



MARPLASTICCS | Webinar | 30 July 2020

The legal, policy and institutional frameworks governing marine plastics in Mozambique

Exchange of perspectives to define priorities

Report | IUCN Environmental Law Centre



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1 Context of the webinar

1.1 Background and overview

In the context of the Marine Plastics and Coastal Communities Project (MARPLASTICCs), the International Union for Conservation of Nature (IUCN) Environmental Law Centre (ELC) has conducted a review of the legal, policy and institutional frameworks governing marine plastic pollution in Mozambique with the support of a national legal expert. This study is part of a larger framework analysing marine plastic policy in five countries, namely: Kenya, Mozambique, South Africa, Thailand and Viet Nam.

Exchange workshops were scheduled to take place in each of these countries in order to share the findings of the study and gather information to identify priorities with government stakeholders, NGOs, consumer associations and the private sector. However, due to the Covid-19 travel restrictions, the workshops were replaced by a two-stage process: 1) a stakeholders' questionnaire to collect preliminary answers to key questions related to marine plastics governance and validation of the scoping study and 2) a webinar that would allow stakeholders to discuss the results from the questionnaire and get additional insights.

As a result, a webinar was organised on 30 July 2020, co-hosted by the Ministry of Sea, Inland Waters and Fisheries (MIMAIP) that welcomed 17 participants from the above-mentioned stakeholders' categories, with the exception of the private sector.

All presentations held during the workshop and relevant documents are available [here](#).

In addition, the webinar can be watched [here](#), (password: \$R=t7j81)

1.2 Webinar objectives

The webinar aimed at identifying the priorities for an improved governance of plastic in Kenya in order to tackle marine plastic pollution. More specifically:

- ⇒ Enable the participants to have a better understanding of the legal, policy and institutional frameworks and tools related to marine plastics;
- ⇒ Provide opportunity for participants representing different stakeholders' categories to exchange perspectives, experiences and knowledge; and
- ⇒ Identify the most appropriate tools to tackle marine plastic pollution in Mozambique from the input of stakeholders and aligned with the hotspot analysis.

2 Webinar proceedings

2.1 Contextualization

Mr. Maurício Xerinda, IUCN representative for Mozambique, introduced the Webinar. He invited Ms. Felismina Antia, National Director of Fisheries and Maritime Policies, of MIMAIP, to open the meeting. She congratulated IUCN on the work it was doing for the conservation of the marine environment, as it

was part of the government's efforts to promote the blue economy and particularly the initiative to bring together various stakeholders involved in the conservation of the marine environment to discuss ideas on the problem of marine plastic management that the country is facing.

The webinar agenda was then presented for consideration and approval by the participants, noting that the objectives of the meeting were to enable participants to better understand the existing political, legal and institutional frameworks for combating marine plastic pollution; to provide participants with an opportunity to assess the challenges and provide input to improve the implementation of legal instruments to tackle marine plastic pollution; and to identify the most appropriate instruments for this purpose from the contribution of stakeholders and in line with the hotspot analysis on plastic pollution and evaluation of modelling actions.

2.2 Presentation of the update on the hotspot analysis

Following the intervention of the MIMAIP representative, Mr. Mauricio Xerinda introduced Mr. Peter Manyara, Regional Project Officer, MARPLASTICCs in IUCN Eastern and Southern Africa Regional office (ESARO) - Coastal and Ocean Programme, an update, including preliminary results, of the hotspot analysis conducted by the MARPLASTICCs project in Mozambique.

The MARPLASTICCs project is implemented in the Western Indian Ocean (WIO) region, and specifically has activities in Kenya, Mozambique, and South Africa. More recently, IUCN has initiated a national level plastics hotspot assessment in Tanzania to complement a broader regional understanding of the plastic pollution problem in the region. The objective of the project is to assess the dynamics of plastic leakage in the countries followed by a cost-benefit analysis both of which are intended to inform appropriate policy and other options to address the issue. Beyond that, the project also aims at engaging stakeholders to prioritise areas to address (hotspots), strategic interventions to pursue, and align through a common set of policy and other instruments, as a basis for action and monitoring future progress.

The hotspot methodology was developed by UNEP and IUCN. The methodology is currently applied in seven countries by IUCN, including Mozambique. The methodology comprises of data collection to define priority hotspots, engaging stakeholders to prioritize the hotspots and determine appropriate interventions and instruments to facilitate swift action within the context of Mozambique.

