

# **Agulhas and Somali Currents Large Marine Ecosystem (ASCLME) Project**

*Policy and Governance Assessment*

## **Mozambique National Policy and Governance Assessment for Management of Marine and Coastal Resources**

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## A. General

### 1. Geographic information

Mozambique, bathed by the Indian Ocean in its entire eastern side, is located in South-East Africa, between the parallels 10°27'S and 26°52'S. It is limited by Tanzania and Malawi, in its northern part; by Zambia and Zimbabwe, on the western side; and by Swaziland and South Africa, in its south-western and southern parts.

It has a terrestrial area of 801,590 Km<sup>2</sup> and a coastline of more than 2,700 Km, being one of the longest in Africa. The continental shelf has an area of 120,000 Km<sup>2</sup> (Mozambique National Coastal Strategy, 2004). Seven (Cabo-Delgado, Nampula, Zambézia, Sofala, Inhambane, Gaza and Maputo) of its ten provinces are coastal, and forty two (32.8%) of its one hundred and twenty eight districts are coastal. Six (Maputo, Xai-Xai, Inhambane, Beira, Quelimane, Pemba) of the ten important cities of the country, are located at the coast, being two (Maputo and Beira), the most important (Gove and Mechisso, 2010).

### 2. Main uses of coastal and marine resources

According to Gove and Mechisso (2010), the coastal and marine area supports, within others, (i) the most important **coastal settlements** of the country; (ii) the most important **artisanal and commercial fisheries** (mainly crustaceans); (iii) all Mozambican **ports**, which are not only important for the country, but also for the SADC (Southern Africa Development Community) region, including Swaziland, some parts of South Africa (like the provinces of Mpumalanga and Limpopo), Zimbabwe, Zambia, RDC (Democratic Republic of Congo) and Malawi; (iv) important **coastal agriculture**, mainly rice and sugar cane plantation, cashew nut and coconut trees, which are important as foreign revenue earner; (v) the main **industrial areas**, mainly in the cities of Maputo and Matola (including the industrial area of Beluluane), Beira and Nacala-Porto; (vi) **coastal mining**, mainly heavy sands in Moma coastal district, in Nampula province, and natural gas in Pande and Temane (Inhassoro coastal district), in Inhambane province, which are respectively exported to Europe and South Africa; (vii) **coastal tourism**, mainly in northern and southern Mozambique, being one of the fast growing sectors in Mozambique, and becoming increasingly important for the national economy; (viii) **coastal transport** (the main road linking the country from South to North is located on the coast, and coastal shipping).

#### 2.1. Coastal Settlements

As it was said previously six (Maputo, Xai-Xai, Inhambane, Beira, Quelimane, Pemba) of the ten important cities of the country, are located at the coast, two (Maputo and Beira), being the most important. According to the 2007 census, the urban population is made up by 6,028.912 inhabitants, representing 26.9% of the total population.

Sixty per cent of the 22, 4 million inhabitants, live within 100 Km from the coast. Rural exodus to the cities is a permanent phenomenon, resulting in more and more people on the coastal area, where the main cities are located.

The rise of the population allied with unplanned urbanization is resulting, in many cases, in coastal deforestation, erosion, littering, biological and chemical contamination, siltation

and sedimentation, affecting human health and coastal waters and habitats, like estuaries, beaches, mangroves, coral reefs, sea grass, etc (Gove and Mechisso, 2010).

## **2.2. Fisheries and aquaculture**

Fisheries sector accounted for 1.4% of GDP in 2009 (compared to 1.9% in 2003). The contribution of this sector to GDP has been reducing since the end of civil war in 1992, although the catches have risen from 31,700 ton/year in 1980 (Gove, 1995) to 150,000 ton/year in 2009. Furthermore, the fishery products represented, in 2009, the sixth main export product (in early 90s, the fisheries sector represented more than 40% of exportations). This is due to the emergence of new powerful export sectors namely the aluminum smelter (1<sup>st</sup>), electricity (2<sup>nd</sup>) and gas (3<sup>rd</sup>) production, and to the revitalization of agriculture, which has been affected by the civil war, mainly cash crops, namely tobacco (4<sup>th</sup>) and sugar cane (5<sup>th</sup>), (Gove and Mechisso, 2010).

According to Fisheries Master Plan for the period 2010-2019, recently approved in October 2010, by the Council of Ministers, fish catches will increase from 150,800 ton in 2009 to 221,000 ton in 2019. Regarding aquaculture, the production will rise from 630 ton in 2009 to 80,000 ton in 2019. Export of fish products will increase from 69,8 million US\$ in 2009 to 175,9 million US\$ in 2019.

Fishery activities affect the stocks of target species (like the shallow water shrimp from Sofala Bank, where the fishing effort is estimated to be 40% higher than that expected for sustainable exploitation of this resource) and non targeted species (again the shallow water shrimp fisheries is responsible for the catch of 30,000 ton/year of by-catch, most of which (around 20,000 ton) is discarded at the sea). Furthermore, fishing activities also affect vulnerable species like marine turtles, dugongs and dolphins (Gove and Mechisso, 2010).

## **2.3. Ports**

Due to their strategic location, Mozambican ports are not only important for the country, but also for the SADC region, including Swaziland, some parts of South Africa (like the provinces of Mpumalanga and Limpopo), Zimbabwe, Zambia, RDC and Malawi. The harbors of Maputo, Matola, Beira and Nacala-Porto (the four most important harbors of the country) have been concessioned to the private sector for the next years (up to 50 for Maputo), and presently actions are underway for their expansion to meet the high demand from the industries developing within the country (Beluluane industrial area in Maputo Province; coal production in Tete Province, central Mozambique; and the Nacala Porto industrial area, in Nampula Province, northern Mozambique) and in the SADC region. Construction of a new deep water port has been recently launched in Techobanine (Maputo Province) to meet the future needs of the SADC region, including Botswana (Gove and Mechisso, 2010).

Port and harbor areas are subject to routine discharges and occasional spills from vessels (Gove, 1995), affecting the coastal waters and habitats, like estuaries, mangroves, etc. Major tanker ports include Matola, Beira and Nacala-Porto. Dredging of the channels accessing the ports is another action affecting the coastal system, through siltation, sedimentation and rising pollutants.

## **2.4. Coastal agriculture**

Agriculture sector accounted for 19.7% of GDP in 2009. Major investments have been made since early 2000s to revitalize the sugar cane plantations, namely the Maragra and Xinavane plantations in coastal Maputo Province, and in Marromeu and Buzi plantations in coastal Sofala Province, resulting in increase of sugar production, which is presently supplying the whole national market and for export (since 2007 until now, sugar is the 5<sup>th</sup> export product, and its trend is continuously rising) (Gove and Mechisso, 2010). Other bigger investments include the revitalization of rice production in Matutuine (coastal Maputo province), Chokwe and lower Limpopo irrigation areas (in coastal Gaza Province) and in coastal Zambezia Province. The total rice-growing potential in Mozambique is estimated at 240,000 ha. Cashew nut (the 8<sup>th</sup> export product since 2004 up to now) and coconut (lately affected by a disease) production are also occurring in many coastal provinces. Zambezia and Inhambane Provinces have since long time been recognized to have the biggest coconut plantations of the world (Gove and Mechisso, 2010).

The traditional practice of slash and burn agriculture induces severe soil erosion, as do inappropriate cultivation techniques, particularly on steep slopes (Gove, 1995). Commercial farming can have environmental impacts on coastal waters and habitats, due to the use of fertilizers, herbicides and pesticides. Uncontrolled use of heavy machinery and the preparation of the soil at unsuitable times have resulted in degradation of the soil structure (compaction and adhesion).

## **2.5. Industrial development**

The manufacturing sector accounted for 12.8% of the GDP in 2009. The main industrial areas are located in the cities of Maputo and Matola (including the industrial area of Beluluane), Beira and Nacala-Porto. Actions are underway in the industrial area of Beluluane for implanting small and medium scale enterprises mainly for supporting the aluminum smelter, which doubled its capacity since it was installed in 2000 (its exports raised from 383.1 million US\$ in 2001 to 1.5 billion in 2007). Cement industry is increasing rapidly its capacity due to high demand of cement for the construction industry that is booming all over the country. Cement factories are planned or under construction in Matutuine and Magude (in coastal Maputo province) and in Sofala province. Expansion of the existing cement factory in Matola is underway and a new factory has been recently installed in Nacala-Porto (Nampula Province). Huge industrial development is expected in Nacala Porto and Nacala Velha, including the development of a new railway linking this place to Moatize coal area in Tete Province, and a new civil airport in Nacala Porto, whose construction is expected to start in 2011. Most of these plans have secured funds for their implementation (Gove and Mechisso, 2010).

Industrial development is resulting in air and water pollution where the industrial plants are located, and downstream.

## **2.6. Coastal mining and Hydrocarbon exploitation**

This is a relatively new sector, but it has been quickly increasing its importance for the national economy. Extractive industry represented, in 2003, 0.6% of the GDP and, in 2009, it accounted for 1.1% of the GDP. This figure will greatly increase with the start of coal production, in Tete Province, expected for 2011, with an initial exportation of more

than 2 to 3 millions of ton/year, expecting to reach more than 15 to 20 millions in the next 2 years, just for the two existing companies (a third company has very recently been given a license for exploring coal in the same province). In Tete, there are presently three megaprojects for exploitation of coal: Benga, Zambeze and Moatize. The first two belong to the company Riversdale and represent around 11 billions of ton; and the last one belongs to the company Vale, with 2 billions of ton.

Significant reserves of heavy sands have been identified in Chibuto, in coastal Gaza Province, Inharrime-Jangamo area in coastal Inhambane Province and in Moma, in coastal Nampula Province. Exploitation of Moma fields has already started and exported to Europe, and an international bid has been recently launched for exploring the Chibuto fields, after the withdrawal of Corridors Sands enterprise, due to economic reasons (Gove and Mechisso, 2010).

Hydrocarbon prospection is currently taking place in the whole coastal area (onshore and offshore) of the country and in some inland areas (along the Zambezi River and Niassa Lake), mainly in Inhambane Province, Sofala Province and in Rovuma basin (mainly in Cabo Delgado Province). Gas exploitation is presently taking place in Temane and Pande (both in Inhassoro District) in Inhambane Province, and exported to South Africa, raising from 31.3 million US\$ in 2004 (exploitation started in 2003) to 152 million US\$ in 2008, becoming the 3<sup>rd</sup> main export product. Very recently, in 2010, oil was discovered in Rovuma basin, and presently actions are underway to determine its economic viability (Gove and Mechisso, 2010).

Coastal mining can raise sediment loads affecting coral reefs, induce coastal erosion and water pollution.

## **2.7. Coastal tourism**

Mozambique is at its initial phase of development as a tourism destination. In 2001, there were 400,000 visitors, which shows a low level compared to other countries within the region (worldwide, tourism contributed, in 2001, with 4.2% of GDP). However, growth opportunities for the region indicate, according to WTO, 36 millions tourists in 2020.

In 2005, Maputo city absorbed 65.8% of foreign tourists, followed by Inhambane Province (9.2%) and Cabo-Delgado Province (6.4%). In the same year, 65% of rooms were located in Southern Mozambique, 18% in central and 16% in northern Mozambique.

In 2009, tourism contributed with 1.6% of GDP, the same value since 2003, which means that the actual figures from tourism have been continuously increasing. In fact the absolute values from tourism in 2009 are 1.7 times more than those from 2003. Coastal tourism, mainly in northern and southern Mozambique, is one of the fast growing sectors in Mozambique, and becoming increasingly important for the national economy (Gove and Mechisso, 2010).

Coastal tourism produces in some areas proliferation of litter, pollution of coastal waters due to untreated sewage, damages to coral reefs due to bad diving practices, coastal erosion, etc.

## **2.8. Coastal shipping**

Although presently this sector is insignificant, taking in account that Mozambique has a very long coastline (2,770 Km), actually one of the longest in Africa, and that the economy is continuously and vigorously growing, since the late 90's, it is certain that this will be stronger in the near future (Gove and Mechisso, 2010). Good ports are available along the whole coast of the country, including, from South to North, Matola and Maputo (Maputo Province), Inhambane (Inhambane Province), Beira (Sofala Province), Quelimane (Zambezia Province), Nacala-Porto (Nampula Province), Pemba and Mocímboa da Praia (Cabo-Delgado Province). Actions are presently underway, within the Ministry of Transport and Communications, for buying ships for coastal transport among different provinces. Coastal shipping may contribute to increase pollution of coastal waters through oils and lubricants (Gove and Mechisso, 2010).

## **2.9. Damming**

Mozambique is situated downstream of many rivers coming from neighboring countries, like South Africa (Maputo, Tembe, Incomati, Elefante and Limpopo Rivers), Swaziland (Umbeluzi River), Zimbabwe (Save, Pungue and Buzi Rivers), Zambia and Zimbabwe (Zambeze River), Malawi (Chire River) and Tanzania (Rovuma River); and other inland countries, like Botswana (Limpopo and Zambeze River), Angola and RDC (Zambeze River), (Gove and Mechisso, 2010). Therefore the damming of rivers and its impacts downstream, including the coastal area, is a regional issue for Mozambique that is addressed by SADC protocols and other international treaties.

As far as Mozambique is concerned, damming has been made for (i) water supply for people, like in Umbeluzi River (Pequenos Libombos) for feeding Maputo city (it is expected that Corrumana dam built in Incomati/Sabie River supplies also water for Maputo city), and in Nacala-Porto city; (ii) irrigation, like Elefante and Limpopo Rivers (Massingir and Macarretane dams) for supplying water to Chokwe fields (more than 10,000 ha of irrigated land); and (iii) for producing electric power, being the most important the Zambeze River (Cahora Bassa dam), followed by Revúe River (Chicamba dam). Cahora Bassa dam supplies not only Mozambique, but also South Africa, Zimbabwe, and even Botswana. There are plans to include Malawi. There are also plans to build another dam, downstream Cahora Bassa, the Mpanda Nkua dam, for producing electric power to Mozambique and to the region, which seems to be in shortage (Gove and Mechisso, 2010).

Damming reduces the flux of freshwater and sediments to the coastal affecting the health of coastal natural systems, like estuaries and the organisms that depend on them, like shrimps.

## **3. Coastal and marine environmental issues**

Coastal and marine environmental issues in Mozambique include climate change (sea level rise, rising of sea water temperature, coral bleaching), coastal erosion, siltation and sedimentation, pollution from untreated sewages, litter, agriculture and industrial effluents, and oils from ports and tankers using Mozambique channel, overharvesting of fish stocks, intentional or accidental capture of vulnerable species, degradation of coastal habitats, like coral reefs, sea grass and coastal vegetation, including mangrove areas,

sectoral (and therefore conflicting) and unsustainable management and governance of coastal and marine environment, etc (Gove and Mechisso, 2010).

#### **4. Country Profile with reference to system of government**

Mozambique attained its independence (after five centuries of colonization) from Portugal, in 1975, and a socialist type of economy initiated soon after. This was not only a result of ideological considerations, but also due to the urgent need of the Mozambican government to deal with the management of abandoned farms, factories and trading activities. The Portuguese colonial period had been characterized by state intervention in major economic activities, monopolized by Portuguese settlers. Thus, the departure of a vast majority of these settlers in connection with independence led to serious economic difficulties as education and training had not been provided to the Mozambican population.

A reorientation of economic policies was initiated in the beginning of the 1980s and subsequently, Mozambique launched a structural adjustment program (PRE), also known as Economic Rehabilitation Program, in 1987. The prospects for economic growth were favourable with the important exception that there was a civil war in Mozambique, which made sustainable economic growth impossible. The civil war intensified after 1981 and caused havoc in the country, forcing millions of Mozambicans to abandon their homes and move mainly to the coastal area, where the main cities (relatively more secure) are located. The prospects for Mozambican development were radically improved after the peace agreement in 1992 and the multi-party elections in 1994. Mozambique is considered a success story in terms of a transition from war to peace, but the political and economic situation continues to be strengthened.

##### **4.1. Relevant constitutional provisions**

The current Constitution of the Republic of Mozambique was approved by the Assembly of the Republic (Mozambique Parliament) on November 16<sup>th</sup> 2004. It entered into force on January 3<sup>rd</sup> 2005, according to its article 306. The 2004 Constitution follows that one of 1990, which, for the first time, admitted the democratic pluralism. The predecessor of the 1990 Constitution is the 1975 version, the first one of the Republic of Mozambique (then known as the Peoples Republic of Mozambique), which consecrated the one party system.

The 2004 Constitution defines the Republic of Mozambique as “an independent, sovereign, democratic State and of social justice” (Article 1). Additionally, Mozambique is also defined as “State of Law, based on pluralism of expression, on democratic political organization, on respect and guarantee of fundamental rights and freedoms” (Article 3). It constitutionally recognizes the existence of different normative systems not conflicting with other provisions neither with the fundamental values and principles constitutionally established (Article 4).

The Constitution addresses matters relating to environment and quality of life in its Articles 90 and 117. The Article 90, which is part of the Chapter V (economic, social and cultural rights and duties) of Title III (fundamental rights, duties and liberties) provides for the right to live in a balanced environment, and the duty of defending it (paragraph 1). The same article establishes in paragraph 2 that, “*the State and the municipal authorities, with the collaboration of associations for environmental protection, shall adopt policies for the defence of the environment and watch for the rational utilization of all natural resources*”. On one hand, the right to (a good) environment is part of the fundamental rights and, on the other hand,



the protection of the environment involves not only the State bodies, but also the local authorities and environment-related associations.

Article 98 deals with State Property and the public domain. In its paragraph 1, this article establish that “*natural resources situated in the soil and subsoil, inland waters, territorial sea, continental shelf, and in the exclusive economic zone are property of the State*”. In paragraph 2 of the same article, items constituting the public domain of the State are listed, some of them being (a) *the maritime zone*; (d) *zones of nature protection*; (e) *the hydraulic potential* and (h) *natural mineral deposits*. The legal regime of public domain goods of the State, as well as their management and conservation, is established by law (paragraph 3). Article 102 establishes that the knowledge, inventorying and valorisation of natural resources is promoted by the State, which also determines the conditions for their use and exploitation while safeguarding national interests.

Article 117 provides for the responsibility of the State in promoting initiatives for ensuring the ecological balance and the conservation and preservation of the environment aiming at the improvement of citizen’s life quality (paragraph 1). According to paragraph 2 of this article, “as to ensure the right to environment within the frame of sustainable development, the State shall adopt policies aiming at:

- Preventing and controlling pollution and erosion;
- Integrate environmental objectives in sectoral policies;
- Promoting the integration of environmental values in educational policies and programs;
- Ensuring the rational utilization of natural resources while safeguarding their renovation capacity, ecological stability and the rights of future generations;
- Promoting land planning in order to have a correct localization of activities and a balanced socio-economic development.”

#### **4.2. Outline of national legislative process**

Laws, in their broad meaning as different types of legal instruments, may not have many particularities in terms of hierarchy *per se*. Some particularity may exist with regard to the Portuguese words used as to refer to their names, according to the degree of their legal force.

Suitableness with the English legal terminology may not be found, due to differences both in legal and languages systems. With this regard, it must be noted that Mozambique inherited from the colonial power the Roman-Germanic legal system. Nonetheless, an idea of the position of legal instruments and their legal force can be evaluated through reference to the types of legal instruments presented in decreasing order of their hierarchy, in parallel with the State bodies competent for enacting them:

#### **Hierarchy of Mozambican Legislation**

<b>Ranking</b>	<b>Instruments</b>	<b>Enacting Organ</b>
<b>I</b>	Constitution	Assembly of the Republic (Parliament)
<b>II</b>	Law	Assembly of the Republic
<b>III</b>	Decree-Law	Council of Ministers
<b>IV</b>	Decree	Council of Ministers
<b>V</b>	Presidential Decree	President of Republic
<b>VI</b>	Ministerial Order	Minister or Ministers jointly
<b>VII</b>	Ministerial Order	Minister

According to Article 109 of the Constitution of the Republic, the state sovereignty organs are the President of the Republic, Assembly of the Republic (Parliament), the Government (Council of Ministers), the Courts and the Constitutional Council (Mozambique National Strategy for Coastal Zone Management, 2004). It should be highlighted that there are clear and total separation of powers among the Parliament (mainly legislative), composed by MPs elected directly from the legislative elections (part of the general elections), being part of the list of candidates presented previously, and in sequential order, by the running parties; and the Council of Ministers or Government (mainly executive), composed by members indicated by the elected President directly from the presidential elections (part of the general elections), and therefore no one can belong simultaneously to the two organs.

It is also important to refer some of the historical and structural aspects relating to Mozambican legislation, in general. It seems that penal and labour laws have been the first to be introduced in the Mozambican territory. A number of legal instruments (laws, decree-laws, decrees, etc.) related to the various branches of law, which have been passed in Portugal, have since then been made applicable to Mozambique, similarly to what happened in other Portuguese colonies. Earlier in the 1970s, Mozambique's administrative designation was changed from colony to "Overseas Portuguese Provinces". Consequently legislative competence was given to the local, colonial authorities, at the top of which was the Legislative Assembly.

Thus legislative Regulations, with force of law, which used to regulate some aspects of the economic and social life of Mozambique, could be approved locally. Anyhow, most of the legislation passed before the independence, with the exception of that one approved by the Transitional Government (from 20th September 1974 to 24th June 1975) was conceived to mainly serve the colonial interests. Though it was recognized that the above mentioned legislation was not satisfactory, it could not be rejected totally when the country became independent. Otherwise a chaos could have resulted from the vacuum created by the revocation of all colonial legislation.

Thus, a significant part of it has been inherited and accepted in the legal order of independent Mozambique. In this regard, the Article 79 of the first Mozambican Constitution provided as translated below:

- "Former legislation which is contrary to the constitution is automatically revoked. Former legislation which is not contrary to the constitution shall be maintained in force until such time it is altered or revoked".
- "As to make the adaptation effective, a corrective reading is required, replacing "Portugal" and "Portuguese" by "Mozambique" and "Mozambican".

The provision of Article 79 of the 1975 Constitution as above cited has been repeated in the article 203 of 1990 Constitution, which became article 209, after amendments introduced in 1996. In the same spirit, the Constitution of 2004 establishes in its article 305 that "*former legislation, where is not contrary to the Constitution, remains in force until it is modified or revoked.*"

The existing legislation in the Republic of Mozambique comprises, thus, a great deal of the former colonial legislation. Some of the latter legislation has gradually been replacing the former legal instruments, but a lot has yet to be done. A small sector of the legislation prior to the independence deserves a particular remark. Such legislation is that one

passed by the Transitional Government, which mainly aimed at ensuring the harmony of social and economic life in the country during the transitional period. No legal instrument regarding matters relating to environment was enacted by the Transitional Government.

### **4.3. Participative/consultative processes**

The Land Law (Law n. 19/97, of October 1<sup>st</sup>: Bulletin of Republic n.º 40, 1<sup>st</sup> Series, Supplement) although determines, in its Article 3, that all land in Mozambique is owned by the State and cannot be sold, pledged or alienated in any way, it makes community consultation a pre-requisite in the process of land title applications by individuals or companies, and also gives importance, according to Article 24, to participation of communities in natural resources management, land delimitation processes and conflict resolution.

The Law of Local Organs of the State (Law n. 8/2003, of May 19th) sets out the principles and norms to be applied in respect of the organization, authority and functioning of local organs of the state at the provincial, district, administrative post and locality levels and their relationship with community authorities. According to Article 2 of the Law, the function of Local Organs of the State is to represent the State at the local level for the development and administration of the respective territory, and to contribute to national unity and integration. The Local Organs have competence to execute, decide and control at their corresponding level. At the provincial level, the State is represented by the provincial Governor. This official leads the provincial government and is responsible for the supervision of the provincial services, which are decentralized and related to the Ministries. Article 39 provides that district governments may approve land use plans comprising ecological zones and other protection areas; establish district land reserves; and elaborate proposals for the definition and establishment of protected zones and submit them to the competent authorities.

The Municipal Authorities Law (Law n. 2/97, of February 18th) provides the principles for the creation of Municipalities in cities, towns and villages, and their attributions, namely their articulation with traditional authorities. Articles 46 and 78 specify the environmental management competences of Municipal and Village Assemblies namely to approve: i) the municipal environmental plan and ecological zoning; ii) program for the use of alternative energy ; iii) incentive programs to protect the local environment; iv) the processes of removal, treatment and disposal of solid waste, including hospital and hazardous waste; v) reforestation and planting programs; vi) local programs for natural resources management; vii) establishment of municipal reserves; and viii) proposals and provide opinion on the definition and establishment of protected areas.

## **5. National Institutions responsible for implementing legislation and policy**

### **5.1. Organogram for Government Agencies**

The government structure presented here is the one that was adopted after the 2009 elections. Normally after every election there are changes in the government structure to address the perceived (from the point of view of the winning presidential candidate and party) existing socio-economic and political situation, although, since the independence, in 1975, until now, the ruling party has been the same.

The Mozambique government is composed by three levels, from the central down to the local levels, namely:

- Council of Ministers, which is the central government;
- Provincial Governments; and
- Local Organs of the State

The Council of Ministers is chaired by the elected President directly from the general elections, the Prime Minister and Ministers, both nominated directly by the President. The Vice-Ministers (which normally are one for each Ministry, although there are some Ministries with two or three, or even without Vice-Ministers) are not members of the Council of Ministers, but are permanent invitees, participating, in this quality, in all sessions of the Council of Ministers.

