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# Mozambique: Legal discussion paper on the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)

Towards the implementation of the Port State Measures Agreement

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## Background

This document has been prepared by the Food and Agriculture Organization of the United Nations (FAO) in collaboration with Stop Illegal Fishing.

**Stop Illegal Fishing (SIF)** is an independent, African based not for profit organisation committed to ending the devastating impacts of illegal fishing. SIF is working to implement port state measures across Africa in partnership with governments, civil society, NGOs, intergovernmental organisations and the fishing industry. For more information, please visit: [www.stopillegalfishing.org](http://www.stopillegalfishing.org)

**Port State Measures to Stop Illegal Fishing (PSM-SIF)** is an initiative of SIF aligned to the FAO's Global Capacity Development Programme to support the implementation of the Port State Measures Agreement (PSMA). Under the PSM-SIF initiative SIF is working to improve the legality of fisheries by supporting the implementation of PSM in Ghana, Madagascar and Mozambique with funding from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) on behalf of The German Federal Ministry for Economic Cooperation and Development (BMZ). For more information, please visit: [www.stopillegalfishing.com/initiatives/implementing-port-state-measures/](http://www.stopillegalfishing.com/initiatives/implementing-port-state-measures/)

**Mozambique** ratified the PSMA in 2014. The National Administration of Fisheries and the National Directorate of Operations, under the Ministry of the Sea, Inland Waters and Fisheries, are the primary fisheries authorities responsible for implementing the PSMA by working in cooperation and coordination with other key agencies. The three designated PSMA ports serve the longline fleets that operate in the tuna rich fishing grounds of the Western Indian Ocean, and the prawn fishery. For more information, please visit: <http://www.mimaip.gov.mz/>

## 1. Mozambican legislation and port State measures

Mozambique ratified the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) on 19 August 2014<sup>1</sup>. As a result, Mozambique has various international obligations regarding which the development and enforcement of national legislation will help ensure compliance with.

The Constitution of Mozambique, from 2004 revised and updated in 2018, provides under its Article 18 that international treaties and agreements, validly approved and ratified, are in force in the Mozambican legal system after their official publication and as long as they bind the Mozambican State internationally. It further provides that the rules of international law have the same status as the legal instruments adopted by the Parliament and the Government, “depending on their respective form of reception”. This means that the PSMA has been in force in Mozambique since its entry into force in June 2016. However, the PSMA lays down a minimum set of standard measures which the Parties are required to implement. Implementation requires incorporation of specific requirements within the legislation of Mozambique, including the scope of the measures, the identification of the competent authorities and their empowerment, the procedures to be followed, the offences derived from violations to such measures and the respective sanction scheme.

The **Fisheries Law** (approved by Law n.º 22/2013 of 1 November repealing the former Fisheries Law n.º 3/90 of 26 September) establishes the legal regime for fishing and fishing related activities, aiming at the protection, conservation and sustainable use of national aquatic biological resources. It does not establish specific port State measures (PSM) and its definitions do not include the key concepts for the implementation of the PSMA.

PSM are however addressed under Chapter IV Section VIII of the new **General Regulation on Marine Fisheries (REPMAR)**, which has been approved by Decree n.º 89/2020 of 8 October. **This Decree entered into force on 6 January 2021** repealing, on that date, the previous REPMAR from 2003<sup>2</sup>.

REPMAR empowers the Minister responsible for fisheries (Minister), under its Article 119 (1), to **adopt measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing through Ministerial Decree**. The scope of these measures is determined under Article 119 (2):

1. foreign fishing vessels seeking entry in a port of Mozambique, with the exceptions foreseen under Article 3 (1) of the PSMA;
2. national fishing vessels engaged in long-distance fishing or fishing related activities outside national jurisdiction.

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<sup>1</sup> Resolution n.º 68/2010 of 31 December.

<sup>2</sup> Approved by Decree n.º 43/2003 of 10 December.

Given that REPMAR only recently entered into force, the implementation of its Article 119 (1) and (2) through the adoption of a Ministerial Decree will be of high importance to PSM in Mozambique.

