



# **BASELINE ASSESSMENT OF MOZAMBIQUE'S SANITARY AND PHYTOSANITARY (SPS) MEASURES AND ROAD MAP FOR REFORM**

**Draft – July 2017**

This publication was produced by the SPEED+ Project under Contract No. AID-656-TO-16-00005 at the request of the United States Agency for International Development Mozambique Mission. This document is made possible by the support of the American people through the United States Agency for International Development. Its contents are the sole responsibility of the author or authors and do not necessarily reflect the views of USAID or the U.S. Government.



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## ACKNOWLEDGEMENTS

This report was prepared as part of the USAID-funded Supporting the Policy Environment for Economic Development (SPEED+) project. The consultant who prepared the report, João Magalhães, is a former World Trade Organization official.

The author wishes to acknowledge and thank all of the Mozambican Government officials and the many private sector stakeholders for their time, expertise, contributions, and comments. Without their support, the elaboration of this study would not have been possible. In particular, the author extends a special thanks to Mr. Afonso Ernesto Siteo of the Plant Protection Department, National Directorate of Agriculture and Silviculture, Ministry of Agriculture and Food Security, and all of the members of the informal SPS Group.

A special thanks to the USAID SPEED+ team members for their encouragement, expertise, and continuous availability to assist me.



## ACRONYMS

AU-IBAR	African Union Interafrican Bureau for Animal Resources
CALR	Centre for Applied Legal Research
CODEX	Codex Alimentarius Commission
CTF	Codex Trust Fund
DNV	National Directorate of Veterinary Services
FAO	Food and Agriculture Organization
HACCP	Hazard Analysis and Critical Control Point
INIP	National Institute for Inspection of Fish
IPPC	International Plant Protection Convention
LNHAA	National Laboratory for Water and Food Hygiene
MASA	Ministry of Agriculture and Food Security
NNA	National Notification Authority
NEP	National Enquiry Point
NPPO	National Plant Protection Organization
OIE	World Animal Health Organization
PCE	Phytosanitary Capacity Evaluation
PVS	Performance of Veterinary Services
SADC	Southern African Development Community
SeW	Single Electronic Window
SPEED+	Supporting the Policy Environment for Economic Development
SPS	Sanitary and Phytosanitary
USAID	United States Agency for International Development
VLSP	Veterinary Legislation Support Programme
WTO	World Trade Organization





## EXECUTIVE SUMMARY

Mozambique has been a member of the World Trade Organization (WTO) since 26 August 1995 and a member of the General Agreement on Tariffs and Trade since 27 July 1992. In general, Mozambique is not meeting, or is insufficiently meeting, its WTO and/or Southern Africa Development Community (SADC) sanitary and phytosanitary (SPS) commitments. This is particularly true of transparency provisions, but that issue is only the tip of the iceberg. Problems range from technical capacity to institutional capacity—two very different but interdependent and similarly important aspects of SPS capacity.

Technical capacity shortfalls are acute in all three SPS components: food safety, animal health, and plant protection. Transparency mechanisms—the WTO National Notification Authority and the National Enquiry Point—do not function because of Mozambique’s obsolete office equipment and deficient internet connection, but also because of other institutional capacity-related weaknesses, including nonexistent or poor coordination and communication among the different concerned ministries and agencies, aggravated by a lack of trust of and limited dialogue with the private sector.

Mozambique’s participation in the WTO SPS Committee meetings is occasional and irregular. The country therefore misses the opportunity to share information, hold bilateral talks and eventually seek support from trade partners, explore market access opportunities, and learn from the experiences of other countries with similar profiles, and it excludes itself from the development of natural alliances with countries with similar SPS concerns and profiles. Mozambique is also not an active SADC member state regarding SPS issues.

Mozambique suffers from a generalized lack of or limited access to adequate training; the absence of modern technology and control capacity capable of responding to the entrance and rapid spread of new pests/diseases (recently illustrated in the Panama disease crisis in bananas, fruit fly; fall armyworm, aflatoxin, etc.); and outdated legislation, standards, and regulations, often not harmonized with international standards. Several laboratories lack well-qualified and trained staff, and existing equipment is in many cases obsolete or stalled due to malfunctions.

Finally, and perhaps most crucially, SPS is not regarded by senior decision makers as a priority issue, and there is no national SPS strategy, which makes it difficult to build a dedicated national SPS agenda.

Replies to an SPS Questionnaire and discussions with numerous public and private sector stakeholders, including officials with senior management responsibilities, as well as reported recent financial cuts in the public sector, revealed serious financial, technical, and human shortages affecting plant protection, animal health, and food safety. These issues must be urgently addressed.



## INTRODUCTION

In preparing this assessment, the consultant built on preliminary work undertaken by the U.S. Agency for International Development (USAID) Support Program for Economic and Enterprise Development (SPEED) project and worked with the Supporting the Policy Environment for Economic Development (SPEED+) team to complete a baseline analysis of the current sanitary and phytosanitary (SPS) environment in Mozambique, including the regulatory framework, with special reference to a report published by Frederico Sarguene and Jennifer Rathebe in April 2016.<sup>1</sup> The consultant examined numerous other publications, reports, studies, and articles, all of which contributed to his better understanding of the SPS situation in Mozambique.

An incremental steps questionnaire (the SPS Questionnaire) was developed in Portuguese and distributed during meetings with representatives of the Ministry of Agriculture and Food Security (MASA), Ministry of Health, and National Institute for Inspection of Fish (INIP). The SPS Questionnaire addressed the three components considered essential for good application of SPS measures: (1) human and technical capital; (2) public and private sector interaction; and 3) ability to access markets.<sup>2</sup>

The consultant led his desk research and the numerous interviews and contacts during his 16 days in Maputo, bearing in mind the SPEED+ overall objective: “to build government and private sector capacity to enable Mozambican firms to make the most of opportunities provided by international and regional trade.” In doing so, and in addressing the assigned SPEED+ activities and deliverables, the consultant tried to avoid duplication with findings and recommendations of other publications and reports and to instead help build on those findings and recommendations, when appropriate, with the hope that some of them are followed by action(s) with sustainable effect over time.