The existing central government is composed by twenty eight Ministries namely:

- **Ministry of Foreign Affairs and Cooperation** (Institute of Sea and Boarders)
- **Ministry of National Defence** (Navy)
- **Ministry of Internal Affairs** (Coast Guard)
- Ministry of Finances
- Ministry of Planning and Development
- **Ministry of Transport and Communication** (Maritime National Institute, National Institute Hydrograph and Navigation)
- Ministry of Education
- Ministry of Culture
- **Ministry of Agriculture** (National Directorate for Land and Forests)
- Ministry of Work (Employment)
- Ministry of Youth and Sports
- Ministry of Health
- Ministry of Women and Social Action
- **Ministry of Tourism** (National Directorate for Conservation Areas, National Authority for Conservation Areas)
- **Ministry for Coordination of Environmental Affairs** (National Directorate for Environmental Management, including the Department for Coastal Zone Management, Centre for Sustainable Development of the Coastal Zone, Centre for Coastal and Marine Environmental Studies)
- Ministry of State Administration
- **Ministry of Fisheries** (National Fisheries Administration, Fisheries Research Institute, Institute for Development of Aquaculture, Institute for Development of Small Scale Fisheries, Institute for Fish Inspection)
- Ministry of Energy
- Ministry of Mineral Resources
- **Ministry of Public Works and Housing** (Regional Water Administrations)
- Ministry of Industry and Trade
- Ministry of Justice
- **Ministry of Science and Technology** (Scientific Council of Sea and Fisheries, which includes Universities, Water Research Institute)
- Ministry of Combatants
- Ministry of Public Function

- Ministry from the Presidency for Parliamentary Issues, Municipalities and Provincial Assemblies
- Ministry from the Presidency for Social Issues
- Ministry from the Presidency for Civil House Issues

The Provincial Governments, chaired by the Provincial Governors (indicated by the elected President), and composed by Provincial Directors, representing the majority of Ministries (excluding those related to sovereignty, namely the Ministries of Foreign Affairs and Cooperation, National Defence and Internal Affairs, and those from the Presidency) at provincial levels, are eleven, namely for the Provinces (from North to South) of Cabo-Delgado, Niassa, Nampula, Zambézia, Tete, Manica, Sofala, Inhambane, Gaza, Maputo, and Maputo City (which apart from being a Municipality, has also a position of a province)

The Local Organs of State are constituted by two organs, namely the District Governments, chaired by a District Administrator, and composed by members representing the different socio-economic sectors relevant for the district; and Municipalities, chaired by a Municipality President, elected directly from the Municipality elections, and composed by members, indicated by the elected Municipality President.

The number of districts and, consequently, district governments for each of the provinces is the following:

- Cabo-Delgado – sixteen, of which seven are coastal
- Niassa – fifteen
- Zambézia – sixteen, of which six are coastal
- Nampula - eighteen, of which eight are coastal
- Tete – twelve
- Manica – nine
- Sofala – twelve, of which six are coastal
- Inhambane – twelve, of which nine are coastal
- Gaza – eleven, of which three are coastal
- Maputo – seven, of which three are coastal

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## **B. The National Assessment Report**

### **1. Maritime Zones**

#### **1.1. Historical/evolution of the institutional placement within the overall government structure**

During colonial time, all maritime issues were dealt by the **Directorate of Marine Services**, which included the Port Captains.

After the independence, in June 1975, there was the creation of the **Ministry for Transport and Communications**, established, through the Decree 1/75 of 1<sup>st</sup> July (BR 3, I Series, Suppl. of 01/07/1975, pp 19(1)), which defined the composition of the Council of Ministers of the Peoples Republic of Mozambique, where the Marine Services and Port Captains were integrated, and afterwards there was the creation of new institutions, namely the **National Institute for Hydrograph and Navigation** (INAHINA) by the Decree 27/2004, of 20<sup>th</sup> August; and the **Administration and Surveillance Maritime Services** (SAFMAR), created by the Decree 34/94 of 1<sup>st</sup> September (BR 35, I Series, Suppl. of 01/09/1994, pp 306 (2-5)), and replaced recently by the **Maritime National Institute** (INAMAR), created by the Decree 32/2004 of 18<sup>th</sup> August (BR 33, I Series of 18/08/2004, pp 312-318).

The involvement of sovereignty institutions, namely the Ministries of Foreign Affairs, Defence and of Internal Affairs, and others, was done through the **Technical Council within SAFMAR**, and through the **Interministerial Commission for Boarders**, which was extinct in 2001, by the Presidential Decree No. 18/2001 of 3<sup>rd</sup> July, which created the **Institute of Sea and Boarders** (IMAF).

#### **1.2. Current Institutional structure**

##### **1.2.1. Central Level**

The current institutional structure related to maritime issues, at central level, is composed mainly by eight Ministries (although others are also part of inter-institutional Committees and Commissions), being the Ministry of Transport and Communications the most relevant, namely:

##### **1.2.1.1. Ministry of Transport and Communication (MTC)**

MTC is the government's body dealing with the regulation and management of maritime transportation and related activities in Mozambique. It hosts:

- the National Institute for Hydrograph and Navigation (INAHINA), whose statutes were published by Decree 27/2004, of 20<sup>th</sup> August. According to the Ministerial Order 178/2006, of 15<sup>th</sup> November (BR 46, I Series, of 15/11/2006, pp 493 to 505), approving the regulations, INAHINA is responsible for coordinating, promoting, developing and following research and works on hydrograph, nautical cartography, oceanography and navigation of all Mozambique waters (Article 7);
- the Maritime National Institute (INAMAR), created by the Decree 32/2004 of 18<sup>th</sup> August (BR 33, I Series of 18/08/2004, pp 312-318), which simultaneously extinguished the Administration and Surveillance Maritime Services (SAFMAR).

INAMAR, according to its Article 2, is the maritime, lake and fluvial authority, responsible for aquatic security and sea economic regulation. Article 3 states that INAMAR proposes legislation of maritime issues; apply the national legislation on maritime security and international conventions related to maritime issues; and issues licenses, do the surveillance and control marine activities. INAMAR has authority on all Mozambican vessels whether in jurisdictional or international waters, and on foreign vessels in territorial waters. Article 4 addresses the Technical Council of INAMAR, which includes **Tourism, Fisheries, Environmental Affairs, Police, Defence, INAHINA** for harmonisation of actions related to maritime area. It is also the IMO focal point and the coordinator of the implementation of the relevant IMO conventions.

- the National Institute for Meteorology - INAM (Decree 44/2006, of 29<sup>th</sup> of November – BR 48, I Series of 29/11/2006, pp 513-518, approves the statutes), which, according to Article 2 is responsible for climatology and marine meteorology. It is also part of the national working group on climate change and desertification and has been designated the focal institution for the Intergovernmental Panel on Climate Change.

**1.2.1.2. Ministry of Foreign Affairs and Cooperation**, through the Institute of Sea and Borders (IMAF), created by the Presidential Decree 2/2001, of 3<sup>rd</sup> of July (BR 26, I Series, 2<sup>nd</sup> Suppl., 03/07/2001, pp 144 (1–4). This Decree also extinguished the Inter-Ministerial Commission for Borders set up in 1 July 1997, by the Decree 16/97. IMAF, according to Article 1, is the executive and technical coordinating organ of the state action with respect to oceans and borders-related issues. Article 2 states that IMAF mandate includes delimitation and reaffirmation of maritime, fluvial, terrestrial and aerial borders, including the continental shelf.

It is also important to highlight that the Presidential Decree 3/2007, of 8<sup>th</sup> of March (BR 10, I Series, Suppl. of 08/03/2007, pp 104 (5- 6) creates the **Interministerial Commission of Sea and Borders (COMAF)**, as the Council of Ministers organ, according to Article 1, for coordinating actions related to sea and borders within the framework of defence of national sovereignty and good relationship with the neighbouring countries. According to the Article 4 this commission is composed by representatives of the **Ministry of Foreign Affairs and Cooperation, Ministry of Internal Affairs, Ministry of Defence, Ministry of State Administration, Ministry of Agriculture, Ministry of Fisheries, Ministry of Transport and Communication, Ministry of Mineral Resources, Ministry for Coordination of Environmental Affairs and the Ministry of Justice**; and it's secretariat is IMAF (Article 7).

**1.2.1.3. Ministry of National Defence**, through the Marine Arm. The Decree 48/2003 of 24<sup>th</sup> December (BR 52, I Series of 24/12/2003, pp 600-607) approves the organic statutes of armed force of defence of Mozambique (FADM). Article 3, which addresses the structure of FADM, includes the Marine Arm. The organization of Marine Arm (Article 37) includes, within others, (i) the Repartition for Surveillance and Protection of Maritime Coast; (ii) Marine Repartition; and (iii) Repartition of Navigation and Hydrograph.

**1.2.1.4. Ministry of Internal Affairs**, through the:



- Department of Forests, Wildlife and Environment, which, according to Article 14 of the Decree 27/99 of 24<sup>th</sup> May (BR 20, I Series, 3<sup>rd</sup> Suppl., 24/05/1999, pp 106 (5-18)), which approves the Organic Statute of the Police of Republic of Mozambique (PRM), is under the Directorate of Order and Public Security and;
- Maritime, Lake and Fluvial Protection Force, which, according to Article 26 of the Decree 27/99 of 24<sup>th</sup> May is part of the Special and Reserve Forces. Article 29 of the same Decree states that the Maritime, Lake and Fluvial Protection Force has the duty to (i) guarantee order, security and public tranquillity; (ii) participate in life saving activities; and (iii) guarantee technical support for police research.

#### **1.2.1.5. Ministry of Fisheries** through the:

- National Fisheries Administration, created by the Decree 4/2010, of 08<sup>th</sup> March (BR 9, I Series, Suppl. of 08/03/March 2010, pp 56 (3-4), which, according to its statutes (Resolution 36/2010 of 22<sup>nd</sup> December, BR 51, I Series, 22/12/2010, pp 318-322) article 4, is responsible for fisheries management and monitoring of fishing activities; and
- National Directorate for Fisheries Surveillance, created by the new statutes of the Ministry of Fisheries (Resolution 38/2010 of 22<sup>th</sup> December, BR 51, I Series of 22/12/2010, pp 322-327), which revised the former Ministry statutes (Ministerial Order 55/2000 of 7<sup>th</sup> of June), with the attributions, according to article 4, for surveillance of fisheries activities in Mozambican waters.

#### **1.2.1.6. Ministry for Coordination of Environmental Affairs** through the:

- National Directorate for Environmental Management (DNGA), created by the Resolution 16/2009 of 05<sup>th</sup> August (BR 31, I Series of 05/08/2009, pp 202-206) which approves the Organic Statutes of MICOA and revokes the Ministerial Order 259/2005 of 29<sup>th</sup> December. According to the Article 7 of the Ministerial Order 265/2009 of 16<sup>th</sup> December (BR 50, I Series, 16/12/2009, pp 353-367), which approves MICOA Internal Regulation, and revokes Ministerial Order 28/2007 of 18 April, DNGA (i) proposes policies, plan and norms for the suitable use of environment and control of environmental quality; (ii) promotes conservation of biodiversity, sustainable management of sensible and protected areas, and rehabilitation of degraded areas; and (iii) promotes ICZM and management of urban areas.
- Coastal and Marine Research Center (CEPAM), created by the Decree 16/2007 of 16<sup>th</sup> April (BR 14, I Series, 2<sup>nd</sup> Suppl. of 16/04/2007, pp 118 (3-6). Article 2 states that CEPAM should carry out scientific research on coastal and marine ecosystems to maximize their sustainable use, contributing to Integrated Management of Coastal and Marine areas of Mozambique.
- Centre for Sustainable Development for Coastal Zone (CDS-ZC), created by the Decree 5/2003 of 18<sup>th</sup> February (BR 7, I Series, 2<sup>nd</sup> Suppl. of 18/02/2003, pp 40 (5-7). Article 2 states that the objectives of CDS-ZC are to coordinate and promote studies and its dissemination; give technical advise, training, as well as development of pilot activities for marine, lake and coastal zone management, which contribute for elaboration of policies and legislation that promotes sustainable development of coastal zones.

#### **1.2.1.7. Ministry of Science and Technology in coordination with the Ministry for Public Works and Housing** through the Water Research Institute (IIA) created by the

Decree 41/2010 of 20<sup>th</sup> of October (BR 42, I Series of 20/10/2010, pp 237). Article 4 of IIA states that it has the objective of carrying out scientific water research.

### **1.2.2. Provincial and District Levels**

At sub-central and provincial levels, maritime issues are institutionally addressed by the provincial representations of INAMAR (Maritime National Institute), namely the Maritime Administrations (ADMAR) and their local representations, the Maritime Delegations.

### **1.3. Legislation/policy/strategies**

#### **Primary Legislation**

Law n. 4/96 of January 6<sup>th</sup>, Sea Act (BR 1, I Series, Suppl. of 04/01/1996, pp 4 (10-15). The Sea Act sets out the jurisdictional claims of Mozambique to the ocean areas and provides the general legal framework for the regulation of activities taking place in these areas. The Act elaborates various maritime zones, as established in Articles 4 and 9, such as the territorial sea (12 nautical miles), contiguous zone (24 nm), economic exclusive zone (200 nm), continental shelf and the maritime public domain; vessel ownership, classification and registration; the maritime industry and trade; crew conditions; and general maritime administration. The Act also outlines the various components of Mozambican maritime policy and the authority and duties of related governmental bodies. In general terms, such a Law is in consonance with the 1982 International Convention on the Law of the Sea (UNCLOS), which was ratified by Mozambique through the Assembly of Republic by Resolution n. 21/96, of November 26<sup>th</sup>.

This law, according to its Article 2, is applicable to:

- i) the sea, and all navigational waters, and respective bed layer and subsoil, subject to maritime jurisdiction, in the terms of the applicable law, and also to the public domain adjacent to those waters;
- ii) all vessels and other maritime objects, including cables, installations and maritime infrastructures under the Mozambican jurisdiction;
- iii) all national vessels, wherever they are located;
- iv) all entities, singular or collective, working with vessels or with navigation in Mozambique;
- v) all maritime activities realized inside the limits of the Mozambican jurisdiction, safeguarding the applicable specific legislation to fisheries activities. **This law is not applicable to military staff personals and vessels.**

The Law of the Sea provides *inter-alia* in its Article 34–f) for the Government, competence of enacting regulations on the protection and preservation of the marine environment and general management of the territorial sea, contiguous zone, exclusive economic zone and continental shelf.

**Territorial sea** of the Republic of Mozambique is twelve nautical miles from the baselines. The normal baseline from which is measured the breadth of the territorial sea is defined by the low-water line along the coast as shown on maritime charts officially recognized for this purpose by the Republic of Mozambique. The State's coastal

sovereignty extends to the territorial sea, including its sea bed, subsoil, and air space above it.

In the **zone contiguous** to the territorial sea, extending up to the twenty four nautical miles from the baseline, the Republic of Mozambique has sovereign powers with respect to exploration and exploitation, conservation and management of the natural resources, living or non-living, of the seabed, subsoil and the supramaritime waters. Where there is no agreement to the contrary, and where the limits established in the law overlap with those established by States whose coasts are opposite those of the Republic of Mozambique, the limits established by the State will not extend beyond the line equidistant from the nearest point on the baseline from which is measured the breadth of the territorial sea and exclusive economic zone of each of the two States.

The **exclusive economic zone** is 200 Nautical Miles, which allows for exploration, exploitation, conservation and management of all natural resources in the seabed, its subsoil and overlying waters. If the equidistant line referred to above is situated within the limit of the territorial waters and exclusive economic zone established by States whose coasts are opposite those of the Republic of Mozambique, the exclusive economic zone established in the Law extends as far as that limit.

Law 5/96 of 4<sup>th</sup> of January (BR 1, I Series, Suppl. of 04/01/1996, pp 4 (15-17) **creates the Maritime Courts and defines their areas of jurisdiction.** Maritime courts are important institutions for the enforcement of laws and regulations regarding the preservation of coastal and marine environment. In Mozambique, Maritime courts were created to meet article 176.1, f) of the 1990 Constitution, for the establishment of an appropriate structural framework for a specialized maritime judicial forum. The 2004 Constitution admits, in its article 223, paragraph 2, the possibility of existence of maritime courts.

Maritime courts are competent to *inter alia*, judging matters on civil responsibility arising from damages from pollution at sea and other water areas under the jurisdiction of Mozambican maritime authorities, article 8(m). In addition, the same courts are also competent for judging maritime crimes committed in their jurisdictional area, as well as other maritime offences. In its article 4, the Law establishes territorial competences of maritime courts headquartered in six port cities, which are, from South to North: Maputo, Inhambane, Beira, Quelimane, Nacala and Pemba.

**Though those maritime tribunals were created, they did not enter in activity yet, mainly due to the lack of judges and appropriate infrastructures.** So, their competences are being temporarily exercised by common judicial courts, as provided for in the article 18 of the said Law.

### **Subordinated Legislation**

Decree 45/2006 of 30<sup>th</sup> November (BR 48, I Series, Suppl. of 30/11/2006, pp 524 (1-28) approves the **regulation for prevention of pollution and protection of coastal and marine environments** and revokes the Decree 495/73 of 6<sup>th</sup> of October, Sea and Coastal Waters Pollution Prevention Order (measures against pollution of waters, beaches and margins) BR 123, I Series of 20<sup>th</sup> of October of 1973 pp 1179-1180. The objective of the statutes (Article 2) is to prevent and/or limit pollution derived from

illegal discharges made by ships, platforms or by land-based sources, and establishment of legal basis for protection and conservation of coastal and marine environment.

Decree 44/2006 of 29<sup>th</sup> of November (BR 48, I Series of 29/11/2006, pp 518-523) approves the **regulations for amateur diving** and revokes the Decree 48365 of 2<sup>nd</sup> of May of 1968. The object of this Regulation (Article 2) is to establish the norms related to the exercise of amateur diving activity in Mozambique jurisdictional waters, including licensing of diving schools and centers, certification, practice of amateurs diving, fees, penalties, etc).

#### 1.4. Membership of relevant international treaties

Sixteen international maritime instruments were signed or ratified, including eight conventions, six protocols and two amendments, mainly those related to sea (oil pollution; and UNCLOS and related protocols and one on delimitation of maritime boarder with Tanzania. The last ten years (from 2000) were the period where Mozambique adopted many of these instruments, with more than 73.3%.

Name of International Instrument	Date of Ratification	Citation and Sources
International Accord on the Conservation and Management Measures of High Seas Resources, 24 <sup>th</sup> April 1999	16 <sup>th</sup> of December 2008	Resolution 21/2008 of 16th of December (BR 50, I Series, 5th Supplement pp 414 (41-51)
Dispositions of UNCLOS regarding the conservation and management of fish straddling stocks and population of highly migratory fish	16 <sup>th</sup> of December 2008	Resolution 19/2008 of 16th of December (BR 50, I Series, 5th Supplement, pp 414 (11-41)
Protocol related to the privileges and immunity of international authorities of deep seas	15 <sup>th</sup> of October 2008	Resolution 38/2008 of 15/10/2008 (BR 42, I Series of 15 <sup>th</sup> of October 2008 pp 337-344)
Emends to the Annex of the International Convention for Saving Human Life at Sea, 1974 SOLAS (74) adopted by Resolution n. 1, of 12 of December 2002,	14 <sup>th</sup> July 2004	Resolution 25/2004 of 14/07/2004 (BR 28, I Series, Suppl. of 14 <sup>th</sup> of July of 2004, pp 262 (1-16)
Adhesion to international Convention on preparation, combat and cooperation against hydrocarbon pollution, OPRC 90	25 <sup>th</sup> February 2003	Resolution 6/2003 of 18/02/2003 (BR 7, I Series, 3 <sup>rd</sup> Suppl. of 25 <sup>th</sup> February 2003, pp 40(148).
Adhesion to International Convention for prevention of pollution from ships 1973 and its protocols of 1978-MARPOL 1973-1978	25 <sup>th</sup> February 2003	Resolution 5/2003 of 18/02/2003 (BR 7, I Series, 3 <sup>rd</sup> Suppl. 25 <sup>th</sup> February 2003, pp 40 (19-148)
Ratifies the Adhesion to the Protocol for Suppression of Illicit Acts against the Security of Fixed Platforms located in the Continental Shelf, Rome (Italy), 10 of March of 1988	2nd of October 2002	Resolution 75/2002 of 02/10/2002 (BR 40, I Series, Suppl. of 2nd of October of 2002, pp 322 (35-38)
Ratifies the adhesion to the Convention for Suppression of Illicit Acts against Maritime Navigation Security, Rome (Italy), 10 of March of 1988	2nd of October 2002	Resolution 74/2002 of 02/10/2002 (BR 40, I Series, Suppl. 02 October 2002, pp 322 (27-35)
Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 27 November 1992	6 <sup>th</sup> November 2001	Resolution 53/2001 of 6/11/2001 (BR 44, I Series, 2nd Supplement, 6 November 2001, pp 236 (33-49).
International Convention on Civil Liability for Oil Pollution Damage, 29 November 1969	6 <sup>th</sup> November 2001	Resolution 52/2001 of 06/11/2001 (BR 44, I Series, 2nd Suppl., 6 <sup>th</sup> November 2001, pp 236 (21-33).
Protocol on Bio safety, 29 January 2000, A.T.N.I.F. 2000 No. 4, 39 I.L.M. 1027.	21 <sup>st</sup> of December 2000	Resolution 11/2001 of 21/12/2001 (BR 51, I Series, 6 <sup>th</sup> Suppl. 21 <sup>st</sup> December 2001, pp 250 (64-74).
United Nations Convention on the Law of the Sea, 10 December 1982, and the Agreement Relating to the Implementation of Part XI of the UNCLOS	26 <sup>th</sup> November 1996	Resolution 21/96 of 26/11/1996 (BR 47, I Series, 6th Suppl., 28 November 1996, pp 236 (137-250).
Adhesion to the Indian Ocean Marine Economic Scientific and Technical Cooperation Organization - IOMAC	24 <sup>th</sup> of September 1991	Resolution 10/91 of 24/09/1991 (BR 38, I Series, Suppl. 24th September of 1991, pp 238 (1-9)
Ratifies the Agreement celebrated between the Government of the Peoples Republic of Mozambique and Government of United Republic of Tanzania, signed on 28 <sup>th</sup> December 1988, related to terrestrial boarder and delimitation of marine boarder between the two countries	18 <sup>th</sup> September 1989	Resolution 11/89 of 18/09/89 (BR 37, I Series, 3 <sup>rd</sup> Suppl. 18 <sup>th</sup> September 1989, pp 348 (9)
Adhesion to the Convention on International Regulation to	28 <sup>th</sup> December	Resolution 11/88 of 28/12/1988 (BR 52, I Series,

Avoid Sea Pollution of 1972	1988	Suppl. of 28 December 1988, pp 450 (15-16)
Ratifies the Amendments to the IMO Convention approved by Resolution A 358 (IX)	09 <sup>th</sup> November 1983	Resolution 16/83 of 09/11/1983 (BR 45, I Series of 09th November 1983, pp 109)

### 1.5. Funding sources and level

No information regarding external funding has been obtained, through the existing official documentation.

### 1.6. Gaps and need for harmonization

Through the analysis carried out, it was observed that (i) **maritime courts had not yet entered into activity, due to the lack of judges and appropriate infra-structure;** (ii) the **implementation of the existing legislation was also very weak,** due to the **lack of financial, technical and human resources** to guarantee an effective surveillance of the coast and the sea (one should underline that Mozambique has one of the longest coastline of Africa). Therefore, **there is an urgent need for training of appropriate judges, and implementation of suitable sustainable national funding mechanisms, through consignment of funds derived from licenses and other sources.** The country should strongly consider investing on ships and other equipment and infra-structures necessary for suitable surveillance of its EEZ and coastal waters.

It was also observed the dispersion of some areas in different institutions, like the **oceanographic research** among INAHINA, Ministry of Fisheries (Fisheries Research Institute) and Ministry for Coordination of Environmental Affairs (CEPAM); **maritime security** among INAMAR and Ministry of Internal Affairs; **regulation of maritime economic activities, including water pollution,** among INAMAR and Economic Ministries, like Fisheries, Tourism, Mineral Resources, Transport and Communication, etc. These facts call for more integration among sectors which can be achieved by **promoting more the action of the existing intersectoral mechanisms, like the COMAF (Interministerial Commission of Sea and Borders), under the Council of Ministers; and the Technical Council of INAMAR,** indicated in the Article 4 of its statutes, which includes Tourism, Fisheries, Environmental Affairs, Police, Defence, INAHINA and others.

**Surveillance activities, which are falling under different institutions** (Navy, Fisheries, Maritime Authorities and Police) and related to specific sectors of each of these institutions, attributed legally, **should be more harmonized,** taking in account the few human, technical, material and financial resources existing within the country. **Concentration of the few existing resources to few executive bodies should be considered.**

Regarding the maritime borders, it was observed that unhappily Mozambique had only one maritime border with Tanzania, but no legal agreement existed with its other neighbours and this is a very crucial issue for promoting harmonised, sustainable and adequate regional development. Therefore, **there is a strong and urgent need for establishing maritime borders, with Comoro, France** (Mayotte and Europe), **Madagascar and South Africa** in order to minimise existing and mainly potential conflicts related to economic use of coastal and marine resources, like fisheries, and, very recently, hydrocarbon exploration and exploitation.

## 2. Fisheries and Mariculture

### 2.1. Historical/evolution of the institutional placement within the overall government structure

During the colonial period, Mozambique had been relegated, by Metropolis (Portugal), as fish consumer and not producer, to maximise the consumption of fish and fish products produced by Portugal. Therefore, fisheries development was neglected and it was not a significant socio-economic sector in Mozambique, before the independence. However, a **Mission for Biocenology Studies and Fisheries** was established in Maputo (Mozambique) in early sixties, which was mainly directed to shallow water shrimp research.