Also of relevance is the Law of the Sea, approved by Law n.º 20/2019 de 8 de November, which under its Article 92 (1) establishes the **Coordination Centre for Maritime Inspection Operations** (CEFMAR) under the coordination of the Ministry charged with fisheries. The regulation for the operationalization of CEFMAR is under elaboration by the Government and is expected to comprise *inter alia* the entities in charge of the following matters: Navy, Customs, Coastal Police, Intelligence, Labour, Health, Petroleum, Criminal Investigation and Emigration.

## 2. Options for applying port States measures

The following table provides options for applying PSMs in Mozambique under current legal framework. There are additional possible options for applying PSMs, however these are debatable and lack crucial provisions.

Area	What is possible
Advanced request	<ul style="list-style-type: none"> <li>- required for vessels wishing to land in Mozambican ports;</li> <li>- to be submitted no less than 48 hours in advance of arrival.</li> </ul>
Port entry	<ul style="list-style-type: none"> <li>- shall be denied if the vessel fishes on the high seas without authorisation;</li> <li>- shall be denied if the vessel fishes in an exclusive economic zone (EEZ) without a licence to do so;</li> <li>- shall be denied if the vessel violates Conservation and Management Measures (CMMs) on the high seas.</li> </ul>
Port use	<ul style="list-style-type: none"> <li>- currently applies to landing only;</li> <li>- shall be denied if the vessel fishes on the high seas without authorisation;</li> <li>- shall be denied if the vessel fishes in an EEZ without a licence to do so;</li> <li>- shall be denied if the vessel violates CMMs adopted by regional fisheries management organizations (RFMOs) on the high seas;</li> <li>- communication of denial of use applies to landing only.</li> </ul>
Inspection	<ul style="list-style-type: none"> <li>- all vessels entering port for landing are subject to inspection;</li> <li>- inspections shall be prioritised for vessels previously denied port entry or use, for which an inspection is requested by a State or RFMO or for which there are clear grounds that it has engaged in or supported IUU fishing;</li> <li>- inspection results shall be shared with the flag States, relevant coastal States, the State of nationality of the master, RFMOs, the FAO and other relevant international organisations.</li> </ul>
Flagged vessels	<ul style="list-style-type: none"> <li>- shall comply with legislation of other States while within their waters, including internal waters.</li> </ul>

The primary organs of the State charged with fisheries includes the **Ministério do Mar, Águas Interiores e Pesca – Ministry of the Sea, Inland Waters and Fisheries** (MIMAIP) as the competent authority to implement the fisheries legal and policy frameworks. It is

regulated under Ministerial Decree 98/2015 of 13 November. The main bodies of MIMAIP involved in PSM are:

1. the central fisheries administration body responsible for fisheries planning and management – *Administração Nacional das Pescas – National Administration of Fisheries (ADNAP)*, an autonomous body under MIMAIP; and
2. the central fisheries administration body responsible for fisheries inspection *Direcção Nacional de Operações - National Directorate of Operations (DNOP)*, a national directorate under the organizational structure of MIMAIP.

## 2.1 Designated ports

The PSMA requires that ports to which foreign fishing vessels may request entry are designated and publicized and that a list is provided to FAO. Offences and penalties can help ensure enforceability if another port is used. Therefore, national legislation should:

1. determine how the ports are to be designated and publicised;
2. provide that only these ports may be used and that using another port is an offence; and
3. provide a sanction scheme applicable to the above offence.

Article 121 of the REPMAR empowers the Minister to designate ports where foreign fishing vessels can request entry, without prejudice to the specific ports legislation, namely the Regulation for the Exploration of Mozambican Fishing ports approved by Ministerial Decree n.º 204/2011 from 5 August. It further requires, pursuant to Article 7 (1) of the PSMA, that the list of designated ports is published and updated regularly and communicated to FAO and to the regional fisheries management organizations (RFMOs). A [list](#) has been communicated to both FAO and the Indian Ocean Tuna Commission (IOTC), however, there is no specification as to how and where the list of designated ports will be publicised by Mozambique. One possible means is the website of the [MIMAIP](#) which contains useful information for the operators.