The preliminary results highlight that by 2018, all plastics consumed in Mozambique were imported. The average per capita consumption of plastics is 8.3 kg/person/year, of which 5.9 kg become waste and 2.5 kg are still in use and increase stock. About 1,222 tonnes of plastic waste is recycled, which corresponds to less than 1% of the total plastic waste produced, implying that more than half of the plastic waste produced is abandoned in the open environment (105,000 tonnes/year). This is due to low collection rates outside the main city centres, as there is no proper waste management, with the result that almost 15,000 tonnes of plastic waste leak into the ocean each year.

The intention of the assessment is to analyse leakages categorized into five hotspot areas (regional/geographical, waste management value chain, plastic polymer, plastic applications/uses, and economic sectors). In this regard, a complete assessment will be published within the next two months providing a more comprehensive overview, of which stakeholders will be invited to share the results. Once these are assessed, interventions are to be identified, preferably through either a proactive or a

reactive approach. Based on the assessment, the interventions were arranged following their impacts in terms of leakage mitigation potential. For instance, increasing the frequency and extent of street sweeping to collect and properly dispose of littered waste is not a difficult intervention, yet it has a very high potential for mitigation.

The final results of the hotspot analysis will be presented on the occasion of another workshop planned towards the third quarter or fourth quarter of the year.

2.3 Presentation of the legal, policy and institutional frameworks governing marine plastics in Mozambique

Mr. André da Silva, Legal Adviser, presented the results of the scoping study, which he carried out with the support of IUCN ELC. Considering its vast maritime coast (about 2700 km) where about 60% of its population of approximately 28 million live, Mozambique is particularly vulnerable to marine pollution and waste management, including plastics, has been a challenge. Over the years, the country has taken steps to minimise the problem. The environment has been enshrined in the Constitution and several international conventions relevant to waste management, such as the United Nations Convention on the Law of the Sea (UNCLOS), MARPOL, the Basel Convention and the Stockholm Convention have been ratified. At regional level Mozambique has acceded to the Bamako and Nairobi Conventions and is a member of the African Union and the Southern African Development Community, which has also bound itself to various instruments developed by these organisations.

The existing body of legislation comprises a number of comprehensive legal and policy instruments and strategies, such as the Environment Act, National Environmental Policy, Integrated Urban Solid Waste Management Strategy, which seek to ensure sound management and conservation of the environment. The management of plastic waste is, however, regulated within the overall regulatory framework for urban waste management.

The country's institutional governance framework is divided between central and local governments, as well as local authorities (Municipalities). The responsibility for solid waste management falls within the mandate of local authorities and local governments. The municipality of Maputo city has specific regulations for waste management and other municipalities are also in the process of adopting similar legislation.

Centrally, the institutional framework is led by the Ministry of Land and Environment, which, in collaboration with the Ministry of Sea, Inland Waters and Fisheries (MIMAIP) and the Ministry of Transport and Communications, is responsible for the formulation of policies and regulations, and through the National Agency for Environmental Quality Control (AQUA), the National Inspection of Economic Activities (INAE) and the National Maritime Institute (INAMAR), supervises and ensures their implementation.

The instruments to address plastic pollution at production level consist in prohibiting the manufacture and marketing of plastics with a thickness of less than 30 micrometers, unless they are produced in a free zone and destined for export. Producers and importers of packaging are also responsible for the management of packaging once it has become waste and are therefore obliged to take back the packaging materials when they are returned by the end users.

As far as the life cycle is concerned, there are no specific provisions for this type of waste. There are requirements for the transport and disposal of waste as well as for disposal sites. There is also a ban on dumping of waste in the marine environment.

Finally, the country's regulatory framework still suffers from gaps and challenges related to regulatory design and/or implementation. In this respect, there is a need to complement the regulation on the Extended Producer Responsibility (EPR) and importers of packaging and the inter-institutional coordination itself for better management of plastic waste.

2.4 Presentation of the policy questionnaire results

Mr. Andre da Silva, Legal Consultant, further presented the results from the survey that was sent to stakeholders ahead of the webinar.

He first presented the process that was followed, including the elaboration of the scoping studies and the alternative tools that were used to determine priorities, namely a policy questionnaire and the webinar. This process will be followed by an in-depth policy assessment focusing on one or two legal tools as identified through the questionnaire and discussions from the webinar.

With regards to the questionnaire, it was sent to 32 stakeholders of whom 11 responded, giving a participation rate of 34.38%. The respondents were mainly from central government institutions (46%), civil society (27%) and a minority were from industry (9%), local government (9%) or consultants (9%).

