisions and measures regarding the fight against the illegal fishing

The related aspects to the artisanal fishing must be considered carefully.

The plan must include a set of measures and for each ones, the scheduled date for the implementation, the administration or the responsible structure for its implementation.

*The methodology and approach to be adopted for the NPOA-IUU draft will be agreed with the National Directorate of Operations of the Ministry of Sea, Inland Waters and Fisheries.*

**b. Specific tasks**

- i. To propose a methodology, training requirements, follow up actions, coordination mechanisms and the appropriate tools for the NPOA-IUU implementation in order to verify its execution.
- ii. the preparation of the necessary tools for the publication of this plan at the international level (FAO).

**a. Links with other studies**

Take account of the results, findings and recommendations of the MCS strategy studies and long term sustainable financing study.

**b. Expected results and actions**

The consultant must :

- i. At a time to be agreed with the National Directors and the Permanent Secretary of the Ministry, conduct a half day seminar to brief officials and other stakeholders, as appropriate, on the main findings and status of IUU fishing in Mozambique and outline the proposed approach to be taken in drafting the updated NPOA-IUU for Mozambique. If requested, prepare a two-page Cabinet-type summary to accompany the draft NPOA-IUU for internal approval at Ministerial or Cabinet level.
  - ii. Provide a wrap-up briefing on results achieved/final NPOA-IUU Plan update for the National Directors of the National Directorate of Operations and all agencies involved in Maritime Affairs and other outside Ministry officials, as appropriate, at the conclusion of the consultancy, including the progress and challenges resulting from the initial NPOA-IUU.
  - iii. Prepare a brief, administrative-type, standard report on the consultancy within 7 days of having completed the consultancy, to the attention of the National Directorate of Operations.
  - iv. Provide a final NPOA-IUU for Mozambique to be used as a guideline for future operational planning
  - v. Provide all necessary support documents for follow up and publication of the NPOA-IUU
- c. Expected time frame for discussions with multi-agency parties and governors - 45 person days