**The landing or transshipment of fishery products in a port other than the one authorized is a serious fisheries offence under the Fisheries Law** (Article 99 n). Therefore, in as far as landing and transshipment of fishery products are concerned the use of designated ports can be enforced. However, there is no applicable offence and sanction scheme in relation to other uses of port such as refuelling and resupplying, maintenance and drydocking.

The concept of landing is not defined in the Fisheries Law nor in the REPMAR which classifies transshipment as a fishing related activity and defines it as: “the act of passing fishery products or any other products from one vessel to another vessel at sea or in port.”

## 2.2 Advanced request for port entry

Foreign fishing vessels are subject to the **obligation of requesting prior authorisation before landing in Mozambican ports** and are subject to inspection prior to landing (Article 118 (3) and (4), REPMAR). It could possibly be argued that the activities other than landing, provided in Article 8 of the PSMA, are also subject to an advanced request pursuant to Article 18 of the Constitution. However, while the DNOP is empowered by Article 124 (1) of REPMAR to deny port entry regardless of the use, there is no appointment of a competent authority to receive and review advanced requests for activities other than landing. This lack of an appointed authority with accompanying powers effectively prevents implementation of a mandatory advanced request for port entry for purposes other than landing, regardless of Article 18 of the Constitution.

With regard to the content and timing of an advanced request, foreign fishing vessels are required to appoint an agent, through which an advanced request, containing the following information, shall be submitted to the ADNAP 48 hours before entering the port (Article 118 (5), REPMAR):

- a. identification of the fishing vessel, the fishing operator and the flag State;
- b. indication of the port and the estimated date of landing;
- c. total catch on board;
- d. identification and indication of the quantities of fishery products intended to be landed and their destination;
- e. fishing gear used;
- f. indication of being authorized to fish on the high seas by the respective flag State or by a third State in the respective maritime waters, as the case may be;
- g. indication of whether the fishing vessel has been denied authorization to land in a port of a third State.

While this list does not contain all information required under the PSMA, nor expressly require the use of the form in Annex A of the PSMA, it could possibly be argued that the provision of such information and use of said form is obligatory under Article 18 of the Constitution. However, there are no offences or sanction scheme specifically relating to the submission of advanced requests. This lack of provisions prevents enforcement of advanced request requirements, both those contained in REPMAR and those possibly applicable pursuant to Article 18 of the Constitution. One could attempt to apply offences under the Fisheries Law relating cooperation with authorised officers (Article 100 (c)) and compliance with instructions of authorised officers (Article 98 (h)), however this is debatable.

Specific notification requirements apply to national fishing vessels seeking to land their fishery products in the port of origin or in other landing sites (Article 118 (1) and (7), REPMAR).



### 2.3 Denial of entry into port

DNOP has the power to **deny authorization to enter the port or to land** in the following circumstances (Article 124 (1), REPMAR):

- a. when the fishing vessel does not have the authorization from the flag State to fish in the high seas;
- b. when the fishing vessel does not have the fishing license that enables it to hold the catch reportedly from the maritime waters of third States;
- c. when there is clear evidence that the fishing vessel has performed activities that conflict with the CMMs on the high seas.

The reasons to deny port entry should include, pursuant to Article 9 (4) of the PSMA, **when there is sufficient proof that the vessel seeking entry has engaged in IUU fishing or fishing related activities in support of such fishing**, in particular when the vessel is included in a list of IUU vessels.

Although it could possibly be argued that the other grounds for denial of entry contained in the PSMA can be applied pursuant to Article 18 of the Constitution, the lack of a designated competent authority with accompanying powers to deny entry on the bases of the missing grounds effectively prevents implementation, regardless of Article 18 of the Constitution. If it is argued that DNOP is the competent authority to deny entry, additional powers would be required as DNOP's power to deny entry is limited to denial of entry on the grounds identified above and listed under Article 124 (1) of REPMAR.

