

## **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**

### **MOZAMBIQUE REPORT 2009 Activities January 2010**

#### **Introduction**

Building on the more stringent legislative framework created in March 2007 by the entry into force of the Arms and Ammunition Act, 2009 has seen progress in all areas of 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. The passing of the 2007 legislation was a vital step towards harmonization of national legislation regarding the control of small arms and light weapons. The subsequent development of governmental capacity to ensure effective implementation of the new legal framework highlights the commitment of the Government of Mozambique to fulfil its obligations under the Programme of Action, as well as those of its regional undertakings within the Southern Africa Development Community (SADC).

The commitment of the GoM to increase its capacity in specific areas of SALW control has also been highlighted through the reactivation of its cooperation with the United Nations Development Programme in the area of Small Arms control. In 2008 the GoM entered into partnership with UNDP under the project, "Weapons Risk Mitigation and Mainstreaming Mine Action, Small Arms & Light Weapons Controls 2008-2011". This three year project will see technical advisory support from UNDP in the areas of stockpile management and control in cooperation with the Ministry of Defence as well as cooperation with the Ministry of Interior in the area of firearms registration and weapons collection, management and destruction training for law enforcement officers. UNDP and GoM will also be working with civil society in the area of civic education.

Progress made has included the successful implementation of the 13<sup>th</sup> Operation Rachel process in September and October 2008, The Police of the Republic of Mozambique, in cooperation with the Government of South Africa and Civil society, during which 12 caches of firearms were located, 5.729 arms of various types and calibres and 225 various types of relevant material were found and destroyed. In 2009, 33 Operations were conducted during which 33 caches of firearms were located, 163 arms of various types and calibres and 312 various types of other relevant material were found and destroyed, including 6.682 different types of ammunitions. During the reporting period Mozambique has also enforced the regional system introduced in 2008 which standardises marking and registration of firearms.

2009 also saw an in depth needs assessment of the Government's national firearms register capacity during December 2009 by the NGO, Viva Rio. The resulting recommendations will guide the development of a national, centralised register, through a three phase process. As detailed in the International Tracing Instrument section of this report, the work of GoM, UNDP and Viva Rio will increase the capacity of the GoM in the area of record keeping, tracing and accountability. These developments have been reinforced through cooperation with SARPCCO through its work to standardise firearms registration and database management on a regional level.

## A) NATIONAL LEVEL

### 1. National Coordination Agency

The Comissão Interministerial para Prevenção, Combate e Erradicação do Tráfico Ilícito de Armas Ligeiras e de Pequeno Porte, (COPRECAL) is Mozambique's Inter-Ministerial Commission to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons. It is Mozambique's National Small Arms Commission and has the authority to coordinate all Small Arms and Light Weapons control activities in the framework of the POA.

Contact:

Ministério do Interior  
Gabinete de Relações Internacionais, 5º Andar  
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Maputo, Mozambique  
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COPRECAL was created in 2001 and promulgated by the Council of Ministers on 17 May 2005.

The National Commission has two levels:

- Ministerial, and
- Technical
- 

The Ministerial level, which is political, is chaired by the Minister of Interior, with the Minister of Defence acting as Deputy Chairperson. COPRECAL also contains active representation from the Ministers of:

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

The Ministers meet quarterly and the Chairperson may call an ad hoc meeting whenever necessary, as well as invite other institutions for their working sessions. This is the main decision making 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.
- Civil Society

Experts meet at least once a month and the Chairperson may call an ad hoc meeting whenever 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, provides secretariat services.

#### **Roles and Functions of COPRECAL**

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, the Bamako Declaration and Geneva Declaration on Armed Violence and Development.
4. Facilitating the exchange and dissemination of information pertaining to SALW.
5. Establishing and maintaining a national electronic database on SALW.
6. Coordinating and interacting with civil society and developing national public awareness programmes in the framework of the promotion of the culture of peace and non-violence.

