IMPLEMENTATION OF THE UNITED NATIONS PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

REPORT – MOZAMBIQUE

Biennial Meetings of States

New York, 11-14 July 2005

INTRODUCTION

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A) NATIONAL LEVEL

1. National Coordination Agency

The Mozambican National Coordination Agency is known as COPRECAL (in Portuguese is Comissão Interministerial para Prevenção, Combate e Erradicação do Tráfico Ilícito de Armas Ligeiras e de Pequeno Porte and in English is the Inter-Ministerial Commission to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons).

Contact:

Ministério do Interior
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COPRECAL was created in 2001 and was promologated by the Council of Ministers on 17 April 2005.
Our National Commission has two levels:

- Ministerial, and
- Technical

The Ministerial level which is political, is chaired by the Minister of Interior, being the Minister of Defence the Deputy Chairperson and it also comprises the Ministers of:

- Foreign Affairs and Cooperation;
- Finance;
- Plan and Development;
- Justice, and
- Education and Culture.

The Ministers shall meet quarterly and the Chairperson may call an extraordinary meeting whenever such meeting is necessary, as well as invite other institutions for their working sessions. This is the main decision Body.

The Technical level is the executive body and is chaired by the Permanent Secretary of the Ministry of Interior, comprising experts of the following institutions:

- Ministry of Interior;
- Ministry of Defence;
- Ministry of Foreign Affairs and Cooperation;
- Ministry of Justice;
- Ministry of Plan and Finance;
- Ministry of Education;
- Center for Strategic and International Studies; and
- The Office of the Press.

Experts shall meet at least once a month and the Chairperson may call an extraordinary meeting whenever such meeting is necessary, as well as invite other institutions for their working sessions.

The National Commission shall also establish Working Groups, namely:
- Working Group on Legal Affairs
- Working Group on Operational Affairs
- Working Group for Public Awareness, and
- Working Group for International Cooperation

The Ministry of Interior, as the coordinating body, shall guarantee the secretariat services.

**Roles and Functions**

1. Responsible for the coordination and integration of national efforts required to prevent, combat the illicit manufacturing, trade and use of small arms and light weapons.

2. Responsible for development and implementation of the National Action Plan to Prevent, Combat and Eradicate the Illicit Manufacturing, Trade, Trafficking and Use of SALW.

3. Responsible for the implementation of the SADC Protocol on the Control of Firearms, Ammunitions and Other Related Materials. Other Protocols, Actions Plans and Declarations pertaining SALW such as the United Nations Protocol, the UNPOA and the Bamako Declaration.

4. Facilitating the exchange and dissemination of information pertaining SALW.

5. Establishing and maintaining a national electronic database on SALW.

6. Coordinating and interacting with civil society and develop national public awareness programmes in the framework of the promotion of the culture of peace and non-violence.

It also competes to COPRECAL to propose the Government as follows:
a) Actions to be developed in perspective to integrate national efforts in domains of prevention and combat the manufacturing, trade, trafficking, possession and use of illicit small arms and light weapons;

b) A National Action Plan National Action Plan to Prevent, Combat and Eradicate the Illicit Manufacturing, Trade, Trafficking and Use of Small Arms and Light Weapons;

c) Necessary normative and administrative measures to reinforce actions of prevention and combat the manufacturing, trade, trafficking, possession and use of illicit small arms and light weapons.

2. National Point of Contact

The National Point of Contact is the Department of International Relations in the Ministry of Interior. The address is as follows:

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Fax Nº(00258) 1 32 00 84
E-mail: jbuale@yahoo.com or tchingry2001@yahoo.com

The Department of International Relations besides providing secretariat services liaises with other Ministries, institutions, organizations and States in relation to all issues pertaining the National Commission as well as on the implementation of the UNPOA, SADC Protocol on Firearms and other regional and international instruments concerning SALW.

3. Legislation, Regulations, Administrative Procedures

(i) National laws, regulations and administrative procedures to exercise control over SALW in Mozambique in the areas of production, export, import, transit and retransfer are:
7. Arms and Ammunition Act (AAA), Statute N°1/73, of 06 January 1973;
8. Law 33551 of 21 February 1944, dealing with customs and imports;
10. Law 3/97 of May 1997, dealing with Illegal Trafficking in Drugs;
11. Law 7/2002 of 05 February, dealing with money laundering;
12. Statute 10/87 of 19 September, Penal Code amendment dealing specifically with firearms.