There is no specific offence or sanction scheme provided for entering port after entry has been denied. However, the offence and penalty applicable to a failure to comply with the directions of an authorised officer under the Fisheries Law (Article 98 (h)) may be relied on, if the decision to deny entry is communicated by an authorised officer.

Due regard is not given to *force majeure* and distress. Although in theory a State could render assistance to a vessel without legal provisions to that effect, the role of making that decisions, along with necessary powers, must be assigned. Without these key provisions, implementation is effectively prevented. Additionally, without the power to grant entry in cases of *force majeure* and distress, exclusively for the purpose of rendering assistance, a vessel cannot be preventing from engaging in other uses of port.

There is no requirement under REPMAR to communicate decisions to deny port entry. It could be argued that communication of such decisions as provided in the PSMA applies pursuant to Article 18 of the Constitution. It could further be argued that in theory a State is not prevented from communicating due to a lack of enabling provisions on communication. However, without provisions designating a competent authority for such communications, with accompanying powers, communication is effectively prevented.

## 2.4 Denial of port use

There is no specific provision on denial of use of port except for fishing vessels included in the **IUU vessels list** which the DNOP is empowered by REPMAR to maintain (Article 120 (2) and (3)). REPMAR provides that all listed vessels, while in port in Mozambique, shall be prohibited from importing, disembarking, transshipping, refuelling, maintenance, or other commercial transactions, during the period they stay in the port (Article 120 (4) (i)). These prohibitions only apply to vessels that are in Mozambican ports already and are therefore irrelevant in relation to denial of entry to port.

While REPMAR grants DNOP the power of listing fishing vessels that have been charged with fisheries offenses in the **list of IUU fishing vessels** and to publish that list regularly (Article 120 (2) and (3)), it does not specify who is empowered to enforce the prohibitions that apply as a consequence of inclusion in the list. The DNOP is empowered by REPMAR to deny a vessel from landing in port and is therefore empowered to deny use of port exclusively in relation to landing, on the grounds provided in Article 124 (1). Without a designated competent authority, with accompanying powers to deny use of port other than landing, implementation is effectively prevented.

Moreover, the grounds for denial of use, both for landing and other uses, do not include all the circumstances foreseen under Article 11 of the PSMA. While it could possibly be argued that the missing grounds for denial contained in the PSMA could be applied pursuant to Article 18 of the Mozambican Constitution, without a designated competent authority with accompanying powers to deny port use, and to do so in relation to the missing grounds, implementation is effectively prevented, regardless of Article 18 of the Constitution.

With regard to landing and transshipment, it is a serious offence under the Fisheries Law (Article 99 (n)) to use a port other than the authorised one. Additionally, the offence and sanction scheme applicable to the failure to comply with the directions of an authorised officer under the Fisheries Law (Article 98 (h)) may be relied on, if the decision to deny landing is communicated by an authorised officer.

Although transshipment at sea is regulated, there are no specific authorisation requirements for transshipment in port. REPMAR empowers DNOP to adopt operational rules governing transshipment in port (Article 126 (4)) which may be used in the future to address the current lack of regulation.

It is recommended that both the definition of port uses/services and the process for its denial is determined under the Ministerial Decree on measures to combat IUU fishing to be approved pursuant to Article 119 (1) and (2) of the REPMAR.

The obligation to communicate decisions to deny port use is designated to DNOP, however this is limited to denial of landing by REPMAR (Article 124 (2)). Additionally, some recipients of such communications under the PSMA are missing from REPMAR. It could be argued that communication of decisions to deny other port uses applies pursuant to Article 18

of the Constitution. It could further be argued that in theory a State is not prevented from communicating due to a lack of a legal requirement. However, without provisions designating a competent authority with accompanying powers, communication is effectively prevented.

## 2.5 Inspection

Authorised officers are in charge of inspecting fishing vessels and vessels engaged in fishing related activities in port and are subject to the obligation of prioritizing the vessels to be inspected in accordance with the following criteria (Article 123, REPMAR):

- a. those that have been denied access to or use of a port under an agreement and or an applicable international CMM;
- b. a request for inspection from another State or RFMO, in particular when such request is supported by evidence of IUU fishing or fishing related activities in support of such fishing by the fishing vessel in question;
- c. clear grounds that the fishing vessel has engaged in IUU fishing or related activities in support of such fishing.

