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Security Council Committee established pursuant to resolution [1718 \(2006\)](#)

Note verbale dated 30 April 2020 from the Permanent Mission of Mozambique to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Mozambique to the United Nations has the honour to submit the report on the implementation of the sanctions regime imposed by the Security Council on the Democratic People's Republic of Korea to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#).



Annex to the note verbale dated 30 April 2020 from the Permanent Mission of Mozambique to the United Nations addressed to the Chair of the Committee

Report of Mozambique on the implementation of Security Council resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#)

Introduction

The present compliance report is submitted by Mozambique in accordance with the requirements set out within the scope of the implementation of the sanctions regime imposed by the Security Council on the Democratic People's Republic of Korea in its resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#) and other related measures.

As a full member and signatory to the Charter of the United Nations, Mozambique reiterates its commitment to the effective implementation of Security Council decisions, under the auspices of which the sanctions regime was imposed on the Democratic People's Republic of Korea because of its repeated violations of international obligations.

The Constitution of Mozambique, in its article 22, defends the primacy of negotiated solutions to conflicts; the principle of universal disarmament of all States; and the transformation of the Indian Ocean into a zone free of nuclear weapons. In that context, the country is a signatory to several international legal instruments against the proliferation of nuclear weapons, among which the following stand out: (a) Treaty on the Non-Proliferation of Nuclear Weapons; (b) African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty); (c) Comprehensive Nuclear-Test-Ban Treaty; and (d) Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water. It also pays due attention to several Security Council resolutions.

Mozambique and the Democratic People's Republic of Korea have long-standing bilateral relations governed by the Friendship and Cooperation Treaty and the Economic, Technical-Scientific and Cultural Cooperation Agreement, signed in 1978. Over time, bilateral relations have been characterized by solidarity, cordiality and friendship, including the implementation of economic and social projects.

The potentially destructive nature of the nuclear programme of the Democratic People's Republic of Korea and the threat it poses to international peace and security challenges the spirit of peaceful coexistence adhered to by Mozambique in its dealings with partner countries, in particular with regard to its commitments towards the global efforts against the proliferation of nuclear weapons.

Implementation of the sanctions regime

Cognizant of the binding nature of the Security Council sanctions regime, the Government of Mozambique instructed all relevant institutions to scrupulously comply with the provisions of the Security Council resolutions and created a technical working group tasked with monitoring compliance, coordinating implementation and preparing the country compliance report.

In 2018, the Panel of Experts established pursuant to resolution [1874 \(2009\)](#) stated in its report that Mozambique was allegedly in breach of the sanctions regime,

as it was cooperating with the Democratic People's Republic of Korea in areas covered by the sanctions regime, namely: (a) travel restrictions; (b) arms and related material embargo; (c) proliferation of networks that represent the interests of individuals or entities covered by the sanctions; (d) freezing of assets; (e) financial measures; and (f) ban on importing statues from the Democratic People's Republic of Korea.

In the spirit of transparency in the effective implementation of the sanctions regime imposed on the Democratic People's Republic of Korea, the Government of Mozambique, in 2018 and 2019, repeatedly addressed an invitation to the Panel of Experts for monitoring the implementation of sanctions, which was established pursuant to resolution 1874 (2009), to visit the country in order to witness the compliance of the measures taken by the country.

Concrete measures, procedures, legislation, regulations or policies adopted

Defence and security cooperation: preventing the proliferation of nuclear weapons

In the context of compliance with the sanctions regime, the Government of Mozambique formally suspended its cooperation with the authorities of the Democratic People's Republic of Korea in the field of defence and security in September 2016. Currently, there are no bilateral exchanges in terms of training and capacity-building, or military or paramilitary advisory and consultancy activities with the Democratic People's Republic of Korea.