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<th>National Laws, Regulations and Decrees</th>
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<td>Arms and Ammunition Act, Statute N°1/73</td>
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<td>This law establishes that a producer's licence is required to all SALW manufactures, the Government must issue such licence. Mozambique does not have a SALW manufacture industry. This law also regulates the storage of finished SALW, marking, record keeping including offences and penalties to the producers.</td>
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<td>According to Art. 14 (1) The licence to import, export, re-import and re-export SALW and other related materials must be granted by the Government. This law also regulates marking, record keeping, special conditions, re-exportation, restrictions, offences and penalties. There is no provision regulating transit. Mozambique does not export SALW.</td>
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### Administrative Procedures

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<td><strong>Art. 13 (1)</strong></td>
<td>The manufacturing, adjustment and repairing of arms or ammunition may only be carried out in business premises which comply with the necessary conditions, by means of:</td>
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<td>(a) Licence issued by the Provincial Offices of the Industry Services in terms of the legislation in force;</td>
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<td>(b) Registration at the Police Headquarters, upon the payment of the fees specified in table B annexed.</td>
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<td><strong>(2)</strong></td>
<td>The process of issuing of the licence shall be executed in accordance with the provisions of article 68.</td>
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<td><strong>Art. 110 (1)</strong></td>
<td>The manufacturing for internal consumption and the importation of arms and ammunition or the loading of ammunition shall be subject to the fees prescribe in terms of Table A.</td>
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<td><strong>(2)</strong></td>
<td>The fees shall apply to each item, depending on whether it deals with the manufacturing, importation or loading.</td>
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<td><strong>Art. 126</strong></td>
<td>The Governor General can suspend the manufacturing, importation, and sale of arms and ammunition whenever required, as well as establish, for specific products, more stringent conditions for importation or sale.</td>
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<td><strong>This Act broadly conforms to the regional and international Agreements, except that the transit of firearms does not appear to be comprehensively regulated. See Arts. 14-16, 20, 22-24, 28, 110, 114 and 126.</strong></td>
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(ii) Basic provisions exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW. The AAA, Art.49 (1) says:

"...Those arms without any indication of manufacture shall be numbered in accordance with a unique serial system created by Police Headquarters, and followed by initials../CP..."

However, there is no standardised system of marking specifying the country of manufacture, the serial number and the manufacturer. No specification of falsifying, altering or removing markings as an offence and no specification to maintain records for up to ten years.

(iii) National laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public through the mass media such as, national newspapers, radio and television.

We also hold public awareness campaigns, seminars and workshops where all this documents and instruments are disseminated and explained to the people. However, the Government does not have a national website where this documents can be found.

4. Law Enforcement/Criminalization

(i) The Arms and Ammunition Act of 1973, penalise illegal manufacture, possession, stockpiling and trade of SALW. Statute 10/87 of 19 September, Penal Code amendment to deal specifically with firearms, compliment it by saying:

Article 253, Illegal Arms

"...Those who manufacture, import, acquire, handle, pledge or own by any title as well as transport, keep or use non firearms, firearms or other means either instruments that can create life
in danger, physical integrity or people's liberty, or used in destruction of buildings or public property, having the knowledge the intention to perpetrate whatever a crime, shall be condemned from eight up to twelve years of imprisonment.

1. If the manufacture, import, acquire, handle, pledge, hold, transport, keep, detain or use of arms, means and instruments referred in the present Article, simply violates the rules and instructions of the competent authorities and do not aim at neither be used as means to practise whatever crime, the penalty shall be up to two years imprisonment and a fine up to six months.

2. The same penalty applies to individuals who happen to have licences withheld.

5. In all or more cases mentioned in this Article and its paragraphs, firearms shall be apprehended in favour of the State.

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<th>National Criminal Offences Relating to Illicit SALW</th>
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5. Stockpile Management and Security

National legislation on SALW does not have any specific provision to deal with stockpile management, brokering, neither to sanction the violation of UN Security Council arms embargoes.