COPRECAL also holds the responsibility to advise the Government in the following areas:

- 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 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:

Ministério do Interior  
Gabinete de Relações Internacionais, 5ªAndar  
Av. Olof Palme Nº46/48  
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Mobile Phone Nº (+258) 82 30 32 66 0 or (+258) 82 73 39 39 6  
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Email: Joaquim Bule: [jbule@yahoo.com](mailto:jbule@yahoo.com)  
Email: Mário Jorge: [tchingry2001@yahoo.com](mailto:tchingry2001@yahoo.com)

This information has been posted on the UNDDA, POA and POA ISS websites.

Besides providing secretariat services to COPRECAL, the Department of International Relations also liaises with other Ministries, institutions, organizations and States in relation to all issues pertaining to 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:

1. Decree Nº8/2007, on 27 March 2007 Arms and Ammunition Act (AAA)
2. Law 33551 of 21 February 1944, dealing with customs and imports;
3. Law 30-99 of 24 May 1999, dealing with customs and tariffs;
4. Law 3/97 of May 1997, dealing with Illegal Trafficking in Drugs;
5. Law 7/2002 of 05 February, dealing with money laundering;
6. Statute 10/87 of 19 September, Penal Code amendment dealing specifically with firearms.

<i>National Laws, Regulations and Decrees</i>		
Area	Law/Regulation/Decree	Date

<b>Production</b>	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act (AAA) – Decree Nº8/2007	
	As Mozambique does not have a SALW manufacture industry, this law does not regulate the production of SALW and is only applicable to all situations of possession, use, import, export and transit of SALW.	
	No web link available	

<b>National Laws, Regulations and Decrees</b>		
Area	Law/Regulation/Decree	Date
<b>Import, Export and Transit</b>	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act (AAA) – Decree Nº8/2007	
	This law establishes the basic requirements to import, export, re-import, re-export and transit of SALW, ammunitions and other related materials. This law also regulates the movement of firearms inside the Country.	
	No web link available	

<b>Administrative Procedures</b>		
Area	Administrative Procedures	Date
<b>Import, Export and Transit</b>	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act (AAA) - Decree Nº8/2007	
	According to Art. 47 (1) the licence to import, export, re-import, re-export and transit of SALW, ammunitions and other related materials must be granted by the National Commissioner of Police. (Mozambique does not export SALW). In terms of imports, exports, re-imports, re-exports and transit of SALW, ammunitions and other related materials this Act broadly conforms to the regional and international Agreements.	
	No web link available	

- (ii) Regarding basic provisions exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW. The AAA, **Art.43** holds that:

“...Firearms are marked during the process of import, export, transit, seizure, confiscation and transfer to the State by citizens...”

Regarding serial number of the firearm and the number (1) the AAA, **Article 44** holds that:

“...Firearms should be indelible marked by inserting in the upper side of the barrel the manufacturer, country and year of manufacture, followed by the initials PRM...”

Article 45 (3) holds that:

“...Record keeping should be maintained for up to 10 years ...”

**Article 46 contains** provisions dealing with falsifying, altering, removing markings and denying of information, which determine that:

“...those who alter, falsify, remove the marking or deny providing information regarding firearms will be punished in terms of the law and, firearms shall be apprehended in favour of the State...”

- (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.

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

#### 4. Law Enforcement/Criminalization

- (i) Under the Arms and Ammunition Act, Article 40, (5), and Article 46, penalise illegal manufacture, possession, stockpiling and trade of SALW.

Statute 10/87 of 19 September, Penal Code amendment dealing specifically with firearms, criminalizes illegal manufacture, possession, stockpiling and trade of SALW.

