

## CHAPTER 3

# IMPLEMENTING THE SADC FIREARMS PROTOCOL

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The Southern African Development Community (SADC)<sup>1</sup> adopted a protocol to control the flow of small arms and light weapons (SALW) in the region, the SADC Protocol on the Control of Firearms, Ammunition and other Related Materials. The main goal of this Protocol is to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and regulate the import and export of legal small arms.<sup>2</sup>

Mozambique was signatory to the SADC Protocol in August 2001 and ratified the agreement in September 2002. The implementation of the Protocol however requires steps to be undertaken by several government bodies and coordination of the measures being adopted: national legislation on SALW has to be revised, adapted to regional demands and approved; new institutions may have to be created, while others will need to be developed; coordination mechanisms have to be established and capacity is required to undertake all these steps.

To coordinate and control the implementation of the Protocol the government of Mozambique (GoM) created COPRECAL – *Comissão para a Prevenção e Controlo de Armas Ligeiras* (Committee for the Prevention and Control of Small Arms and Light Weapons).

Mozambique is not new to this type of multi-institutional body – demining activities were co-ordinated in Mozambique first by the *Comissão Nacional de Desminagem* (CND, National Demining Commission) and later by the *Instituto Nacional de Desminagem* (IND, National Demining Institute). There is a wealth of lessons to be learned from these institutions, both for donors and for the GoM: corruption and institutional rivalry led the CND to paralysis, while donor contributions led to the asymmetric growth of the IND vis-à-vis other government bodies. State of the art equipment enables the IND to create, for instance, very accurate maps of priority areas for demining; however, ministries and government agencies do not have the capacity to coordinate donor activities in a way that would enable them to pinpoint exactly which areas, from those suggested by the IND, should be prioritized. As such, demining is still today done in a haphazard way.<sup>3</sup>

## COPRECAL

COPRECAL, currently being set up under the umbrella of the Ministry of Interior, will be the body supervising the implementation of national legislation, international and regional agreements, coordination of research and dissemination of information. It is planned to include members of several government institutions – Ministry of Interior, Ministry of Defence, Ministry of Justice, Ministry of Foreign Affairs, representatives of the Armed Forces, Customs and Migration, one academic institution: ISRI – *Instituto Superior de Relações Internacionais*, through its CEEI – *Centro de Estudos Estratégicos Internacionais*, and two civil society organizations: PROPAZ and Christian Council in Mozambique (CCM) through its project TAE – *Transformação das Armas em Enxadas* (Tools for Arms). Each institution will select its own representatives to the Committee.

### ***The need for a common vision***

COPRECAL members participated in a workshop in September 2003 to assess the current situation in Mozambique regarding the small arms issue.<sup>4</sup> Given the number of institutions involved, the main goal of the workshop was to bring the different stakeholders together and to assess the capacity of the different institutions towards the common goal of controlling small arms. However, during the preparation work it became clear that different institutions had different ideas on what was that common goal. In addition, the statutory rights of COPRECAL are still under discussion at the Council of Ministers and none of the participants had a clear idea of COPRECAL's role or functions.

It soon became clear that the lack of a vision for the security sector in Mozambique posed a major constraint to the control and prevention of small arms proliferation. Overlapping responsibilities, lack of definition in the roles of the different institutions, widespread petty corruption, and lack of clarity regarding the role and scope of COPRECAL were identified as major obstacles to policies and implementation steps. Participants questioned the rationale of investing donor funds in destroying small arms and in measures to control their proliferation, without equal investment in developing the capacity of institutions in the security sector to manage weapons stockpiles in the country.

Participants also expressed concerns regarding the functioning of COPRECAL as a committee composed of representatives from different institutions with

what could be viewed as competitive agendas and unequal capacity. Participants seemed to agree that COPRECAL should undergo a vision and mission exercise before starting any other action. It is hoped that such an exercise will enable the team to overcome institutional competition and thus avoid the paralysis that plagued the now extinct CND. Furthermore, a clear vision should provide the framework for the establishment of priorities and the development of a national approach.