Soon after the independence, in 1975, this mission was extinct and integrated, as the **National Directorate for Fisheries**, into the **Ministry of Industry and Trade**, established, through the Decree 1/75 of 01/07 (BR 3, I Series, Suppl. of 1<sup>st</sup> July 1975, pp 19(1), which defined the composition of Council of Ministers of the Peoples Republic of Mozambique.

This directorate was then transformed into the **State Secretariat of Fisheries** (Presidential Decree 44/78 of 09/12) directly linked to the Council of Ministers, up to 1994, when a new government emerged after the first multiparty elections. In 1995, within the new government, the **State Secretariat of Fisheries** was extinct and created the **Ministry for Agriculture and Fisheries** (Presidential Decree 2/94 of 21/12 (BR 51, I Series, 21<sup>st</sup> December 1994, pp 388-389).

In 2000, after the 2<sup>nd</sup> multiparty elections, a **Ministry of Fisheries** was created by the Presidential Decree 6/2000 of 4<sup>th</sup> April, BR 13, I Series, 5<sup>th</sup> Supplement of 4<sup>th</sup> April 2000, pp 54 (28-29).

### 2.2. Current Institutional structure

Presidential Decree 6/2000 of 4<sup>th</sup> of April of 2000 (BR 13, I Series, 5<sup>th</sup> Supplement of 4<sup>th</sup> April 2000, pp 54 (28-29), defines the objectives, attributions and competences of the **Ministry of Fisheries** with the responsibility of assuring the sound management of the fisheries resources in the country, and defining measures for exploitation thereof and other measures that greatly affect the marine fauna species, with a view to increasing its contribution to the development of the country.

Resolution 38/2010 of 22<sup>nd</sup> of December (BR 51 I Series of 22<sup>nd</sup> of December of 2010 pp 322 to 327) approves the statutes of the **Ministry of Fisheries**. Article 9, of this statutes, states the role of the **National Directorate for Fisheries Economics and Policies**, including (i) the coordination of elaboration and analysis of proposals of fisheries policies, strategies and development plans; (ii) provision of technical analysis for proposals of fisheries management plans, aquaculture activities, international fisheries and aquaculture instruments; (iii) coordination of credit and incentive policies; and (iv) realisation of macro-economic studies, including bio-economic and socio-economic models. Article 10 states that the **National Directorate for Fisheries Surveillance** (i) assures the surveillance of fisheries activities in jurisdictional Mozambican waters; (ii) assures inspection of fishing vessels demanding national ports; (iii) assures that Mozambican fishing vessels licensed for high seas and/or in 3<sup>rd</sup> country waters follow the

existing legislation; and (iv) guides and monitor the functioning of the fishing community councils regarding fisheries surveillance.

The Ministry has a series of autonomous fisheries institutions, namely (i) the **National Fisheries Administration (ADNAP)**; (ii) **National Fisheries Research Institute (IIP)**; (iii) **National Development Institute for Small Scale Fisheries (IDPPE)**; (iv) **National Fish Inspection (INIP)**; (v) and **National Development Institute for Aquaculture (INAQUA)**.

Apart from the governmental institutions, a number of consultative and community forums were created, and/or promoted, including the (i) **Commission for Fisheries Administration (CAP)**; **Fisheries Co-management Committees (CGP)**; and **Fishing Community Councils (CCP)**.

Creation of the **National Fisheries Administration (ADNAP)** as an autonomous institution (Decree 4/2010 of 8<sup>th</sup> of March (BR 9, I Series of 8<sup>th</sup> of March of 2010, pp 56 (3-4). Resolution 36/2010 of 22<sup>nd</sup> of December (BR 51, I Series of 22<sup>nd</sup> of December of 2010, pp 318 to 322) approves the statutes of **National Fisheries Administration**. According to its article 3, ADNAP (i) assures the implementation of fisheries policies, strategies and management plans; (ii) monitor the status of fishing activities and its environmental impacts; (iii) adopts and implements management measures necessary for fisheries sustainability; (iv) guarantees the functioning of management fisheries systems; and (v) promotes responsible fisheries.

Decree 28/2008 of 3<sup>rd</sup> of July (BR 27, I Series, Supplement of 3<sup>rd</sup> of July pp 216 (1-3), creates the **National Institute for Development of Aquaculture (INAQUA)**. According to article 3, INAQUA attributions include (i) realisation of studies for establishment of policies, strategies, plans and programs on aquaculture; (ii) monitoring and assessing programs and projects for supporting aquaculture development; (iii) promotion of actions oriented for implantation of supporting infrastructures for aquaculture development; (iv) extension activities related to the cultivation of aquatic species; (v) coordination of experimentation, demonstration and extension activities; and (vi) promotion and coordination of actions and projects for aquaculture development.

Decree 18/2005 of 24<sup>th</sup> June (BR 25, I Series, 3<sup>rd</sup> Supplement of 24<sup>th</sup> June 2005, pp 284 (37-40) creates the **National Institute for Fish Inspection (INIP)** and approves its statutes. Article 2, deals with INIP attributions, including (i) licensing processing and store facilities and fishing vessels and means of transport of fish products and sub-products; (ii) certification of fish products for exportation, international circulation and those imported; and (iii) realization of laboratory analysis of fish products.

Decree 63/98, of 24<sup>th</sup> November (BR 46, I Series, 2<sup>nd</sup> Supplement, of 24<sup>th</sup> of November of 1998, pp 184 (5-7) creates the **Fisheries Research Institute (IIP)**. Article 3, dealing with IIP attributions, states that it (i) carry out research of fisheries resources for its management, conservation and optimization of its exploitation; (ii) realization of environmental studies complimentary to fisheries resource research, including oceanography and limnology; (iii) experimentation of cultivation techniques for commercial production of aquatic species; and (iv) dissemination of scientific information relevant to the fisheries sector.

Decree 62/98, of 24<sup>th</sup> of November (BR 46, I Series, 2<sup>nd</sup> Supplement of 24<sup>th</sup> of November of 1998, pp 184 (3-5), creates the **National Institute for Development of Small Scale Fisheries (IDPPE)**. Article 3, dealing with IDPPE attributions, states that it should (i) carry out studies for establishment of policies, strategies, plans and programs for development of small scale fisheries; (ii) carry out socio-economic, fish technology studies relate to small scale fisheries; (iii) promote and coordinate actions and cooperation projects for development of small scale fisheries; and (iv) capacitate small scale fishermen.

Ministerial Order 49/2007, of 24<sup>th</sup> of May (BR 21, I Series, Supplement of 24<sup>th</sup> of May of 2007, pp 190 (1-2) approves the standard regulation of functioning of **Fisheries Co-Management Committees (CCG)**. Article 1 defines CCG as consultative forum at local level authority of Fisheries Administration. Article 2 states that the competences of CCG include fixation of closed seasons; determination of suitable fishing gears; protection of vulnerable species, coastal zone and marine environment; proposals of fisheries legislation, fisheries development plans and projects; prospection and experimental fishing; fishery licensing and their taxes; resolution of fishing conflicts; fisheries surveillance; trade of fish products; aquaculture and fish inspection. Article 3 states that the CCG composition include the local authority of fisheries administration and representatives of fishing community councils, industrial fishing operators, fisheries research, fisheries extension, fisheries inspection, maritime authority and fish product traders.

Ministerial Order 47/2002 of 10<sup>th</sup> of March (BR 15, I Series of 10<sup>th</sup> April 2002 pp 149-151), approves the Regulation for functioning of **Fisheries Administration Commission (CAP)**. According to Article 3, CAP is composed by Fisheries Administration, Fisheries Research Institute, Institute for Development of Small Scale Fisheries, Fisheries Economy Directorate, Department for International Cooperation, Institute for Fish Inspection, Association of Industrial Fishing Operators, Association of Semi-Industrial Fishing Operators and Association of Artisanal Fishermen, and it is a consultative organ of the Minister of Fisheries for management of fisheries and conservation of fisheries resources.

The Fisheries sector is composed, at the provincial level, by the Provincial Directorates of Fisheries, at the provincial level. At the District level, it is part of the District Services for Economic Activities (SDAEs).

### **2.3. Legislation/policy/strategies**

Policy for Monitoring, Control and Surveillance (MCS) of Fisheries, and its Implementation Strategy, Resolution 26/2008 of 17/09 (BR 38, I Series, 17<sup>th</sup> September 2008, pp 310-314). The objectives include (i) to guarantee bio-economic sustainable exploitation of fisheries resources; (ii) to assure responsible fisheries; (iii) to assures the existence of a persuasive legal framework capable to contribute for eliminating IUU fishing; (iii) to assures institutionalisation of a multi-sectoral and coherent system of surveillance of fisheries and related activities; (iv) to consolidate regional cooperation. This policy includes shared responsibility to the Ministries of Fisheries, National Defence, Internal Affairs and Transport and Communication.



## Primary Legislation

Law 03/90, of September 26<sup>th</sup>, Fisheries Law (BR 39, I Series, 2<sup>nd</sup> Suppl. of 26<sup>th</sup> of September of 1990, pp 250(5-14)).

The Fisheries Law, which is presently under revision, sets out the legal framework for fisheries management in Mozambique. It defines the type of fisheries according to fishing zone, complexity of used vessels and their autonomy and used fishing gears as subsistence, artisanal, semi-industrial, industrial, scientific research and experimental, and recreational and sport. The law has six parts (preliminary dispositions, management and organization of fisheries, regime of fishing licenses, **conservation measures**, quality of fish products, and surveillance of fishing activities) with 73 sections and **applies to all vessels operating in waters under Mozambican jurisdiction and all Mozambican vessels engaged in fishing on the high seas or in the national waters of third party states**. Conservation measures, which are addressed in Article 35, include minimum weight of fish, closed seasons, limited or forbidden fishing areas, minimum mesh size, regulation of fishing gears, maximum catch limits by boat or person in certain fishery or zone, prohibited fishing gears, and schemes for limitation of access and fishing effort, prohibition of fishing of marine mammals and other international protected species, and adoption of conservation measures necessary for preservation of fisheries resources. Article 36 prohibits the use of explosives and toxic substances for fishing.

The Act sets out the general principles of Mozambican fisheries management which include: (i) the establishment of local fishery administration bodies; (ii) the elaboration of fishery development plans; and (iii) the negotiation of (regional) fisheries cooperation agreements.

## Subordinated Legislation

i) General Regulation for Control of Hygienic and Sanitation of Food from Aquatic Origin, Decree 76/2009 of 15/12 (BR 49, I Series, 5<sup>th</sup> Suppl. of 15/12/2009, pp 352 (42-51). Article 4 states that the objectives of this regulation are to answer market demands and better protect of consumers and human health; and to prevent, eliminate or reduce sanitary risks for human beings and animals.

ii) Regulation for Inland Water Fisheries, Decree 57/2008 of 30/12 (BR 52, I Series, 9<sup>th</sup> Suppl. of 30<sup>th</sup> December 2008, pp 420 (65-71), with six chapters, namely general disposition, administration and fishing activities, fisheries surveillance, fishing in Lake Niassa, fishing in Cahora Bassa lake, and fishing in other water masses.

iii) General Regulation on Marine Fisheries (REPMAR), Decree 43/2003, of December 10<sup>th</sup> (BR 50, I Series, 10<sup>th</sup> of December of 2003, pp 550-583)

REPMAR defines as a competency of the Ministry of Fisheries the proclamation of preservation areas, within the maritime limits, of National Parks and Reserves. This instrument's purpose, from a conceptual point of view and mainly in terms of protection, does not conflict with protected areas but rather plays a complementary function, giving room for better operational coordination.

The decree sets out various regulations relating to: licensing; fisheries management and conservation measures; total allowable catches; fishing quotas; authorizations; participatory fishery management procedures; the classification of fishing vessels and

fishing types (artisanal, semi-industrial and industrial); monitoring and inspection procedures; fishing gear; and fishing methods.

This regulation also provides for the protection of specific species, prohibits the catch of sea turtles, and allows for the establishment of marine parks, marine reserves and marine protected areas. The regulation also sets out the functions, structure and authority of the Fishery Management Commission.

iv) General Aquaculture Regulation, Decree 35/2001, of November 13<sup>th</sup> (BR 45, I Series, 2<sup>nd</sup> Suppl. 13/11/2001, pp 246 (3-16)

The General Aquaculture Regulation sets out the legal regime applicable to the aquaculture industry. It makes a distinction between artisanal, experimental, industrial and research aquaculture (Article 2). The Regulations stipulate that all aquaculture establishments and activities must comply with development plans prepared by the Ministry of Fisheries. In addition, the Regulation forbids the conversion of mangrove areas into aquaculture production systems. Specific provisions on genetic manipulation, chemical products, food, veterinarian medicines, effluents, diseases and mangroves are also found. They try to prevent pollution to the environment, be it in chemical or genetic form, and contamination of wild populations of reared species. The use of mangrove areas is restricted to the extent required to divert water to land-based installations.

v) Regulation for Inspection and Guarantee of Quality of Fish Products (Revokes Decree 10/98 of 17 of March), Decree 17/2001 of 12/06 (BR 23, I Series, Suppl. 12 June 2001, pp 124 (1-71). Article 1 states that the objective are to establish hygienic, sanitary and quality management requirements that guide the activities of processing, storing, exporting and importing fish products to be within market demands and protection of consumers.

vi) Regulation for Recreational and Sports Fishery, Decree 51/99 of 31/08 (BR 34, I Series, 4<sup>th</sup> Suppl. 31<sup>st</sup> August 1999, pp 156 (17-26), which revokes the Fishing Regulation practiced by Amateurs (sport fishing), approved by Decree 5/8/73, of 12 October, as well as dispositions referring to sport fishing from Legislative Order 1977 of 10/05/1960. It is made up by six main chapters (general dispositive; type of fishing, fishing, fishing gears and ships; areas and periods for recreational and sport fishing practice; fish products; licensing of fishing; fishing bids; and surveillance, infractions and penalties). This regulation include management aspects, like the identification of target species, forbidden fishing gears and assessment of its status, number of licenses per year, forbidden species list, etc.

vii) Decree 37/90 of 27/12 (BR 52, I Series, 3<sup>rd</sup> Suppl. 27<sup>th</sup> December 1990, pp 308(9-14). General Regulation of Fishing Act, which deals with details related to the content, preparation and publicity for fisheries development plans; classification of fisheries; type of licenses; payments of fees; licensing; and conservation measures for the main fisheries.

#### **Other subordinated legislation includes:**

i) National Plan, for Preventing, Avoiding and Eliminating IUU Fishing, Ministerial Order 58/2009 of 21/04 (BR 15, I Series, 6<sup>th</sup> Suppl. of 21 April of 2009, pp 77 (55-62);

ii) Juridical Framework of Process of Fisheries Infraction, Ministerial Order 22/2008 of 26/03 (BR 13, I Series of 26<sup>th</sup> March 2008, pp 69-77);

- iii) Procedures for Emission of Sanitary Authorization for Installation of Fish Products and Aquaculture. Ministerial Order 94/2007 of 25/07 (BR 30, I Series of 25<sup>th</sup> July 2007, pp 361-444);
- iv) Procedures for Emission of Sanitary Authorization for Fisheries Vessels. Ministerial Order 93/2007, of 25/07 (BR 30, I Series, 27<sup>th</sup> July 2007, pp 301-306);
- v) Criteria for Sustainable Management of Shrimp Fisheries between Limpopo and Quissico. Ministerial Order 30/2003 of 12/03 (BR 11, I Series of 12 March 2003, pp 67-68);
- vi) Establishment of Closed Fishery for the Shallow Water Shrimp Fishery in Sofala Bank and in Maputo Bay. Ministerial Order 40/2001 of 28/02 (BR 9, I Series, 28<sup>th</sup> February 2001, pp 45-46).

## 2.4. Membership of relevant international treaties

Three fisheries instruments were ratified, including one regional and two international related to UNCLOS, all of them in the last three-four years.

Name of International Instrument	Date of Ratification	Citation and Sources
Ratifies the Adhesion of Mozambique to SWIOFC (South West Indian Ocean Fisheries Commission)	21 <sup>st</sup> December 2007	Resolution 61/2007 of 21/12/2007 (BR 51, I Series, 8 <sup>th</sup> Suppl. 24 December 2007, pp 754 (56-60))
Ratifies the Adhesion of Mozambique to UNCLOS Straddling Stocks and Highly Migratory Fish	16 <sup>th</sup> December of 2008	Resolution 19/2008 of 16/12/2008 (BR 50, I Series, 5 <sup>th</sup> Suppl. of 16 <sup>th</sup> December 2008, pp 414 (11-41))
Ratifies the Adhesion to International Agreement on Conservation and Management Measures of High Seas Resources, of 24 <sup>th</sup> April 1994	16 <sup>th</sup> December of 2008	Resolution 21/2008 of 16/12/2008 (BR 50, I Series, 5 <sup>th</sup> Suppl. of 16 <sup>th</sup> December 2008, pp 414 (41-51))

## 2.5. Funding sources and level

From 1994 to 2004, there were eleven loans taken, being the period from 2002 to 2004, the most important, in terms of the number of loans and volume of funds involved.

Seven funding sources were identified, being FIDA (International Fund for Agriculture Development), the most important, followed by FAD (African Development Fund).

From 2005 to 2009 there were no documented loans taken.

Year	Reference	Funding Source	Amount
1994	Resolution 14/94 of 14/06/1994 (BR 23, I Series, 2 <sup>nd</sup> Suppl. 14 <sup>th</sup> June 1994, pp 202 (6))	FIDA (International Fund for Agriculture Development)	13,350,000 SDR (19,090,500 US\$)
1994	Resolution 15/94 of 14/06/1994 (BR 23, I Series, 2 <sup>nd</sup> Suppl. 14 <sup>th</sup> June 1994, pp 202 (6))	OPEP (Organisation of Oil Exporters Countries)	2,000,000 US\$
1994	Resolution 28/94 of 20/09/1994 (BR 37, I Series, 5 <sup>th</sup> Suppl. 20 <sup>th</sup> September 1994, pp 324 (23))	European Bank for Investment	6,000,000 ECUs
1996	Resolution 10/96 of 25/04/1996 (BR 17, I Series, 2 <sup>nd</sup> Suppl. 25 <sup>th</sup> April 1996)	Nordic Fund for Development	3,600,000 SDR (5,148,000 US\$)
2002	Resolution 4/2002 of 14/04/2002 (BR 7, I Series, 3 <sup>rd</sup> Suppl. 14 <sup>th</sup> February 2002, pp 104 (18))	FAD (African Development Fund)	14,170,000 UA (17,854,200 US\$)

2002	Resolution 5/2002 of 14/02/2002 (BR 7, I Series, 3 <sup>rd</sup> Suppl. 14 <sup>th</sup> February 2002, pp 104 (18)	FAD (African Development Fund)	1,730,000 UA (2,179,800 US\$)
2002	Resolution 46/2002 of 28/05/2002 (BR 21, I Series, 2 <sup>nd</sup> Suppl. 28 <sup>th</sup> May 2002, pp 184 (15)	FIDA (International Fund for Agriculture Development)	14,000,000
2002	Resolution 49/2002 of 28/05/2002 (BR 21, I Series, 28 <sup>th</sup> May 2002, pp 184 (19)	FIDA (International Fund for Agriculture Development)	3,700,000 Euros
2003	Resolution 11/2003 of 25/03/2003 (BR 13, I Series, 26 <sup>th</sup> March 2003, pp 81)	FIDA (International Fund for Agriculture Development)	5,837,500
2003	??	BID (Islamic Development Bank)	10,164,000
2004	Resolution 9/2004 of 09/06/2004 (BR 23, I Series, pp 207)	BADEA (Arab Bank for Africa Development)	9,000,000

## 2.6. Gaps and need for harmonization

The turnover of the fisheries sector within the government structure (in the last 35 years, it changed 4 times), mainly when it was aggregated with the agriculture sector, affected heavily the progress achieved for more than 16 years. The solution for this is being addressed by the Ministry through creation of a series of autonomous institutions, where the main fisheries strategic areas are, like fisheries research, fisheries extension, aquaculture development, fish inspection, fisheries administration, fisheries credit, thus creating resilience to this inevitable situation, which is driven by political decisions that are outside any legal system. Therefore, it should be recommended that the remaining strategic area, namely the Fisheries Surveillance, should be autonomised, as quickly as possible.

The MCS Policy and its Implementation Strategy, approved by the Ministry, points out the need to assure institutionalisation of a multi-sectoral and coherent system of surveillance of fisheries and related activities. This is a suitable move for a country like Mozambique, with shortage of human, technical and financial resources, but also would turn surveillance to be more integrated. The recommendation is to translate this into legislation so that can be implemented. This would mean that the surveillance body would be reduced from four (defence, internal affairs, maritime authorities and fisheries to one or two. Since the defence is related to sovereignty, with much information that can not share with any other institutions, a maximum of two bodies would be advisable.

Although conservation areas are considered to be one of the fisheries management measures, it was not possible to identify, from the accessed legal documentation, any existing area that was managed by the fisheries sector (all seems to be managed for tourism purposes), therefore it is encouraged that the fisheries sector would do so, taking in account that many fisheries issues do exist within the country.

Mozambique has ratified UNCLOS Straddling Stocks and Highly Migratory Fish, and adhered to International Agreement on Conservation and Management Measures of High Seas Resources, meaning that all other neighbouring countries would be advised to do so. It is questionable whether even if all countries have signed, is it not necessary for the regional bodies, like SADC, SWIOFC, EAC and IOTC to adopt these international instruments into agreed regional legally binding protocols.

### 3. Tourism

#### 3.1. Historical/evolution of the institutional placement within the overall government structure

Since independence, a **National Directorate of Tourism** was created and integrated into the **Ministry of Industry and Trade**, established, through the Decree 1/75 of 01/07 (BR 3, I Series, Suppl. of 1<sup>st</sup> July 1975, pp 19(1), which defined the composition of Council of Ministers of the Peoples Republic of Mozambique.

Presidential Decree 18/83 of 28/05 (BR 21, I Series, 2<sup>nd</sup> Suppl. 28<sup>th</sup> May 1983, pp 46 (8-9) creates the **State Secretariat of Tourism**.

In 1994, the **Ministry of Industry, Trade and Tourism** was created (Presidential Decree 2/94 of 21/12 (BR 51, I Series 21 December 1994, pp 388-389), and from 2000, the **Ministry of Tourism** (MITUR) was established (Presidential Decree 9/2000 of 23/05/2000, BR 20, I Series, Suppl. of 23<sup>rd</sup> May 2000, pp 78 (1-2) which defines the attributions and competences of MITUR.

#### 3.2. Current Institutional structure

Tourism sector is composed by the Ministry of Tourism (MITUR), at the central level, and Provincial Directorates of Tourism, at the provincial level. At the district level, tourism issues are under the responsibility of the District Services for Economic Activities (SDAEs) (Article 2 of the Ministerial Order 126/2000 of 13<sup>th</sup> September). It is important to underline that, at the central level, according to the same legal dispositive, it includes, the National Directorate for Tourism (DINATUR) and the National Directorate for Conservation Areas for Tourism Purposes (DNAC), both within the Ministry; and the National Institute of Tourism (INATUR), an autonomous entity.

The Ministry of Tourism was created in 2000 by the Presidential Decree 9/2000 of 23/05 (BR 20, I Series, Suppl. 23<sup>rd</sup> of May 2000, pp 78 (1-2)) which defines its attributions and competences.

According to article 3 of the Ministerial Order 126/2000 of 13/09 (BR 37, I Series 13 September 2000, pp 155-159)), which publishes the statutes of MITUR, DINATUR has the role to (i) guide , discipline and support tourism development; (ii) to present proposals of policies and strategies for tourism development; (iii) define the type of infrastructures for accommodation; (iv) promote actions for improvement of quality services; (v) present proposals for formulation, revision and update of sector legislation; (vi) license tourism activities; (vii) certify the managers for tourism establishments; and (viii) promote the creation of local tourism committees.

Article 4 addresses the functions of DNAC, namely (i) to present proposal of development strategies for ecotourism and cinegetic tourism; (ii) license operations of cinegetic tourism; (iii) to give views on proposals of projects for exploitation of cinegetic tourism; (iv) surveillance of conservation areas under MITUR management; (v) coordinate actions for exploitation of conservation areas, with other state institutions with competence on management of forests and wildlife; (vi) update the inventory on fauna and flora resources in conservation areas under MITUR management; (vii) collaborate in the promotion of natural resources conservation policy. DNAC is in

charge of all conservation areas for tourism purposes, namely National Parks, National Reserves, Official Hunting Blocks and Community Programs for Ecotourism Development.

Decree 36/2008 of 17/09 (BR 38, I Series 17<sup>th</sup> September 2008, pp 305-310), creates the National Institute of Tourism (INATUR) and extinguishes FUTUR (Tourism Fund). Decree 52/2010 of 15/11 (BR 54, I Series, 4<sup>th</sup> Suppl. 15<sup>th</sup> November 2010, pp 254 (27-32), approves alterations of statute of INATUR approved by Decree 36/2008 of 17<sup>th</sup> September. Article 6 addresses the attribution of INATUR, which includes (i) to give guarantees to credit institutions; (ii) to concede and manage loans and subsidies; (iii) to seek funds for public and private entities for tourism development; (iv) to support financially conservation areas for tourism purposes, training and tourism promotion; (v) to classify tourism facilities; (vi) promote national entrepreneurs; (vii) development of actions for declaration of zones for tourism interest; (viii) effective participation in tourism zoning; etc.