In accordance with the provisions of paragraph 8 (a), (b) and (c) of resolution 1718 (2006), the Government of Mozambique does not import prohibited materials from the Democratic People's Republic of Korea. Furthermore, the Government has no relationship with public or private entities in the Democratic People's Republic of Korea that are dedicated to the arms trade or trafficking, such as the Haegeumgang Trading Corporation, which is mentioned in the Panel's report.

As a member of the International Atomic Energy Agency, Mozambique strictly implements that entity's guidelines and decisions, ensuring that nuclear exports, exports of ballistic missiles and weapons of mass destruction and the handling of radioactive materials are carried out only under conditions of due safeguards, physical protection and non-proliferation and other restrictions, and preventing the export of relevant materials that could contribute to the proliferation of nuclear weapons.

Export control procedures are established by Law No. 8/2017 of 21 July, the Atomic Energy Law, which established the legal regime applicable to the safe and peaceful use of nuclear energy and also created the National Atomic Energy Agency, which is the regulatory authority in Mozambique, with powers of regulation, supervision, inspection and the establishment of sanctions. In exercising its powers, it promotes and ensures the safe use of nuclear energy technologies for peaceful purposes, for the benefit of human health, the environment and the economic and social development of the country.

Recruitment of workers from the Democratic People's Republic of Korea

The process of the recruitment of workers and labour is governed by a specific legal framework that includes the following provisions:

(a) Law No. 23/2007 of 1 August (Labour Law), which establishes the legal regime for hiring workers, nationals and foreigners, and their rights, duties and obligations;

(b) Decree No. 37/2016 of 31 August, which regulates the general regime for the hiring of workers of foreign nationality;

(c) Decree No. 63/2011 of 7 December, which establishes the hiring regime for foreign workers in the oil and mining sector;

(d) Decree No. 75/99 of 12 October, which regulates the hiring of foreign labour for industrial free zones;

(e) Decree-Law No. 2/2014 of 2 December, which establishes the legal regime applicable to the hiring of foreigners for the Rovuma Basin project.

In line with the provisions of paragraph 17 of Security Council resolution [2375 \(2017\)](#), the Government instructed all sectors to refrain from hiring workers who are nationals of the Democratic People's Republic of Korea and to cancel any contracts that might exist. Furthermore, an instruction was issued to review the Migration Phenomenon Management System, an electronic platform for the management of hiring processes for foreign labour, and to cancel, suspend and interdict the hiring of labour from the Democratic People's Republic of Korea. In addition, a thorough and targeted assessment of the platform was conducted in order to identify workers who might be from the Democratic People's Republic of Korea, which revealed that, with the exception of medical doctors working under a specific protocol in the health sector,* no citizen of that country had been hired since 2015 to date.

In accordance with Decree No. 37/2016 of 31 August, the employment contract entered into with a foreign citizen has a maximum duration of two years and is renewable upon submission of a new application.

Upon further clarification of the scope of resolution [2397 \(2017\)](#), the Government of Mozambique decided to suspend the Cooperation Protocol in the Health Sector and decided against the renewal of all contracts of nationals of the Democratic People's Republic of Korea in the health sector whose contracts expire in 2020 and 2021.

Economic activities: trade and commercial partnerships

Cognizant of the fact that compliance with the Security Council's sanctions regime entails strict monitoring of commercial transactions that can be used by the Democratic People's Republic of Korea to acquire resources for its nuclear programme, the Government of Mozambique has stepped up enforcement of specific legislation and instruments aimed at detecting and deterring commercial transactions with sanctioned entities, such as:

(a) Ministerial Diploma No. 199/2004 of 24 November, which approves the regulation for inspection of industry and commerce;

(b) Decree No. 34/2013 of 2 August, which approves the ordinary licensing regulation for commercial activity;

(c) Decree No. 22/2014 of 16 May, which approves the industrial activity licensing regulation;

(d) Decree No. 39/2017 of 27 July, which approves the regulation of the simplified licensing legal regime.