<i>National Criminal Offences Relating to Illicit SALW</i>		
Area	Law/other measures	Date
	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act– Decree Nº8/2007	
	Statute 10/87 Penal Code amendment to deal specifically with firearms	19 September 87

<b>Manufacture, Possession, and Stockpiling</b>	The Act conforms to regional and international Agreements. Statute 10/87 complements the Act and Art 253 says:	
	“...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.	
	<ol style="list-style-type: none"> <li>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 what ever crime, the penalty shall be up to two years imprisonment and a fine up to six months.</li> <li>2. The same penalty applies to individuals who happen to have licences withheld.</li> <li>3. In all or more cases mentioned in this Article and its paragraphs, firearms shall be apprehended in favour of the State.</li> </ol>	
	Mozambique does not have any firearms manufacture industry.	
	No web link available	

<b>National Criminal Offences Relating to Illicit SALW</b>		
Area	Law/other measures	Date
<b>Trade</b>	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act (AAA) – Decree Nº8/2007	
	Article 93 of the AAA, says: “..... Illegal trade of firearms as well as false declaration/representation in order to obtain licence to trade in firearms and ammunitions is punished according to the penal code...”	
	No web link available	

<b>National Measures for the Enforcement of UN security Council Arms Embargo</b>		
Area	Legal Means	Date

<b>Enforcement of UNSC Arms Embargoes</b>	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act (AAA) – Decree Nº8/2007	
	According to Article 105 (1) The Ministries of Interior, of National Defence, of Foreign Affairs and Cooperation and of Finance have the responsibility to guarantee the implementation of UN arms embargoes. (2) Violation of arms embargoes is punished according to the penal code.	
	No web link available	

## 5. Stockpile Management and Security

<b><i>National Standards and Procedures for Stockpile Management and Security</i></b>		
Group	Standards/Procedures	Date Adopted

	Regulamento de Armas e Munições	27 March 2007
	Arms and Ammunition Act (AAA) – Decree Nº8/2007	
Armed Forces/  Police of Republic  of Mozambique	<p>Article 106 of the AAA, deals with firearms and ammunitions belonging to the State and it says:</p> <p>“...1. Firearms and ammunitions belonging to the State should be properly marked and catalogued, regular inventories conducted, including clear indication of their movements in the reports.</p> <p>2. Firearms and ammunitions belonging to the State should be kept in SALW stocks of the Police of the Republic of Mozambique or National Army...” (According to the frequency of use of SALW contained on it, these stocks are normally inspected in a daily, weekly or monthly base).</p>	
Other Authorized  Bodies	<p>Regarding the stockpiling of firearms and ammunitions in the hands of Private Security Companies, Article 30 of the AAA says:</p> <p>“...1. Firearms in the hands of Private Security Companies should be kept in a Safe.</p> <p>3. Firearms in the hands of Private Security Companies as well as the packaging (stocking) places are subject to regular inspection by the Police of the Republic of Mozambique...” (These stocks are normally inspected in a daily base)</p>	
	<p>Regarding personal defence and hunting firearms, Article 28, of the same Act, says:</p> <p>“...1. Personal defence firearms, when at home, should be kept in appropriate safes.</p> <p>4. Hunting firearm should be maintained unloaded when are not used for hunting...” (These stocks are normally inspected by the Police of the Republic of Mozambique)</p>	
	No web link available	

In this context, related to the security and stockpile management there exist proper internal regulations designed by the Security Defence Forces (Army and Police), 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 to 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 Police and Military teams in the follow-up exercise.

Between 002-2009, SALW of various calibres totalising 15090 firearms and 5519867 ammunitions were destroyed. Similarly 500 antipersonnel landmines were destroyed.

## 6. Collection and Disposal

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.

In the following table there is a summary of Operations Rachel conducted in the country from 2004 to 2006:

### Operation Rachel 2004-2009

Nº	Number of the Operation/ Year	Quantity of Caches Identified (Destroyed)	Number of Destroyed Firearms	Quantity of Explosives Destroyed	Quantity of Destroyed Ammunitions	Other Related Materials
01	Operation Rachel X Year 2004	24	1,876	-	196,568	1,176
02	Operation Rachel XI Year 2005	21	3,421	-	1,752,724	1,326
03	Operation Rachel XII Year 2006	14	3,240	488	3,247,417	39,286

04	Operation Rachel XIII Year 2007	33	661	-	54351	2004
05	Operation Rachel XIV Year 2008	12	5729	-	262125	4264
06	Operation Rachel XV Year 2009	17	163	174	6682	312
07	<b>Total</b>	<b>118</b>	<b>15090</b>	<b>662</b>	<b>5519867</b>	<b>48368</b>

In the table firearms includes all types of SALW such as handguns, rifles, mortars, cannons guns, light/heavy machine guns of the following brand: AK-47; PPCH; G3; FN; FBP; RPD; RPG-7; SKS and ZGU.