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<sup>1</sup> Sarguene, Frederico, and Jennifer Rathebe. 2016. *Sanitary and Phytosanitary Measures – Assessment of the Status of Implementation of the WTO Agreement in Mozambique*. Prepared by DAI and Nathan Associates for review by USAID, April.

<sup>2</sup> The SPS Questionnaire is based on a tool used by the World Trade Organization (WTO) SPS Advanced Courses, developed by the consultant and Kevin Walker, Michigan State University (USA). Both the consultant and Kevin Walker are regular coaches of the WTO Courses.



## OVERVIEW OF SPS ISSUES

### AN UPDATE ON SPS ISSUES IN MOZAMBIQUE

*This section provides an overview of SPS issues in Mozambique, including background and details on donor-funded projects working in the area, how the SPS enquiry point is functioning, and how Mozambique is meeting its WTO SPS commitments.*

### INTERACTION WITH REGIONAL AND INTERNATIONAL ORGANIZATIONS

Analysis of available information, underscored by discussions with a variety of stakeholders, shows that, in general, Mozambique is not meeting or is insufficiently meeting its WTO and/or SADC SPS commitments. This is particularly true with regard to transparency provisions.

Although Mozambique has appointed both a National Notification Authority and an Enquiry Point—two basic transparency requirements of the Agreement on the Application of SPS Measures (the SPS Agreement)—the WTO’s Sanitary and Phytosanitary Management Information System (<http://spsims.wto.org/>) shows that, in 22 years of WTO membership, Mozambique has notified only three SPS measures—two in 2012 and one in 2017. And yet, the *Trade Policy Review Report* by the WTO Secretariat<sup>3</sup> indicates that, “[o]ver the review period, there have been several changes to SPS-related laws and regulations, namely in the areas of: animal health; plant health; GMOs; seeds; pesticides; and food of aquatic origin.” Likely, some of these, if not all, have an impact on trade.

The WTO report goes on to note that, “[i]n the context of this Review, the authorities indicated that all SPS measures are based on international standards,” in which case Mozambique would not necessarily have to notify the WTO. However, several interviews and meetings held by the consultant indicate that this is hardly verifiable and probably inaccurate. Revisions of several laws and regulations occurred or are ongoing precisely because, by and large, they are outdated and not aligned with international standards. A recent example is the new draft Veterinary Law, and several regulations, aimed at addressing the numerous shortcomings found during the World Organisation for Animal Health (OIE) Identification Mission that took place in Maputo in October 2015, under the Veterinary Legislation Support Programme (VLSP).<sup>4</sup>

An assessment of the phytosanitary system in Mozambique issued in March 2016<sup>5</sup> describes significantly outdated or absent plant regulations, often not aligned with international standards.

Mozambique’s participation in the WTO SPS Committee meetings is occasional and irregular. To date, no specific SPS trade concerns have been raised and, when Mozambique does attend the

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<sup>3</sup> WTO Document WT/TPR/S/354, 29 March 2017.

<sup>4</sup> For instance, on page V: “(...) with reference to the relevant international standards and obligations, the Team finds there are several areas for improvement in Mozambique’s legislative framework for the veterinary domain. First, there is virtually no legislation on some key elements, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals (legislation on the latter is jointly being developed by the National Veterinary Directorate (DINAV) and counterparts at the Ministry of Health)....” The VLSP was created as a follow-up to an evaluation of the Performance of Veterinary Services (PVS) using the OIE PVS Tool. At the request of members, the OIE conducts missions to help governments that wish to modernize national veterinary legislation and thereby help the veterinary services to meet the OIE standards. After an initial “identification” mission, the country may request a longer-term collaboration with the OIE, under a formal agreement, with the objective of modernizing the national veterinary legislation. (See: <http://www.oie.int/support-to-oie-members/veterinary-legislation/>.)

<sup>5</sup> Cugala, Domingos. 2016. *Assessment of Current Status of National Phytosanitary (Plant Health) System in Mozambique. Baseline studies in Phytosanitary (Plant Health) at National Level.* Food and Agriculture Organization (FAO), Maputo, Mozambique, March.

meetings, its representatives do not participate actively in the discussions. Mozambique therefore jeopardizes the opportunity to inform other WTO members of SPS developments in the country, hold bilateral talks with trade partners, explore market access opportunities, or learn from the experiences of other countries with similar profiles, and it excludes itself from the development of natural alliances with countries with similar SPS concerns and profiles. Moreover, the country misses the opportunity to discuss its weaknesses and eventually find support from other WTO members to address SPS difficulties and shortages.

According to the limited information available, although Mozambique is an active SADC member state in some areas, this is not the case with respect to SPS issues. SADC has apparently not even received copies of the three SPS notifications to the WTO as required by SPS Annex VIII to the SADC Protocol on Trade.

A quick search on the internet shows that Mozambique has benefited from a number of SPS-related donor-funded projects, several of them described by Sarguene and Rathebe.<sup>6</sup> The authors also note that “Mozambique has participated in several SADC Secretariat-led SPS capacity building activities.” Among these, it is worth mentioning the four-year Food Safety-Capacity Building on Residue Control Project funded by the European Union. The purpose of this important project was to harmonize food safety control regulations, guidelines, and procedures by strengthening conformity with international requirements of the relevant SPS authorities in the SADC region. A set of three important guidelines were developed: (1) Regional Guidelines for the Management of SPS Matters in SADC; (2) Regional Guidelines for the Registration of Crop Protection Products, and (3) SADC Regional Guidelines for the Regulation of Food Safety.

SADC member states were expected to domesticate these guidelines. According to Sarguene and Rathebe (2016), and confirmed by the SADC Secretariat, none of the SADC member states has done so yet.

### SADC SEED PROTOCOL

Information received from the SADC Secretariat indicates that, so far, few countries have signed the SADC Seed Protocol and none has domesticated it entirely. However, a few, albeit small, breakthroughs have taken place concerning harmonization and domestication in each member state.