During the workshop, participants discussed the SADC Protocol in detail and verified the following:

- **Legislative Measures** – the current legislation on SALW in Mozambique defines small arms for civilian possession as any weapon up to 9mm calibre. In practice this means that a civilian can legally import a machine-gun into Mozambique. The law does not contemplate homemade weapons either, although it has provisions for the production of homemade ammunition. The revision of legislative measures is currently being debated in the Ministry of Justice, with the participation of several governmental bodies, such as the police, customs, and Ministry of Interior.
- **Operational Capacity** – participants admitted that lack of capacity could become a major constraint to the implementation of the SADC Protocol. Whereas cooperation in terms of capacity-building exercises and joint missions did not pose too much of a problem (although at times language problems prevent those most qualified from participating), the establishment of databases and communication systems could be quite problematic. The current registration systems are unreliable and as much as Mozambicans wish for a computerized system, this may prove to be equally inadequate given the lack of basic infrastructures in many parts of the country.
- **Customs** – Mozambique has 2,700 km of coast and about 4,212 km of landborders, from which police patrol only 717 km. To say that Mozambican borders are porous would be an understatement – not only are there not enough border posts, most of those that exist can barely function. Customs have had great support from donors and improvements have been visible and acknowledged. But customs does not have the resources to perform a thorough job – they have one metal detector, no dogs and insufficient vehicles. Most border posts are quite remote and communications are difficult. Large areas of the land borders are left unpatrolled. The same is true for the vast Mozambican coast. Train

traffic, according to a customs officer, is the most difficult to control. Customs officers know they need better and more equipment in order to be more effective, but again they do their best with what they have. Currently, the Mozambican Customs Office is under pressure from South Africa to keep the border post at Inkomati open 24 hours a day. As much as they appreciate the idea, they have no resources to implement it.

- **Civilian and state-owned firearms** – COPRECAL members were concerned with the way records are currently being kept. The system is manual and too vulnerable to ‘human interference’, as participants put it. There is an urgent need to address this vital part of the Protocol. However, the implementation of a new record system for firearms should be incorporated into a broader framework of security sector reform. COPRECAL also stressed the need to know exactly the quantity and the types of weapons currently stored in legal stockpiles. As for the disposal of firearms, COPRECAL members will have to look into destruction methods and come up with recommendations. The current disarmament initiatives should go on receiving support and should also provide inputs to COPRECAL so that an accurate picture can be formed.
- **Voluntary surrender of firearms, public education and awareness** – COPRECAL members would like to see more community awareness initiatives regarding SALW. The police have been doing some campaigns in the communities, particularly in the areas where they are piloting the community policing programme. They welcome civil society initiatives but the GoM should also become an important player.

## Findings

At the end of the workshop, participants had identified the following issues for COPRECAL to address:

*The need for a vision exercise:* participants acknowledged the need for COPRECAL to develop a vision, thus creating a framework for further action. COPRECAL members stressed the importance of avoiding the situation that plagued the CND and the need for the members representing the different institutions to work as a team. Although COPRECAL is meant to coordinate and control the implementation of the SADC Protocol, its members are quite aware that institutions other than those directly involved will have to be approached and brought into the team.

*The gathering of information:* none of the participants seemed to know who kept the records on the armament delivered to the government by ONUMOZ. Some participants stressed however the bad condition of most of the equipment that was handed over. COPRECAL members insist it is important to gather information regarding existing small arms in the security forces – not only regarding those handed over by ONUMOZ. As a body meant to centralize and disseminate information, members of COPRECAL feel that such documentation should be made available to them.

*Weapons destruction:* participants stressed the need to destroy obsolete equipment currently stored in stockpiles. The armed forces are perceived to be overarmed but no one seems to know the exact dimension of the problem. Once information on existing legal stockpiles is gathered there needs to be an assessment of the equipment in terms of type and quantities. This information will enable to compile a list of equipment to destroy and the costs involved. This list can then be included in a proposal for funding.

*Small arms and crime:* participants acknowledged the common perception that small arms currently being used in crime come from stockpiles under the responsibility of the security forces, rather than from arms caches. However, they questioned the dimension of the problem. Participants suggested a research project on the origin of the small arms currently being used in crime to either dispel or confirm this perception, and also to measure the dimension of the problem.