Authorised officers are required to comply with the port inspection procedures defined under Annex VIII of the REPMAR which incorporate the procedures under Annex B of the PSMA. Authorised officers are also required to prepare an inspecting report in the format provided under Annex VIII of the REPMAR, which includes all the reporting requirements under Annex C of the PSMA and it to be signed by both the master and the authorised officer.

DNOP is required to communicate the results of the inspection to (Article 123 (4), REPMAR):

- a. flag State of the inspected fishing vessel;
- b. relevant coastal state and the State of which the vessel's master is a national;
- c. relevant RFMOs; and
- d. FAO and other relevant international organizations.

During inspections, masters of the inspected fishing vessel are required to cooperate with authorised officers. Failure to comply with such obligation constitutes a light fisheries offence under Article 100 c) of the Fisheries Law. It may also be possible to apply the more severe offence under Article 98 (h) concerning a failure to comply with instructions of an authorised officer.

## 2.6 Flag State obligations

Article 20 of the PSMA, while providing that States shall require vessels flying their flag to cooperate with port State inspections by other port States, requires the incorporation of the following obligations in national legislation:

1. that vessels flying the flag of Mozambique shall cooperate with inspections conducted by other States implementing port State measures;
2. that it is an offence under Mozambican law not to comply with such obligation; and
3. a sanction scheme applicable to that offence.

No specific provisions were found in the Mozambican legislation with regard to the implementation of Mozambican flag state responsibilities under the PSMA identified above, namely the duty for its vessels to cooperate with inspections conducted by other States implementing PSM. It can however be considered that the requirement for Mozambican fishing vessels to comply with the rules in force in the maritime waters under the jurisdiction or sovereignty of third states can include the obligation to cooperate on PSM implementation if such rules are incorporated in the legislation of such State.

The PSMA also provides that States shall request the inspection of a vessel flying its flag by a port State when there are clear grounds for believing that the vessel has engaged in or supported IUU fishing. Additionally, flag States are required to fully investigate any instances referred to them by a port State and report back the findings and any actions taken. Neither of these are incorporated in Mozambican legislation, and the lack of appointed competent authorities with accompanying powers for each of these areas prevents implementation, regardless of Article 18 of the Constitution.

## 2.7 Powers of authorised officers

The Fisheries Law defines authorised officers as those who have competence to verify compliance with the Law and enforce it. Under Article 160 of REPMAR, authorised officers are those officers with the power to detect violations and enforce the law, and include:

- a. the fishery inspector, the fishery products inspector and other officials accredited as such;
- b. agents of the maritime and customs authorities, when carrying out fisheries inspections;
- c. officers of military ships and aircraft deployed on fisheries inspections missions;
- d. d) duly qualified and accredited community authorities.

The table below prescribes the relevant powers of authorised officers for the PSM which are defined under the Fisheries Law and complemented by REPMAR, with regard to the obligations of masters of the fishing vessels towards the authorised officers. REPMAR also foresees under its Article 161 (2) the adoption of the **Statutes and Regulation of authorised officers** providing for: the type of uniform<sup>3</sup>; the technical and specific training; the code of conduct; and the articulation mechanisms between fisheries officers and police authorities on enforcement.

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<sup>3</sup> Repealing Ministerial Order 49/2009 of 17 March.