The slow pace of implementation is not surprising. A study published by the Centre for Applied Legal Research (CALR)<sup>7</sup> notes that:

The process of aligning national seed regulations to the SADC Harmonized Seed Regulatory System for purposes of achieving ‘harmonization’ is inherently complex, multi-directional, fragmented and unpredictable.... A process that is influenced by many factors of an economic, political, social and legal nature....

According to this study, Mozambique’s initial revision phase of its existing legislation was a relatively expeditious process because the country follows the monist approach—it accepts international or regional instruments to be self-executing at the national level, subject to constitutionally mandated confirmations. Mozambique uses the same approach regarding the adoption of international standards as well. Nonetheless, Dr. Carlos Moamba, Mozambique Resident Advisor for the Feed the Future Southern Africa Seed Trade Project, notes that the process is time-consuming and that the

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<sup>6</sup> Sarguene and Rathebe, 2016, Annex III.

<sup>7</sup> Centre for Applied Legal Research (CALR). 2012. *The SADC Harmonized Seed Regulatory System: A Review of National Seed Policy Alignment Processes in HASSP Project Countries*. Harare, Zimbabwe, August. <http://www.ca-lr.org/>.

focus is on the creation of internal conditions for the implementation of the protocols and their domestication. In 2013, the Decree on Seed Regulation was revised and approved as the guiding instrument for the seeds subsector. Other instruments were subsequently revised, aiming at harmonization with the regional protocol, and—even if their dissemination and implementation is a significant challenge—domestication is currently ongoing in the country.

Other challenges include implementation of the production system and the certification of seedlings; the approval of complementary standards for the implementation of the Regulation on Protection of New Varieties of Plants; and the review and approval of missing cases such as the list of harmful weeds and certification standards for roots and tubers (Reno potatoes, cassava, sweet potatoes, and fruit plants). The enforcement of the inspection of the commercial seed network and the imposition of penalties for noncompliance comprise another significant challenge.

Last, but not least, the lack of efficient seed laboratories and poor inspection capacity by the MASA Seeds Department have led to the elaboration of a ministerial diploma on accreditation and certification of private laboratory inspectors.

The general purpose of the revised 2013 Decree on Seed Regulation was to create a political environment that allows for the development of the seeds sector to achieve food security and a more competitive agricultural sector.<sup>8</sup> However, even if the alignment of legislation with the SADC Seed Protocol has made progress, the process may still face insufficient support from policy makers. The SADC Secretariat emphasizes the need for policy makers to understand the legal implications of “domestication.” The absence of the required political support necessary to advance the implementation of the Seed Protocol through the different policy reform steps may be another reflection of the fact that SPS issues are not prioritized by the Government of Mozambique.

## **MOZAMBIQUE'S CURRENT SPS-RELATED CAPACITY**

Replies to the SPS Questionnaire and comments made by both public and private sector stakeholders, including officials with senior management responsibilities, note serious financial, technical, and human shortages in crosscutting plant protection, animal health, and food safety.

Other significant burdens include the lack of or limited access to adequate training; lack of modern technology capable of responding to the entrance and rapid spread of new pests/diseases (recently illustrated in the Panama disease crisis in bananas, fruit fly affecting mango and other fruits; corn armyworm, aflatoxin, etc.); and outdated legislation, standards, and regulations that are often not harmonized with international standards.

Most stakeholders, from both the public and private sectors, complain of deficient public transparency, emphasizing poor information sharing, an excessive bureaucracy, and a general lack of national coordination within the public sector and between the public and private sectors. Lack of transparency and coordination also significantly affects regional and international matters, reflected in scanty notifications and limited involvement in the work of regional and international organizations, especially the standard-setting organizations and WTO, leading to continued erosion of rights and obligations and jeopardizing opportunities. Part of this problem is the result of lack of awareness among decision makers, lack of leadership, especially at the political level, and, ultimately,

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<sup>8</sup> Information concerning the current situation of the process of domestication and implementation of the SADC Seed Protocol in Mozambique was kindly shared by Dr. Moamba, including information presented by MASA during an SADC Protocol Disclosure Seminar and Related National Legislation, held in Chimoio on 12 July 2017.

deficient institutional capacity and a nonexistent national agenda—and, thus, the incapacity to establish priorities.

## PLANT PROTECTION

In response to the SPS Questionnaire, the MASA Department of Plant Health (DSV) indicated that there is a training plan that involves different stakeholders (technicians, producers, etc.) to guarantee phytosanitary protection. However, the training program is limited in scope. Phytosanitary inspectors carry out their jobs at the border based on the implementation of the Plant Health Inspection and Plant Quarantine Regulation (Decree 05/2009). They have no basic knowledge of other SPS issues, especially import requirements from other countries—a prerequisite to guarantee access to the various export markets.

Discussions involving the Head of Department, the Head of Plant Inspection and Quarantine Services, and several technicians confirm this assessment and emphasize severe gaps at the technical capacity level, with low levels of specialization and no system of staff evaluation. Laboratories lack trained technicians capable of dealing with emergency situations and, when technicians participate in training activities, as reported recently following an FAO event, they do not apply their newly acquired skills; the investment in training is lost. The laboratories dispose only of the basic material requirements and are not equipped with the necessary modern technology. A technical report submitted in May 2015 to USAID/Southern Africa confirms this assessment.<sup>9</sup>

Regarding technical independence, DSV noted that there was no political interference in technical matters. However, it is necessary to ensure that information on SPS issues is transmitted consistently, clearly, and sustainably to policy makers. Lack of political awareness is reflected in the absence of a national SPS agenda and the nonexistence of SPS strategies and priorities. There is no national strategy for pest and disease control; no national strategy on prevention/containment/emerging pests, etc. This lack of awareness and strategies severely hampers the swift functioning of the system. Simple acts, such as notifications to the International Plant Protection Convention (IPPC) (e.g., on changes to pest status, phytosanitary measures, regulations, etc.), may wait two to three months before ministerial authorization.