The explosives are: mortar bombs, RPG rockets, grenades, personal mines, demolitions mines, bombs and cannon rockets.

The ammunitions includes: small arms ammunitions, AK-47, MG and RPK ammunitions.

Other related materials includes: communications radios, magazines, launchers, initiators/fuses as well as other small arms accessories.

### Operation Rachel and TAE

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 provided to Rachel Project by TAE Project.

## 7. Licenses of Small Arms and Light Weapons

In the next table find the detailed number of licenses for SALW issued in the country from 2004 to 2007:

Year	Type of Small Arm and Light Weapon		Sub-Total
	Personal Defence Licences	Hunting Rifles Licences	
2004	144	204	348
2005	113	230	343
2006	332	448	780
2007	185	369	554
<b>Total</b>	<b>774</b>	<b>1,251</b>	<b>2,025</b>

According to Article 25, of the Arms and Ammunition Act (AAA) – Decree Nº8/2007, regarding the acquisition of licences for possession and use of firearms it says:

“...1. Licences for simple possession or use of firearms are conferred up on submission of a formal request to the Minister of Interior, which shall include all the identification elements of the petitioner and his signature, recognized by the registry office (competent authority) along with the following documents:

- a) Criminal Record Certificate issued in the last three months;
- b) Health and Physical Certificate;
- c) ID photocopy recognized by the registry office;
- d) Three ID colour photos size 3,5 cm x 4 cm;
- e) Proof issued by local Police authorities, testifying such necessity;
- f) Proof showing that the petitioner have passed through a shooting range with good marks;
- g) Residence proof;
- h) Statement of local Police authorities;
- i) Statement of the residence administrative authorities.

3. No more than one licence for can be issued for possession or use of personal defence or hunting firearms and each firearm must have its own booklet...”

Mozambique has one local dealer authorized to import small arms and light weapons, mainly hunting rifles and pistols for self-defence, calibre not superior to 7,65 mm.

The name and addresses of such dealer are:

Casa Fabião – Fabicaça  
Rua da Mesquita Nº103  
Maputo, Mozambique

Afrocaça  
Avenida Josina Machel Nº 1023  
Maputo, Mozambique

### **08. 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 originated from the Government side, while the Deputy came from the opposition side. The same arrangement still applies when replacement of those in charge is required.

With regard to the reintegration process, in the transition phase through ONUMOZ (United Nations Peacekeeping Mission for Mozambique) some soldiers were reintegrated into 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 scholarly activities after the demobilization process.

In Mozambique's governmental structure institutions exist which include the Ministry for Ex-combatants, Ministry of Women and Social Welfare and the Mozambican Association for War-Demobilised Personnel (AMODEG) which each have the role and responsibility of taking care of the needs of demobilised soldiers, together with victims of the war.

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

The Mozambican Government jointly with civilian associations has managed to create several projects to reintegrate these groups, even though there is scarcity of funds to materialize such objectives.

### **09. Awareness-Raising**

(See last paragraph item number 3)

## **B) REGIONAL LEVEL**

### **1. Legally Binding Instruments**

Since its instigation, Mozambique has been actively involved in the drafting of the SADC Protocol on the Control of Firearms, Ammunitions and Other Related Materials. Consequently, GoM signed and ratified the above instrument 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.

### **2. 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 an INTERPOL Member State and consequently a member of the Interpol Sub-Regional Bureau which has a crucial role in preventing and combating transnational organised crime, especially 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 SARPCCO Secretariat and technical assistance of SaferAfrica. (Besides Mozambique the group includes Botswana, Namibia and Tanzania).