### **3.3. Legislation/policy/strategies**

Resolution 14/2003 of 04/04 (BR 18, I Series of 30<sup>th</sup> April 2003, pp 131-141), approves the Policy of Tourism and the Strategy for its Implementation, whose general objectives are (i) to develop and position Mozambique as a world class tourism destination; (ii) contribute for creation of jobs, economic growth and alleviation of poverty; (iii) develop responsible and sustainable tourism; (iv) to preserve cultural values and national proud; and (v) improve living standards of Mozambican. For prosecution of general objectives, specific objectives were established in the following domains: economic, social and environment. For environmental domain it was defined (i) to assure that tourism and environment supports mutually; (ii) develop a pro-active approach for responsible and integrated management; (iii) prioritise preservation of quality and biodiversity sustainability; (iv) contribute for rehabilitation, conservation and preservation of ecosystems and natural patrimony; (v) promote the development of natural resources; (vi) become Mozambique a prominent actor on participatory management of natural resources. The priority areas of intervention identified by the policy include (i) integrated planning; (ii) access to land for tourism development; (iii) infra-structures and public services; (iv) sustainable tourism; (v) conservation areas; and (vi) development of tourism product.

#### **Primary Legislation**

Law n. 4/2004, of June 17<sup>th</sup>, Tourism Act (BR 24, I Series, Suppl. of 17<sup>th</sup> of June of 2004, pp 210 (1-5))

This Law was enacted taking into account the privileged location of the country, which make it competitive in the regional and international tourism market, as well as the need to develop the tourism in a sound and sustainable way. The purpose of this law is to establish the legal framework for promoting the exercising of tourism activities (Article 2).

Some of the tourism activities take place at seaside, mainly in beach areas. Thus, among the objectives defined in Article 3, it is important to point out the following ones: (c) to contribute to the harmonious and balanced development of the country; (e) to stimulate

the national private sector to participate in the promotion and development of tourism resources; (f) to establish mechanisms of inter-sectoral participation and articulation; (g) to promote the conservation of biodiversity and of marine and terrestrial ecosystems.

Tourism Law is applicable to tourism activities, public sector activities directed to tourism promotion, the suppliers of tourism products and services, tourists and consumers of the tourism products and services (Article 4). Chapter II (articles 6 to 14) provides for the planning of tourism activities. Article 6 refers to the tourism policy and the tourism development strategic plan.

According to Article 7, the development of tourism activities must take place by respecting the environment and by aiming to achieve a sustainable economic growth.

The central and local public authorities as well as the municipal authorities should favor and stimulate the development of low impact tourism, aiming at preserving, among others, the forest, fauna, water and energy resources, as well as protected zones. Article 8 provides for zones of interest for tourism, which are declared taking into account the relevant characteristics of their natural and cultural resources and their historical value, which are deemed capable of originating national and international tourism flows. The Council of Ministers has the competence for such a declaration that must include the geographical coordinates and the occupation regulations. Article 9 deals with areas of conservation, allowing for several tourism-related activities, namely eco-tourism, synergetic tourism, recreational diving and other identified activities, according to the conservation area management plan and other legal provisions.

Projects of interest for tourism and projects of tourism utility are other matters dealt with in Chapter II.

Chapter III addresses training and promotion of tourist development, with Article 12 providing for training in tourism matters, Article 13 identifying the mandate to define a tourism promotion and technical cooperation strategy.

Chapter IV deals with tourism activities, and in particular with suppliers of tourism products and services (article 15), duties and rights (articles 16 and 17), exercising of tourism activities (article 18), and licensing (article 19). Chapter V provides for the rights and duties of tourists and consumers of tourism products and services. In particular, Article 21 establishes the duty to comply with law and regulations, and to respect the natural, historical and cultural heritage of the communities, as well as their traditions, beliefs and behaviors, and to respect the environment.

Chapter VIII (article 26) is on repression of child sex tourism, i. e. regarding child sex tourism as a criminal offence.

### **Subordinated Legislation**

Regulation of Zones for Tourism Interest, Decree 77/2009 of 15/12 (BR 49, I Series, 5<sup>th</sup> Suppl. 15<sup>th</sup> December 2009, pp 352 (51-55)). It is composed by four main chapters, namely (i) general description; (ii) process for declaration of zones of tourism importance; (iii) effects of declaration of zones of tourism interest; (iv) development of zones and competences of facilitator entity. Article 5 states that it is the Competence of

INATUR to identify and purpose to Council of Ministers the declaration of zones of tourism interest.

Creation of Marine Partial Reserve of Ponta de Ouro (Decree 42/2009 of 21/08 (BR 33, I Series, 2<sup>nd</sup> Suppl. 21 August 2009, pp 252 (10-11)). Article 1 says that the objective of this reserve (with an area of 678 Km<sup>2</sup>) is for preservation and protection of coastal and marine species and its habitats. Article 2 gives the limits of the reserve, including 3 nautical miles in its seaward side. Article 4 states that the management are under the responsibility of the Ministry of Tourism, however, it is the competence of the Minister for Coordination of Environmental Affairs to approve the management plan after hearing the Minister of Tourism and Minister of Fisheries.

Consignation of revenues obtained in National Parks and Reserves (Decree 15/2009 of 14/04 (BR 14, I Series, 4<sup>th</sup> Suppl. 14<sup>th</sup> April 2009, pp 68 (15)). Article 1 says that 80% of the funds produced in national parks and reserves are for tourism sector and 20% for the state budget. Article 2 states that 80% of the funds given to tourism area allocated to the national parks and reserves and 20% for the local communities.

Tables of fees and tariffs to be charged in National Parks and Reserves. Decree 27/2003 of 17/06 (BR 28, I Series of 09<sup>th</sup> June 2003, pp 282-283). This decree also delegates to the Ministers of Tourism and Finances the competence to make periodic updates of the fees and tariffs.

Creation of Quirimbas National Park. Decree 14/2002 of 06/06 (BR 22, I Series, 2<sup>nd</sup> Suppl. 06<sup>th</sup> June 2002, pp 194 (28-29). Article 1 indicates that this parks expands from deep inland up to chain of islands making the Quirimbas archipelago. Article 2 states the park is divided in total protection zone, Specific use zone and community development zone. Article states that the Minister of Tourism will approve the park regulation.

Alteration of the limits of Bazaruto National Park and revokes the Legislative Decree 46/71 of 25<sup>th</sup> May. Decree 39/2001 of 27/11/2001 (BR 48, I Series, Suppl. of 28<sup>th</sup> November 2001). This decree expands the limits established by the Legislative Order 46/71 of 25<sup>th</sup> May, which only included Bazaruto island , to include all the five islands (Bazaruto, Santa Carolina, Benguerua, Magaruque and Bangue) composing the Bazaruto archipelago. Article 2 changes the name of the park from Bazaruto National Park to Bazaruto Archipelago National Park. Article 3 says that the Minister will approve Bazaruto National Park regulation.

### **Other subordinated legislation includes:**

Creation of Mechanisms for channeling the collected funds in Parks and Reserves of Tourism Sector. Ministerial Order 66/2010 of 31/03 (BR 13, I Series, 31<sup>st</sup> March 2010, pp 87).

Establishment of mechanisms for transition process of conservation areas for tourism purposes to the Ministry of Tourism. Ministerial Order 17/2001 of 07/02 (BR 6, I Series of 07<sup>th</sup> February 2001, pp 26-27)

Creation of the Committee for Development of Quirimbas National Park (COMDEQ). Ministerial Order 135/2006 of 26/07 (BR 30, I Series, of 26<sup>th</sup> July, pp 264)



### 3.4. Membership of relevant international treaties

One regional (SADC) tourism instrument was ratified in 2001.

Name of International Instrument	Date of Ratification	Citation and Sources
Ratifies the Protocol for Tourism Development in SADC Region (Grand Baie, Mauritius, 14/09/1991)	20 <sup>th</sup> March 2001	Resolution 12/2001 of 20/03/2001 (BR 11, I Series, 2 <sup>nd</sup> Suppl., 20 <sup>th</sup> March 2001, pp 52 (5-10))

### 3.5. Funding sources and level

There are two main funding sources for tourism development namely BIRD (International Bank for Reconstruction and Development) and IDA (International Development Association), and all loans were approved in 2005 (after the creation of the Ministry of Tourism).

Year	Reference	Funding Source	Amount
2005	Resolution 42/2005 of 27/12/2005 (BR 51, I Series, 7 <sup>th</sup> Suppl. 27 December 2005, pp 430 (190))	BIRD (International Bank for Reconstruction and Development)	10,000,000 US\$
2005	Resolution 41/2005 of 27/12/2005 (BR 51, I Series, 7 <sup>th</sup> Suppl., 27 December 2005, pp 436 (189))	IDA (International Development Association)	20,000,000 US\$
2005	Resolution 40/2005 of 27/12/2005 (BR 51, I Series, 7 <sup>th</sup> Suppl., 27 December 2005, pp 436 (189))	BIRD (International Bank for Reconstruction and Development)	3,720,000 US\$

### 3.6. Gaps and need for harmonization

The great impetus for creation of conservation areas for tourism purposes, that has been seen since the establishment of the Ministry of Tourism, in 2000, mainly in coastal and marine areas (Quirimbas National Park, expansion of Bazaruto National Park, Marine Partial Reserves of Ponta de Ouro. Actions are underway for creation of Lake Niassa Partial Reserve) needs to be very well coordinated, taking in account that there are already other socio-economic important sectoral areas relying deeply on coastal and marine resources, like fisheries, agriculture, mineral resources, etc. Although the Tourism Law, in its Article 3 c) addresses the need for harmonious and balanced development by guarantying mechanisms of inter-sectoral participation and articulation, this has not always been the case, resulting in conflicts. Therefore, it is extremely important to institutionally address adequately inter-sectoral coordination and articulation, where the Ministry for Coordination of Environmental Affairs (MICOA) should play a coordinating and impartial role for adequate and balanced development of the country. This would also been achieved by MICOA coordinating the implementation of the Conservation Policy (a conservation law is presently under elaboration) and the functioning of the recently created National Authority for Conservation Areas (ANAC).

## 4. Oil and Gas

### 4.1. Historical/evolution of the institutional placement within the overall government structure

After the independence, in 1975, through the Portaria 35/76 of 10/02 (BR 16, I Series, 10<sup>th</sup> February 1976, pp 50-52), there was the creation of the **National Directorate for Energy** within the then recently created **Ministry of Industry and Trade**. Article 2 dealing with attributions, included (i) the promotion of conditions aiming at state control

over national energetic resources; (ii) inventory of energetic resources, studies and planning of its use. Article 3 stated that in the area of oil, the National Directory of Energy should propose the concession of licenses for establishment of industrial units for prospection, extraction and transformation of oil and its derivatives, coal and natural gas.

Portaria 283/77 of 12 July (BR 7, I Series of 12 July 1977, pp 375-377) creates the **National Directorate of Geology and Mines and Defence of Subsoil** within the **Ministry of Industry and Trade**.

Presidential Decree 18/83 of 28/05 (BR 21, I Series, 2<sup>nd</sup> Suppl. 28<sup>th</sup> May 1983, pp 46 (8-9) creates the **Ministry of Mineral Resources**.

Presidential Decree 82/83 of 29/12 (BR 52, I Series, Suppl. 29<sup>th</sup> December 1983, pp 126 (25-26) creates the **State Secretariat of Coal and Hydrocarbon** and defines its competences. Article 1 state that the Secretariat is directly subordinated to the Council of Ministers.

Presidential Decree 12/84 of 16<sup>th</sup> June (BR 24, I Series, 2<sup>nd</sup> Suppl. 16<sup>th</sup> June 1984, pp 58 (4) extinguished the **State Secretariat of Coal and Hydrocarbon** and integrates all human, material and financial means to the **Ministry of Mineral Resources**.

Presidential Decree 2/94 of 21/12 (BR 51, I Series, 21<sup>st</sup> December 1994, pp 388-389) extinguished the **Ministry of Industry and Energy** and the **Ministry of Mineral Resources** and created the **Ministry of Mineral Resources and Energy**.

The **Ministry of Mineral Resources and Energy** was extinct in 2005 by the Presidential Decree 13/2005 of 04/02 (BR 5, I Series, Suppl. 04 February 2005, pp 32 (2-3). The same instrument created the **Ministry of Mineral Resources** and the **Ministry of Energy**.

#### 4.2. **Current Institutional structure**

Presidential Decree 20/2005 of 31/03 (BR 17, I Series of 25<sup>th</sup> April 2005, pp 152-153) defines attributions and competences of the **Ministry of Mineral Resources** and the Resolution 13/2010 of 11/11 (BR 45, I Series, Suppl. 11 November 2010, pp 254 (17-21) approves the statutes of the Ministry of Mineral Resources (revokes the Ministerial Order 201/2005 of 23<sup>rd</sup> August). Article 2 says that the Ministry of Mineral Resources has the following attributions (i) inventory of wealth of subsoil of national territory and EEZ; (ii) promotion and control of prospection activities and geological surveys and rational use of mineral resources; (iii) promotion and control of research activities, production, separation and treatment of crude oil and natural gas, as well as transport control. Article 3 states that the Ministry of Mineral Resources is organised in three activity areas, namely geologic, mineral and hydrocarbon. Article 4 states that the Ministry has, within others, the following organic units (i) **National Directorate of Geology**; (ii) **National Directorate of Mines**; (iii) **National Geological Museum**; and (iv) **Centre of Gemmology and Lapidating**. At provincial and local levels the Ministry of Mineral Resources is represented by the **Provincial Directorates of Mineral Resources** and **District Services for Economic Activities**, respectively.

The Ministry of Mineral Resources has the following autonomous institutions (i) **National Oil Institute**; and (ii) **Fund for Mining Foment**.

Decree 25/2004 of 20/08 (BR 33, I Series, 2<sup>nd</sup> Suppl. 20<sup>th</sup> August 2004, pp 406 (66-70). Creates the **National Oil Institute** (INP) and approves its statutes.

Decree 2/88 of 16/02 (BR 8, I Series, Suppl. 17<sup>th</sup> February 1988, pp 86 (3) creates the Fund for Mining Foment. Decree 17/2005 of 24/06 (BR 25, I Series, 3<sup>rd</sup> Suppl. 24<sup>th</sup> June 2005, pp 284 (33-37) approves the Statutes of Mining Foment Fund. Article 3 says that the Fund gives support and financial assistance of actions related to small scale and artisanal mining exploration and of use and valuation of respective products; and promotes associations for artisanal and small scale mining sector development.

The **National Directorate of Geology** (BR 45, I Series, Suppl. 11 November 2010, pp 254 (17-21) has, within others, the following functions (i) plan, coordinate, control research on mineral resources, define and select prospection areas of the continental shelf and EEZ and making the respective marine geological cartography; (ii) elaborate and propose development policies in the area of geology and the respective implementation means and instruments.

The **National Directorate of Mines** (BR 45, I Series, Suppl. 11 November 2010, pp 254 (17-21) has, within others, the following actions (i) promote and contribute for development policies in mining area and the respective implementation means and instruments; (ii) promotes, supports and controls, in coordination with other organs, activities of identification, prospection and studies, extraction and transformation of mineral resources, as well as storing, transport and trade of mineral products, excluding hydrocarbons.

The Decree 66/2009 of 14/12 (BR 49, I Series, 4<sup>th</sup> Suppl. 14<sup>th</sup> December 2009, pp 352 (35), approves the statutes of the **Centre of Gemmology and Lapidating**, which states that it is a public institution for professional training and certification of gems. Article 5 addresses the functions of this Centre, which include (i) training of professionals and labour in the speciality of gemmology and lapidating gems; (ii) certify, identify and evaluate gems; (iii) carry out scientific research in the area of its speciality.

Decree 29/2009 of 29/06 (BR 25, I Series, 4<sup>th</sup> Suppl. 29<sup>th</sup> June 2009, pp 106 (37-43) creates the **Mozambican Enterprise for Mining Exploration**. Article 4 states that this enterprise has the main objective of exploration of geological minerals, production and trading of mineral products; trading raw materials of mining utility; gives advise, consultancy and technical assistance in the mining area; realisation of prospection and survey of mineral resources; development of mineral projects in partnership with other national and foreign enterprises.

Decree 5/2001 of 20/02 (BR 7, I Series, Suppl. of 20<sup>th</sup> February 2001, pp 36 (1-3) creates the **National Museum of Geology** and approves its statutes.

Decree 2/2001 of 13/02 (BR 6, I Series, Suppl. 13<sup>th</sup> February 2001, pp 28 (1-2) alter number 1 of article 1, numbers 3 and 5 of article 3 and a) of article Decree 29/89 of 03 October, and adds one line in article 4 of the same Decree, which creates the **Mining Development Company**.

Ministerial Order 122/96 of 23/10 (BR 43, I Series, Suppl. 23<sup>rd</sup> October 1996, pp 214 (1-25) creates the **Medium Institute of Geology and Mining**.

### **4.3. Legislation/policy/strategies**

#### **Primary Legislation:**

Resolution 27/2009 of 08/06 (BR 22, I Series, 2<sup>nd</sup> Suppl. of 08<sup>th</sup> June 2009, pp 128 (27-30) approves the **Strategy for Concession of Areas for Oil Operations**. The general objective is to guarantee the continuation of systematic surveys of oil in the sedimentary basins of the country, stimulating the national private sector to invest in survey activities and oil production, and promoting foreign investment in surveying and production of oil in national territory, assuring a good and efficient management of areas and existing potential resources. Five areas have been identified, namely (i) Definition of areas to be placed on bids, taking in account the oil potential, volume of data and risk; (ii) Definition of areas subject to direct and simultaneous negotiation and reserve areas; (iii) Division of concession areas in blocks with 30x30 minutes dimension; (iv) Opening of international public bids for concession rights; and (v) Participation of national entrepreneurs sector in oil operation.

Resolution 4/1998 of 24/02 (BR 7, I Series, 2<sup>nd</sup> Suppl. 24<sup>th</sup> February 1998, pp 26 (17-18) approves the **Policy of Geology and Mining**. It addresses (i) basic cartography and geological cover; (ii) rehabilitation and mining development; (iii) local use and industrialization; (iv) institutional strengthening; (v) restructuring of state entrepreneur sector.

Law 6/2011 of 11/01 (BR 1, I Series, 4<sup>th</sup> Suppl. 11 January 2011, pp 110 (11-14) establishes the principles and norms for licensing, manufacturing, storing, trading, transiting, destroying and transporting, as well as security measures by users of explosive substances. Article 3 excludes the security and defence forces from this law. Article 34 states that everything not expressly stated in this law, implies the subsidiary application of Environmental Law and others.

Law 14/2002 of 26/06 (BR 26, I Series, Suppl. 26 June 2002, pp 220 (1-11) approves the **Mining Act** and revokes the Law 2/96 of 16<sup>th</sup> April and Law 5.94 of 13<sup>th</sup> September. Article 1 regulates the rights and responsibilities on the use of mineral resources respecting the environment, in order to guarantee its rational use and benefiting the national economy. Article 15 states that the start of any development work or mining is subject to the prior emission of environmental license, required by law. Article 35 states that mining activity should be carried out in conformity with laws and regulations related to protection and preservation of environment and with good mining practices in order to minimise losses of natural resources and to protect them against unnecessary damages. Article 36 states that the fundamental tools for environmental management are EIA, environmental management programs and plans, environmental monitoring programs, environmental auditing, program of control of risk and emergency situations. Article 37 gives the environmental classification of mining activities. Article 38 gives the environmental management norms.

Law 3/2001 of 21/02 (BR 8, I Series Suppl. 21 February of 2001, pp 42 (1-6) approves the **Oil Act** and revokes the Law 3/81 of 3<sup>rd</sup> of October. The Petroleum Law establishes the basic legal framework for the exploitation of petroleum resources in Mozambique.

The Act addresses: rights concessions; property and control of petroleum resources; administrative procedures; operational requirements; and applicable environmental standards. The Act also sets out the applicable fiscal regime and dispute settlement processes.

Following the Constitutional principle, the Law attributes to the State, in its Article 6, the possession of all petroleum resources situated in the soil and subsoil, in the continental platform and economic exclusive zone.

In terms of environmental protection, Article 23 provides the measures for environmental protection and security with the specific goal of securing and preventing ecological damages, if possible during the activity. If ecological damages are unavoidable, they will have to conform to international standards, an environmental impact assessment study will have to be submitted, and impact mitigation measures subjected to approval by the competent authority.

### **Subordinated Legislation:**

Decree 62/2006 of 26/12 (BR 51, I Series, 8<sup>th</sup> Suppl. 26<sup>th</sup> December 2006, pp 544 (209-247) approves the Regulations of Law of Mining. Article 17 states that the holder and mining operator should carry out mining operations in harmony with the best and more secure mining practices, following patterns of environmental quality legally established. This regulation includes chapters on (i) mining titles and authorisations; (ii) promotion of mining activity; (iii) inspection and surveillance; (iv) infractions and penalties.

Decree 61/2006 of 26/12 (BR 51, I Series, 6<sup>th</sup> Suppl. 26<sup>th</sup> December 2006, pp 544 (131-186) approves the Regulations on Technical Security and Health for Geological and Mining Activities. Article 1 addresses the objective, which include (i) definition of measures to guarantee security and health conditions for workers involved in mining operations, including the application of measures for technical prevention of accidents.

Decree 44/2005 of 29/11 (BR 47, I Series, Suppl. 29<sup>th</sup> November 2005, pp 419 (25-36) approves the Regulation for Distribution and Trade of Natural Gas and revokes the Tariff Regime approved by Decree 46/98 of 22<sup>nd</sup> September. Article 3 says that the role of state includes guaranteeing ecological equilibrium, conservation and environment preservation.

Decree 26/2004 of 20/08 (BR 33, I Series 2<sup>nd</sup> Suppl. 20<sup>th</sup> August 2004, pp 406 (70-76) approves the Environmental Regulation for Mining Activity. It aims at establishing norms for preventing, controlling, mitigating, rehabilitating and compensating the adverse effects that the mining activity may cause to the environment (Article 2).

The competence for environmental impact assessment of the mining activity is given to the Ministry of Mineral Resources. Chapter I also provides for the establishment, upon request, of a Consultative Board, to assist in the implementation of specific projects (Article 4).

Chapter II comprises provisions on mining activities development, activities classification, and the establishment of a Guiding Comity. Chapter III provides for environmental management, covering the following items: environmental management

instruments, environmental impact studies, environmental management plan and program, and environmental auditing).

Chapter IV deals with environmental conservation, covering matters relating to water, air, noise and vibration, waste disposal, national parks and reserves, responsibility for environmental damages, and adjustment of project operation conditions. Chapter V deals with financial provisions encompassing fees regarding revision and updating of the environmental management plan, updating and destination of collected values, and financial bonds. Chapter VI deals with varied issues, being the most relevant the requirement for public consultation, and the highly advisable drafting of a memorandum of understanding between the proponents, central and provincial governments and local communities. The MoU shall establish an agreement on the methods and procedures for the management of environmental, biophysical, socio-economic and cultural aspects of a given project (in and beyond its lifetime).

Decree 25/2004 of 20/08. Article 3 states the National Oil Institute has the task for (i) regulation and surveillance of surveys, production and transport of oil; (ii) preserve public interest and of environment; (iii) organizing, maintaining and consolidating information and technical data related to oil industry; (iv) mediating, conciliating and referring.

Decree 24/2004 of 20/08 (BR 33, I Series, 2<sup>nd</sup> Suppl. 20 August 2004, pp 406 (43-65) approves the Regulation for Oil Operations. Article 2 establishes the rules for attribution of rights for exercising oil operations in order to guarantee that they are carried out in a systematic way and in conditions to allow a coordinated and adequate supervision. It also addresses concession contracts, reconnaissance concession contracts, extraction concession contracts, concession areas, operators, management of oil operations, requirements for project operations and emergency and contingency.

Decree 28/2003 of 17/06 (BR 28, I Series, 09<sup>th</sup> July 2003) approves the Regulation of the Mining Act. Article 17 states that the mining operations should be carried out with the best and more secure mining practices, observing the environmental quality patterns legally established.

Decree 36/2001 of 20/11 (BR 48, I Series, Suppl. 28<sup>th</sup> November 2001, pp 268 (1) defines the limits of partial protection zone and security zone along the gas duct corridors and processing and compression units. It defines 50 m along gas duct corridors and processing and compression units as partial zone; and 200 m along gas duct corridors and processing and compression units as security zone.

Decree 31/95 of 25/07 (BR 29, I Series, 3<sup>rd</sup> Suppl. of 25<sup>th</sup> July 1995, pp 134 (3-7) approves the Regulations of Trading of Minerals and Precious Metals and revokes articles 19 and 22 of Decree 10/81 of 25<sup>th</sup> July, Decree 11/81 of July and article 82 of Regulation of Law of Mining, approved by Decree 13/87 of 24<sup>th</sup> February.

**Other subordinated legislation includes:**

Ministerial Order 276/2009 of 31/12 (BR 52, I Series, 31 December 2009, pp 394 (153-157) approves the Internal Regulation of National Directorate of Oil.

Ministerial Order 272/2009 of 30/12 (BR 52, I Series of 30<sup>th</sup> December 2009, pp 381-390) approves the Regulation for Licensing Oil Installations and Activities.

Ministerial Order 66/2008 of 23/07 (BR 30, I Series, 23 July 2008 pp 249-256) approves the models of licenses for production activities, storage, discharge terminal, oil duct, and distribution for supplying and selling posts.