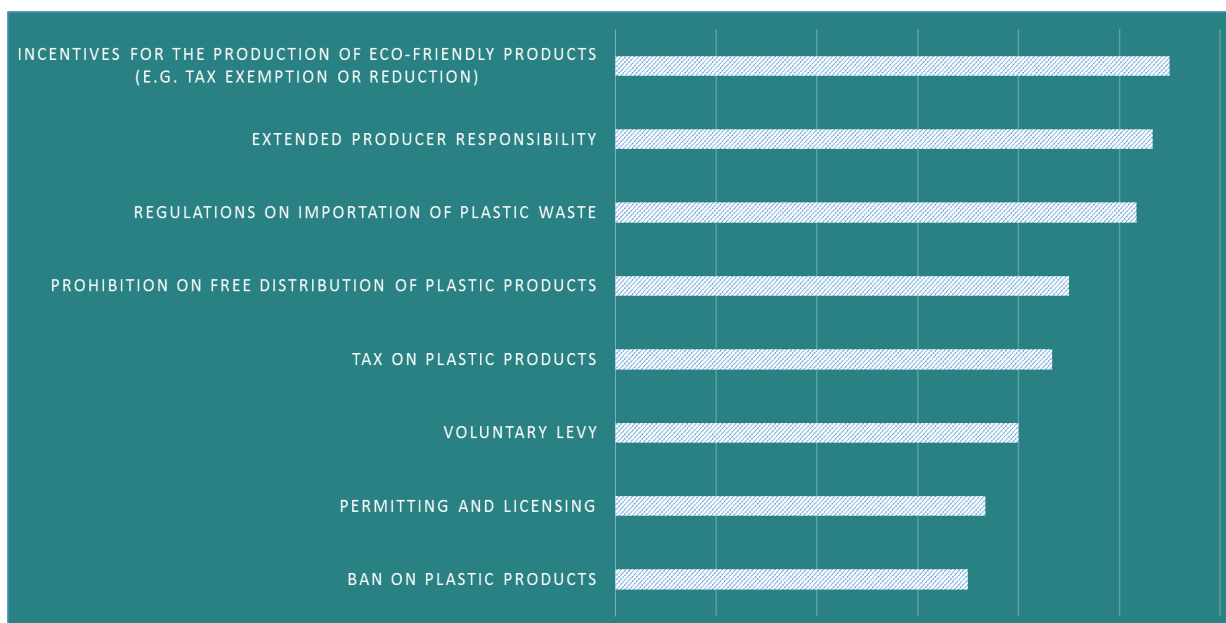
Below are the results from three questions in the survey that were subsequently discussed by participants:

Where is the most appropriate leverage point for addressing plastic waste?

Respondents expressed that the leverage points that have the best mitigating impact are those related to the end of the life cycle (50%) and to production (33%), on the contrary to retail and consumer use (17%) or trade and transport (0%).

What legal tools are the most appropriate to tackle marine plastic pollution?

This question aimed at ranking the different legal tools addressing marine plastic pollution from the most appropriate to the least appropriate. The results highlighted that incentives for the production of environmentally friendly products and EPR were considered the most appropriate, as opposed to a ban on plastic products, which was classified as the least appropriate instrument to address this issue.



How could the institutional framework be improved to ensure the proper implementation of such tools? What requirements must be in place for these legal tools to be properly implemented?

The survey participants provided a number of requirements and areas for improvement, especially on the institutional and legal aspects, as described below, namely:

Institutional requirements	Legal requirements	Others
Strengthen institutional capacities	Prohibition of production, import and export of single use plastics	Greater oversight in the implementation of legislation
Enhanced coordination between institutions at all levels	Approval of the Ministerial Diploma on the Regulation on Extended Producer Responsibility	Create and disseminate Technical standards on solid waste and packaging life cycle
Clarity responsibilities between the different institutions	Specific legislation, with a criminal framework for each offence related to the production and misuse of plastic	Strengthen environmental education (specifically plastic pollution) in preschool and primary education

2.5 Plenary discussions

After this presentation, participants were invited to comment on the three key issues which were the subject of the webinar.

The participants took the floor to point out that the Sea Policy and Strategy is one of the pillars for government action in the management of the marine environment, which culminated in the recent update of the Law of the Sea to include penalties for sea pollution actions. It was also noted that the actions under way to draw up the maritime spatial plan and the regulation on the management and

planning of coastal areas and beaches, as well as the current revision of the regulation on plastic bag management, to include the banning of single use plastic bags, were instruments to be considered.