### **3. International Tracing Instrument (ITI)**

#### **INTERNATIONAL TRACING INSTRUMENT**

( See paragraphs 1-9 in page 6 )

#### **Record keeping**

Currently the Government of Mozambique has a manual system of record keeping. There are around 4,000 civilian licenses for firearms ownership held by the Department of Public Security and Order of the Polícia de Republica de Moçambique (PRM). Government owned weapons are also registered with the national register. The manual nature of the current system does place serious restrictions on the capacity of the PRM to trace the providence of a weapon both nationally and regionally, in cooperation with SADC member states.

In response to the present limitations for tracing posed by the manual record keeping system, in the 3<sup>rd</sup> quarter of 2009, the Government of Mozambique's Inter-Ministerial Commission to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons and United Nations Development Programme reactivated their cooperation with the Brazilian NGO Viva Rio, towards the development of an integrated, digitized firearms register. Building on the experience of Viva Rio in the development of the Civilian Police of Rio de Janeiro's digitized firearms register, and previous cooperation in 2007 with GoM and UNDP, from 29 November to 9 December 2009 Viva Rio's Armed Violence Control team with the Director of the Civilian Police of Rio de Janeiro's Police Laboratory visited Mozambique to identify requirements in terms of technical, human resource and logistical support to install and implement a national firearms register such as the Civilian Police of Rio de Janeiro has currently. The intensive programme of meetings for the integrated Brazil, Ministry of Interior and UNDP delegation was designed to provide a "cradle to grave" picture of firearms ownership in Mozambique. At Maputo, Nampula and Beira levels, the delegation met with senior management from Police Protection, Public Order, PRM logistics, the Police Criminal and Forensic Laboratories, Domestic violence and children protection cabinet and Customs authorities as well as members of civil society, private security companies and firearms dealers. During 2010/11, GoM, UNDP and Viva Rio will work in partnership during the development, installation and population of the national register. In 2010 UNDP has committed to supporting the project with USD 200,000. Further donor support of **USD 700,000** is required for full implementation at national level, across 11 provinces.

From 2 – 4 December 2009, representatives of the Government of Mozambique participated in the SARPCCO Technical Organs Meeting: Information, Communication and Technology. Amongst other issues on the agenda were the roles and functions of INTERPOL and SARPCCO as well as a Unified Firearms Registration Database. Such a unified, uniform regional database will assist SADC countries in the implementation of the ITI through streamlined communication and information sharing. The lessons learned at the December workshop by GoM participants, will also facilitate the development of Mozambique's own national digitized firearms database, to be compatible with other SADC member state models.

### **Cooperation in tracing**

#### **National Point of Contact for ITI**

The National Commission on Small Arms appointed Mr. Álvaro Manhique and Mr. Cristóvão Estefane Chelene, both Superintendent of Police, National Focal Points, for the International Tracing Instrument.

### **Cross cutting issues**

#### **National laws and procedures in line with ITI**

AAA, **Article 44** holds that:

"...Firearms should be marked indelibly by inserting on the upper side of the barrel the manufacturer, country and year of manufacture, followed by the initials PRM..."

Article 45 (3) determines that:

“...Record keeping should be maintained for up to 10 years ...”

**Article 46 contains** provisions dealing with falsifying, altering, removing markings and denying of information, which determine that:

“...those who alter, falsify, remove the marking or deny providing information regarding firearms will be punished in terms of the law and, firearms shall be apprehended in favour of the State...”

### **Measures taken in the field of international cooperation and assistance (ITI, para. 36)**

Under the project cooperation between GoM, UNDP and the Brazilian NGO Viva Rio, the development of the Mozambican national firearms database is foreseen to be undertaken in three (3) phases. In 2010 UNDP has committed to supporting the project with USD 200,000. Additional donor support of **USD 700,000** is required for full implementation at national level, across 11 provinces.

- Phase 1: In depth collection and analysis of data and situational analysis at Mozambique level; analysis of data and next steps at Rio de Janeiro level (USD 60,000)
- Phase 2: Procurement of database platform and licenses; technical advisory services for the development of Mozambique’s online database in line with its specific national requirements; procurement of computer and communications equipment and upgrading of locations to house registers at Maputo, Nampula and Beira levels. (USD 440,000)
- Phase 3: Training of management team responsible for the population and maintenance of the national database, training of national and provisional police laboratory staff utilizing the database at provincial level; Training of staff of the Mozambican Police Force Logistics and Finance department responsible for the management and distribution of police owned weapons (USD 200,000)

A full GoM / UNDP / Viva Rio partnership proposal is available on request.