Power	Relevant aspect of the power
Order the fishing vessel to stop ( <i>Article 72 (2) a) of the Fisheries Law</i> )	To carry out the necessary manoeuvres to facilitate the inspection of the vessel.
Inspect any fishing vessel ( <i>Article 72 (2) b) and c) of the Fisheries Law</i> )	When engaged in fishing, sailing, in port or at landing sites, as well as any processing establishment, related to fishing gear, catches on board, mandatory documents relating to the vessel, processing establishments as well as licenses, certificates and equipment.
Inspect any locations ( <i>Article 72 (2)d) of the Fisheries Law</i> )	Where there are reasonable grounds to presume the existence of illegally caught fish or unlicensed and unregulated fishing gear.
Inspect documents ( <i>Article 72 (2)e) of the Fisheries Law</i> )	Relating to fishery products transported and / or transhipped, whether or not they have passed through fishery product processing establishments.
Apply interim orders when they have clear grounds to suspect that a fisheries offence has been committed ( <i>Article 76 of the Fisheries Law</i> )	Seize fishing vessel with the respective materials, fishing gear and catches on board that they suspect have been used in violation of the fisheries legislation.
Order a vessel, seized under the terms of the Fisheries Law and other applicable legislation ( <i>Article 72 (2)f) of the Fisheries Law</i> )	To go to or be conducted to the nearest port or appropriate place for due legal procedures.

Furthermore, it should be noted that depending on the seriousness of the offence the following accessory sanctions may be applied (Articles 104, 105 and 106 of the Fisheries Law):

1. seizure of catches and fishing gear;
2. banning the master from fishing in Mozambique for thirty-six months;
3. seizure and automatic reversal of ownership of the foreign fishing vessel in favour of the State.

### 3. Possible options for strengthening the legislative framework for port State measures

The following table proposes some options to strengthen the legislative framework, with an indicator of the priority (low, medium or high) and the anticipated timescale to achieve the amendment (short, medium or long). The last column indicates whether the proposed option is an interim option or a long-lasting option. The best approach would be to adopt interim options while pursuing long lasting options. Interim options are generally limited and must be treated as such.

It should be noted that REPMAR has entered into force on **6 January 2021**. Any amendments to this Regulation at this stage are not advisable. Furthermore, and considering that it took more than six years to review the 2003 REPMAR any changes to this newly adopted legal

framework would most likely not be accepted within the next couple of years. It is therefore advisable to explore how the gaps identified above can be integrated in the measures to prevent, deter and eliminate IUU fishing to be adopted by Ministerial Decree under Article 119 (1) of the REPMAR.

One important aspect that will require amendment of the Fisheries Law is the offences, and corresponding sanction scheme, that derived from the violations to PSM. REPMAR does not provide for offences and sanctions even though in regulating the Fisheries Law it does comprise several additional obligations, including on PSM. With a few exceptions most of the violations to these measures are not an offence under the Fisheries Law and will have to be included in line with the international obligation of Mozambique, which include the establishment of sanctions that are adequate in severity to be effective in securing compliance, discourage violations, and to deprive offenders of the benefits accruing from their illegal activities.

In addition to the review of the legal requirements to ensure full implementation of Mozambican responsibilities as a coastal State (namely those derived from Article 25 of the United Nations Convention on the Law of the Sea<sup>4</sup>) as well as port and flag State obligations presented above, and in order to fully implement PSM, appropriate mechanisms of cooperation and coordination among the national entities involved with PSM is required. This can be done through the regulation for the operationalisation of CEFMAR together with the powers granted to DNOP to “coordinate with the various entities, services, bodies and public agents that exercise the power of the Maritime Authority for the purpose of properly implementing measures to prevent, deter and eliminate IUU fishing” or other inter-agency coordination and cooperation mechanisms to be adopted by Ministerial Decree under Article 119 (1) of the REPMAR. The process of developing such mechanisms can take place simultaneously with the proposed review of the legal framework.

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<sup>4</sup> Signed by Mozambique on 10 December 1982 and ratified on 13 March 1997.