A Phytosanitary Capacity Evaluation (PCE) was carried out in Mozambique in 2011,<sup>10</sup> with a methodological approach based on the application of the IPPC PCE Tool. The PCE concluded, among other things, that:

The current legislation complies with the model phytosanitary and re-exports certificates as described in the annex of the revised text of the IPPC (1997) although lacking in some aspects that need improvements. The following phytosanitary issues require improvement: (1) The inspection and certification facilities (infrastructure, equipment, laboratories) at entry and exit points; (2) Communications system (equipment, infrastructure) within the NPPO [National Plant Protection Organization] and between the NPPO and national stakeholders and with the NPPO of other countries; (3) Transport at all levels to improve emergency response, pest surveillance and control; (4) The capacity and facilities of

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<sup>9</sup> Louw, Wiana. 2015. *Assessment of Testing Facilities in Mozambique, Zambia and Malawi April–May 2015. Final Technical Report*. AECOM International Development, USAID Contract No. 1001272-IC-15-24232-00, May.

<sup>10</sup> Cugala, Domingos. 2012. *Phytosanitary Capacity Evaluation in Mozambique (PCE) – Enhancing Phytosanitary Services Capacities in Mozambique*. FAO, Maputo, Mozambique, March.



laboratories for basic pest diagnostic; (5) Establish permanent offices and facilities at the international airports and Customs areas for phytosanitary issues....

The PCE stresses the importance of the NPPO—“...the only authority by legislative or administrative means responsible for control and issuance of phytosanitary certificates...”—and identifies several other system weaknesses, including a generally inadequate infrastructure in terms of laboratory equipment, materials, and qualified personnel.

Four years later, in March 2016, Professor Domingos Cugala, author of the 2011 PCE Report, issued a new report assessing the status of the national phytosanitary system in Mozambique.<sup>11</sup> The 2016 report does not identify improvements in the plant protection area. On the contrary, among other weaknesses, it points out:

...(1) outdated or lack of a National Plant Protection Legislation; (2) lack of surveillance and diagnostic specialized units (groups); (3) inadequate capacity to conduct surveillance and monitor the spreading and eradication of pests; (4) lack of Pest Risk Assessment/Analysis (PRA) and Early Warning System (EWS) unit (group); inadequate capacity to carry out inspection and certification - weak control of borders; (6) lack of a consultation mechanism and strong linkage between government agencies and private sector....

Not surprisingly, corroborating the 2011 PCE findings and the 2016 report, several of the above-mentioned system flaws were also identified in the replies to the SPS Questionnaire.

## ANIMAL HEALTH

There was no reply to the SPS Questionnaire from MASA's National Directorate of Veterinary Services (DNV). In 2008, the OIE conducted an evaluation of Mozambique's PVS. The report is unavailable on the OIE website and, at the time of drafting this report, the consultant had not received a copy from the DNV.

In 2012, the OIE conducted a Veterinary Legislation Support Programme in Mozambique.<sup>12</sup> The OIE team found that there was:

...virtually no legislation on some key elements of the veterinary domain, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals. Of the elements that are addressed, there are numerous gaps, overlaps and contradictions among the provisions, and much of the material is outdated.... Most of the enabling provisions are inadequate, leaving the authorities without an explicit legal mandate to discharge their responsibilities.... A lack of complementarity and harmonization among related instruments further limits their effectiveness. A serious concern is the absence of a formal chain of command, which weakens the [Veterinary Authority's] capacity for animal disease detection and control, particularly in the case of transboundary animal disease outbreaks where rapid and effective response at every administrative level is critical. Compounding the problem, there is no formal disease surveillance system or communication protocol to enable early detection and control and reporting of animal disease occurrences....

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<sup>11</sup> Cugala, 2016.

<sup>12</sup> Gongora, Victor, and Julia Rogers. 2015. *Veterinary Legislation Support Programme, Report of the Veterinary Legislation Identification Mission, Republic of Mozambique 5-9 October 2015*. OIE, Paris, France.

The report identifies several other shortcomings, but acknowledges some “notable strengths” related to the import and export of animals and animal products, as well as certain animal disease control measures, and stresses the “excellent understanding of veterinary and administrative matters.”

A new set of legal instruments on animal health that took into account the recommendations of the 2012 OIE VLSP results were submitted for validation during a June 2017 meeting organized by DNV. Discussions with DNV’s National Director and the Head of the Epidemiology Department confirm this information. A significant effort would have been put on the harmonization of legal texts, and new legislation on veterinary laboratories, animal welfare, and veterinary medicines and biologicals would have been developed. However, a private sector that is largely uninterested in the development of new legislation seems to render the validation of new legal texts problematic. Limited production capacity of animal products, despite a growing demand, is perceived as one reason for the private sector apathy. The legal instruments are currently being revised by MASA’s legal office, after which they will be validated by the Ministry’s Technical and Advisory Council. After the validation, the draft will be distributed for comments to all key stakeholders. At the time of publication, there were no dates established for the end of the process.

The weakness of the chain of command identified by the OIE team in 2012 remains problematic. It hinders the Veterinary Authority’s ability to control animal disease, implement early detection, or rapidly respond, and has significant impact on border controls. Veterinary inspection at the border is also affected by the limited number of veterinary inspectors, deficient diagnosis capacity (not to mention laboratory shortfalls), and the physical separation of fiscal and veterinary facilities in several border checkpoints, which often results in the importation of animals and animal products with no veterinary health certificates. Veterinary services must be fully incorporated into the border facilities, beginning with the main borders.

It is felt that the utilization/strengthening of new technological and digital equipment, and especially improved internet access allowing proper use of e-certification and the single window, would contribute significantly to addressing some of these difficulties, even if the functional structure of borders also needs careful consideration. However, significant improvements seem severely constrained by a halved budget for veterinary services in the last three years.

The situation is different in the fisheries sector, where export capacity underscores more awareness regarding SPS issues. Discussions with officials from the INIP and (succinct) replies to the SPS Questionnaire indicate that major shortfalls relate to staff training and the upgrading of laboratory facilities, especially to allow for the analysis of aquaculture products. A visit to the laboratory in Maputo—accredited under ISO 17025—was planned but had to be cancelled because an audit was under way. Nonetheless, discussions and available data and information all confirm the comparative advantage of the fisheries sector, including regarding laboratory facilities (which also exist in Beira and Quelimane). Close cooperation with the African Union Interafrican Bureau for Animal Resources (AU-IBAR), apparently absent regarding other animal resources, is another differentiating aspect.