Ministerial Order 67/2008 of 23/07 (BR 30, I Series 30<sup>th</sup> July 2008, pp 257-259) approves the Norms of Execution of Support to Geographic Expansion for Access to Liquid Oil.

Ministerial Order 189/2006 of 14/12 (BR 50, I Series, 2<sup>nd</sup> Suppl. 14 December 2006, pp 534 (3-5) approves the basic norms for Environmental Management for Mining Activities.

Ministerial Order 215/2005 of 19/10 (BR 42, I Series, 19<sup>th</sup> October 2005, pp 385) revokes the Ministerial Diploma 77/94 of 25<sup>th</sup> May (Regulation for Mining Certificate for regulating Small Scale Mining Activity).

Ministerial Order 13/2002 of 30/01 (BR 5, I Series of 30<sup>th</sup> January 2002, pp 66-70) approves Specific Regulations to the Stores Designed for Oil Products and revokes Ministerial Order 90/2000 of 2<sup>nd</sup> August.

Ministerial Order 57/2001 of 11/04 (BR 15, I Series of 11<sup>th</sup> April 2001, pp 67-71) approves the Internal Regulation of the National Directorate of Mining.

Ministerial Order 54/2001 of 04/04 (BR 14, I Series of 04<sup>th</sup> April 2001, pp 60-63) approves the internal regulation of the National Directorate of Geology.

Ministerial Order 124/99 of 17/11 (BR 46, I Series f 17<sup>th</sup> November 1999, pp 204-205) approves the norms of proceedings for extraction of building materials.

Ministerial Order 78/98 of 24/06 (BR 25, I Series, 2<sup>nd</sup> Suppl. 24<sup>th</sup> February 1998, pp 94-97) approves the internal regulation of the emission process of mining certificate.

Ministerial Order 77/96 of 21/08 (BR 34, I Series, 21<sup>st</sup> August 1996, pp 178-181) approves the Norms on Trade on Minerals and Precious Metals.

Ministerial Order 77/94 of 25/05 (BR 21, I Series, 25<sup>th</sup> May 1994, pp 186-193) approves the Regulation of Mining Certificate.

Ministerial Order 49/83 of 08/06 (BR 23, I Series of 08<sup>th</sup> June 1983, pp 49-51) defines the criteria applicable to entities developing activities of surveys and production of oil according to Decree 14/82 of 3<sup>rd</sup> December.

#### **4.4. Membership of relevant international treaties**

Five bilateral, two regional and one international instruments have been ratified, almost all of them from 2003.

<b>Name of International Instrument</b>	<b>Date of Ratification</b>	<b>Citation and Sources</b>
Ratifies the MOU between Mozambique and Swaziland on Cooperation on Energy domain (13/02/2009, Maputo)	2 <sup>nd</sup> September 2009	Resolution 32/2009 of 02/09/2009 (BR 35, I Series of 2 <sup>nd</sup> September 2009, pp 265-267)
Ratifies the Agreement between Mozambique and Angola on domain of oil and natural gas (30/10/2007, Maputo)	15 <sup>th</sup> October 2008	Resolution 40/2008 of 15/10/2008 (BR 42, I Series of 15 <sup>th</sup> October 2008, pp 345-347)
Ratifies the Agreement between Mozambique and Angola on domain of geology and mines (30/10/2007, Maputo)	15 <sup>th</sup> October 2008	Resolution 39/2008 of 15/10/2008 (BR 42, I Series of 15 <sup>th</sup> October 2008, pp 344-345)
Ratifies the MOU, in the domain of Mineral Resources, between Mozambique and Chile, Santiago, Chile, May 2008	15 <sup>th</sup> October 2008	Resolution 37/2008 of 15/10/2008 (BR 42, I Series, 15 <sup>th</sup> October 2008, pp 335-337)
Ratifies the MOU between Mozambique and Brazil in the area of Bio fuels	06 <sup>th</sup> May 2008	Resolution 12/2008 of 06/03/2008 (BR 18, I Series, 5 <sup>th</sup> Suppl., 06 <sup>th</sup> May 2008, pp 150 (29-30))
Ratifies the Agreement for Creation of Rules of Functioning of Southern and Eastern Africa Centre (SEAMIC)	05 <sup>th</sup> November 2003	Resolution 46/2003 of 05/11/2003 (BR 45, I Series, 2 <sup>nd</sup> Suppl. 05 <sup>th</sup> November 2003, pp 502 (11-31))
Adhesion to the International Convention on Preparation, Combat and Cooperation against Hydrocarbon Pollution 1990-OPRC	18 <sup>th</sup> February 2003	Resolution 6/2003 of 18/02/2003 (BR 7, I Series, 3 <sup>rd</sup> Suppl. of 25 <sup>th</sup> February of 2003, pp 40 (-148))
Ratifies the Protocol on Mining Sector of SADC, signed on 08/09/1997 in Malawi	15 <sup>th</sup> September 1998	Resolution 53/98 of 15/09/1998 (BR 36, I Series 2 <sup>nd</sup> Suppl. 15 <sup>th</sup> September 1998, pp 150 (11-16))

#### **4.5. Funding sources and level**

IDA (International Development Association) and the Nordic Development Fund are the main funding source for this sector, and the loans were approved mainly from 2000.

<b>Year</b>	<b>Reference</b>	<b>Funding Source</b>	<b>Amount</b>
2006	Resolution 12/2006 of 17/06/2006 (BR 20, I Series of 17 <sup>th</sup> May 2006, pp 186)	NDF (Nordic Development Fund)	600,000 Euros
2002	Resolution 82/2002 of 22/10/2002 (BR 44, I Series of 30 <sup>th</sup> October 2002, pp 332)	NDF (Nordic Development Fund)	2,000,000 Euros
2001	Resolution 63/2001 of 11/12/2001 (BR 49, I Series, Suppl. 11 December, pp 270 (2))	FAD (Africa Development Fund)	3,290,000 UA (4.150.000 US\$)
2001	Resolution 19/2001 of 15/05/2001 (BR 19, I Series, 2 <sup>nd</sup> Suppl. 15 <sup>th</sup> May 2001, pp 88 (12))	NDF (Nordic Development Fund)	10,000,000 Euros
2000	Resolution 11/2000 of 13/06/2000 (BR 26, I Series of 28 <sup>th</sup> June 2000, pp 97)	IDA (International Development Association)	21,300,000 SDR (30,459,000 US\$)
1994	Resolution 22/1994 of 10/08/1994 (BR 32, I Series, 2 <sup>nd</sup> Suppl. 10 <sup>th</sup> August 1994)	IDA (International Development Association)	21,300,000 SDR (30,459,000 US\$)

#### **4.6. Gaps and need for harmonization**

The high turnover of the mineral resources sector within the government structure (in the last 35 years, it changed 6 times) affects the continuity of progress achieved at a particular time. The creation of the National Oil Institute is a way to increase the resilience of this sector from government structure changes and for keeping a continuous progress on oil and gas issues.

Although many existing legal instruments, within this sector, addresses environmental aspects, the huge investments that are taking place in Tete Province and along the coast call for the increase and improvement of technical capacity (which is presently very low) to monitor their environmental impacts, within the Ministry for Coordination of Environmental Affairs (MICOA) and other related institutions.



One of the main challenges of this sector is the enforcement of the existing legislation, since many of the mining activities are carried out by artisanal or small scale miner, including significant illegal miners.

The lack of maritime borders with Comoros and France raises some concerns related to the exploration of hydrocarbons in the Rovuma basin, located in northernmost side of Mozambique oceanic waters.

## **5. Parks and Wildlife Conservation**

### **5.1. Historical/evolution of the institutional placement within the overall government structure**

Soon after the independence, in 1975, a **Ministry of Agriculture** was established, through the Decree 1/75 of 01/07/1975 (BR 3, I Series, Suppl. of 1<sup>st</sup> July 1975, pp 19(1), which defined the composition of Council of Ministers of the Peoples Republic of Mozambique. This Ministry addressed, within others, the conservation areas, which were almost terrestrial.

In 2000, part of conservation aspects (almost all conservation areas) were transferred from the **Ministry of Agriculture and Rural Development** to the new formed **Ministry of Tourism** (Presidential Decree 9/2000 of 23/05/2000, BR 20, I Series, Suppl. of 23<sup>rd</sup> May 2000, pp 78 (1-2) which defines the attributions and competences of MITUR. The remaining conservation aspects (outside conservation areas) are addressed by the **National Directorate for Land and Forests**, within the Ministry of Agriculture.

### **5.2. Current Institutional structure**

The **Ministry of Tourism** (MITUR) was created in 2000 by the Presidential Decree 9/2000 of 23/05 (BR 20, I Series, Suppl. 23<sup>rd</sup> of May 2000, pp 78 (1-2)) which defines its attributions and competences.

According to article 4 of the Ministerial Order 126/2000 of 13/09 (BR 37, I Series 13 September 2000, pp 155-159)), which publishes the statutes of MITUR, the **National Directorate for Conservation Areas** (DNAC), has, within others, the following functions (i) surveillance of conservation areas under MITUR management; (v) coordination of actions for exploitation of conservation areas, with other state institutions with competence on management of forests and wildlife; (vi) update the inventory on fauna and flora resources in conservation areas under MITUR management; (vii) collaboration in the promotion of natural resources conservation policy. DNAC is in charge of all conservation areas for tourism purposes, namely National Parks, National Reserves, Official Hunting Blocks and Community Programs for Ecotourism Development.

DNAC activities are addressed, at provincial level, by the **Tourism Provincial Directorates**.

It is important, however, to underline that conservation aspects are also addressed by the **Ministry of Fisheries** and the **Ministry for Coordination of Environmental Affairs**, although so far no conservation areas have been managed by these institutions.

### **5.3. Legislation/policy/strategies**

#### **Primary Legislation**

Resolution 63/2009 of 02/11 (BR 43, I Series, Suppl. 02<sup>nd</sup> November 2009, pp 332 (1-21) approves the Conservation Policy and Strategy for its Implementation. The principles of this policy includes (i) Ecologic Patrimony; (ii) Sovereignty; (iii) Equality; (iv) Participation of citizens in Management and on Benefits; (v) Environmental Responsibility; (vi) Development; (vii) Partnership Public and Private; (viii) Precaution and Informed Decision; and (ix) International Cooperation. The general objective is to develop and consolidate a conservational national system of biological natural resources and its aquatic and terrestrial biodiversity, contributing for sustainable life, economic growth and poverty eradication. Specific objectives include (i) the increase of national capacity for conservation; (ii) establishment of a representative and balanced network of conservation areas; (iii) equilibrium the conservation cost and benefits.

Resolution 8/97 of 01/04 (BR 14, I Series, Suppl. 1<sup>st</sup> April 1997, pp 51 (1-9) approves the Policy and Development Strategy for Forests and Wildlife. The economic objective of this policy is the promotion of private sector on management and sustainable use of forest and wildlife resources and development of forest plantations. The social objective is to increase the participation of rural communities on integrated management, protection against fires, use and conservation of forest and wildlife resources. The ecological objective is the improvement of protection, management and use of forest and wildlife conservation areas in order to contribute for national and local sustainable development, appropriate use of land and biodiversity conservation.

Wildlife and Forest Resources Act (Law 10/99 of 07/07/1999 – BR 27, I Series, 4<sup>th</sup> Suppl. 12 July 1999, pp 126 (31-39). Establishes the basic principles and norms for protection, conservation and sustainable use of wildlife and forest resources.

The adoption of this law is justified by the economic, social, cultural and scientific importance of forest and fauna resources, and the need to promote their sustainable utilization, protection, and conservation, aiming at the improvement of citizens' quality of life. This Law aims at the protection, conservation, development and utilization of the flora and fauna resources in a rational and sustainable manner for the benefit of present and future generations.

Taking into account the purpose of this report, it is important to highlight the following principles provided for in article 3:

(b) Equilibrium - policies on economic and social development and on the preservation and conservation of biodiversity shall involve local communities, the private sector and the civil society in general, aiming at a sustainable development at present and for coming generations;

(d) Objective responsibility - every one who cause damages to flora and fauna resources is obliged to undertake the respective re-composition or to compensate the degradation, as well as prejudices caused to others, regardless of other legal consequences;

(h) Formal and informal environmental education - education and exchange of experiences between local communities aiming at empowering them for the management and conservation of flora and fauna resources;

(i) International cooperation - the coordination with other countries and international organisms to achieve solutions in matters relating to protection, conservation and management of flora and fauna resources.

The Forest and Wildlife Law also defines the mandates of the bodies that shall intervene in the process of regulating and managing protected areas, namely the Council of Ministers, the Ministry of Tourism, Provincial Governors, referring also to local communities, the National Land Registry and the local Resources Management Councils.

Chapter II, in its Articles 10 to 13, provides for the protection of flora and fauna resources, dealing with protected zones. Protected zones (Article 10) are delimited territorial areas representative of the natural and social heritage and intended for conservation of biodiversity, fragile ecosystems or animal or vegetal species. These can be national parks, reserves and zones of historical and cultural use and value. The Council of Ministers is the competent authority for the creation, modification or extinction of protected zones and for the establishment of buffer zones around protected areas.

The provincial Governments are also competent for declaring such protected zones, under the terms and conditions to be determined by the Council of Ministries.

Chapter III (articles 14 to 19) addresses the regime of sustainable exploitation of forest resources, making a distinction between exploitation by national citizens (simple license regime) and exploitation for supply of the processing and energy industries.

Chapter IV (articles 20 to 25) deals with the regime of sustainable exploitation of fauna resources, and in particular with the different modalities of hunting..

Chapter V (article 27 to 30) provides for the re-populating of forest and fauna resources and deals especially with forest plantation for conservation, commercial, industrial and energetic purposes, and with repopulating, breeding and exploitation of wildlife.

Chapter VI addresses the management of forest and fauna resources (articles 31 to 36) and it provides for participative management and, no-take seasons. It also defines as instruments for the application of this law the following:

- (a) Agreements for institutional, technical and scientific cooperation at the national level;
- (b) International treaties and conventions;
- (c) Concession contracts and authorization of activities such licenses and certificates;
- (d) Environmental impact assessment;
- (e) Development fund for forest and wildlife;
- (f) Specific regulations and complementary legislation;
- (g) Forest and fauna inventories;
- (h) List of flora and fauna species;
- (i) Compensation measures and recovery from environmental damages;
- (j) Management plans;
- (k) Prevention programs against forest fire;
- (l) Flora and fauna zoning; and
- (m) National forest and wildlife program.

Importantly, Article 33 defines that “the State can delegate powers to local communities, associations or to the private sector for the management of forest and fauna resources,

including for repopulating forest and fauna species without prejudice of supervision thereof by the competent entities.” The said delegation of powers can occur in respect of:

- i) Protection areas;
- ii) Buffer zones;
- iii) Official hunting blocks;
- iv) Productive forests;
- v) Multiple use forests;
- vi) Multiple use areas.

### **Subordinated Legislation**

Decree 42/2009 of 21/08 (BR 33, I Series, 2<sup>nd</sup> Suppl., 21 August 2009, pp 252 (10-11)) creates of Marine Partial Reserve of Ponta de Ouro. Article 1 says that the objective of this reserve (with an area of 678 Km<sup>2</sup>) is for preservation and protection of coastal and marine species and its habitats. Article 2 gives the limits of the reserve, including 3 nautical miles in its seaward side. Article 4 states that the management are under the responsibility of the Minister of Tourism, however, it is the competence of the Minister for Coordination of Environmental Affairs to approve the management plan after hearing the Minister of Tourism and Minister of Fisheries.

Decree 35/2008 of 20/08 (BR 34, I Series of 20<sup>th</sup> August 2008, pp 296) designate the Ministry for Coordination of Environmental Affairs (MICOA) and the University Eduardo Mondlane (UEM) as administrative and scientific authorities, respectively, for implementation of CITES.

Decree 15/2009 of 14/04 (BR 14, I Series, 4<sup>th</sup> Suppl. 14<sup>th</sup> April 2009, pp 68 (15)) consigns the revenues obtained in National Parks and Reserves. Article 1 says that 80% of the funds produced in national parks and reserves are for tourism sector and 20% for the state budget. Article 2 states that 80% of the funds given to tourism are allocated to the national parks and reserves and 20% for the local communities.

Decree 27/2003 of 17/06 (BR 28, I Series of 9<sup>th</sup> July 2003, pp 283) approves the taxes and tariffs to be charged in National Parks and Reserves and delegates to the Minister of Tourisms and Minister of Finances the competence to update them.

Decree 18/2003 of 29/05 (BR 21, I Series of 21<sup>st</sup> May 2003, pp 162-163) creates the total protection zone of Cabo Sao Sebastiao, including the Peninsula of São Sebastião and adjacent waters. The Minister of Tourism is responsible for approving its Management Plan.

Decree 14/2002 of 06/06 (BR 22, I Series, 2<sup>nd</sup> Suppl. 06<sup>th</sup> June 2002, pp 194 (28-29)) creates the Quirimbas National Park. Article 1 indicates that this park expands from deep inland up to chain of islands making the Quirimbas archipelago. Article 2 states the park is divided in total protection zone, Specific use zone and community development zone. Article 3 states that the Minister of Tourism will approve the park regulation.

Decree 39/2001 of 27/11 (BR 48, I Series, Suppl. of 28<sup>th</sup> November 2001) alters the limits of Bazaruto National Park and revokes the Legislative Decree 46/71 of 25<sup>th</sup> May. This decree expands the limits established by the Legislative Order 46/71 of 25<sup>th</sup> May, which only included Bazaruto island , to include all the five islands (Bazaruto, Santa

Carolina, Benguerua, Magaruque and Bangué) composing the Bazaruto archipelago. Article 2 changes the name of the park from Bazaruto National Park to Bazaruto Archipelago National Park. Article 3 says that the Minister will approve Bazaruto National Park regulation

Decree 12/2002 of 06/06 (BR 22, I Series, 2<sup>nd</sup> Suppl. 6<sup>th</sup> June 2002, pp 194 (3-27) approves the regulation of the forests and wildlife Act No 10/99 of 7<sup>th</sup> July.

The Forests and Wildlife Regulation defines some rules for the implementation of the Forest and Wildlife Law. The Regulation applies to all activities related to the protection, conservation, management, sustainable use, exploitation and production of forest and wildlife resources. The Regulation provides for control measures and sets out various penalties and sanctions for associated offences. Articles 2 to 5 of the Regulation address the creation of national parks and reserves and the activities, use of resources within these areas and the establishment of support zones. In particular, it establishes the conditions under which these types of protected areas may be established, and the information that must accompany any proposals. The decree also determines that 20% of the amount collected through taxes and fees charged for the use of forest and wildlife resources is to be reverted to local communities of the area where such resources are extracted from.

#### **Other subordinated legislation includes:**

Ministerial Order 66/2010 of 31/03 (BR 13, I Series of 31 March of 2010, pp 87) creates mechanisms for channelling the revenues collected in National Parks and Reserves of Tourism Sector.

Ministerial Order 93/2005 of 04/05 (BR 18, I Series of 4<sup>th</sup> May 2005, pp 162-163) defines mechanisms for channelling and utilisation of 25% of the taxes value, consigned in favour of local communities under the forest and fauna legislation.

Ministerial Order 271/2004 of 31/12 (BR 52, I Series, 1<sup>st</sup> Suppl. of 31<sup>st</sup> of December of 2004, pp 578 (159-197) establishes the regime of importation, exportation and re-exportation of species of fauna and flora threatened by extinction.

Ministerial Order 55/2003 of 28/05/2003 (BR 22, I Series, 2<sup>nd</sup> Suppl. 28<sup>th</sup> May 2003, pp 216 (24-36) establishes common mechanisms for licensing forest and fauna activities.

#### **5.4. Membership of relevant international treaties/fulfilment of obligations**

Two international and one regional conservation instruments have been ratified.

<b>Name of International Instrument</b>	<b>Date of Ratification</b>	<b>Citation and Sources</b>
Ratifies the Convention on Conservation of Migratory Wildlife Species	19 <sup>th</sup> September 2008	Resolution 9/2008 of 19/09/2008 (BR 38, I Series, 3 <sup>rd</sup> Suppl. of 19 <sup>th</sup> September 2008, pp 314 (5-22)
Ratifies the Protocol related to Conservation of Wildlife and application of the Law on SADC (Southern Africa Development Community), Maputo, 18 <sup>th</sup> August 1999	05 <sup>th</sup> March 2002	Resolution 14/2002 of 05/03/2002 (BR 9, I Series, 4 <sup>th</sup> Suppl. of 5 <sup>th</sup> March 2002, pp 114 (55-59)
Ratifies the adhesion to CITES	30 <sup>th</sup> December 1981	Resolution 20/81 of 30/12/1981 (BR 52, I Series, Suppl. of 30 <sup>th</sup> December 1981, pp 204 (14-36)

## 5.5. Funding sources and level

Two funding sources were identified (World Bank and FAD – African Development Fund), being FAD (African Development Fund) the most important. All loans were approved in 90's decade.

Year	Reference	Funding Source	Amount
1997	Resolution 7/97 of 18/03/1997 (BR 11, I Series, 2 <sup>nd</sup> Suppl. 18 <sup>th</sup> March 1997, pp 48 (2)	World Bank	3,500,000 SDR (5,000,000 US\$)
1994	Resolution 10/94 of 19/04/1994 (BR 15, I Series, Suppl. 19 <sup>th</sup> April 1994, pp 1146(3)	FAD (African Development Fund)	8,900,000 UA (11,214,000 US\$)

## 5.6. Gaps and need for harmonization

From the analysis of the existing legal documentation it is obvious that the creation of conservation areas is mainly driven by tourism purposes, than the conservation of natural resources in its broad sense. Although it is a huge contribution for conservation, it raises some concerns since other areas which could not be attractive for tourism could be left out, and other areas attractive for tourism forced to be conservation areas unnecessarily. Therefore, it is extremely important that the Ministry for Coordination of Environmental Affairs (MICOA) be more active in its coordinating and impartial role for adequate and balanced development of conservation areas within the country. This would be achieved by MICOA coordinating the implementation of the Conservation Policy (a conservation law is presently under elaboration) and the functioning of the recently created National Authority for Conservation Areas (ANAC).

The conservation role of the National Directorate for Land and Forests (Ministry of Agriculture), responsible, within other tasks, for conservation of forest and wildlife outside conservation areas is less visible. This would need to be institutionally addressed by transferring this task to the National Authority for Conservation Areas (ANAC) and eventually changing the designation of this institution to National Authority for Conservation, since conservation purposes will not be achieved by conservation areas alone, but by addressing conservation in and outside conservation areas.

Transboundary conservation areas are reality on land, following the history of conservation in Mozambique, but still not existing on the coast and at sea, although biological studies carried out support their establishment in North (in the boarder with Tanzania) and in South (in the boarder with South Africa).

Funding of this area from government sources is very week, being driven by non-governmental sources, creating, in this way, some concerns on national assumption and direction of this process to reflect the wishes of the country and on its sustainability on medium and long term.

## 6. Coastal Zone Management Issues including Environmental Impact Assessment, Land Based discharges, Land Tenure and Permitting Issues/Coastal Mining

### 6.1. Historical/evolution of the institutional placement within the overall government structure

Presidential Decree 33/78 of 18/05 (BR 59, I Series, 18<sup>th</sup> May 1978, pp 231-232) creates the **National Planning Commission** subordinated to the Council of Ministers.

Presidential Decree 18/83 of 28/05 (BR 21, I Series, 2<sup>nd</sup> Suppl. 28<sup>th</sup> May 1983, pp 46 (8-9) created the **National Institute for Physical Planning**, under the **National Planning Commission**, where environmental aspects were addressed.

Presidential Decree 68/83 of 29/12 (BR 52, I Series, Suppl. 29<sup>th</sup> December 1983, pp 126 (4-8) created the **State Secretariat for Physical Planning**, which was part of the **National Planning Commission**, and subordinated to the **Minister of Planning**. The National Institute for Physical Planning was then directly subordinated to the **State Secretariat for Physical Planning**. The structure of the National Institute for Physical Planning (article 4 of the Ministerial Order 61/88 of 11/05 (BR 19, I Series, 11 May 1988, pp 169-173) included, within others, (i) the **Department for Environment and Regional Planning**; and (ii) the **Department for Urban Areas**.

Presidential Decree 34/86 of 24/04 (BR 17, I Series, Suppl. 24<sup>th</sup> April 1986, pp 50 (4-5) **extinguishes the State Secretariat for Physical Planning** and transfer its activities and competences to the **National Planning Commission**.

Presidential Decree 2/94 of 21 December (BR 51, I Series, 21 December 1994, pp 388-389) extinguishes the **National Commission for Environment** and creates the **Ministry for Coordination of Environmental Affairs**.

Presidential Decree 8/96 of 28/08 (BR 35, I Series, Suppl., 28<sup>th</sup> August 1996, pp 192 (3) extinguishes the **National Institute for Physical Planning** passing its activities and competences to the **Ministry for Coordination of Environmental Affairs**.

## **6.2. Current Institutional structure**

The **Ministry for Coordination of Environmental Affairs** (MICOA) was created by Presidential Decree n<sup>o</sup> 2/94 of 21 December (BR 51, I Series, 21 December 1994, pp 388-389), with the mandate to i) coordinate the sustainable development process, harmonizing plans and programs from all stakeholders in the exploitation, use, protection and management of natural resources; ii) develop appropriate policies and laws that will ensure the sustainability of these resources; and iii) develop environmental awareness and culture in Mozambique. Resolution 16/2009 of 05/08/2009 (BR 31, I Series of 05<sup>th</sup> August 2009, pp 202-206)), approves the statutes of MICOA and revokes Ministerial Order 259/2005 of 29<sup>th</sup> December. MICOA is represented at provincial level by the **Provincial Directorates for Coordination of Environmental Affairs**.