Area	Proposed need for strengthening	Options in the short to medium term	Priority	Timescale	Nature
Application	<ul style="list-style-type: none"> <li>– Scope of measures to include fishing related activities.</li> </ul>	<ul style="list-style-type: none"> <li>– The scope of the measures to prevent, deter and eliminate IUU fishing to be adopted by Ministerial Decree under Article 119 (1) of the REPMAR should, pursuant to Article 3 (3) of the PSMA, cover “fishing related activities in support of such fishing” as defined in Annex I, paragraph 60 of REPMAR.</li> </ul>	High	Medium	Long lasting
Designated ports	<ul style="list-style-type: none"> <li>– Specify how and where the list of designated ports will be published.</li> </ul>	<ul style="list-style-type: none"> <li>– To be determined under the measures to prevent, deter and eliminate IUU fishing to be adopted by Ministerial Decree under Article 119 (1) of the REPMAR.</li> </ul>	Medium	Medium	Long lasting
	<ul style="list-style-type: none"> <li>– Introduce offences and the respective sanction scheme.</li> </ul>	<ul style="list-style-type: none"> <li>– Amend the Fisheries Law, which presently only prohibits landing or transshipment in a port other than the ones authorised (Article 99 n), to include as an offence the use of a non-designated port for any port use/service, and the corresponding deterrent sanction scheme.</li> </ul>	High	Long	Long lasting
AREP	<ul style="list-style-type: none"> <li>– Adopt the form provided in Annex A of the PSMA, pursuant to its Article 8 (1).</li> </ul>	<ul style="list-style-type: none"> <li>– Extend the requirement for an advanced request to any to port by relevant vessels for any reasons.</li> <li>– Expand the information required to be submitted to reflect the PSMA.</li> <li>– Adopt the form contained in Annex A of the PSMA as the required for advanced requests.</li> <li>– Provide for the possibility of requiring additional information and assign that function along with relevant powers.</li> <li>– This could be done by Ministerial Decree on measures to prevent, deter and eliminate IUU fishing to be adopted pursuant to Article 119 (1) of the REPMAR.</li> </ul>	High	Medium	Long lasting
	<ul style="list-style-type: none"> <li>– Introduce offences and the respective sanction scheme.</li> </ul>	<ul style="list-style-type: none"> <li>– Amend the Fisheries Law, to include the following offences and the corresponding deterrent sanction scheme: <ul style="list-style-type: none"> <li>– The provision in the ARPE of false, misleading or untrue information.</li> <li>– Failure to submit an AREP at least 48 hours prior to arrival at port.</li> </ul> </li> </ul>	High	Long	Long lasting

Area	Proposed need for strengthening	Options in the short to medium term	Priority	Timescale	Nature
Denial of entry	<ul style="list-style-type: none"> <li>- Make denial of entry mandatory where there is sufficient proof that a vessel engaged in IUU or fishing related activities in support of such fishing, due regard given to <i>force majeure</i> and distress.</li> </ul>	<ul style="list-style-type: none"> <li>- A clear link should be made between the IUU vessels list established under Article 120 of REPMAR and the reasons for denying port entry making the denial of entry mandatory when the vessel seeking entry is under such list.</li> <li>- Amend REPMAR to include all grounds for denial of port entry found in the PSMA, making denial mandatory.</li> <li>- Amend REPMAR to include entry to port purely for inspection, including the mandate and powers necessary to make and enforce such a decision.</li> <li>- A clear provision should be made of the situations of <i>force majeure</i> or distress, as required under Article 10 of the PSMA.</li> <li>- Alternative, these requirements could be included in the Ministerial Decree on measures to prevent, deter and eliminate IUU fishing to be adopted pursuant to Article 119 (1) of the REPMAR.</li> </ul>	High	Medium	Long lasting
	<ul style="list-style-type: none"> <li>- Introduce offences and the respective sanction scheme</li> </ul>	<ul style="list-style-type: none"> <li>- Amend the Fisheries Law, to include the following offences and the corresponding deterrent sanction scheme:               <ul style="list-style-type: none"> <li>- failure to comply with the obligation to request authorisation to enter the port.</li> <li>- entering the port without authorisation or after entry has been denied.</li> <li>- failure to present the authorisation for entry to the competent authorities.</li> </ul> </li> </ul>	High	Long	Long lasting
	<ul style="list-style-type: none"> <li>- Ensure communication obligations under the PSMA are complied with.</li> </ul>	<ul style="list-style-type: none"> <li>- Amend Article 124 (2) of REPMAR to require that the denial of authorisation to land includes any other port use/service and is communicated to the relevant coastal states “as appropriate and to the extent possible”, as required under Article 9 (3) of the PSMA, and clarify who is entitled to make such communication</li> </ul>	High	Long	Long lasting