Discussions with the private sector also confirm the relative advances in the fisheries sector. In the opinion of those interviewed (Pescas do Sul, Sociedade Industrial de Pescas), the main problems affecting the fisheries’ sector are not related to SPS; instead, they range from a generally depressed economic environment to a relatively disorganized sector, affected by illegal competition from artisanal fishing, high freight and inspection costs, and transportation limitations (for example, the nonexistence of certified trucks demands the use of South African trucks for exports to that country). Here too, the single-window approach is welcome, and e-certification is seen as the way forward.

## FOOD SAFETY

Finding and collecting information about food safety in Mozambique proved to be the most challenging exercise. However, Mozambique's Codex Committee exists and, according to several opinions, functions, or at least used to function, comparatively well, including participation of representatives of both the public and private sectors. Public sector food safety representatives participated actively in the work of Codex Alimentarius until the end of 2015, benefitting from the Codex Trust Fund (CTF), which concentrated on supporting participants to attend Codex meetings. The Fund was replaced by a successor initiative (CTF2), which will run until 2027 and "...concentrates on helping countries address the barriers to effective engagement in Codex at national level. CTF2 will do this by supporting activities in countries to, for example, strengthen national Codex structure, raise awareness on the importance of Codex among policy and decision-makers, build capacity for effective participation in Codex..."<sup>13</sup> Mozambique, an eligible country for CTF2, has so far not applied for support from the Fund.

The food safety sector is affected by dramatic basic shortages in laboratories. Funding, materials, servicing, water, and electricity were already identified in Louw, 2015. A non-programmed visit to the National Laboratory for Water and Food Hygiene (LNHAA) in Maputo on 14 June 2017, and discussions with Dr. Nivalda Bomba, not only confirmed some of these shortages, but suggested that the situation may have deteriorated since 2015. A recent audit by the Portuguese Institute for Accreditation identified 20 nonconformity issues. The laboratory is accredited ISO 17025 for certain tests and, whereas currently microbiologic analysis is performed regularly, chemical analyses are seriously handicapped by the lack of equipment, while some existing equipment is either obsolete or needs repair. There is also a lack of reagents and other consumables. The LNHAA has no capacity to implement surveillance systems.

The absence of qualified and well-trained staff is another critical problem. Although not necessarily a negative sign, many of the technicians present during the June 2017 visit to the LNHAA were students—some performing their own analyses, others carrying out official tests. Over the years, the laboratory has benefitted from financial and technical support from the United Nations Industrial Development Organization (which led to accreditation) and the Global Alliance for Improved Nutrition, but currently the LNHAA depends solely on state budget. It cooperates with the INIP and the Laboratory of Engineering of Mozambique.

According to discussions with both Dr. Nivalda Bomba and Dr. Ana Paula Cardoso, Head of the Department of Environmental Health, Ministry of Health, food safety legislation is outdated, with some texts pre-dating 1975. Although a compilation and review effort is under way, also involving the Ministry of Industry and Trade, it is felt that this an area where technical assistance is required. As in the animal sector, in the food safety sector the development of new legislation is constrained by lack of awareness in the private sector.

## THE WTO ENQUIRY POINT AND NOTIFICATION AUTHORITY

A quick search on the WTO SPS Information system (<http://spsims.wto.org/>), shows that, since it joined the WTO in August 1995, Mozambique's SPS National Notification Authority (NNA) has only submitted three notifications to the WTO: the most recent, in April 2017, was an emergency notification suspending imports of meat from Brazil; the two others were regular notifications on

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<sup>13</sup> FAO/WHO Codex Trust Fund (CTF2) Frequently Asked Questions.

plant protection, submitted in April 2012. Unsurprisingly, the SPS National Enquiry Point (NEP) never received requests or questions from other WTO members.

Several meetings with some members of the informal SPS Group—composed of officials from Plant Protection, DNV, and the Ministry of Health, including recently appointed officials in charge of the operation of the NNA and the NEP—were helpful in identifying/confirming the difficulties. At the root of the problem lies the disorganization and lack of awareness of SPS issues, including among many of the stakeholders. (Most officials appear to be knowledgeable in their areas of competence, but know little about SPS and its implications.) In addition, limited human resources is a severe challenge—maintaining the NNA and/or NEP is only a small part of the workload and responsibilities of the officials in charge.

A visit to the NEP office was also sufficient to verify that, although the general work conditions (offices, meeting rooms, and other facilities) appear to be in good condition, the office equipment, especially the computer and printer, are obsolete—a situation said to be true of the NNA office as well. Moreover, access to the internet is sporadic. Considering developments in WTO notification practices, now operating directly online, it is hopeless to expect that Mozambique's notification mechanisms can meet minimum requirements for a smooth operation.

The new official in charge of the Enquiry Point, a former participant in the WTO SPS Advanced Course, is aware of the WTO requirements regarding transparency and the operation of the NEP. He is aware of the most recent developments in this regard (the new technical barriers to trade/SPS ePing system—<http://www.epingalert.org/>—and its utilities), but is unable to do his work properly under the current conditions. For example, ePing alerts that were received by mobile phone should have triggered some reaction from the NEP and the NNA, but neither of those offices had seen the notifications.

Another key element for the proper functioning of both the NNA and the NEP is a strong relationship with private sector stakeholders. The private sector's lack or limited awareness of or interest in SPS matters makes engagement with representatives particularly difficult, but it is also part of the job of the officials in charge of the NNA and NEP. As discussed elsewhere in this report, meetings with private sector representatives, as well as the encouraging response to the workshop organized by USAID, suggest that the time is ripe to launch some relatively simple initiatives that may help build and/or improve relationships.

