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MOZAMBIQUE

NEW SEA LAW ENACTED

By means of Law No. 20/2019, of 8 November 2019, the Parliament of Mozambique approved a new Sea Law (the “**New Sea Law**”). This new statute, which revokes Law no. 4/96, of 4 January 1996, and entered into effect of December, 8th, aims to adapt national legislation to international standards and legal instruments, such as United Nations Convention on the Law of the Sea of 1982, and also to set the general terms for the sustainable development, preservation and use of the national maritime space. The New Sea Law applies to:

- a) activities carried-out in the national maritime space, including lake and river navigable waters and its respective bed and subsoil;
- b) national and foreign vessels, whether manned or not, sailing in the national maritime space;
- c) maritime objects, including cables, pipelines, installations, maritime structures and artificial islands;
- d) maritime infrastructures, installations and equipment supporting navigation or other maritime activities;
- e) fixed and/or mobile offshore platforms, installations, structures and equipment used in various maritime activities, such as research and exploitation of living and non-living natural resources; and
- f) natural or legal entities pursuing maritime activities in Mozambique.

Main measures introduced by the New Sea Law

National Maritime Space

- The concept of National Maritime Space was introduced and comprises the following maritime zones: (i) coastal zone; (ii) inland maritime waters; (iii) territorial sea; (iv) contiguous zone; (v) exclusive economic zone, and; (vi) the continental shelf.

- The sovereignty powers and jurisdiction of the Mozambican State over each one of the named maritime zones are outlined in more detail.
- The general terms for the private use of the National Maritime Space are outlined (following the principles enriched in the Regulations establishing the Legal Framework for the Use of the Territorial Sea, enacted by Decree 21/2017, of 24 May 2017).

Conservation and management of living and non-living natural resources

- The Government shall be responsible for, *inter alia*, establishing the permitted catches of living resources and the amount of fish that may be caught, establishing the terms for the exploitation of geological and/or geophysical resources, and putting forward the relevant mechanisms to control such activities.

Standing Committee for the Investigation of Marine Casualties and Incidents

- It is created the Standing Committee for the Investigation of Marine Casualties and Incidents, a technical specialized body of the Ministry of the Sea, Inland Waters and Fisheries, in charge of coordinating investigations on casualties and incidents, and also promoting the measures for its prevention.

National Sea Council

- It is created the National Sea Council, an advisory body of the Government that is responsible to follow and comment the Government's implementation of the Sea Policy.

Maritime Inspection Operations Coordination Center

- It is created the Maritime Inspection Operations Coordination Center, an entity acting under the supervision of the Ministry of the Sea, Inland Waters and Fisheries that is responsible for coordinating and planning inspecting activities and the human, institutional and operational resources available and used to that end.

Maritime Crimes, Administrative Offences and Maritime Court

- Maritime crimes and administrative offences are listed in the Sea Law and include, among others, (i) the destruction, without due authorization or license, of the fauna, flora, mangroves, corals and other protected marine, lake or river species, or (ii) non-compliance with the terms set for innocent passage.
- Maritime crimes are under the jurisdiction of maritime courts.

The Government shall pass the statute approving the regulations of the New Sea Law within 60 days upon its publication.