In this context, related to the security and stockpile management there exist proper approval regulations designed by the Ministry of Defence under proposal of the Chief of Staff, whereby modalities of control, reception, registration, maintenance and distribution of armament are established.

Existing security system includes, sealing of armoury locations and kits that contains SALW as well as safeguarding the same with a well-trained security force.
There exist inspection mechanisms that pertain close observation of the materials functioning as a result obsolete ones are sorted for destruction.

Equipment destruction exercise in Mozambique is done in accordance with national legislation and international Conventions and Agreements that Mozambique forms part.

In respect to the obsolete firearms, destruction can be carried through transformation of the same into implements by using melting vocational factories. In this process there is a specialised verification military team in the follow-up exercise.

Between 2002-2003 SALW of various calibres totalising 77.417 firearms and 9.911 ammunitions were destroyed. Similarly 500 antipersonnel landmine were destroyed.

6. Collection and Disposal

Mozambican legislation on SALW was introduced in 1973. Consequently, it does not include provisions on collection, safe storage and destruction of SALW. Harmonisation of legislations and other measures in place in the country will take care of those aspects.

In 1992 immediately after the Peace Agreement and with the support of the UN, Mozambique engaged in a process of encouraging voluntary surrender of illegal firearms for destruction and granting immunity from prosecution.

In 1995 under the Crime Combating Agreement between Mozambique and South Africa, Operation Rachel was set up. This Operation aimed at identifying, recovering and destroying hidden caches left in rural areas after the war.

Phase X of the Operation Rachel took place in December 2004, during this operation the Mozambique Police identified 14 hidden caches of firearms, 1.235 firearms, 33.352 ammunitions and 624
other related materials were recovered and destroyed. However, since 1995, a total of 664 hidden caches of firearms were identified, 26,664 firearms and more than a million ammunitions and 33,250 other related materials were recovered and destroyed.

Since 1995 and parallel to Operation Rachel which is a Government Project, we have the Christian Council of Mozambique (CCM) Project called TAE-Project (Transforming Weapons into Ploughshares). This is a civil society project with six major components:

- Weapons collection
- Exchange of weapons for production tools
- Destruction of weapons
- Civic education at the community level
- Transformation of destroyed weapons into pieces of art
- Post-exchange follow up with beneficiaries.

The main objective of this project is the development of a culture of peace and non-violence by encouraging the people to participate in weapons collection and destruction initiatives.

The Christian Council of Mozambique (CCM) has good working relations with the National Commission (COPRECAL), being it the main civil society representative in the National Commission. However, it’s important to underline the close collaboration and interaction between the Government Project (Rachel) and CCM Project (TAE) at all level. For example, Rachel Project destroys most of the SALW recovered by TAE Project. Sometimes intelligence regarding to arms caches are provide to Rachel Project by TAE Project.

7. Export Controls

According to Art. 14 (1) of the Arms and Ammunition Act, Statute N°1/73, the licence to import, export, re-import and re-export SALW and other related materials must be granted by the Government. This law also regulates marking, record keeping, special conditions, re-
exportation, restrictions, offences and penalties. There is no provision regulating transit. Mozambique does not export SALW.

10. **Disarmament, Demobilization and Reintegration (DDR)**

Under the General Peace Agreement signed in October 1992, between the Government of Mozambique and the opposition movement (RENAMO), 100,000 (hundred thousand) soldiers from both parties were demobilized to form a new National Army of 30,000 soldiers.

In respect to this Agreement the Chief of Defence Staff was originated from the Government side meanwhile the Deputy was to come from the opposition side.

With regard to the reintegration process, in the transition phase through ONUMOZ (United Nations Peacekeeping Mission for Mozambique) some soldiers were reintegrated in various socio-economic sectors while others received incentives via agricultural supporting implements and materials. Army staff who originated from academic institutions had an opportunity to resume their scholar activities after the demobilization process.

In the Country there exist institutions such as the Ex-combatant Ministry, Women and Social Welfare Ministry, Mozambican Association for War-Demobilised Personnel (AMODEG) that have a role and task of taking care of such group together with war victims.