The Government of Mozambique also requires financial support in the area of **procurement of marking equipment**. This will facilitate the implementation of ITI obligations as well as its Arms and Ammunition Act Articles as detailed above.

## **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 N°86/2002, December of the same year.

## 2. International Cooperation and Assistance

Mozambique's Inter-Ministerial Commission to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons (COPRECAL) has been working since 2001 and was promulgated by the Government to provide for its institutionalisation on the 17 May 2005.

In its report pertaining to 2007 activities, the GoM highlighted that COPRECAL was not fully operational due to lack of technical and financial assistance to fully address its obligations under the POA. These were as follows:

- Train the National Firearms Commission Staff;
  - International Legislation on SALW;
  - Adopt measures to implement the International Tracing Instrument (ITI);
  - Identify, Recovery, Handling and Destruction of SALW;
  - Dealing with related crimes such international terrorism, drug and human being trafficking.
  
- Equip the National Firearms Commission;
- Draft of the National Action Plan on SALW;
- Speed up the harmonization of legislation;
- Establish a Computerized Central Firearms Registry in the framework of the International Tracing Instrument;
- Upgrade the existing storage conditions of SALW in order that they conform with international standards.

In 2008 the Government of Mozambique entered into partnership with UNDP under its project, "Weapons Risk Mitigation and Mainstreaming Mine Action, Small Arms & Light Weapons Controls 2008-2011". The agreement, signed in 2008, is part of an integrated Mine Action and SALW project which builds on the synergies between the two sectors, as Mozambique undergoes the process of meeting its 2014 Anti Personnel Mine Ban Treaty obligations and preparing a residual capacity to address its post Article 5 needs in terms of EOD and SALW response.

The 2008-11 programme has the following outputs:

- Output 1: Government is able to manage safely stockpiled munitions
- Output 2: Enhance government capacity to meet its obligations under the AP Mine Ban Treaty and addresses residual threats posed by other ERW
- Output 3: Government is better able to manage and control firearms ownership
- Output 4: UNDP delivers a coordinated response to the landmines, small arms and armed violence problems

Activities are as follows:

- Output 1: Government is able to manage safely stockpiled munitions**

- Activity 1:** Provide training to the PRM and other law enforcement bodies on the safe stockpiling /destruction of SALW in their control.
- Activity 2:** Undertake a comprehensive stockpiles and ammunition technical audit / assessment of 17 depots nationwide.
- Activity 3:** Initiate basic improvements to ammunition management systems to arms depots.
- Activity 4:** Undertake civic education /advocacy campaigns to raise awareness about the hazards of SALW, obligations of citizens under the AAA and domestic violence legislation and the area of peace building in general.

**Output 3: Government is better able to manage and control firearms ownership**

- Activity 1:** Support the development of a national firearms register through training to law enforcement and NGO staff responsible for the organization and administration of databases recording registered and seized small arms.
- Activity 2:** Support the government to design and implement national small arms collection campaigns.

**Gender related outputs:**

**Synergies between 2007 Arms and Ammunition Act and 2009 Domestic Violence against Women Act are promoted and utilized to increased protection for those most at risk in the domestic setting.**

- Activity 1:** Desk review of Arms and Ammunition Act and Domestic Violence against women at to indentify synergies between the two.
- Activity 2:** Drafting and production of 20,000 copies of a pocket guide to the AAA for PRM, to include reference to synergies with 2009 Domestic Violence Against Women legislation
- Activity 3:** Training for provincial, district and local police in background checks.

A Technical Advisor SALW will be provided by UNDP under the above project to assist COPRECAL in the area of POA implementation including the preparation of a National Action Plan, annual planning, coordination, monitoring and evaluation, reporting and assist in resource mobilisation to expand activities to a national level. UNDP will also provide support to the secretariat of COPRECAL in terms of computer and equipment as well as office supplies.