Area	Proposed need for strengthening	Options in the short to medium term	Priority	Timescale	Nature
Denial of use	<ul style="list-style-type: none"> <li>– Make denial of use mandatory for all port services foreseen under Article 11 of the PSMA.</li> </ul>	<ul style="list-style-type: none"> <li>– Expand the grounds for denial of port use to include all those listed under Article 11 of the PSMA.</li> <li>– Expanded denial of port use to all port services, due regard given to distress and <i>force majeure</i> as discussed below.</li> <li>– Both the definition of port uses/ services and the process for its denial should be determined.</li> <li>– These requirements could be included in the Ministerial Decree on measures to prevent, deter and eliminate IUU fishing to be adopted pursuant to Article 119 (1) of the REPMAR.</li> </ul>	High	Medium	Long lasting
	<ul style="list-style-type: none"> <li>– Regulate transshipment at port.</li> </ul>	<ul style="list-style-type: none"> <li>– Amend REPMAR to provide for specific authorisation requirements for transshipment at port.</li> <li>– Provide for such requirements under the operational rules to be adopted by DNOP pursuant to Article 126 (4) of REPMAR</li> </ul>	High	Medium	Long lasting
	<ul style="list-style-type: none"> <li>– Ensure essential port services are not denied, in accordance with PSMA Article 11 (2) (a).</li> </ul>	<ul style="list-style-type: none"> <li>– Include a provision allowing port services essential for the health or safety of people onboard or the safety of the vessel, when the need for such services is duly proven, in the measures to prevent, deter and eliminate IUU fishing to be adopted by Ministerial Decree under Article 119 (1) of the REPMAR.</li> </ul>	Medium	Medium	Long lasting
		<ul style="list-style-type: none"> <li>– Include a provision that clarifies the burden of proof regarding the need of essential port services in the measures to prevent, deter and eliminate IUU fishing to be adopted by Ministerial Decree under Article 119 (1) of the REPMAR.</li> </ul>	Medium	Medium	Long lasting
	<ul style="list-style-type: none"> <li>– Ensure prompt notification of the decision to deny port use, as required under Article 11 (3).</li> </ul>	<ul style="list-style-type: none"> <li>– Amend REPMAR to require notification of the decision to deny port use to the flag State and, as appropriate, relevant coastal States, RFMOs and other relevant international organisation and determine who is in charge of such communication and empower them to that end.</li> </ul>	Medium	Long	Long lasting

Area	Proposed need for strengthening	Options in the short to medium term	Priority	Timescale	Nature
<b>Denial of use</b>	– Introduce offences and the respective sanction scheme	<ul style="list-style-type: none"> <li>– Amend the Fisheries Law, to include the following offences and the corresponding deterrent sanction scheme:               <ul style="list-style-type: none"> <li>– the use of port services without authorisation.</li> <li>– the use of port services if use has been denied.</li> <li>– the use port services not necessary for distress if permitted entry for reasons on distress only and authorised to use port services necessary for addressing distress only.</li> <li>– the use of port when the vessel has been permitted entry only for inspection.</li> </ul> </li> </ul>	High	Long	Long lasting
<b>Flag state obligations</b>	Ensure that flag State obligations under the PSMA are complied with.	– Amend REPMAR, or through the Ministerial Decree to be adopted pursuant to Article 119 (1) of REPMAR, to request an inspection and to fully investigate Mozambican-flagged vessels and communicate results as per the PSMA.	High	Long/ Medium	Long lasting
		– Amend REPMAR, or through the Ministerial Decree to be adopted pursuant to Article 119 (1) of REPMAR, to clearly subject Mozambican fishing vessels to the obligation of complying with inspections in other port States and make it an offence under the Law failure to comply with it.	High	Long/ medium	Long lasting
		– Include the obligation to comply with inspections in other State's ports as a condition of the authorisation to fish in the high seas and in the water under jurisdiction of other States.	High	Short	Interim but has long lasting use/ value