In view of the exhaustion of the time that had been programmed for the webinar, the organisers agreed to participants' requests to be able to send more contributions in writing on the issues raised.

3 Webinar outcomes

3.1 Increasing legal capacity

Participants had the opportunity to appreciate the presentations made and the MIMAIP presented additional contributions in writing to the three issues covered by the webinar, as agreed on the date of the webinar and presented in Annex 2 of the report.

3.2 Identifying appropriate policy tools

The results from the discussions will enable the IUCN ELC to identify the most appropriate legal tools to be assessed in the framework of an in-depth policy effectiveness assessment that will result in recommendations to further strengthen the regulatory and institutional framework in Mozambique.

4 Annex 1 – Webinar agenda

10:30 - 10:40	Welcome remarks from the Ministry of Sea, Inland Waters and Fisheries
10:40 - 10:45	Presentation of the objectives
10:45 - 10:55	Update on the National plastic pollution hotspotting and shaping action assessment
10:55 - 11:10	Presentation of the scoping study <i>The legal, policy and institutional frameworks governing marine plastics in Mozambique</i>
11:10 - 11:50	Discussions based on survey results <ul style="list-style-type: none">• Where is the most appropriate leverage point for addressing plastic waste?• What legal tools are the most appropriate to tackle marine plastic pollution?• How could the institutional framework be improved to ensure the proper implementation of such tools? What requirements must be in place for these legal tools to be properly implemented?
11:50 - 12:00	Wrap up

5 Annex 2 – Additional Contribution from the Ministry of Sea, Inland Water and Fisheries to the webinar questions

Legal, political and institutional framework for the management of marine plastic in Mozambique

1. Where is the most appropriate leverage point for addressing plastic waste?

The promotion of the circular economy could largely overcome the deficiencies in management and in the disposal of plastic to the environment, because the circular economy is an economic model where all elements of the production chain are reused in the manufacture of new products, thus greatly reducing the extraction of raw materials from the environment.

2. What legal tools are the most appropriate to tackle marine plastic pollution?
Resolution No. 39/2017, of 14 September: Approves the Sea Policy and Strategy (POLMAR)

- Decree No. 43/2003, of 10 December: Approves the General Regulation on Sea Fishing (This decree is currently in the process of being revised)
- Decree no. 8/2003, of 18 February: Approves the Biomedical Waste Management Regulation
- Decree No. 45/2006, of 30 November: Approves the Regulation for the Prevention of Pollution and Protection of the Marine and Coastal Environment
- Decree No. 94/2014, of 31 December: Approves the Regulation on Urban Solid Waste Management
- Decree No. 79/2017 of 28 December: Approves the Regulation on the Extended Liability of Producers and Importers of Packaging
- Decree No. 22/2014 of 16 May: Approves the Industrial Activity Licensing Regulation
- Decree No. 74/2013 of 31 December: Approves the Organic Statute of the National Institute for Standardization and Quality (INNOQ), created by Decree No. 2/93, of 24 March
- Presidential Decree No. 15/2000 of 19 September: Defines the Roles and Functions of the Ministry of Industry and Commerce

3. How could the institutional framework be improved to ensure the proper implementation of such tools? What requirements must be in place for these legal tools to be properly implemented?

As for this section, it was assumed that the survey carried out by IUCN and the consultant would indicate what could be improved in terms of the institutional framework.

6 Annex 3 – List of participants

Name	Organisation
Alcinda Duvane	Instituto Nacional de Normalização e Qualidade
André Da Silva	Consultant
Badru Hagy	National Institute for Fisheries Research (IIP)
Camille Laude	Consultant
Carla Manjate Rombe	IUCN Mozambique
Carlos Litulo	Centro Terra Viva
Carlota Amoda	National Institute for Fisheries Research (IIP)
Daniel Segura	ProAzul Mozambique
Felismina Antia	Ministry of Sea, Inland Waters and Fisheries
Juan Manuel Sabio Morchio	IUCN ELC
Lara Muaves	WWF Mozambique
Léa Badoz	IUCN ELC
Léa Dubois	IUCN GMPP
Maurício Xerinda	IUCN Mozambique
Peter Manyara	IUCN ESARO
Sidónia Muhorro Gueze	Ministry of Land, Environment and Rural Development
Silene Bila	IUCN Mozambique