According to Resolution 16/2009 of 05<sup>th</sup> August, MICOA has the objective (i) to promote development in a sustainable way; (ii) prepare sustainable policies and corresponding legislation; (iii) guarantee sustainability culture; (iv) capacitate the different sectors in environmental principles; (v) to norm, regulate and make surveillance of all activities related to the exploitation of natural resources; (vi) maintain environmental quality and monitor it; (vii) capacitate local communities in sustainable use of natural resources; (viii) assures that the local communities access fertile land, water and other basic natural resources; (ix) assures cooperation relations at regional and international levels. Article 4 addressing MICOA structure, states that it includes (i)

**National Directorate for Environmental Management (DNGA); (ii) National Directorate for Environmental Impact Assessment (DNAIA); (iii) National Directorate for Environmental Promotion (DNPA); and (iv) National Directorate for Territorial Planning (DINAPOT).** Article 5 list the autonomous institutions, namely **Centre for Sustainable Development for Coastal Zone (CDS-ZC), Centre for Sustainable Development for Urban Areas (CDS-ZU), Centre for Sustainable Development for Natural Resources (CDS-RN), Marine and Coastal Environment Research Centre (CEPAM), Medium Institute for Physical Planning and Environment (IMPFA) and National Fund for Environment (FUNAB).**

Decree 5/2003 of 18/02 (BR 7, I Series, 2<sup>nd</sup> Suppl. of 18<sup>th</sup> February 2003, pp 40 (5-7) creates the **Centre for Sustainable Development for Coastal Zone (CDS-ZC)** and approves its statutes. The reason behind the creation of this Centre was the need for introduction of sustainable practices for the profitability of natural resources located at coastal zones of the country, the use of which must be correctly planned. Its objective is to coordinate and to promote and divulge studies, to provide technical assistance, to carry out training activities, as well as develop pilot activities of coastal, marine and lake environment management which may contribute to for the elaboration of legislation for the promotion coastal zone development.

Decree 6/2003 of 18/02 (BR 7, I Series, 2<sup>nd</sup> Suppl. of 18<sup>th</sup> February 2003, pp 40 (7-10) creates the **Centre for Sustainable Development for Urban Zone (CDS-ZU)** and approval of its statutes. According to article 2, it aims at coordinating and promoting studies and their dissemination, giving technical advisory, training, as well as development of pilot activities of management of urban areas that contribute for elaboration of policies and formulation of legislation which promotes sustainable use of urban areas.

Decree 7/2003 of 18/02 (BR 7, I Series, 2<sup>nd</sup> Suppl. of 18<sup>th</sup> February 2003, pp 40 (10-12) creates the **Centre for Sustainable Development for Natural Resources (CDS-RN)** and approval of its statutes. According to article 2, it aims at coordinating and promoting studies and their dissemination, giving technical advice, training, as well as development of pilot activities for management of natural resources that contribute for elaboration of policies and formulation of legislation which promotes sustainable use of natural resources.

Decree 16/2007 of 16/04 (BR 14, I Series, 2<sup>nd</sup> Suppl. of 16<sup>th</sup> April 2007, pp 118 (3-6) creates the **Coastal and Marine Environment Research Center (CEPAM)** aiming at carrying out scientific research on coastal and marine ecosystem in order to guarantee their sustainable use, contributing for integrated management of coastal and marine areas.

Ministerial Order 55/2009 of 15/04 (BR 15, I Series of 15<sup>th</sup> April 2009, pp 70-73) creates the **Medium Institute for Physical Planning and Environment (IMPFA).**

Decree 39/2000 of 17/10 (BR 41, I Series, 2<sup>nd</sup> Suppl. 17<sup>th</sup> October 2000, pp 178 (14-16) creates the **National Environmental Fund (FUNAB).** According to article 2, the attributions of FUNAB include (i) support management activities of natural resources that contribute for a health environment; (ii) foment activities related with management of environmental protection or sensible areas; (iii) support the realization of technical and scientific activities; (iv) foment activities related to environmental impact studies; (v)



contribute for the realization of economic development which pretends to use productive process and technology which are environmental healthy.

CONDES (**National Council for Sustainable Development**) was created by the Environmental Law, and established by Decree n.º 40/2000 of 17<sup>th</sup> of October. This Decree set out its structure, functions and duties. The National Council for Sustainable Development has the following powers and authority: (i) to pronounce upon the sectoral policies related to the management of natural resources; ii) to issue comments on proposals of legislation that are related to the Environmental Framework Law and on proposals to establish or to revise sectoral legislation concerning the management of the Nation's natural resources; iii) to pronounce upon proposals for the ratification of international conventions related to the environment; iv) to prepare proposals for the creation of financial or other incentives that would stimulate economic agents to adopt environmentally sound procedures in the daily use of the Nation's resources; v) to propose mechanisms for the simplification and efficiency of the process of licensing activities related to the use of natural resources; vi) to formulate recommendations to the ministers responsible for the management of natural resources in different sectors on matters relevant to the sector; vii) to serve as a forum for the resolution of institutional differences related to the utilization and management of natural resources and viii) to carry out all other duties given to it under this law and other environmental legislation.

Decree 80/2010 of 31/12 (BR 52, I Series, 4<sup>th</sup> Suppl. 31<sup>st</sup> December 2010, pp 336 (364-365) creates the **National Agency for Control of Environmental Quality** (AQUA). Article 6 addresses the attributions of AQUA, namely (i) to develop and implement strategies on integrated control of air, soil and water pollution; (ii) develop quality control activities; (iii) carry our research on different environmental parameters; (iv) elaborate reports on the state and pressures on environment; (v) carry our national inventory of sources of air, land, coastal and marine pollution, including data base; (vi) elaborate and adopt reference indicators for risk assessment associated to polluting substances; (vii) guarantee elaboration of proceedings and norms for environment management; (viii) control of management operations and storing of chemical products, discharges of effluents and pollutants.

### **6.3. Legislation/policy/strategies**

#### **Primary Legislation**

Resolution 62/2009 of 14/10 (BR 41, I Series, 14<sup>th</sup> October 2009, pp 307-319) approves the Policy for Development of new and renewable energies. The objectives include (i) to promote the supply of services of new and renewable energies in accessible prices in particular in rural areas; (ii) to promote the use of sources of new and renewable energy; (iii) strengthen local and national energy security; (iv) reduce local and global negative environmental impacts; (v) strengthen technological development of the sector of new and renewable energy; (vi) create competitive market for new and renewable energies; (vii) contribute for generation of income and employment, including self employment and poverty reduction at local and national levels; contribute for achieving millennium development goals.

Resolution 18/2007 of 30/05 (BR 22, I Series, 30<sup>th</sup> May 2007, pp 204-208) approves the Policy for Territorial Planning. Its general objective is to contribute for sustainable management of natural and human resources of the country, through compatible sectoral

policies and coordination of planning actions in the various geographical scales and between diverse levels of public administration for improvement of life quality of citizens and assuring sustainability of natural resources. The other general objective consists of integration of territorial planning instruments into economic planning and political and administrative development of territorial units at all levels towards a better economic and social benefit. The specific objectives of the Policy are (i) reduction of poverty; (ii) foment of equilibrium between rural and urban zones; (iii) management of conflicts; (iv) natural calamities; (v) assuring society participation in territorial planning actions; and (vi) democratic management of institutions.

Territorial Planning Act (Law 19/2007 of 18/07, BR 29, I Series, 18 July 2007, pp 293-298). The principles of this law (article 4) include (i) sustainability and valuation of physical space; (ii) public participation and sensitization of citizens; (iii) equality in access to land, natural resources, infra-structures and social equipment and public services; (iv) precaution (v) responsibility of public and private entities; (vi) juridical security; (vii) publicity of planning instruments'. Article 5 states that the territorial planning is to assure the organization of national space and sustainable use of natural resources. Specific objectives include (i) guarantee the right of people and local communities to effective occupation of national physical space; (ii) re-qualify spontaneous urban occupation and degraded areas; (iii) identify and valorize economic, social and cultural potentialities; (iv) preserve ecological equilibrium of quality and fertility of soils, purity of air, defense of ecosystems and fragile habitats, forests, water resources, coastal areas; (v) defend, preserve and value built patrimony and natural landscape; (vi) to harmonize and articulate environment and socio-economic policies and strategies; (vii) optimize the management of natural resources; (viii) manage interest and conflicts. Article 6 states the state and the local municipalities have the mandate to promote, direct, coordinate and monitor territorial planning.

Environmental Act (Law n. 20/97, of October 1<sup>st</sup>) is an umbrella to the whole set of legal instruments regarding the preservation of the environment. This Law establishes provisions of general and abstract application, and includes some provisions for coastal and marine environment protection from land-based sources and activities.

As established in Article 2, the objective of the Environment Law is to define the legal basis for a correct utilization and management of the environment and its components, in order to a sustainable development system to materialize in the country. The scope of the Law comprises all activities, public or private, which directly or indirectly may influence the environment components (Article 3).

Taking into account the constitutional provision of a balanced environment for all citizens, in its Article 4 the Law establishes a number of basic principles for environmental management, specified below:

- i) The rational utilization and management of environmental components in order to promote the improvement of citizen's quality of life and to maintain biodiversity and ecosystems;
- ii) The recognition and valorisation of traditions and knowledge of local communities which contribute to the conservation and preservation of natural resources and the environment;
- iii) Precaution, on the basis of which the management of the environment shall prioritize the establishment of systems to prevent acts which are harmful to the environment in

such a way so as to avoid the occurrence of negative environmental impacts which are material or irreversible, regardless of the existence of scientific certainty concerning the occurrence of such an impact;

iv) A global, integrated vision of the environment as a grouping of interdependent ecosystems which may be naturally occurring or constructed and which must be managed in such a way so as to maintain their functional equilibrium without exceeding their intrinsic limits;

v) The broad participation of citizens as a crucial element of the implementation of the National Environmental Management Program;

vi) Equality, which guarantees equal opportunities to women and men for access to and use of natural resources;

vii) Responsibility, on the basis of which whoever pollutes or in any way degrades the environment shall always have the obligation to repair or compensate the resulting damage;

viii) International co-operation, to obtain harmonious solutions to environmental problems, given the known cross-border and global dimensions of these problems.

In legal terms, principles can be defined as statements expressing a direction of the law and vector revealing and inspiring the content of the legal norms, providing an orientation to the legislator and to the interpreter. The above cited principles appear to be the core part of the Environment Law, as they contain the main policy statements regarding environment.

They may also be considered as a wise means of exercising environment management and surveillance and a way of educating citizens about the importance of taking care for environment.

In its Articles 5 to 8, the Environment Law provides for environmental management bodies and public participation in environmental management. The former will be addressed in institutional framework section (3.1.4). In Articles 9 and 10, the Law provides measures for the prohibition of polluting, and ascribes to the Government the task of establishing environmental quality standards or patterns as to ensure a sustainable utilization of resources in the country. Special measures of environmental protection are dealt with in Chapter IV (Articles 11 to 14), and they comprise protection of the environmental heritage, biodiversity, environmental protection areas, and implantation of infrastructure.

The Law under consideration comprises provisions on environmental damages through environmental licensing, environmental impact assessment (EIA), definition of the minimum content of environmental impact studies, and environmental audits. Rights and duties are provided for in Chapter VI (Articles 19 to 24). The regulation takes into consideration the rights to information, education, and access to justice, the possibility of embargoing any offensive activity, duty or obligation to report offences, and of responsible utilization of natural resources. The Law also provides for liabilities, offences and sanctions, in its Chapter VII. In this respect, Article 25 provides for insurance and civil liability, while Article 26 defines the objective of liability, and Article 27 provides for environmental crimes and contraventions, to be dealt with in specific legislation. Matters related to environmental surveyors, duty of collaboration and participation of the community are dealt with in Articles 28 to 30, under the Chapter VIII, the title of which is Environmental surveillance. Finally, Chapter IX, comprising Articles 31 to 34, provides for incentives, sectoral legislation, complementary legislation and entry into force.

According to paragraph 1 of Article 32, the existing legislation on the management of environmental components must be fitted to the provisions of the Environmental Law. This means that in certain cases the existing legal instruments can be interpreted taking into account the principles of the Environmental Law and in other cases the reformulation of existing regulation.

Comparing the provisions of the Environmental Law and the Sea Law, which attribute regulating powers to the Government, it can be easily concluded that those of the Environmental Law (Articles 9 and 10) are general, while the one from the Sea Law (Article 34(f)) is special, concerning the regulating competence with view to prevent and to preserve the maritime and (implicitly) the coastal environment.

### **Subordinated Legislation**

Decree 67/2010 of 31/12 (BR 52, I Series, 2<sup>nd</sup> Suppl. 31 December 2010, pp 336 (307-311)) alter the article 23 and 24 and the annexes I and V referred in article 7 and n° 3 of article 16 of Regulation on environmental quality pattern and emission of effluents, approved by the Decree 18/2004 of 2<sup>nd</sup> June and approve annexes IA and IB. It reviews and update the environmental quality patterns and taxes and penalties.

Decree 6/2009 of 31/03 (BR 12, I Series, Suppl. of 31<sup>st</sup> March 2009, pp 58 (1-26)) approves the Regulation on the Management of Pesticides. Article 2 states that the objective is to assure that all processes that involve work or manipulation of pesticides are done without harm of public health, animal and environment. This regulation applies to registration, production, donation, trade, importation, exportation, storage, transport, manipulation, use and elimination of pesticides by singular or collective person, for agriculture, husbandry, forestry purposes, public health protection, domestic and other uses.

Decree 42/2008 of 04/11 (BR 44, I Series, 5<sup>th</sup> Suppl. of 4<sup>th</sup> November 2008, pp 372 (21-23)) alters articles 5, 15, 18, 20, 25 and 28 of the EIA regulation, approved by Decree 45/2004 of 29<sup>th</sup> September. These alterations were made in order to adapt the regulation to the reality and also to simplify the process to give more celerity for the process of environmental licensing.

Decree 25/2008 of 01/07 (BR 26, I Series, 3<sup>rd</sup> Suppl. 1<sup>st</sup> July 2008, pp 214 (53-56)) approves the regulation for control of invasive exotic species. Article 2 states that the objectives of the regulation are (i) protection of species and vulnerable ecosystem and habitats; (ii) prevention of non authorised introduction and diffusion of exotic invasive species in ecosystems and habitats; (iii) management and control of invasive exotic species; (iv) eradication of invasive exotic species; (v) realization of environmental impact assessment before introduction of exotic species.

Decree 24/2008 of 01/07 (BR 26, I Series, 3<sup>rd</sup> Suppl. of 1<sup>st</sup> July 2008, pp 214 (36-53)) approves the regulation on the management of substances destroying ozone later. The object of this regulation (Article 2) is to establish rules related to importation, exportation, transit and destruction of substances that destroy the ozone layer. This regulation does not apply to importation or exportation of substances for scientific and therapeutic purposes, products or equipments for personnel use.

Decree 19/2007 of 09/08 (BR 32, I Series, Suppl. of 9<sup>th</sup> August 2007, pp 512 (1-7) approves the regulation on access and share of benefits from genetic resources and associated traditional knowledge. The object of this regulation (article 2) is to establish the rules for access to genetic resources, its protection as well as the traditional knowledge relevant for biological diversity, sustainable use, including right and equitable repartition of benefits derived from their use.

Decree 6/2007 of 25/04 (BR 17, I Series of 25<sup>th</sup> April 2007, pp 143-150) approves the regulation on bio-security related to the management of genetic modified organism. The object of this regulation (article 2) is to establish rules for importation, exportation, transit, production, manipulation and use of genetically modified organisms and their products, for environmental protection, particularly the biodiversity conservation and public health. Article 4 says that the National Bio-security Authority is the Ministry for Science and Technology.

Decree 45/2006 of 30/11 (BR 48, I Series, Suppl. of 30<sup>th</sup> November 2006, pp 524 (1-28) approves the regulation for preventing pollution and protection of coastal and marine environment and revokes Decree 495/73 of 6<sup>th</sup> October. It aims at preventing and limiting pollution derived from illegal discharges made by ships, platforms or land-based sources, as well as establishing the legal basis for protection and conservation of beach areas and fragile ecosystems.

Decree 13/2006 of 15/06 (BR 24, I Series, Suppl. of 15<sup>th</sup> June 2006, pp 208 (9-29) approves the regulation on management of wastes. The purpose of this regulation is to prevent or minimize the negative impacts to the health and environment resulting from the production, dumping to the soil or subsoil, emission into the water or the atmosphere of any toxic or polluting substances, as well as from any activities which may accelerate environmental degradation. This regulation applies to all singular and collective, public and private persons involved in activities of waste management. The rules of this regulation do not apply to biomedical waste, hazardous waste, and to waste water (except those with characteristics similar to those described in Annex III and IV of the regulation).

Decree 11/2006 of 15/06 (BR 24, I Series, Suppl. of 15<sup>th</sup> June 2006, pp 208 (1-8) approves the regulation for environmental inspection.

Decree 45/2004 of 29/09/2004 (BR 39, I Series, Suppl. of 29<sup>th</sup> September 2004, pp 406 (1-17) approves the Environmental Impact Assessment Regulation and revokes Decree 76/98 of 29<sup>th</sup> December. It was enacted to replace the previous one, which was adopted by Decree n. 76/79 of December 29<sup>th</sup>. It updates the former regime in order to (according to the preamble) harmonize it with reality, and as a way to continue the simplification and decentralization of competences to local organs, and consequently speed the celerity of the licensing process. In its Article 1 the Regulation defines a number of concepts, such as activity, area of influence, environmental impact assessment authority, environmental impact, community, public consultation, sustainable development, pre-feasibility study, environmental impact, mitigation measures, environmental management plan, fatal issues, etc. According to Article 2, the Regulation applies to all activities, whether public or private, which may directly or indirectly influence environmental components.

The same article gives room for the enactment of specific regulations regarding environmental impact studies of research and production activities related to petroleum, gas and mineral resources extraction.

Annex I of this Regulation is of particular interest as it concerns activities located in areas and ecosystems recognized as deserving special protection under national and international legislation, such as coral reefs, mangroves, small islands, zones of imminent erosion including coastal dunes, etc. Marinas, shipyards, pipelines, submarine cables, ports and dredging, as well as treatment and disposal of solid and liquid waste are also included in the annex.

Decree 26/2004 of 20/08 (BR 33, I Series, 2<sup>nd</sup> Suppl. of 20<sup>th</sup> August 2004, pp 406 (70-76) approves the environmental regulations for mining activities. It aims at establishing norms for preventing, controlling, mitigating, rehabilitating and compensating the adverse effects that the mining activity may cause to the environment (Article 2).

The competence for environmental impact assessment of the mining activity is given to the Ministry of Mineral Resources. Chapter I also provides for the establishment, upon request, of a Consultative Board, to assist in the implementation of specific projects, article 4.

Chapter II comprises provisions on mining activities development, activities classification, and the establishment of a Guiding Comity. Chapter III provides for environmental management, covering the following items: environmental management instruments, environmental impact studies, environmental management plan and program, and environmental auditing).

Chapter IV deals with environmental conservation, covering matters relating to water, air, noises and vibration, waste disposal, national parks and reserves, responsibility for environmental damages, and adjustment of project operation conditions. Chapter V deals with financial provisions encompassing fees regarding revision and updating of the environmental management plan, updating and destination of collected values, and financial bonds. Chapter VI deals with varied issues, being the most relevant the requirement for public consultation, and the highly advisable drafting of a memorandum of understanding between the proponents, central and provincial governments and local communities. The MoU shall establish an agreement on the methods and procedures for the management of environmental, biophysical, socio-economic and cultural aspects of a given project (in and beyond its lifetime).

Decree 18/2004 of 02/06 (BR 22, I Series, Suppl. 02<sup>nd</sup> June 2004, pp 206 (6-29) approves the regulation on environmental quality standards and for effluent emission. It was enacted as a result of the need to establish environmental quality standards and to ensure effective control and surveillance of the country's environment quality and natural resources.

The objective of this regulation is the establishment of environmental quality standards and of emission of effluents, aiming at the maintenance of admissible levels of concentration of pollutants in environmental components (article 2). The scope of application of this regulation covers all activities, either public or private, which may directly or indirectly influence on environment components (article 3).

Environmental standards are listed in six annexes and may be revised and updated according to a periodicity not inferior to five years, unless another obligation derived from an international convention or agreement states otherwise (article 6). Water quality is dealt with in Articles 11 to 17, providing for categories of water quality, water quality parameters, quality control, sanitary vigilance, promotion of water quality for human consumption, discharge of industrial liquid pollutants or effluents, and water for recreational purposes. According to Article 11, the parameters for the definition of water quality in public domain shall be determined by taking into account their final utilization, whether for common or private use.

Paragraph 2 of Article 11 establishes five categories of water quality, according to its purpose: human consumption, agriculture and livestock raising, aquaculture, recreation (swimming, aquatic skiing and scuba diving), and water for food and drinks processing. Chapters IV and V deal with soil quality and noise emission.

Decree 32/2003 of 12/08 (BR 34, I Series of 20<sup>th</sup> August 2003, pp 379-381) approves the regulation related to the process of environmental auditing. It was enacted to respond to the need of establishing the parameters for carrying out environmental auditing, under the articles 18 and 33 of the Environment Act.

Decree 30/2003 of 01/07 (BR 26, I Series, Suppl. 01 July 2003, pp 276 (1-63) approves the regulation for public systems for water distribution and of waste water drainage and revokes the Portarias 10367 of 14<sup>th</sup> April 1943 and 11338 of 8<sup>th</sup> May 1946.

Decree 8/2003 of 18/02 (BR 7, I Series, 2<sup>nd</sup> Suppl. of 18<sup>th</sup> February 2003, pp 40 (12-18) approves the regulation on management of bio-medical wastes. It establishes rules for biomedical waste management, which is intended at protecting the health and security of workers of the health sector and those of the general public, and to minimize the impacts of such wastes over the environment. Biomedical waste is defined in Article 1 as “waste resulting from human or veterinary diagnosis, treatment and research activities”. Competences for the management of biomedical waste fall on MICOA and the Ministry of Health. Chapter III contains provisions on norms for storage, identification, and segregation of biomedical waste, and identification and storage of infectious waste and other kinds of waste, including waste from medicines. Chapter IV deals with the disposal of biomedical waste, and Chapter V provides for the transportation of the same waste.

#### **Other subordinated legislation includes:**

Ministerial Order 271/2010 of 31/12 (BR 52, I Series , 6<sup>th</sup> Suppl. 31<sup>st</sup> December 2010, pp 336 (132) defines mechanisms for using funds from taxes and penalties, according to Regulation on Management of Pesticides.

Ministerial Order 270/2010 of 31/12 (BR 52, I Series, 6<sup>th</sup> Suppl. 31<sup>st</sup> December 2010, pp 336 (132) establishes the regime of the technical evaluation committee for pesticides registration.

Ministerial Order 189/2006 of 14/12 (BR 50, I Series, 2<sup>nd</sup> Suppl. of 14<sup>th</sup> December 2006, pp 534 (3-5) approves the basic norms for environmental management for mining activity.

Ministerial Order 135/2006 of 26/07 (BR 30, I Series of 26<sup>th</sup> July 2006, pp 264) creates the committee for development of Quirimbas National Park.

Ministerial Order 130/2006 of 19/07 (BR 29, I Series of 19<sup>th</sup> July 2006, pp 256-260) approves the general directive for public participation in the EIA process.

Ministerial Order 129/2006 of 19/07 (BR 29, I Series of 19<sup>th</sup> July 2006, pp 247-255) approves the general directive for EIA studies.

Ministerial Order 1/2006 of 04/01 (BR 1, I Series, 4<sup>th</sup> January 2006, pp 1-5) approves norms for application of penalties and other sanctions, planned in environmental legislation.

#### **6.4. Membership of relevant international treaties/fulfilment of obligations**

Nineteen international environmental instruments have been signed, being fifteen international and three regional. The number of ratifications has been increasing throughout the time, being more important from 2000 to 2010, with more than 44% of ratifications. The areas ratified include air and water pollution, conservation, bio-security and climate change.