*Marking of small arms:* participants stressed the importance of a specific marking system for the several security forces. In order to do this, COPRECAL needs to know whether there is political will to implement such a measure; should political will be there, which are the costs involved and come up with measures preventing the use of such marking by third parties.

*Weapons destruction versus inclusion in legal stockpiles:* participants claimed that the destruction of weapons in good condition should be questioned in a context, like the Mozambican, where the government possesses obsolete stockpiles which need to be replaced. But they were also aware that such a measure would not be popular neither with donors, nor with the civil society, particularly in an environment where security forces are perceived as incapable to manage the stockpiles under their responsibility. The proposed research on the origin of small arms currently being used in crime may pinpoint problems, but other issues, such as record keeping and corruption, need equally to be addressed.

*Record keeping:* all the existing security forces have in place a system to register weaponry under their responsibility. This system, however, is quite vulnerable to mistakes and corruption as it depends on handwritten ledgers. Thus, the research on the origin of small arms being used in crime should be complemented with the assessment of the current record keeping system and proposals for improvement, keeping in mind the asymmetric development of infrastructures within Mozambique.

*Transparency:* participants considered that the current status of the security forces may pose a major hindrance to reform and to donor support to any reform initiative. They stressed the need for more training in transparency measures and for more support to implement such measures. They acknowledged this will be a slow and controversial process, which however should not be dismissed as “impossible to solve”.

*Maintenance of existing stockpiles:* current stockpiles need to be assessed, but participants considered equally important the assessment of the conditions under which these stockpiles are being stored, due to the eventual danger they may pose to the population. COPRECAL should undertake an inventory of the existing warehouses, their conditions, necessary improvements, and related costs.

*Involvement of the private sector:* current disarmament initiatives (Operation Rachel and the TAE project) are quite dependent on South African resources and capacity and external donor support. Participants admitted that the current negative image of the armed forces may pose a constraint to direct financing by donors and to direct support by the private sector. However, they also agreed that COPRECAL should make efforts in terms of engaging both donors and the private sector for such initiatives. Participants felt that Mozambique has to show clear signs and will to reform, in order to seek support.

*Specific measures against small arms proliferation:* participants, although welcoming COPRECAL and support to prevent and control proliferation of small arms, questioned the efficacy of addressing what they considered only a part of a bigger problem. Approaches to small arms should be integrated within a framework of a more comprehensive reform of the security sector in Mozambique.

*National legislation:* current legislation was considered outdated and in great need of revision. There is a group within the Ministry of Justice drafting a proposal for a new one to be presented to parliament. This group is also looking

at the SADC Protocol in order to incorporate in the proposal changes able to accommodate this international agreement.

*International cooperation:* participants claimed that international counterparts are not always understanding of current situation in Mozambique. Although willing to comply with the articles of the SADC Protocol, participants stressed the need to further develop national institutions. Participants also mentioned the need to exchange lessons learned with countries in the region which are further ahead with the implementation of the SADC Protocol.

The most obvious trait coming out of this workshop was the great devotion of the participants both to their institutions and to their country. They were honest and straightforward when discussing situations and pinpointing problems. They showed their frustration when their requests meet suspicion from donors, but acknowledged that there are reasons for donors and foreign agencies to show suspicion. Most of all, they wish to be heard and to be supported.

## Notes

1. Originally known as the Southern African Development Co-ordination Conference (SADCC), the organization was formed in Lusaka, Zambia on 1 April 1980, following the adoption of the Lusaka Declaration. The Declaration and Treaty establishing the Southern African Development Community (SADC) was signed at the Summit of Heads of State or Government on 17 August 1992, in Windhoek, Namibia. The Treaty commits members to co-operating on politics, diplomacy, international relations, peace and security. Present member states of SADC are Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.
2. N Stott, "The SADC protocol on the control of firearms, ammunition and other related material", ISS Paper 83, November 2003.
3. Personal interview with a former IDRC/Mine Action Programme project officer.
4. The workshop was funded by the governments of the Netherlands, Norway, Sweden and Switzerland as part of the activities of the Arms Management Programme of the ISS.