By enforcing those legal instruments, the Government of Mozambique has redoubled its efforts to inspect all commercial transactions, including goods in transit, and avoid all forms of triangulation that could contribute to the financing of the nuclear programme of the Democratic People's Republic of Korea.

* On file with the Secretariat and available for consultation.

The enforcement of those decisions of the Government of Mozambique led to the dissolution of the joint venture of the Democratic People's Republic of Korea and Mozambique, EMKIP, operating in commercial deep-water shrimp fishing in 2018, specifically:

- (a) Dissolution of the joint venture and cancellation of fishing vessel operating licences (*Susan 1* and *Susan 2*);
- (b) Cancellation of the contracts of workers from the Democratic People's Republic of Korea on board those vessels;
- (c) Prohibition, at the national level, of the constitution of businesses and/or the conclusion of employment contracts with citizens of the Democratic People's Republic of Korea during the period of validity of the sanctions imposed by the Security Council on that country;
- (d) Cancellation of the joint venture's business licence.

It should be noted that, since 2012, within the scope of the sanctions covered in the report, Mozambique has not maintained any commercial relationship or commercial partnerships and/or joint ventures with companies of the Democratic People's Republic of Korea that specialize in the construction of monuments, statues or medals for decoration, in particular the Mansudae Overseas Project, in accordance with resolution [2371 \(2017\)](#).

Furthermore, the Government, after identifying Mozambican companies that imported and exported various products from and to the Democratic People's Republic of Korea, ordered them to suspend, with immediate effect, all commercial operations with that country and ordered commercial banks not to authorize any payments related to companies linked to the Democratic People's Republic of Korea.

Control of financial transactions at the national and international levels

With a view to ensuring greater and better control and transparency in financial transactions at the national and international levels, the banking system of Mozambique is guided by the following legal instruments:

- (a) Law No. 14/2013 of 12 August: Law on Preventing and Combating Money Laundering and Financing of Terrorism;
- (b) Law No. 3/2017 of 9 January: Electronic Transactions Law. The law establishes the principles, general rules and legal regime for electronic transactions, in general, and electronic commerce and electronic government, in particular, aimed at guaranteeing the protection and use of information and communications technologies in the country;
- (c) Regulation of Law No. 14/2014 of 29 October, which establishes mechanisms to control money laundering through the Mozambique Financial Information Office, a body with a mandate to collect, centralize, analyse and disclose to the competent authorities operations of an economic and financial nature that may constitute money laundering and other related crimes;
- (d) Law No. 2/2018 of 19 June, amends the Law of the Financial Intelligence Unit;
- (e) Decree No. 66/2014 of 29 October, which approves the regulation on preventing and combating money laundering and financing of terrorism;
- (f) Notice No. 4/GBM/2015 of 17 June, approves the guidelines on the prevention and suppression of money laundering and terrorist financing.

In relation to activities under the supervision and control of financial transactions, 16 on-site inspections were carried out by the central bank between 2016 and 2019, aimed at enforcing compliance with the rules (for example, records relating to policies, procedures, monitoring of transactions and training programmes) and preventing financial institutions from providing services to the Democratic People's Republic of Korea (and other sanctioned entities), namely:

- (a) On-site inspections of the activities of six different banks in 2016;
- (b) On-site inspections of the activities of five different banks in 2017;
- (c) On-site inspections of the activities of three different banks in 2018;
- (d) On-site inspections of the activities of two different banks in the first half of 2019.

The inspections were able to detect some deficiencies and lax compliance, resulting in fines amounting to 346 billion meticaís.

Additional measures are in progress. The Bank of Mozambique (the central bank) is committed to substantially increasing risk-based supervision activities in accordance with the law. For that purpose, in July 2019, the Bank of Mozambique instructed financial institutions to provide institutional risk assessment reports, focused on existing risks in the banking sector, in particular with regard to the geographic location of its customers, as well as products, services and distribution channels in use.