## **SPS-RELATED ISSUES THAT AFFECT FEED THE FUTURE VALUE CHAINS**

Discussions with MASA officials and university and private sector representatives, as well as a review of available material, underscore the fact that SPS-related difficulties generally affecting the plant protection sector—discussed in other sections of this report—may have an aggravated effect in Feed the Future value chains and can rapidly destroy efforts to develop such chains. In an environment with limited capacity to prevent the development of new pests and diseases, reduced or nonexistent surveillance and control capacity, and limited diagnostic aptitude, Feed the Future efforts to promote the use of new and more resistant crop varieties and the establishment of adequate food safety management techniques to address food safety and nutrition may be rapidly put at risk.

The outbreak of the Panama disease (a plant disease caused by a fungus that enters the plant's roots and spreads through it, with the potential of destroying entire plantations) in the province of Nampula in 2013 is one example of how these issues can affect value chains. Public and private efforts, with teams of national and foreign specialists and researchers including FAO and SADC, attempted to control the disease. However, the number of cases of infected plants at Matanuska,

the largest plant in Nampula, are reported to have reached 15,000 per week at the beginning of 2017, and exports fell from 19 containers per week to five or six containers. Of the 2,500 workers employed until last year by the company, 500 have already been lost their jobs.<sup>14</sup>

Also challenging to the Feed the Future initiative (as illustrated by the research of the Feed the Future Innovation Lab on Peanut Productivity and Mycotoxin Control, University of Georgia) are the high levels of aflatoxin that have been detected in Mozambique since the 1970s. The rejection of groundnut and groundnut products by the European Union for exceeding aflatoxin maximum levels in the 1990s led to several initiatives to support aflatoxin mitigation.<sup>15</sup> Mozambique, like Malawi and Zambia, has benefited from several assistance projects, most of them still ongoing, under the umbrella of the Partnership for Aflatoxin Control in Africa.<sup>16</sup> These projects involve several partners and funders, including USAID, the World Bank, the U.S. Department of Agriculture, the Swiss Agency for Development and Cooperation, and the Office of the Texas State Chemist - Texas A&M AgriLife Research (USA).

As described above, laboratory facilities and capacity for SPS-related testing are limited and seriously hindered by often outdated and/or inoperative equipment, lack of certification, and few trained staff. The situation does not seem to have improved significantly since the 2015 assessment (Louw, 2015).

## TRANSPARENCY OF SPS REGULATIONS

The lack of transparency on SPS issues in Mozambique was a concern raised by many public and private sector stakeholders during meetings and interviews and in workshop discussions. Moreover, the country does not meet the WTO or SADC transparency requirements. Undoubtedly, the use of the single window customs system Janela Única (which is said to cover only about 40 percent of total goods) is a welcome development and an unavoidable one, considering the WTO Trade Facilitation Agreement and ongoing (and accelerating) transition from paper-based to automated SPS systems in the international trade system.

A frequent complaint among the private sector relates to the perceived lack of trust in the relations between the public and private sectors, especially regarding trade-related activities. Lack of transparency and coordination in the operation of border controls, distrust in the accuracy of certificates and accreditation, duplication of procedures (certification and inspection), unclear responsibilities, redundant information requirements, and frequently changing and uncommunicated rules and procedures all result in undue delays and increased import/export costs. With pre-shipment inspection coming to an end, there is a need for increased transparency and coordination.

However, the nonexistence of an SPS portal—including in or separate from the MASA webpage—suggests that there is a long way to go until minimum requirements are set for an electronic system to be operational. The effective use of the Single Electronic Window (SeW) for SPS purposes in Mozambique seems to be only in its infancy. Aside from the functionalities of the system, said to be technically ready for SPS e-certification by the Mozambique Community Network—the public-private partnership that designed, implemented, and operates the SeW—preparations for its full use

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<sup>14</sup> Source: MASA, DSV

<sup>15</sup> It is worth noting that Codex Alimentarius has not yet established an international standard regarding ready-to-eat peanuts, currently at step 3 of the Codex process for the development of international standards.

<sup>16</sup> <http://aflatoxinpartnership.org/>. See also Sarguene and Rathebe, 2016.

need a significant amount of coordination and collaboration between public and private stakeholders.

Although the concept of the single window is not new, the introduction of the electronic window brings accrued difficulties for countries which did not use the “physical” single window. Countries in this situation often paved the way towards the SeVW by creating, as a first step, logistic unities where public and private agencies involved in trade activities were assembled in a same physical space. In a second phase, procedures were progressively digitalized by designated public agencies first, gradually expanding to other agencies. Finally, these logistic unities were connected to an electronic single window which centralizes trade activities.

The general lack of awareness about SPS issues in the country complicates things further. Increased overall SPS transparency requires good management of existing public resources, including the various SPS regulators, such as the Ministries of Health, Fisheries, Agriculture (animal health and plant protection), Trade, and Environment, and possibly other agencies (e.g., National Statistics Institute), Ministry of Economy and Finances). To achieve such management implies the elaboration of an SPS strategy to ensure compliance with international and regional SPS obligations and responsibilities if Mozambique wants to promote trade. To fold SPS requirements into the SeVW without first determining a sound SPS strategy is “putting the cart before the horse.”<sup>17</sup>

All stakeholders, public and private, call vehemently for the urgent creation of a good coordination mechanism, eventually a national SPS committee, discussed below. This could be a first step toward the elaboration of an appropriate SPS strategy.

## **STREAMLINING DOCUMENTARY REQUIREMENTS AND CONTROL PROCEDURES**

As documented above about plant protection, animal health, and food safety, Mozambique’s numerous obsolete regulations; many non-harmonized standards, guidelines, and/or recommendations; and outdated (or absent) legal frameworks add up to significantly weak technical and institutional capacity. Undoubtedly, the remedy requires the careful analysis of existing texts, possibly with the support of more than one external legal expert (in food safety, animal health, and plant protection). This analysis should be done in close cooperation with all national stakeholders, including university and international organizations.