<b>Name of International Instrument</b>	<b>Date of Ratification</b>	<b>Citation and Sources</b>
Concerning banning importation, exportation, production, trade and transit of substances harmful to ozone layer	22 <sup>nd</sup> December 2009	Resolution 78/2009 of 22/12/2009 (BR 50, I Series, 3 <sup>rd</sup> Suppl. of 22 <sup>nd</sup> December 2009, pp a)
Ratifies the Rotterdam Convention related to Information and Consentment for Certain Chemical Products and Dangerous Pesticides in International Trade of 10/09/1998	29 <sup>th</sup> September 2009	Resolution 10/2009 of 29/09/2009 (BR 38, I Series, 3 <sup>rd</sup> Suppl. of 29 <sup>th</sup> September 2009, pp 286 (121-144)
Ratifies the amendments of Montreal 1997 and Beijing 1999 of Montreal Protocol on Substances Harmful to Ozone of 16 <sup>th</sup> September 1987	18 <sup>th</sup> October 2009	Resolution 9/2009 of 18/09/2009 (BR 37, I Series, 3 <sup>rd</sup> Suppl. of 18 <sup>th</sup> October 2009, pp 280 (9-14)
Ratifies the Protocol on Forest Activities of SADC of 03/10/2002	14 <sup>th</sup> April 2009	Resolution 1/2009 of 14/04/2009 (BR 14, I Series, 5 <sup>th</sup> Suppl. of 14 <sup>th</sup> April 2009, pp 68 (17-24).
Ratifies the Stockholm Convention on organic and persistent pollutants adopted in 23 <sup>rd</sup> May	31 <sup>st</sup> December 2004	Resolution 56/2004 of 31/12/2004 (BR 52, I Series, 3 <sup>rd</sup> Suppl. of 31 <sup>st</sup> December 2004, pp 578 (67-107).
Ratifies adhesion to Kyoto Protocol to the UN climate change convention	28 <sup>th</sup> July 2004	Resolution 10/2004 of 28/07/2004 (BR 30, I Series, Suppl. of 28 <sup>th</sup> July 2004, pp 296 (1-19)
Adhesion to the Convention on wetlands of international importance, mainly as water birds habitats	05 <sup>th</sup> November 2003	Resolution 45/2003 of 05/11/2003 (BR 45, I Series, 2 <sup>nd</sup> Suppl. of 05 <sup>th</sup> November 2003, pp 502 (3-10).
Ratifies the Cartagena Protocol on bio-security	21 <sup>st</sup> December 2001	Resolution 11/2001 of 20/12/2001 (BR 51, I Series 6 <sup>th</sup> Suppl. of 21 <sup>st</sup> December 2001, pp 250 (64-74)
Ratifies Bamako Convention on interdiction of importation of dangerous wastes	28 <sup>th</sup> November 1996	Resolution 19/96 of 26/11/1996 (BR 47, I Series, 5 <sup>th</sup> Suppl. 28 <sup>th</sup> November 1996, pp 236 (61-88)
Ratifies the Basel Convention	28 <sup>th</sup> November 1996	Resolution 18/96 of 26/11/1996 (BR 47, I Series, 5 <sup>th</sup> Suppl. 28 <sup>th</sup> November 1996, pp 236 (41-61)
Ratifies the Nairobi Convention and its protocols	28 <sup>th</sup> November 1996	Resolution 17/96 of 26/11/1996 (BR 47, I Series, 5 <sup>th</sup> Suppl. 28 <sup>th</sup> November 1996, pp 236 (13-41)
Ratifies UN Convention on Biodiversity	24 <sup>th</sup> August 1994	Resolution 2/94 of 24/08/1994 (BR 34, I Series, 3 <sup>rd</sup> Suppl. of 24 <sup>th</sup> August 1994, pp 290 (25-47)
Ratifies the UN Convention on Climate Change	24 <sup>th</sup> August 1994	Resolution 1/94 of 24/08/1994 (BR 34, I Series, 2 <sup>nd</sup> Suppl. 24 <sup>th</sup> August 1994, pp 290 (3-22)
Ratifies Vienna Convention, including amendments of London 1990 and Copenhagen 1992	08 <sup>th</sup> December 1993	Resolution 8/93 of 08/12/93 (BR 49, I Series, 2 <sup>nd</sup> Suppl. 08 <sup>th</sup> Deceml 1993, pp 218 (3-52)



Adhesion to IOMAC	24 <sup>th</sup> September 1991	Resolution 10/91 of 24/09/1991 (BR 38, I Series, Suppl. 24 <sup>th</sup> September 1991, pp 238 (1-9))
Adhesion to UNESCO Convention for preservation of cultural and natural patrimony	13 <sup>th</sup> November 1982	Resolution 17/82 of 13/11/1982 (BR 44, I Series, Suppl. 13 <sup>th</sup> November 1982, pp 168 (1-12))
Adhesion to IUCN	30 <sup>th</sup> December 1981	Resolution 21/81 of 30/12/1981 (BR52, I Series, Suppl. 30 <sup>th</sup> December 1981, pp 204 (30-50))
Adhesion to CITES	30 <sup>th</sup> December 1981	Resolution 20/81 of 30/12/1981 (BR 52, I Series, Suppl. 30 <sup>th</sup> December 1981, pp 204 (14-36))
Ratifies adhesion to African Convention on Nature Conservation and Natural Resources	30 <sup>th</sup> December 1981	Resolution 18/81 of 30/12/1981 (BR 52, I Series, Suppl. 30 <sup>th</sup> December 1981, pp 204 (1-14)).

## 6.5. Funding sources and level

Three funding sources (BADEA - Arab Bank for Africa Development, BAD - African Development Bank and World Bank) were identified from, 1994 to 2010, being BAD the most important. The period from 1994 to 1997 was the most important.

Year	Reference	Funding Source	Amount
2010	Resolution 24/2010 of 30/06/2010 (BR 26, I Series, 30 <sup>th</sup> June 2010, pp 157)	BADEA (Arab Bank for Africa Development)	9,000,000 US\$
1998	Resolution 57/98 of 08/12/1998 (BR 48, I Series, Suppl. 08 <sup>th</sup> December 1998, pp 225(2))	BAD (African Development Bank)	1,800,000 UA (2,268,000 US\$)
1997	Resolution 07/97 of 18/03/1997 (BR 11, I Series, 2 <sup>nd</sup> Suppl. 18 <sup>th</sup> March 1997, pp 47(2))	World Bank	5,000,000 US\$
1994	Resolution 10/94 of 19/04/1994 (BR 15, I Series, Suppl. 19 <sup>th</sup> April 1994, pp 1146(3))	BAD (African Development Bank)	8,900,000 US\$

## 6.6. Gaps and need for harmonization

Environmental legislative framework can be considered good mainly in relation to pollution and conservation aspects, however, national strategies and/or policies related to integrated coastal zone management (the most important developing and conflicting area within the country) are lacking. This aspect should be urgently addressed.

EIA legislation is being implemented, however the lack of strategic environmental assessment (SEA), or related approaches, like ICZM, marine spatial planning, EAF, etc, limit its positive impacts, since it addresses specific projects and not cumulative impacts, development plans, programs and policies. Apart from that, few environmental management plans resulting from EIA studies are monitored or inspected, throughout the time, due to the lack of infra-structures, human, technical and financial resources. Therefore, there is an urgent need to capacitate the country to fulfil this important task.

Coordination role of MICOA is still weak, although coordination mechanisms exist at higher levels, namely CONDES (National Council for Sustainable Development), which is headed by the Prime-Minister and includes the Ministers of the Ministries related directly or indirectly to the use of Natural Resources, in part (i) because sometimes MICOA itself confuses its coordination role from that of implementation (which is for the other Ministries); (ii) on other side, because coordination is not an easy task at all (traditionally, sectoral ministries embark on the implementation of their sectoral plans); and (iii) also because at the technical level, there are not strong, permanent and continuous coordinating mechanisms. For example, the technical committee that is lately working normally is only the CONDES technical committee, which is coordinated by the Deputy Minister of MICOA being, therefore, a political committee, at a certain level.

Technical committees like IIGICZ (inter-institutional group for integrated coastal zone) are still not legalised to be formally active and carry out their important role normally throughout the year in a planned way.

Another type of government structure or process for policies, programs and plans (PPP) formulation should be put in place, for example obligatory SEA for all PPP, so that MICOA not only effectively coordinate these processes, but also gives the final recommendation before the government and/or parliament takes the final decision. This would guarantee that environmental aspects are always fully integrated into the development process. Another possibility would be to channel all PPP through CONDES, which is presently only addressing those PPP with obvious impacts on natural resources and in the environment in general.

Lack of human, technical, material and financial resources affects greatly the full enforcement of the existing legislative framework.

## **7. Ports and Coastal Transport/Regulation of Shipping**

### **7.1. Historical/evolution of the institutional placement within the overall government structure**

Presidential Decree 7/80 of 03/04 (BR 14, I Series, Suppl. 3<sup>rd</sup> April 1980, pp 38 (1-2) extinguishes the **Ministry of Transport and Communications**, created soon after the independence in 1975; and, through Presidential Decree 8/80 of 03/04/1980 (BR 14, I Series, Suppl. 3<sup>rd</sup> April 1980, pp 38 (2), creates the **Ministry of Ports and Surface Transports**; and, through Presidential Decree 9/80 of 03/04/1980 (BR 14, I Series, Suppl., 3<sup>rd</sup> April 1980, pp 38 (2), creates the **Ministry of Post Offices, Telecommunications and Civil Aviation**.

Presidential Decree 18/83 of 28/05 (BR 21, I Series, 2<sup>nd</sup> Suppl., 28<sup>th</sup> May 1983, pp 46 (8-9) determines that the Ministry of Ports and Surface Transport be called **Ministry of Ports, Railways and Merchant Marine**; the Ministry of Post Offices, Telecommunications and Civil Aviation be called the **Ministry of Post Offices and Telecommunications**; and creates the **State Secretariat of Civil Aviation** and the **State Secretariat for Road Transport**.

Presidential Decree 34/86 of 24/04 (BR 17, I Series, Suppl. 24<sup>th</sup> April 1986, pp 50 (4-5) extinguishes the Ministry of Ports, Railways and Merchant Marine, the Ministry of Post Offices, Telecommunication, and the State Secretariat of Road Transports, and creates the **Ministry of Transport and Communications** (MTC). It also integrates the State Secretariat of Civil Aviation to the MTC.

### **7.2. Current Institutional structure**

Ministerial Order 211/98 of 02/02 (BR 48, I Series, 2<sup>nd</sup> December 1998, pp 221-224) publishes the statutes of the **Ministry of Transport and Communities** (MTC) and revokes Ministerial Order 109/88 of 24<sup>th</sup> August. Article 1 states the MTC is organised in the following areas (i) civil aeronautic; (ii) merchant marine; (iii) ports; (iv) meteorology; (iv) railway and road transports. Article 2 states that, at the central level, it is organised, within others, by the following entities (i) **State Secretariat for Civil Aeronautic**; (ii) **National Directorate for Terrestrial Transport**; and (iii) **National Directorate for**

**Marine and Ports.** According to the article 5, subordinated institutions include the **National Institute for Hydrograph and Navigation; Nautical School; National Maritime Institute;** and the **National Meteorological Institute.** Article 7, dealing with the National Directorate for Terrestrial Transport, says that it aims at (i) elaborating proposals of policies on railway and road transports; (ii) promoting integrated development and expansion of the network of railways, of road transports and technical assistance of the equipment; (iii) enforcing security norms for railway transport; and giving licenses. Article 8 says that the National Directorate for Marine and Ports has the duty to (i) elaborate proposals of policies for marine and ports; (ii) exercise maritime and harbour activities; (iii) promote integrated development of marine, fluvial and lake transports; promote integrated development of ports and enforce harbour security norms.

The **National Institute for Hydrograph and Navigation** (INAHINA), whose statute were published by Decree 27/2004, of 20<sup>th</sup> August has, according to the Ministerial Order 178/2006, of 15<sup>th</sup> November 2006 (BR 46, I Series, of 15<sup>th</sup> November 2006, pp 493 to 505), which approved the regulations, the responsibility for coordinating, promoting, developing and following research and works on hydrograph, nautical cartography, oceanography and navigation of all Mozambique waters (Article 7).

The **Maritime National Institute** (INAMAR), created by the Decree 32/2004 of 18<sup>th</sup> August (BR 33, I Series of 18/08/2004, pp 312-318), which simultaneously extinguished the Administration and Surveillance Maritime Services (SAFMAR), is according to its article 2, the maritime, lake and fluvial authority, responsible for aquatic security and sea economic regulation. Article 3 states that INAMAR proposes legislation of maritime issues; apply the national legislation on maritime security and international conventions related to maritime issues; and issues licenses, do the surveillance and control marine activities. INAMAR has authority on all Mozambican vessels whether in jurisdictional or international waters, and on foreign vessels in territorial waters. It is also the IMO focal point and the coordinator of the implementation of the relevant IMO conventions.

The **National Institute for Meteorology** - INAM (Decree 44/2006, of 29<sup>th</sup> of November – BR 48, I Series of 29/11/2006, pp 513-518, approves the statutes), is, according to article 2, responsible for climatology and marine meteorology. It is also part of the national working group on climate change and desertification and has been designated the focal institution for the Intergovernmental Panel on Climate Change.

### **7.3. Legislation/policy/ strategies**

#### **Subordinated Legislation**

Decree 57/2010 of 01/12 (BR 48, I Series of 01<sup>st</sup> December 2010, pp 287-291) creates the Partial Protection Zone for implementation of Integrated Project for Techobanine Port (South of Maputo City). This project has as the objective to build, maintain and operate the port.

Decree 35/2007 of 14/08 (BR 32, I Series, 3<sup>rd</sup> Suppl. of 14<sup>th</sup> August 2007, pp 512(43-50) approves the Regulation of Commercial Maritime Transport and revokes the Decree 18/2002 of 27<sup>th</sup> June. Article 5 states obligatory insurance for transport enterprises which includes environmental aspects. Article 6 deals with security and protection of aquatic

environment (ships are subject to national and international legislation ratified by Mozambique on marine security and protection of aquatic environment).

Decree 45/2001 of 21/12 (BR 51, I Series, 4<sup>th</sup> Suppl. 21<sup>st</sup> December 2001, pp 250(41-46) approves the Regulation for Certification of Competence of Pilots of Ports. Article 2 states that this applies to all national pilots of ports and to the foreigners authorised to exercise piloting in national ports.

Decree 35/94 of 01/09 (BR 35, I Series, Suppl. 1<sup>st</sup> September 1994, pp 306 (5-14) approves the Regulation of Certification of Competences of Maritimes. As a consequence of adhesion of Mozambique to the international convention on norms of training (STCW/78), in 1985, a regulation of certification of competence of Merchant Marine Officials was enacted, through the Ministerial Order 17/81 of 5<sup>th</sup> June. Those regulations only included merchant marine officials. It had some gaps; therefore there was a need to proceed to an adjustment of national legislation to include more maritime classes, including those of the fisheries. Article 2 states that this regulation applies to maritime on board national vessels with more than 50 tons, excepting war ships, ships of local traffic, wood and other primitive ships, and fishing vessels.

Decree 4/84 of 01/08 (BR 31, I Series of 01<sup>st</sup> August 1984, pp 77-78) defines the Juridical Regime for Agency of Ships and Shipment in International Transit. Article 2 indicates that the national operators can be dispensed from nominating agents or ports, when expressly stated by the Ministry of Ports, Railways and Merchant Marine. All foreign vessels demanding Mozambican ports must have a navigation agent responsible by its entrance, permanence and departure as well as payment of all costs.

Decree 5/82 of 08/04 (BR 13, I Series, 08<sup>th</sup> April 1982, pp 69-70) addresses the Direction, Organization and Functioning of Ports. Article 2 states the ports are organised by (i) port operation; (ii) port maintenance; (iii) piloting. Ports include in its organic the following complimentary function of support and control (i) joint command of defence and security forces, which integrates migration services, police and maritime police; (ii) customs; and (iii) health.

#### **Other subordinated legislation includes:**

Ministerial Order 26/2008 of 02/04 (BR 14, I Series of 02<sup>nd</sup> April 2008, pp 85-88) approves the Regulation of Special Customs regime for coastal shipping.

Ministerial Order 98/90 of 07/11 (BR 45, I Series, Suppl. 07<sup>th</sup> November 1990, pp 274(1-8) approves the Regulation of Taxes for Navigation Help and revokes all previous regulation.

Ministerial Order 17/85 of 05/06 (BR 25, I Series, 19<sup>th</sup> June 1985, pp 61-68) approves Regulation of Certification of Competences of Officials of Marine Merchant.

Ministerial Order 40/84 of 01/08 (BR 31, I Series of 01<sup>st</sup> August 1984, pp 78-81) regulates the Licensing of Agency Activities and Complementary Services.

#### **7.4. Membership of relevant international treaties**

Eleven supranational instruments have been ratified, of which eight are international, one regional and two bilateral. Almost all of them have been ratified after 2001.

<b>Name of International Instrument</b>	<b>Date of Ratification</b>	<b>Citation and Sources</b>
Ratifies the Cooperation Agreement between Mozambique and Tanzania on domain of Transports (Tete, 07/08/2009)	17 <sup>th</sup> August 2010	Resolution 27/2010 of 17/08/2010 (BR 32, I Series 6 <sup>th</sup> Suppl. of 17 <sup>th</sup> August 2010, pp 178(33-34)
Ratifies the International Code of Security of Ships and Port Infrastructure adopted by the Resolution of 02/12/2002 of the Conference of Contracting Governments of International Convention for Saving Human Life at Sea	14 <sup>th</sup> of July 2004	Resolution 26/2004 of 14/07/2004 (BR 28, I Series, Suppl. 14 <sup>th</sup> July 2004, pp 262 (16-89).
Adhesion to the Amendments of articles 11, 15, 21, 25, 56 and 57 and new article 47 to 51 of IMO Convention	23 <sup>rd</sup> July 2003	Resolution 19/2003 of 03/06/2003 (BR 30, I Series of 23 <sup>rd</sup> July 2003, pp 328-331).
Ratifies the MOU on Control as Port State of Indian Ocean, signed by respective Maritime Authorities on 14/07/1998	18 <sup>th</sup> February 2003	Resolution 7/2003 of 18/02/2003 (BR 7, I Series, 3 <sup>rd</sup> Suppl. of 25 <sup>th</sup> February 2003, pp 40(148)
Ratifies adhesion to Convention on Suppression of Illicit Acts against Maritime Navigation Security (Rome, 10/03/1988)	02 <sup>nd</sup> October 2002	Resolution 74/2002 of 02/10/2002 (BR 40, I Series, Suppl. of 02 <sup>nd</sup> October 2002, pp 322(27-35)
Ratifies the General Agreement of Port Services and Lake Trade, celebrated between Mozambique and Malawi, Monkey Bay (15/09/2000)	19 <sup>th</sup> December 2001	Resolution 64/2001 of 19/12/2001 (BR 51, I Series, 3 <sup>rd</sup> Suppl. 19 <sup>th</sup> December 2001, pp 250(37-40)
Ratifies Resolution 1 of IMO Conference on Regional Cooperation and Coordination of Services of Maritime Rescue and the World Rescue Systems and Maritime Security (GMDSS)	19 <sup>th</sup> December 2001	Resolution 65/2001 of 19/12/2001 (BR 51, I Series, 3 <sup>rd</sup> Suppl. 19 <sup>th</sup> December 2001, pp 250(40-42)
Adhesion to 1995 Amendments to the Annex of International Convention on Norms of Training, Certification and Bedrooms Services for Maritimes STCW, 1978	06 <sup>th</sup> November 2001	Resolution 55/2001 of 06/11/2001 (BR 44, I Series of 06 <sup>th</sup> November 2001, pp 236(51-250).
Adhesion to Amendment to article 16, 17, 19 of IMO Convention	06 <sup>th</sup> November 2001	Resolution 54/2001 of 06/11/2001 (BR 44, I Series of 06 <sup>th</sup> November 2011, pp 236(49-50).
Adhesion to Convention on Maritime Satellite International organisation (INMARSAT), London 03/09/1976 and 20/01/1989	23 <sup>rd</sup> November 1989	Resolution 15/89 of 23/11/1989 (BR 47, I Series, Suppl. 23 <sup>rd</sup> November 1989, pp 422(1) to 424(1).
Adhesion to International Convention of Line Weight of 1966	28 <sup>th</sup> December 1988	Resolution 12/88 of 28/12/1988 (BR 52, I Series, Suppl. 28 <sup>th</sup> December 1988, pp 450(161).

## 7.5. Funding sources and level

Six funding sources were identified from 1994 to 2011, being IDA the most important. 1994 was the year where the highest loans were given throughout this period.

<b>Year</b>	<b>Reference</b>	<b>Funding Source</b>	<b>Amount</b>
2011	Resolution 4/2011 of 02/02/2011 (BR 5, I Series, Suppl. 2 <sup>nd</sup> February 2011, pp. a)	Nordea Banc Banmark A/S	37,654,560 Euros
2009	Resolution 38/2009 of 22/07/2009 (BR 29, I Series, 22 <sup>nd</sup> July 2009, pp 181-182)	European Bank for Investment	65,000,000 Euros
2004	Resolution 9/2004 of 09/06/2004 (BR 23, I Series, 09 <sup>th</sup> June 2004, pp 207)	BADEA (Arab Bank for Africa Development)	9,000,000 US\$
2003	Resolution 47/2003 of 12/11/2003 (BR 46, I Series, 12 November 2003, pp 488)	BID (Islamic Development Bank)	10,164,000 US\$
1995	Resolution 8/85 of 18/06/1985 (BR 29, I Series, 2 <sup>nd</sup> Suppl. 18 <sup>th</sup> July 1985, pp 78(3))	Media Credito Centrale (Italy)	??
1994	Resolution 13/94 of 16/05/1994 (BR 20, I Series, 2 <sup>nd</sup> Suppl. 16 <sup>th</sup> May 1994)	IDA (International Development Association)	136,200,000 SDR (194,766,000 US\$)

1994	Resolution 16/92 of 16/07/1992 (BR 29, I Series, 2 <sup>nd</sup> Suppl. 16 <sup>th</sup> July 1992)	IDA (International Development Association)	154,100,000 SDR (220,363,000 US\$)
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## 7.6. Gaps and need for harmonization

It was also observed the dispersion of some areas in different institutions, like the **oceanographic research** among INAHINA, Ministry of Fisheries (Fisheries Research Institute), Ministry of Science and Technology (IIA) and Ministry for Coordination of Environmental Affairs (CEPAM); **maritime security** among INAMAR and Ministry of Internal Affairs; **regulation of maritime economic activities, including water pollution**, among INAMAR and Economic Ministries, like Fisheries, Tourism, Mineral Resources, Transport and Communication, etc. These facts call for more integration among sectors which can be achieved by **promoting more the action of existing inter-sectoral mechanisms, like the Technical Council of INAMAR**, indicated in the Article 4 of its statutes, which includes Tourism, Fisheries, Environmental Affairs, Police, Defence, INAHINA and others.

## 8. Coastal Agriculture and Forestry

### 8.1. Historical/evolution of the institutional placement within the overall government structure

Soon after the independence, in 1975, a **Ministry of Agriculture** was established, through the Decree 1/75 of 01/07 (BR 3, I Series, Suppl. of 1<sup>st</sup> July 1975, pp 19(1), which defined the composition of Council of Ministers of the Peoples Republic of Mozambique.

In 1994, the Presidential Decree 2/94 of 21/12 (BR 51, I Series, 21<sup>st</sup> December 1994, pp 388-389) extinguishes the Ministry of Agriculture and creates the **Ministry of Agriculture and Fisheries**.

In 2000, through the Presidential Decree 1/2000 of 17/01 (BR 2, I Series, 2<sup>nd</sup> Suppl. 17<sup>th</sup> January 2000, pp 8(9), the Ministry of Agriculture and Fisheries and the **National Institute for Rural Development** (INDER) are extinguished and created the **Ministry of Agriculture and Rural Development** (MADER).

In 2005, the Presidential Decree 13/2005 of 04/02 (BR 5, I Series, Suppl. 04<sup>th</sup> February 2005, pp 32 2-3) extinguishes the Ministry of Agriculture and Rural Development and creates the **Ministry of Agriculture** (MINAGRI).

### 8.2. Current Institutional structure

This **Ministry of Agriculture** (existing since the independence), whose attributions and competences were redefined by the Presidential Decree n. ° 24/2005 of 27<sup>th</sup> of April (BR 17, I Series, Suppl. 27<sup>th</sup> April 2005, pp 156 (3), and its statutes approved by the Resolution 17/2009 of 08/07/2009 (BR 27, I Series, 08<sup>th</sup> July 2009, pp 171-175), is responsible for the management of wildlife as a whole, focusing its actions on free areas and game reserves. As the Ministry whose main function is to secure food production through agriculture, management of forestry and wildlife, it plays a big role in matters related to the UNCCD, UNFCCC and UNCBD. It is part of all inter institutional working groups for the implementation of the three (3) Rio Conventions, and is the

current focal point for CITES and the Cartagena Protocol on Bio-safety, and is a member of National Council for Sustainable Development (CONDES).

The relevant entity within this Ministry for management of forestry and wildlife is the **National Directorate for Land and Forestry**.

Decree 24/2010 of 14/07 (BR 28, I Series, 14<sup>th</sup> July 2010, pp 163) creates SETSAN (**Technical Secretariat for Food and Nutritional Security**). Article 3 addresses the attributions of SETSAN, namely (i) inter-ministerial and inter-institutional coordination for implementing the strategy and action plan for food and nutritional security; (ii) promotion, evaluation and monitoring actions and programs within food and nutritional security and human access to adequate food, respecting specific role of the involved institution, entities and communities.

Decree 60/2008 of 30/11 (BR 52, I Series, 3<sup>rd</sup> Suppl. 30<sup>th</sup> December 2008, pp 420 (97-98) creates the **Centre for Research of Ethno botany**. Resolution 22/2009 of 10/12/2009 (Br 49, I Series, Suppl. 10<sup>th</sup> December 2009, pp 352 (3-7) approves Statutes for the Centre for Research and Development in Ethno botany. Article 3, dealing with attributes, includes (i) scientific research in the domain of ethno-botany; (ii) promotion and transfer of scientific knowledge, effective use, conservation, cultivation, technological development, trade and industrialization of plants; (iii) promotion of registration of plants and proceedings for defence of intellectual property right in the area of ethno-botany.

Decree 26/2006 of 13/07 (BR 28, I Series, 3 Suppl. 13<sup>th</sup> July 2006, pp 246(1-3) approves the Statutes of **Institute of Cereals of Mozambique** (ICM) and revokes Decree 31/94 of 11 January. Article 1 aims at fomenting agriculture trade and promoting food security and supporting local initiatives inducing the development of agro-industries in rural areas. Article 2 states that ICM has the following attributions: (i) promoting partnership with the interveners on agriculture trade; (ii) provide storing infra-structures; (iii) promote support projects to agriculture trade and agro-industries in rural areas; (iv) identify and negotiate partnerships in the context of agriculture trade; (v) promote actions contributing for improvement of food security, mainly, in rural areas.