Immigration/border control

Mozambique adopted Law No. 5/93 of 28 December, which established the legal framework applicable to foreign citizens and set rules for exiting, entering or remaining in the country, including rights, duties and guarantees, allowing for the control of movement and residence of foreign citizens in the country.

The law is regulated by Decree No. 108/2014 of 31 December, which established the legal regime applicable to foreign citizens, regarding their entry into, stay in and exit from the country.

The law has been strictly observed in the process of granting entry visas by the diplomatic and consular missions of Mozambique, as well as visas on arrival at the border.

According to the law, the conditions applicable to the permanent stay of foreign citizens in the country, in particular those of the Democratic People's Republic of Korea, are set forth in relation to the period of stay declared at the time of their entry, based on their intended reasons for the permanent stay in the country.

Restriction of movement and displacement of nationals of the Democratic People's Republic of Korea

The Government of Mozambique has regularly taken all necessary steps to control national borders and to monitor land, air and sea circulation in its national territory.

In the light of the presence of specialized doctors and diplomats of the Democratic People's Republic of Korea, the control of their movement and activities in the country is undertaken vis-à-vis the commitments and obligations set out by the Cooperation Protocol in the Health Sector and the Vienna Conventions on Diplomatic and Consular Relations.

Cooperation in the health sector

Within the scope of the Bilateral Cooperation Protocol in the Health Sector signed between the Democratic People's Republic of Korea and Mozambique, there are currently 97 doctors of various specialties, mainly active in the provision of primary health-care assistance, aimed at increasing the doctor-inhabitant ratio, a main handicap and constraint of the National Health System.

It should be noted that, under resolutions 2270 (2016), 2321 (2016) and 2375 (2017), a waiver was made regarding cooperation in the humanitarian and social (health) domains.

The interpretation of the provisions of resolutions 2270 (2016), 2321 (2016) and 2375 (2017) guided the position taken by Mozambique in relation to the involvement of doctors from the Democratic People's Republic of Korea in the field of health, owing to their perceived contribution to the improvement of primary health care in the country in line with the Sustainable Development Goals, in particular Goal 3 (good health and well-being).

However, after seeking further clarifications on the scope of resolution 2397 (2017) and the letter from the Panel of Experts dated 27 November 2019, the Government of Mozambique decided to suspend the Protocol of Cooperation in the Health Sector and terminate contracts expiring in 2020 and 2021.

In 2019, after learning about the existence of a clandestine clinic operated by a doctor, Jong Il Son, a national of the Democratic People's Republic of Korea working at the Provincial Hospital of Pemba in Cabo Delgado Province, the Government ordered the immediate closure of the clinic and the doctor's repatriation.

Cooperation in the technical-scientific domain and in education and training

The country does not undertake any bilateral cooperation activities in the technical-scientific, teaching, training and capacity-building domains with the Democratic People's Republic of Korea.

Final remarks

Mozambique reiterates its commitment to the promotion and consolidation of international peace and security and pledges its support to efforts aimed at a nuclear-weapon-free world. In that sense, it strictly adheres to the enforcement of the sanctions regime against the Democratic People's Republic of Korea imposed by the Security Council.

Mozambique believes that international peace and security are indispensable conditions for the achievement of its national development agenda, Agenda 2063 of the African Union and the 2030 Agenda for Sustainable Development, through adherence to international legally binding instruments.

Considering its commitment to international efforts in the effective implementation of resolution 2397 (2017) and with a view to pre-empting adverse and unintended consequences on the delivery of primary care and other issues related to health care, the Government of Mozambique requests the support of the United Nations in securing:

- (a) Immediate replacement of specialist doctors who have been repatriated, identifying new countries or increasing the number of current agreements covering countries that are already active in the sector, such as Cuba and China;
- (b) Creation of internal capacity for local training of specialists in hospitals;
- (c) Identification of countries for the mass training of national specialist doctors.