## **D) CHALLENGES**

### **Regulation of firearms ownership**

At present firearms control is limited; civilian firearms registered with the Polícia da República de Mozambique (PRM) currently number only around 5,000.<sup>1</sup> With the 2007 Arms and Ammunition Act (AAA) providing a more stringent legislative framework, the GoM now requires an integrated national electronic register that can create a chain of accountability which provides a more effective incentive to comply with the new law. Penalties of up to 12 years imprisonment now exist.<sup>2</sup> Currently information on registered firearms holders is meticulously stored in paper files, but without basic data such as make, calibre, producer, and serial number. Access and analysis of information is very limited and therefore it is impossible to observe diversion from legal to illegal users, or to conduct international tracing cooperation with law enforcement agencies on a regional basis. Moreover, Incidences of armed violence involving government and private security company owned weapons “rented” for use by criminals are on the increase as noted by the Police Commissioner in 2006<sup>3</sup>. Greater controls and responsibility for firearms owners are required. The national firearms register structure is also an obligation of the UN Programme of Action and SADC Firearms Protocols to which GoM is signatory.

**Response:** Under the 2008-11 programme, the Government of Mozambique will work with the Brazilian NGO Viva Rio and UNDP Mozambique in the development of a new, integrated and digitised national firearms register.

### **Management of Government firearms stockpiles**

As part of their role, law enforcement agencies are required to collect, manage and destroy weapons seized from criminals or hidden caches of wartime weaponry. They are responsible for the management of their own weapons. E.g. PRM is estimated to have some 24,000 firearms under its control.<sup>4</sup> Storage facilities for these weapons are currently not to international standard, providing easy access. Incidences of armed violence involving government owned weapons “rented” for use by criminals are on the increase as noted by the Police Commissioner in 2006<sup>5</sup>. The Inter-Ministerial Commission to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons (COPRECAL) considers the rehabilitation of all PRM and customs armouries as well as training of law enforcement providers in Weapons Collection, Management & Destruction as a pressing issue for national security.

**Response:** Under the 2008-11 programme, the Government of Mozambique will work with UNDP in the area of Weapons Collection, Management and Destruction for law enforcement officers.

### **Management of military stockpiles**

The Ministry of Defence of Mozambique currently has ammunition stored in seventeen locations. These storage sites are over-stocked, exceeding safe explosive limits, and present a real hazard to local communities. The accidents at the Beira (2006) and Malhazine (2007) depots highlight the very real risk to human security posed by insecure and unstable ammunition stores.

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<sup>1</sup> Gary Littlejohn and Ananda S. Millard, A Country-Wide Small Arms and Light Weapons Baseline Assessment in Mozambique DRAFT, 2009, Page 12

<sup>2</sup> Arms and Ammunition Act, Decree 8/2007 Statute 10/87

<sup>3</sup> Ibid 39

<sup>4</sup> 1.2 weapons per officer. Littlejohn and Ananda S. Millard, A Country-Wide Small Arms and Light Weapons Baseline Assessment in Mozambique DRAFT, 2007, Page 26

<sup>5</sup> Ibid 39

**Response:** Under the 2008-11 programme, the Government of Mozambique will work with UNDP to quantify the challenges of secure storage and safety management at the storage facilities through a professional technical assessment. The assessment will look at the stability, security and conditions of existing stockpiles, as well as government capabilities to manage the stockpiles. The assessment will also result in draft Standard Operating Procedures being developed, which will provide the basis for an effective 'Ammunition Management System'. Following the Ammunition Technical Assessment and development of the Standard Operating Procedures one 'Model Ammunition Depot' capacity will be developed to showcase improvements and provide training to the Ministry of Defence. This will include the installation of appropriate physical security systems, the installation of fire alarms and fire fighting equipment and improvements to storage infrastructure (buildings and internal roads) at the model depot. These activities combined with the operating procedures and national assessment will enable the government to secure the remainder of the weapons depots.

**Maputo, January 2010**