Decree 21/2006 of 29/06 (BR 26, I Series, Suppl. 29<sup>th</sup> June 2006, pp 228(3-5) creates the **Fund for Agrarian Development** (FDA) and its Statutes. Article 1, dealing with the attributions of the Fund, includes (i) strengthening markets for supporting agriculture production; (ii) promoting access to services provided by financial institutions, enterprises and associations and mobilising other resources for supporting producers; (iii) promoting partnerships between government institutions and other interveners in the agrarian sector.

Decree 20/2006 of 29/06 (BR 26, I Series, Suppl. 29<sup>th</sup> June 2006, pp 228(1-3) creates the **Centre for Agriculture Promotion** (CEPAGRI) and its Statutes, and extinguishes the Sugar National Institute, created by Decree 25/78 of 19<sup>th</sup> December. Its human, material and financial resources were transferred to CEPAGRI. Article 1 states that CEPAGRI has the following attributions (i) formulate proposals of policies, strategies and priorities for development of agrarian trade and agro-industry sectors; (ii) promote connections and services inherent to a coordinated process of agro-industrial sector; (iii) promote agro-business opportunities, attraction and monitoring of investments in the agrarian

trade and agro-industrial sectors; (iv) promote programs and support services to economic agents acting in agrarian trade and agro-industrial sectors.

Decree 47/2004 of 27/10 (BR 43, I Series, Suppl. 27<sup>th</sup> October 2004, pp 448-451) creates the **Agrarian Research Institute of Mozambique** (IIAM) and its Statutes. Article 2 states IIAM is subordinated to the Ministry of Agriculture and Rural Development (MADER) and has the following attributions (article 3): (i) give scientific, technical and administrative support to MADER; (ii) carry our research in the scientific areas of agronomy, forestry, animals, sociology, rural economy and agro-business; (iii) implement activities of production, documentation, training, dissemination and transfer of technical and scientific knowledge in the agrarian sector. Article 5 extinguishes the **National Institute for Agronomic Research** (INIA), **National Institute for Veterinary Research** (INIVE), **Institute for Animal Production** (IPA), and the **Centre for Agrarian Training and Rural Development**. All resources from these institutions pass to IIAM.

Decree 43/97 of 23/12 (BR 52, I Series, 2<sup>nd</sup> Suppl. 30<sup>th</sup> December 1997, pp 256(14-16) creates the **Institute for Foment of Cashew Nut**. Article 3 states the INCAJU objectives, namely (i) promoting the plantation of cashew-nut; (ii) promoting cashew-nut industry and its derivatives.

Decree 7/91 of 23/04 (BR 16, I Series, Suppl. of 23<sup>rd</sup> April 1991, pp 104 (1-3) creates the **Institute of Cotton of Mozambique** (IAM) and Statutes. Article 2 addresses the objectives of IAM that include (i) foment, guide, discipline and enforce activities related to production, trade, industrialization and exportation of cotton; (ii) cooperate with research institutions, in promoting and organising research and experimentation of cotton; (iii) enforce observance of technical norms for soil conservation, correct use of agro-chemicals, contributing for environmental protection.

Decree 27/87 of 30/10 (BR 43, I Series, 4<sup>th</sup> Suppl. of 30/12/1987, pp 339(12-14) creates the **Fund for Development of Hydraulic Agriculture**. Article 2 presents the objectives namely (i) to carry out studies and coordinate development programs of agriculture hydraulic in rural areas; (ii) carry out projects of hydraulic; (iii) finance and promote building of irrigation system; (iii) disseminate the irrigation and drainage technology.

### **8.3. Legislation/policy/strategies**

Resolution 11/95 of 31/10 (BR 9, I Series, Suppl. 28<sup>th</sup> December 1996, pp 52(7-15) approves the Agrarian Policy and the Strategy for Implementation. This policy aims at (i) food security; (ii) sustainable economic development; (iii) reduction of unemployment; (iv) reduction of the levels of absolute poverty; . General objectives of agrarian policy are (i) transform subsistence agriculture into a more integrated agriculture; (ii) develop subsistence agrarian sector that contributes with surplus for the market; (iii) develop an efficient entrepreneur sector and participative on agrarian development. For its implementation, the agrarian policy follows the following principles: (i) sustainable use of natural resources; (ii) expansion of production capacity and improvement of agrarian productivity, through small and medium producers; (iii) equilibrated institutional development; (iv) recognition of the fundamental role of women in agrarian activity; (v) harmonise the implementation of agrarian policy with other sectoral policies of communities development.



Resolution 10/2010 of 21/04 (BR 16, I Series, 21<sup>st</sup> April 2010, pp 101-102) approves Models for Management of Irrigations built by the State, namely (i) Management by the users; (ii) Management by a public entity; (iii) Management by concession with private enterprises or associations; (iv) Combined management of the different models (public-private partnership).

Resolution 22/2009 of 21/05 (BR 20, I Series, 3<sup>rd</sup> Suppl. 21<sup>st</sup> May 2009, pp 102(3-21) approves the policy and strategy for bio-fuels. The main objectives are (i) stimulate sustainable production of bio-fuels; (ii) reduce dependency in relation to imported fossil fuels; (iii) diversity energetic matrix; (iv) promote rural development; (v) stimulate rural income; (vi) promote sustainable development and environmental preservation; (vii) increase exportation; (viii) participate in international cooperation; (ix) incentive the involvement of the entities on research and development of technologies; (x) promote food and nutritional security.

Resolution 56/2007 of 16/10 (BR 41, I Series, 9<sup>th</sup> Suppl. of 16<sup>th</sup> October 2007, pp 716(21-58) approves the Strategy and Plan of Education of Food and Nutritional Security for the period 2008-2015. Its general objective is to guarantee that all citizens have physical and economic access to food. The specific objectives include (i) guarantee food auto-sufficiency; (ii) contribute for improvement of buying power; (iii) reduce the incidence of sub-nutrition; guarantee the human right for access to food; (v) create and develop an adequate structure for a inclusive multi-sectoral and institutional intervention.

Law 8/2005 of 23/12 (BR 51, I Series, 2<sup>nd</sup> Suppl. 23<sup>rd</sup> December 2005, pp 436(5) authorizes the government to approve the Juridical Regime of agro-husbandry associations. Article 2 states that the juridical regime to be defined for agro-husbandry associations should take in account the reality of those organisations, simplifying the respective administrative procedures.

Decree 5/2009 of 01/06 (BR 21, I Series, 2<sup>th</sup> Suppl. 01<sup>st</sup> June 2009, pp 112 (45-119) approves the Regulation for Phyto-sanitary Inspection and Vegetal Quarantine. The rationale for this regulation is due to the increase of exportation from agriculture sector which raises the need to increase the observation capacity of phyto-sanitary patterns of international quality, including monitoring of pests, analysis of propagation risks of pests and phyto-sanitary inspections, as well as upgrading its regional and international credibility. This regulation is for establishing the juridical framework for phyto-sanitary inspection and vegetal quarantine.

Decree 26/2009 of 17/08 (BR 32, I Series, 3<sup>rd</sup> Suppl. 17<sup>th</sup> August 2009, pp 220(48-64) approves the Regulation of Animal Sanitation and revokes Decree 8/2004 of 1<sup>st</sup> April. This regulation was to alter some of dispositions related to institutional framework and to proceedings for their implementation as well as to become them compatible with the new list of diseases of the world organization of animal sanity.

Decree 6/2009 of 31/03 (BR 12, I Series, Suppl. 21<sup>st</sup> March 2009, pp 58(1-26) approves the Management of Pesticides. Article 2 states that this regulation aims at assuring that all processes involving working or manipulation of pesticides are done without prejudice to human, animal and environmental health. This regulation applies to the registration, production, donation, trade, importation, exportation, assemblage, storing, transport, manipulation, use and elimination of pesticides, by singular or collective persons for

agriculture, husbandry, forest, and protection of public health, domestic use purposes or other uses.

Decree 25/2008, 01/06 (BR 26, I Series, 3<sup>rd</sup> July 2008, pp 214(53-56) approves the Regulation for Control of Invasive Exotic Species. Article 2 states the object of this regulation as (i) protection of species and vulnerable ecosystem; (ii) prevention of introduction on non-authorized exotic and invasive exotic species; (iii) management and control of invasive exotic species; (iv) eradicate exotic and invasive exotic species; and (v) carry environmental impact assessment studies before introduction of exotic species.

Decree 02/2008 of 12/03 (BR 10, I Series, 4<sup>th</sup> Suppl., 12 March 2008, pp 64(23-32) establishes the Juridical Regime for Simplification of Licensing of Economic Activities that does not have negative impacts for environment, public health, security and economy in general. Article 4 exempt these activities from environmental impact assessment.

Decree 6/2007 of 25/04 (BR 17, I Series 25<sup>th</sup> April 2007, pp 143-150) approves the Regulation on Bio-Security related to the Management of Genetically Modified Organisms. Article 2 states that this regulation aims at establishing rules for importation, exportation, transit, production, manipulation, use of genetically modified organisms and their products, contributing for environmental protection.

Decree 58/2006 of 26/12 (BR 51, I Series, 3<sup>rd</sup> Suppl. 26<sup>th</sup> December 2006, pp 544(42-47) approves the Norms for Protection of New Plant Varieties. Article 2 states that these norms aim at (i) protecting the intellectual property in the research and improvement of plant varieties; (ii) stimulating research and improvement of plants; (iii) promote sustainable use of food and biodiversity, genetic resources and promote market for seeds.

Decree 15/2006 of 22/06 (BR 25, I Series, Suppl. 22<sup>nd</sup> June 2006, pp 222(1-5) approves the Regulation on hygienic-sanitary requirements of production, transport, trade, inspection and surveillance of food and revokes all norms approved by Decree 12/82 of 23<sup>rd</sup> June. This regulation adopts new instruments for regulation of industrial and trade activities, of enforcement exercise and of the national quality policy. It improves the actions of intervening entities in the process of protection and defence of public health, guarantying the strictly following of hygienic-sanitary requirements in defence of consumers.

Decree-Law 2/2006 of 03/05 (BR 18, I Series 03<sup>rd</sup> May 2006, pp 160-161) establishes the terms and procedures for constitution, recognition and registration of agro-husbandry association. Article 1 establishes the terms and procedures for constitution, recognition and registration of agro-husbandry associations.

**Other subordinated legislation includes:**

Ministerial Order 219/2002 of 05/12 (BR 49, I Series, 2<sup>nd</sup> Suppl. 05<sup>th</sup> December 2002, pp 370(12-31) approves the Husbandry Sanitation Regulation and revokes Portaria 27/75 of 14<sup>th</sup> August.

Ministerial Order 153/2002 of 11/09 (BR 37, I Series 11<sup>th</sup> October 2002, pp 301) approves the Regulation on Pesticides and revokes Ministerial Order 88/87 of 29<sup>th</sup> July.

Ministerial Order 134/92 of 02/09 (BR 36, I Series, 02<sup>nd</sup> October 1992, pp 178-182) approves the Regulation for Phyto-sanitary Inspection and Vegetal Quarantine.

#### 8.4. Membership of relevant international treaties/fulfilment of obligations

Five international agriculture instruments have been ratified, being three for agricultural crop and products, one phyto-sanitation and one for irrigation.

Name of International Instrument	Date of Ratification	Citation and Sources
Approves adhesion to Consultative International Committee of Cotton	16 <sup>th</sup> August 2010	Resolution 26/2010 of 16/08/2010 (BR 32, I Series, 4 <sup>th</sup> Suppl. 16 <sup>th</sup> August 2010, pp 178(21-27)
Ratifies adhesion to International Phyto-sanitary Convention (Rome, 06/12/1951)	05 <sup>th</sup> September 2007	Resolution 27/2007 of 05/09/2007 (BR 36, I Series, 05 <sup>th</sup> September 2007, pp 552-568)
Adhesion to the Agreement of the International Association for Promotion of Tea (ITPA) – Rotterdam, Holland	24 <sup>th</sup> August 1983	Resolution 14/83 of 24/08/1983 (BR 34, I Series of 24 <sup>th</sup> August 1983, pp 77)
Ratifies the inscription to the International Commission of Irrigation and Drainage (New Delhi, India)	24 <sup>th</sup> February 1982	Resolution 4/83 of 24/02/1982 (BR 7, I Series 24 <sup>th</sup> December 1982, pp 46).
Adhesion to International Agreement on Sugar, Geneva 28/10/1979	18 <sup>th</sup> December 1979	Resolution 5/79 of 18/12/1979 (BR 110, I Series, 18 <sup>th</sup> December 1979, pp 333-384)

#### 8.5. Funding sources and level

Thirteen funding sources for agriculture and forestry were identified from 1979 to 2009, being FAD (African Development Fund) the most important, followed by FIDA (International Fund for Agriculture Development). Funding for agriculture has been high and consistent throughout all these 30 years period.

Year	Reference	Funding Source	Amount
2009	Resolution 46/2009 of 07/07/2009 (BR 26, I Series, 4 <sup>th</sup> Suppl. 07 <sup>th</sup> July 2009, pp 164(25)	BADEA (Arab Bank for Africa Development)	10,000,000 US\$
2009	Resolution 19/2009 of 01/04/2009 (BR 13, I Series 01 <sup>st</sup> April 2009, pp 65)	OPEP (Organisation of Oil Producers Countries)	7,960,000 US\$
2008	Resolution 68/2008 of 24/12/2008 (BR 52, I Series 24 <sup>th</sup> December 2008, pp 419)	IDA (International Development Association)	10,000,000 US\$
2008	Resolution 44/2008 of 28/11/2008 (BR 48, I Series, 6 <sup>th</sup> Suppl. 28 <sup>th</sup> November 2008)	FIDA (International Fund for Agriculture Development)	19,100,000 SDR (27,313,000 US\$)
2007	Resolution 66/2007 of 17/12/2007 (BR 50, I Series, 2 <sup>nd</sup> Suppl. 17 <sup>th</sup> December 2007, pp 752(9)	BIRD (International Bank for Reconstruction and Development)	6,200,000
2007	Resolution 29/2007 of 05/09/2007 (BR 36, I Series, 05 <sup>th</sup> September 2007, pp 57)	FAD (African Development Bank)	17,000,000
2007	Resolution 2/2007 of 06/02/2007 (BR 5, I Series, 06 <sup>th</sup> February 2007, pp 68(4)	FIDA (International Fund for Agriculture Development)	20,000,000 US\$
2004	Resolution 12/2004 of 01/04/2004 (BR 13, I Series, 2 <sup>nd</sup> Suppl. 01 <sup>st</sup> April 2004, pp 106(4)	FIDA (International Fund for Agriculture Development)	1,000,000
2002	Resolution 52/2002 of 27/06/2002 (BR 26, I Series, 2 <sup>nd</sup> Suppl. 27 <sup>th</sup> June 2002, pp 220(71)	Nordic Fund for Development	7,400,000 Euros
2001	Resolution 60/2001 of 11/12/2001 (BR 49, I Series, Suppl. of 11 <sup>th</sup> December 2001, pp 270(1-2)	BID (Islamic Development Bank)	5,050,000 US\$
2001	Resolution 14/2001 of 05/04/2001 (BR 14, I Series, Suppl., 05 <sup>th</sup> April 2001, pp 57(1)	FAD (African Development Fund)	?
2001	Resolution 07/2001 of 06/02/2001 (BR 5, I Series, Suppl. 06 <sup>th</sup> February 2001, pp 24(3)	FIDA (International Fund for Agriculture Development)	16,550,000 SDR (23,666,500 US\$)
2001	Resolution 4/2001 of 06/02/2001 (BR 5, I Series, Suppl. 06 <sup>th</sup> February 2001, pp 24(2)	FAD (African Development Fund)	745,500 UA (939,330 US\$)
2000	Resolution 1/2000 of 29/02/2000 (BR 8, I Series, 29 <sup>th</sup> February	OPEP Organisation of Oil	10,000,000 US\$

	2000, pp 47(9)	Producers Countries)	
1999	Resolution 38/99 of 06/12/1999 (BR 48, I Series, Suppl. 06/12/1999)	BID (Islamic Development Bank)	10,197,000 US\$
1999	Resolution 14/99 of 24/05/1999 (BR 20, I Series, Suppl. 24 <sup>th</sup> May 1999, pp 106(1-2)	FAD (African Development Fund)	1,210,000 UA (1,524,600 US\$)
1999	Resolution 13/99 of 24/05/1999 (BR 20, I Series, Suppl. 24 <sup>th</sup> May 1999, pp 106(1)	FAD (African Development Fund)	12,430,000 UA (15,661,800 US\$)
1999	Resolution 9/99 of 04/05/1999 (BR 16, I Series, 2 <sup>nd</sup> Suppl. 04 <sup>th</sup> May 1999, pp 84(24)	IDA (International Development Association)	30,000,000 US\$
1998	Resolution 10/98 of 31/03/1999 (BR 12, I Series, Suppl. 31 <sup>st</sup> March 1998, pp 48(4)	BADEA (Arab Bank for Africa Development)	10,000,000 US\$
1997	Resolution 33/97 of 09/12/1997 (BR 49, I Series, 2 <sup>nd</sup> Suppl. 09 <sup>th</sup> December 1997, pp 250(3)	Kuwait Development Fund	10,187,700 US\$
1997	Resolution 29/97 of 04/11/1995 (BR 44, I Series, 2 <sup>nd</sup> Suppl. 04 <sup>th</sup> November 1997, pp 233(3)	FIDA (International Fund for Agriculture Development)	18,426,500
1995	Resolution 06/95 of 03/08/1995 (BR 32, I Series, 09 <sup>th</sup> October 1995, pp 45)	OPEP Organisation of Oil Producers Countries)	4,100,000 US\$
1994	Resolution 16/94 of 14/06/1994 (BR 23, I Series, 2 <sup>nd</sup> Suppl. 14 <sup>th</sup> June 1994, pp 20(6)	FIDA (International Fund for Agriculture Development)	8,000,000 SDR (11,440,000 US\$)
1994	Resolution 9/94 of 19/04/1994 (BR 15, I Series, Suppl., 19 <sup>th</sup> April 1994, pp 146(3)	FAD (African Development Fund)	55,000,000 UA (69,300,000 US\$)
1993	Resolution 9/93 of 22/06/1993 (BR 24, I Series, 2 <sup>nd</sup> Suppl. 22 <sup>nd</sup> June 1993, pp 120(3)	FAD (African Development Fund)	700,000 UA (882,000 US\$)
1992	Resolution 17/92 of 01/09/1992 (BR 35, I Series, Suppl. 01 <sup>st</sup> September 1992)	BADEA (Arab Bank for Africa Development)	6,400,000 US\$
1992	Resolution 14/92 of 18/07/1992 (BR 25, I Series, Suppl. 18 <sup>th</sup> July 1992, pp 122(2)	IDA (International Development Association)	950,000 SDR (1,358,500 US\$)
1991	Resolution 5/91 of 18/07/1991 (BR 29, I Series, 2 <sup>nd</sup> Suppl. 18 <sup>th</sup> July 1991)	Development Bank of Southern Africa	2,960,000 Rands
1989	Resolution 12/89 of 22/08/1989 (BR 33, I Series, Suppl. 22 <sup>nd</sup> August 1989, pp 335(1)	Caisse Centrale de Cooperation Economique	??
1989	Resolution 9/89 of 05/08/1989 (BR 31, I Series, 3 <sup>rd</sup> Suppl. 05 <sup>th</sup> August 1989, pp 332(1)	FAD (African Development Fund)	23,870,000 UA (30,076,200 US\$)
1989	Resolution 3/89 of 21/02/1989 (BR 7, I Series, Suppl. of 21/02/1989)	Austrian Government	??
1989	Resolution 2/89 of 21/02/1989 (BR 7, I Series, Suppl. 21 <sup>st</sup> February 1989)	BAD (African Development Bank)	13,600,000 UA (17,136,000 US\$)
1987	Resolution 17/87 of 19/12/1987 (BR 50, I Series, 5 <sup>th</sup> Suppl. 21 <sup>st</sup> December 1987, pp 418(17)	FIDA (International Fund for Agriculture Development)	12,650,000 SDR (18,089,500 US\$)
1986	Resolution 7/86 of 02/09/1986 (BR 36, I Series, 03 <sup>rd</sup> September 1986, pp 93)	Caixa de Cooperação Económica da França	??
1985	Resolution 14/85 of 11/12/1985 (BR 50, I Series, 2 <sup>nd</sup> Suppl. 11 <sup>th</sup> December 1985, pp 196(6)	FAD (African Development Fund)	9,650,000 UA (12,159,000 US\$)
1985	Resolution 13/85 of 11/12/1985 (BR 50, I Series, 2 <sup>nd</sup> Suppl. 11 <sup>th</sup> December 1985, pp 196 (5)	BAD (African Development Bank)	9,600,000 UA (12,096,000 US\$)
1985	Resolution 5/85 of 22/05/1985 (BR 25, I Series, Suppl. 22 <sup>nd</sup> May 1985, pp 48(1)	FAD	1,450,000 UA (1,872,000 US\$)
1985	Resolution 3/85 of 18/04/1985 (BR 18, I Series of 01 <sup>st</sup> May 1985, pp 41)	Caixa Central de Cooperação Económica	??
1984	Resolution 5/84 of 27/07/1984 (BR 30, I Series, Suppl. 27 <sup>th</sup> July 1984, pp 75(1)	Caixa Central de Cooperação Económica	??
1984	Resolution 3/84 of 18/04/1984 (BR 16, I Series, Suppl. of 18 <sup>th</sup> April 1984, pp 32(1)	Caixa Central de Cooperação Económica	??
1983	Resolution 12/83 of 27/07/1983 (BR 30, I Series 27 <sup>th</sup> July 1983, pp 65)	Caixa Central de Cooperação Económica	??
1982	Resolution 27/82 of 10/11/1982 (BR 44, I Series 10 <sup>th</sup> November 1982, pp 168)	Caixa Central de Cooperação Económica	??
1982	Resolution 26/82 of 10/11/1982 (BR 44, I Series, 10 <sup>th</sup> November 1982, pp 168)	Caixa Central de Cooperação Económica	??
1982	Resolution 25/82 of 10/11/1982 (BR 44, I Series 10 <sup>th</sup> November	Caixa Central de Cooperação	??

	1982, pp 168)	Económica	
1982	Resolution 22/82 of 15/09/1982 (BR 36, I Series 15 <sup>th</sup> September 1982, pp 149)	FIDA (International Fund for Agriculture Development)	16,700,000 SDR (23,881,000 US\$)
1980	Resolution 5/80 of 28/05/1980 (BR 22, I Series 28 <sup>th</sup> May 1980, pp 63)	FAD (African Development Fund)	8,000,000 UA (10,080,000 US\$)
1980	Resolution 02/80 of 28/05/1980 (BR 22, I Series, 28 <sup>th</sup> May 1980, pp63)	BAD (African Development Bank)	8,000,000 UA (10,080,000 US\$)
1979	Decree 13/79 of 24/10/1979 (BR 102, I Series, 24 <sup>th</sup> October 1979, pp 315)	FAD (African Development Fund)	8,000,000 UA (10,080,000 US\$)
1979	Decree 12/79 of 07/08/1979 (BR 91, I Series 07 <sup>th</sup> August 1979, pp 290)	Romania Government	??
1979	Resolution 2/79 of 07/06/1979 (BR 65, I Series of 07/06/1979)	BAD (African Development Bank)	5,000,000 UA (6,300,000 US\$)

## 8.6. Gaps and need for harmonization

The conservation role of the National Directorate for Land and Forests (Ministry of Agriculture), responsible, within other tasks, for conservation of forest and wildlife outside conservation areas is less visible. This would need to be institutionally addressed by transferring this task to the National Authority for Conservation Areas (ANAC) and eventually changing the designation of this institution to National Authority for Conservation, since conservation purposes will not be achieved by conservation areas alone, but by addressing conservation in and outside conservation areas. This proposal is also made taking in account that promoting the use of land and developing and managing forests are tasks that are so important for the country, engaging all the existing few human, technical, material and financial resources, that conservation activities will always be at the secondary level.

The change of the Ministry structure along the time, since the independence, has significantly affected the performance of some areas, like fisheries and rural development, since the agriculture area has always been the back bone and, therefore, absorbing the majority of existing resources and attention. Since the structure of the Ministries is decided politically, the way to minimise its impacts is to autonomize the executive functions of those sectors likely to be affected, namely fisheries, rural development, management of natural resources, etc.

On the contrary of the process done for creation of specific institutions for promoting the rapid development of important specific cash crops, like cashew-nut, cotton and cereals, the grouping of all research areas related to development of agriculture, namely agronomy, veterinary, animal production, agrarian training, etc, into one research body is questionable, since this seems to have affected their individual performance, with the creation of new governing structures, increasing bureaucracy and deviating human, material and financial resources for administrative aspects instead of research activities.

Regarding the development of bio-fuels, the legislative framework seems good, but its implementation raises some preoccupations, taking in account the quick approval and the great extensions of the areas involved for this activity, and also taking in account that the country still is far from being self sufficient in food production. Since the population growth is high (around 3% per year), this issue is preoccupant.

The lack of human, technical, material and financial resources is affecting the implementation of existing legislation, for example, for those related to bio-security,

invasive exotic species, management of pesticides, etc. These aspects call for the urgent need for increasing the resources for this important and basic developing sector.