In this context, the Ministry of National Defence has signed various Agreements Memoranda with numerous institutions among them the Ministry of Tourism, in order to create ways of supporting and integrating the concerns, especially in fieldwork, for example, wild life exploration and maintenance.

The Mozambican Government jointly with civilian associations managed to create several projects to reintegrate this group even though there exist funds scarcity to materialize such objective.
11. **Awareness-Raising**

(See item number 6)

**B) REGIONAL LEVEL**

1. **Legally Binding Instruments**

Since the begging Mozambique was actively involved in the drafting of the SADC Protocol on the Control of Firearms, Ammunitions and Other Related Materials. Consequently, has signed and ratified the in 2002.

Mozambique was also part of the regional group of experts that participated in the drafting of the Bamako Declaration, in Mali, adopted by our Country in December 2000.

**3. Regional Cooperation**

Mozambique is one of the twelve Member Countries of the Southern African Regional Police Cooperation Organisation (SARPCCO), and was actively involved in its inception in 1995.

Since 1999, SARPCCO was mandated by SADC to implement the SADC Protocol on Firearms and as such Mozambique has been part of all joint cross border operations and training conducted under the supervision of SARPCCO aiming at preventing, combating and eradicate illicit small arms trafficking.

Mozambique is also INTERPOL Member State and consequently of the Interpol Sub-Regional Bureau which has a crucial role in preventing and combating transnational organised crime, specially in the strengthening of regional cooperation, collaboration and information exchange in the field of preventing and combating illicit trafficking in firearms.

In this regard, it’s important to mention that Mozambique is one of the 4 SADC Member Countries where the National Focal Point
Coordinators were tasked with the responsibility to develop the Standard Operating Procedures (SOPS) for NFPS for Regional Cooperation. This work was performed with the coordination of SARCCCO Secretariat and technical assistance of SaferAfrica. (Besides Mozambique the group includes Botswana, Namibia and Tanzania).

Among other initiatives to promote the transparency on the transfer and manufacture of SALW and as member of the United Nations Small Arms Transparency and Control Regime in Africa (known as SATCRA Project), from 26 to 30 July 2004, Mozambique participated in the Regional Workshop to Promote Transparency in the Flows of SALW in Africa, held in Bamako, Mali.

SATCRA Member States are supposed to submit annual National Report. Consequently, Mozambique submitted by 28 February 2005, the complete report.

C) GLOBAL LEVEL

1. International Instruments Against Terrorism and Crime

Mozambique signed and ratified the UN Convention on Transnational Organised Crime and the Protocols thereto, through resolution Nº86/2002, December of the same year.

2. International Cooperation and Assistance

As we mentioned at the begging of this report the Mozambican National Commission on small arms (COPRECAL) has been working since 2001. However, The Government through the Cabinet promulgated on the 17 May 2005, it’s institutionalisation.

COPRECAL is not fully operational because of lack of technical a financial assistance to perform its activities such as the production of a National Action Plan National Action Plan to Prevent, Combat and Eradicate the Illicit Manufacturing, Trade, Trafficking and Use of Small Arms and Light Weapons.
In this context, the Government of Mozambique has been looking for international assistance and cooperation. Thus, we hope that a United Nations Project to Support the Government of Mozambique to Control Proliferation of Illicit Small Arms will soon be approved. This is a two years Project, of about 1.508,800 U$D and expected to start in August 2005.

5. Training, Capacity-Building, Research

The police and justice approved already their 10 years strategic plans. The military are working on their own plan. The main objective of these strategic plans is to improve the capacity and performance of the public order sector and justice system.

The police has since 2000, a National Academy and in 2004, 70 superior officers were graduated. Refreshment courses are regularly offered for all levels.

The Military Academy reopened in 2004. Judges, Lawyers and other staff besides the training from national universities can also take the advantage of being training by the Judiciary Training Centre. Customs has regular national training programmes for their officers.

Regionally Mozambique has been engaged in all kind of initiatives to curb the illicit trafficking of SALW and promote a culture of peace in the region by participating in SARPECO joint operations, regional meetings and training under the supervision of SADC and SARPECO, such as the Training Course on the Identification and Safe Handling of Firearms and Explosives, held in South Africa Pretoria, from 23-27 August 2004.

Maputo, June 2005