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ANNEX

**Neighbourhood, Development and International Cooperation Instrument (NDICI) –
Global Europe**

Exceptional Assistance Measure regarding Mozambique

1. IDENTIFICATION

Action: Support to strengthen the criminal justice chain in Mozambique with particular focus on fighting corruption, terrorism, organised crime, and associated illicit activities.

Action Reference: NDICI CR 2023 / 32

Cost: EUR 2 000 000 (European Union (EU) contribution).

Budget Line: 14 02 03 10

Duration: Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.

Lead service: FPI

2. ACTION SUMMARY

Mozambique continues to face a significant humanitarian and security crisis in its northern provinces. Despite progress in stabilising the security situation in the province of Cabo Delgado, security incidents have continued to take place as the armed groups have dispersed and changed tactics. There are also ongoing recruitment and other logistics and financing activities in other provinces, including Niassa and Nampula. Spill-over to other provinces and neighbouring countries is a concern.

This action aims at strengthening the capacities of the judiciary to address the threats of violent extremism, organised crime, and financing of terrorism. It will improve the capacity of Mozambican criminal justice authorities to reinforce the criminal justice chain strategic and operational response to terrorism, organised crime, corruption and money laundering and the financing of terrorism, notably through improved capacities for collecting, preserving, analysing and sharing evidence in line with human rights standards and rule of law.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Since 2017, the armed conflict, mainly in the province of Cabo Delgado, has resulted in over 4,700 deaths and almost 1 million internally displaced people. More than 2 million persons were estimated to need lifesaving and life-sustaining humanitarian assistance and protection in 2023. There has been some progress in stabilising the security situation in the province, also with a significant contribution from the Rwanda and the Southern African Development Community (SADC) forces (SAMIM), operational in Cabo Delgado, as well as the EU Training Mission in Mozambique. Nevertheless, security incidents have continued to take place as the armed groups have dispersed and changed tactics. There are also ongoing recruitment and other logistics and financing activities in other provinces, including Niassa and Nampula. Spill-over to other provinces and neighbouring countries is a concern. Since October 2022, Mozambique has been included in the grey list of the Financial Action Task Force and subsequently in the EU list of high-risk countries in terms of anti-money laundering and countering the financing of terrorism.

The existing mistrust of the authorities by part of the local population has aggravated due to the lack of security, rule of law, law enforcement, violation of human rights, and generally perceived absence of the State and its public services. The Mozambican authorities, despite international assistance, still do not have the necessary tools and policies in place to address the current challenges.

Organised crime is increasingly present in the country and thriving in a context of poverty, weak institutions, and corruption. Mozambique is used by criminal organisations as a transit country for drug trafficking (cocaine from Latin America, heroin from Afghanistan and Pakistan), and other criminal operations like trafficking of human beings and wildlife are on the rise.

3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT

The significant humanitarian and security crisis in the northern parts of Mozambique constitute an exceptional and unforeseen situation in the sense of Article 4(4) (a) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (d) and (n) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (d) support for the development of democratic, pluralistic state institutions, including measures to enhance the role of women in such institutions, effective civilian administration and civilian oversight over the security system, as well as measures to strengthen the capacity of law-enforcement and judicial authorities involved in the fight against terrorism, organised crime and all forms of illicit trafficking, and (n) support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments.

3.3 RISKS AND ASSUMPTIONS

Risks	High, medium, low	Mitigation
Restrictions imposed by authorities on access to the targeted areas.	Medium	Implementation will be designed to be flexible and quickly adaptable to increased restrictions to minimise the impact of additional measures.
Activities may be affected by onset of renewed and increased violence occurring in Cabo Delgado, Niassa and Nampula.	Medium/High	Ongoing dialogue with national institutions to immediately react to the change of priorities.
Lack of political will to put in place or implement required strategies and coordination.	Medium/High	Implementing partner will continue to engage closely with the Government of Mozambique to ensure political buy-in and willpower.
High turnover of staff limits the effectiveness of the training being delivered.	Medium	Identification of key staff who will remain in their roles and can serve as key trained officials, thus ensuring sustainability of the intervention.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to strengthen the criminal justice chain in Mozambique with particular focus on fighting corruption, terrorism, organised crime and associated illicit activities.

4.2 SPECIFIC OBJECTIVES

4.2.1 Support Mozambican criminal justice authorities to reinforce the criminal justice chain strategic and operational response to terrorism, organised crime, corruption and money laundering and the financing of terrorism, notably through improved capacities for collecting,

preserving, analysing and sharing evidence in line with human rights standards and the rule of law.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Mozambican criminal justice system strengthened to justly prosecute individuals involved in violent extremism, organised crime, and illicit flows, adhering to the rule of law and human rights.

Activities (indicative):

- 5.1.1 Strengthen Mozambican criminal justice institutional structures;
- 5.1.2 Build capacity of key Mozambican authorities on gender-sensitive and human rights-compliant strategies for prosecution, rehabilitation and reintegration of persons associated with terrorism, illicit flows, transnational organised crime and money laundering;
- 5.1.3 Support the development and institutionalisation of training curricula and on-site mentoring;
- 5.1.4 Promote inter-institutional coordination and develop e-learning platforms to foster coherent strategies and development of skills and knowledge to effectively address threats;
- 5.1.5 Promote and facilitate exchanges to build cooperation with regional and international organisations;
- 5.1.6 Provision of equipment and systems to support the operationalisation of counter terrorism, countering illicit flows, and organised crime.

6. IMPLEMENTATION

6.1 IMPLEMENTATION MODALITIES

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹.

6.1.1 Indirect management with a pillar assessed entity

This action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria: solid presence in the field, strong operational capacity in terms of technical competences and previous experience in the country on specialised counter terrorism and criminal justice assistance to criminal justice actors. The implementation by this entity entails support the Mozambican criminal justice authorities to increase their knowledge, skills and institutional capacity to bring individuals involved in violent extremism, organised crime, and illicit flows to justice, based on the rule of law and in a human rights-compliant manner (Expected Result 1 related to Specific Objective 4.2.1).

¹ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website, it is the OJ version that prevails.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 2 000 000**. A breakdown among components is provided hereunder, and is indicative.

Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: Strengthen criminal justice responses to terrorism		
6.1.1 – Indirect management with an international organisation	2 000 000	n/a
Total	2 000 000	n/a

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under indirect management for objective/component 1. It will be devolved and sub-delegated to the **European Union Delegation in Mozambique**, with the support of the Commission for the conclusion of the contracts implementing the action.

6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

6.5 EVALUATION

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

6.6 AUDIT

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

6.7 COMMUNICATION AND VISIBILITY

The 2021-2027 programming cycle has adopted a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

The 2022 "Communicating and Raising EU Visibility: Guidance for external actions" reference document shall be used to establish the appropriate contractual obligations.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

The action will build upon the ongoing NDICI crisis response action supporting the capacities of the judiciary to address the threat of violent extremism in Cabo Delgado and in the capital city that will end in March 2024.

The EU Delegation will submit for approval under the AAP 2024 an action that will seek to follow and broaden this FPI intervention.

The action will be coordinated with other bilateral, regional, and global interventions in this field and will be complementary to other EU peacebuilding, humanitarian, development, and security initiatives in the Northern provinces implemented under the "EU Integrated Approach" and in line with the PREDIN² approved by the Government of Mozambique.

² Programme for the Resilience and Integrated Development of the Northern Region approved by the Council of Ministers on 21 June 2022.