In some cases, this work already begun, as illustrated by the recent elaboration of a series of drafts for a new Animal Health Law and respective application regulation,<sup>18</sup> as well as several related regulations, addressing the findings of the OIE VLSP 2015 report referred to previously. In the plant protection area, the assessment reported by Professor Cugala (2012) may serve as a first step for a review of the plant legislation. A similar exercise must be carried out for food safety, where officials signaled an urgent need for the revision of several texts. Despite the difficulties described in the previous paragraphs, SPS documentary and control procedures will need to be progressively integrated into the SeVW to make it comprehensive and fully-functional. This would provide an opportune time to undertake a comprehensive review, updating and streamlining of procedures.

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<sup>17</sup> In other words, in terms of the WTO Trade Facilitation Agreement, the establishment of the single window, at least for purposes of SPS requirements, would probably be included in Category C commitments.

<sup>18</sup> New Health Regulation for Aquatic Animals; new Regulation of Drugs, Medicines, and Veterinary Products; new Regulation for Meat Inspection; new Regulation on Slaughterhouses, new Regulation for Poultry Slaughterhouses.



## RISK-BASED APPROACHES FOR SPS

The WTO SPS Agreement requires that measures be based on risk assessment and recognizes proportionality. Simply put, because low-risk products do not normally require refrigeration or heating devices and are not dangerous when consumed under normal circumstances, reduced controls on such products seem to make sense and, hence, focusing inspection on high- and medium-risk items a possibility.

However, even low-risk products must be subject to a food safety system, even if simplified, if possible based on HACCP principles. In Mozambique, the government does not have adequate capacity to make decisions and carry out actions based on scientific principles, including the assessment, management, and communication of risks. At best, risk assessment may be performed in emergency situations (but not always, like recently with the decision to suspend meat imports from Brazil. Meat samples had to be sent to South Africa). Therefore, any risk-based approach must be developed from scratch. For instance, Mozambique might consider creating a mechanism (a risk assessment unit or team) composed of technicians from different specialties. When SPS requirements have been integrated into the SeW, Authorities can decide on appropriate risk based approaches for imports of SPS-related products. For instance, the SeW would flag the imports of high-risk commodities for further inspection. At the same time, getting companies that import these food and commodity products signed up to the Authorized Economic Operators (AEO) program can further help to expedite trade and ensure the use of more risk-based approaches for food and commodities.

## STRENGTHENING INTER-MINISTERIAL COORDINATION

All the contacted stakeholders, public and private, call vehemently for the urgent creation of a good coordination mechanism, eventually a National SPS Committee. Despite the commendable efforts of the informal SPS Group (see above), coordination and information-sharing with public bodies and with the private sector are almost nonexistent. Devoid of institutional support, the SPS Group holds ad hoc meetings, lacks organization, and has no capacity to assemble stakeholders.

As noted by Ulrich Kleih:

Effective coordination among relevant government institutions, as well as improved interaction between public and private sector stakeholders with an interest in SPS issues, is critical to reduce information gaps, minimize the overlap of activities undertaken by various agencies, address SPS issues in a cost-effective manner and, ultimately, improve the implementation by countries of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and their participation in international standard-setting bodies, i.e. the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC).<sup>19</sup>

The need for the development of national SPS coordination mechanisms, such as a national SPS committee, is not a new issue, but the entry into force of the SPS Agreement—and the consequent creation of the WTO SPS Committee—and its synergies with the standard-setting organizations created new challenges. Twenty-two years later, there are several models and success stories

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<sup>19</sup> Kleih, Ulrich. *National SPS Coordination Mechanisms: An African Perspective*. Natural Resources Institute University of Greenwich (UK) - STDF, January 2012 (pg.1).

regarding improved national coordination approaches, and new e-tools facilitate coordination. Additionally, movements toward increased regional integration and the growing role of regional economic communities, including in capacity building and sustainability, should also encourage the creation of a committee; the SADC, for example, requires the establishment of a national SPS committee.

The success of an institutionalized and efficient SPS committee requires high levels of commitment, mutual recognition among key stakeholders of the importance and interdisciplinary nature of SPS, effective collaboration between the public and private sectors, and well-defined composition, scope, functions, and responsibilities. But improved organization and cooperation efforts per se will not succeed if there is not sufficient SPS awareness among decision makers, including at the political level, to provide and support leadership and the establishment of a SPS strategy and national agenda. As just one instrument of institutional capacity, the successful establishment of a national SPS coordination mechanism will depend also on information-sharing and transparency—both problematic in Mozambique. In sum, actions undertaken to create a national SPS committee will have to coincide with actions addressing other structural weaknesses.

Last, but not least, the Ministry of Industry and Trade is creating a committee to address the challenges of implementation of the WTO Trade Facilitation Agreement. It has been suggested that, if an SPS coordination mechanism is to be established, it could be a subcommittee of the Trade Facilitation Agreement Committee. This (understandable) suggestion should be analyzed carefully to avoid further delays in the implementation of the SPS committee, or subcommittee, and, to the extent possible, guarantee a functional independence of this body.

## **GREATER USE OF EQUIVALENCE AND UNILATERAL/MUTUAL RECOGNITION**

Mozambique has not notified the WTO of any SPS equivalence agreements, nor does it seem to have entered into any such agreements. However, in the fisheries sector, as noted by Sarguene and Rathebe (2016), INIP has demonstrated authority and capability to negotiate these agreements (although the agreements signed with South Africa and Namibia referred to by Sarguene and Rathebe do not seem to fit the definition of equivalence agreements).

Equivalence is a concept of relatively difficult application, which led the WTO SPS Committee to develop a Decision<sup>20</sup> to facilitate the implementation of the concept. According to this Decision, equivalence “...can be accepted for a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis...” This formulation and the fact that “...equivalence can be applied between all Members, irrespective of their level of development ...,” meets the concerns of developing and least-developed countries.

However, the Decision also states that “...transparency, exchange of information and confidence-building by both the importing and exporting Member are essential to achieving an agreement on equivalence,” which renders the use of equivalence (and unilateral/mutual recognition) particularly difficult for Mozambique, if identified SPS shortfalls are not adequately addressed. At best, a case-by-case and initial product-by-product approach might be considered.

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<sup>20</sup> WTO document G/SPS/19, Decision [by the SPS Committee] on the Implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures.



## CONCLUSIONS

To meet its international commitments and its WTO and/or SADC SPS obligations, Mozambique needs external support. It needs significant reinforcement of its technical and institutional capacity. Limitations in technical, human, and financial resources often severely affect the public sector's capacity to meet even basic SPS necessities, not to mention emergency situations.

Transparency mechanisms, as embodied by the WTO NNA and NEP, do not function because of obsolete office equipment and deficient internet connection, as well as issues related to poor coordination and communication among the different concerned ministries and agencies, aggravated by the absence of an SPS-dedicated webpage.

Lack of transparency also affects prospects for the effective use of the SeW for SPS purposes. Even if the system is technically ready for SPS e-certification, its operation needs a significant amount of coordination and collaboration between public and private stakeholders. But the relationship and information-sharing between government officials and the private sector are severely hurt by this lack of transparency, resulting in unaware and uninterested stakeholders and accrued difficulties to address SPS challenges.

The official sector has very limited training capacity to keep its staff abreast of relevant information and knowledge. Although there seem to be sufficient financial and technical resources to carry out routine work, when an emergency is declared, resources are insufficient. Laboratories lack well-qualified and trained staff and often dispose of only the basic material requirements, and existing equipment is in many cases obsolete or stalled due to malfunctions.

Apart from the fisheries sector, the ability to access markets and control imports is frequently limited by outdated laws and regulations and the inability of the public sector to ensure conformity with updated texts. Although in the animal health sector the ongoing review of legal texts seems to be approaching its final stages, external expertise may be necessary to help revise obsolete and non-harmonized legal texts in the plant protection and food safety areas.

Mozambique must address numerous challenges to meet acceptable SPS requirements in both the domestic and international markets. Information on SPS issues must be transmitted consistently, clearly, and sustainably to policy makers. This goal will only be fully achieved when policy makers understand the need for the establishment of SPS strategies and priorities and a national SPS agenda.



## RECOMMENDATIONS

Lack of awareness, transparency, information-sharing, and coordination/collaboration, often leading to and coupled with lack of personal commitment, are the weakest links of the SPS chain. The following recommendations are, in most cases, easy to implement and require little investment. Many of them address training on and raising awareness of SPS themes.

To ensure the sustainability of proposed recommendations, USAID should monitor their implementation, holding Mozambican technicians accountable, especially regarding improvements in transparency, information-sharing, and coordination.

### SHORT TERM – 2017/2018

- Equip the NNA and the NEP with adequate office equipment, including new computers and multifunction printers, and an adequate internet connection.
- Translate into Portuguese the *WTO Procedural Step-by-Step Manual for SPS National Notification Authorities & SPS National Enquiry Points*.<sup>21</sup>
- Create a dedicated SPS webpage, if possible bilingual (Portuguese/English), that enables the submission of enquiries to the NEP (if necessary, create a separate webpage for this purpose). The webpage should include news about agriculture-related fairs and shows in the country.
- Develop, print, and disseminate simple information leaflets and support information booklets in Portuguese (and English, if/when possible) for distribution during workshops, fairs, shows, meetings, and similar events. This information should also be available on the webpage.
- Consider financing a TV spot campaign supporting SPS awareness to be programmed before the national news.
- Support the creation of a national SPS committee. The existing SPS Group (or informal SPS committee) prepared a draft framework for a committee that can be used as a starting point, but capacity building is required to improve and finalize the draft and especially help to establish and operationalize the committee.
- Finance the participation of three SPS officials in the WTO SPS Committee meetings and, to the extent possible, in the SADC SPS Committee Regional meetings. USAID could cover up to two-thirds of the costs involved and the Government of Mozambique one-third in the first year. (Consider contacting AU-IBAR in this respect.)
- Organize a one- to two-day transparency workshop for SPS and trade officials, open to private sector representatives.

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<sup>21</sup> The existence of a Portuguese version (perhaps in Brazil) should first be investigated. Translation into Portuguese of other existing tools (e.g., the Inter-American Institution for Cooperation on Agriculture's Audit Procedures for Notification of Sanitary and Phytosanitary Measures) may also be considered.

- Organize an additional hands-on training session (one to two days) for officials in charge of the NNA and NEP and close collaborators. The session could include practical exercises using the available e-tools. Participation of private sector representatives could be considered.
- Organize a half-day SPS awareness workshop in Maputo for high-level policy makers, including ministers.
- Organize two-day national SPS workshops in Maputo, Beira, and Nampula aimed at raising SPS awareness and including sessions on electronic SPS certification, with active participation of the private sector.
- Organize the first module of an advanced course on SPS leadership (one week). The course, composed of three interactive and participatory modules, would be intended for SPS and trade (Ministry of Industry and Trade and Customs) officials with actual/potential leadership responsibilities, and for private sector representatives, including from academia and civil society. Special training sessions should be conducted by the private sector, e.g., on the Single Electronic Window and the role and functioning of the Confederation of Mozambican Business Associations. The program should include one or two visits to technical facilities, such as laboratories and fishery facilities.
- Assist in the development of a national SPS strategy in line with the Mozambique Strategic Plan for Agricultural Development (PEDSA 2010–2019) and SADC Regional SPS Strategies for Food Safety, Plant and Animal Health.
- To allow the official sector to have a consistent approach in carrying on science-based risk analysis decisions, support the creation of a mechanism—a risk assessment unit or team—composed of technicians from different specialties. Provide the necessary training to the unit/team.

#### **MEDIUM TO LONGER TERM 2018/2019**

- Conduct a new assessment of testing facilities in Maputo, Beira, and Nampula, including an evaluation of training needs. The assessment should be followed by actions to help address existing flaws.
- Assist the national authorities in setting up the SPS-related aspects of the Single Electronic Window.
- Assist Mozambique to revisit the Multi Criteria Decision Analysis document—developed in 2012 with the assistance of the Standards and Trade Development Facility—to ensure that new priorities are considered and appropriate SPS capacity-building interventions are identified.<sup>22</sup>
- Organize the second and third modules of an advanced course on SPS leadership (one week each).

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<sup>22</sup> The consultant endorses Recommendations 13 and 16 proposed by Sarguene and Rathebe (2016).