

Country/entity	Mozambique
Region	Africa (excl MENA)
Agreement name	Protocol II- Criteria and Arrangements for the Formation and Recognition of Parties
Date	13 Nov 1991
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Mozambique Civil War (1976 – 1992) and RENAMO Insurgency (2012 –)

The Mozambique conflict has roots in the independence movement launched by the Mozambique Liberation Front (FRELIMO) (est. 1962) against Portuguese colonization. Despite the insurgency, independence only came a year after a military coup d'état in Lisbon overthrew the longstanding 'Estado Novo' dictatorship. Nonetheless, FRELIMO installed itself as the ruling party and officially became a Marxist-Leninist party in 1977. Fierce fighting broke out in the Cold War context, between the FRELIMO, supported by the Soviet Bloc, and the anti-Communist Mozambique National Resistance (RENAMO) movement, which received funding from neighbouring 'white' regimes in Rhodesia and later on, South Africa. After the death of President Somaro Moises Machel in a plane crash in 1986, the presidency passed to Joaquim Alberto Chissano who encouraged political pluralism, particularly following the collapse of the Soviet Union in 1989. Following the Rome Peace Accords in 1992, FRELIMO won the country's first multi-party election in 1994.

Political tensions began to rise after the 2002 presidential elections, which RENAMO argued were fraudulent. These continued until a low-level outbreak of violence by RENAMO fighters targeting police and economic infrastructure. A new peace accord was signed between RENAMO and FRELIMO in September 2014, but RENAMO's later refusal to accept the terms of the 2014 Presidential election, as well as government difficulties in disarming RENAMO fighters led to a breakdown of the accord in August 2015. Since then, clashes have renewed between the two parties.

Close

Mozambique Civil War (1976 – 1992) and RENAMO Insurgency (2012 –)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Mozambique process in the 90s

Parties	For the delegation of the Government of the Republic of Mozambique: Armando Emilio Guebuza; For the delegation of RENAMO: Raul Manuel Domingos;
Third parties	The mediators: Mario Raffaelli; Jaime Gonçalves; Andrea Riccardi; Matteo Zuppi;
Description	Protocol II of the General Peace Agreement for Mozambique. Protocol focuses on the rules governing the formation and maintenance of political parties. It is agreed that RENAMO would commence its activities as a political party immediately after the signing of the General Peace Agreement, and it is agreed that a timetable for the implementation of the Protocol is to be established.

Agreement document	MZ_911113_General Peace Agreement Protocol II Political Parties.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Substantive Page 2, 2. General principles, (c) In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The political objectives pursued must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious.
Religious groups	Groups→Religious groups→Substantive Page 2, 2. General principles, (c) In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The political objectives pursued must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious.
Indigenous people	No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class Groups→Social class→Substantive
Page 1, 1. The nature of political parties
... (b) Associations whose primary purpose is to promote local or sectoral interests or the exclusive interests of a given social group or class of citizens shall be different from political parties and may not enjoy the status provided for by law for such parties.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, Untitled Preamble
... At the conclusion of their talks, the parties agreed on the necessity of guaranteeing the workings of a multi-party democracy in which the parties would freely cooperate in shaping and expressing the will of the people and in promoting democratic participation by the citizens in the Government of the country.

Page 1, 1. The nature of political parties
... (e) For the operation and full development of a multi-party democracy based on respect for and guarantees of basic rights and freedoms and based on pluralism of democratic political expression and organization under which political power belongs exclusively to the people and is exercised in accordance with principles of representative and pluralistic democracy, the parties must have fundamentally democratic principles by which they must abide in practice and in their political activities.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed)

No specific mention.

Elections

Page 1, 1. The nature of political parties, (a)

Political parties shall be independent, voluntary and free associations of citizens, national in scope, whose primary purpose shall be to give democratic expression to the will of the people and to provide for participation in the exercise of political power in accordance with the fundamental rights and freedoms of citizens and on the basis of electoral processes at all levels of State organization.

Page 2, 3. The rights of parties, (c)

Parties shall enjoy the following rights: Specific guarantees shall be provided with respect to access to the mass media, sources of public funding and public facilities, in accordance with the principle of non-discrimination and on the basis of criteria of representativeness to be specified in the Electoral Act.

Page 3, 4. Duties of parties, (c)

Political parties shall fulfil the following requirements: They must establish their organs and organize their internal structure on the basis of the principle of democratic election and responsibility of all individuals holding party office.

Page 3, 5. Registration, (a)

The purpose of registration is to certify that the founding and existence of parties is in accordance with the applicable legal principles and, consequently, to confer on parties the status of juridical person.

Page 3, 5. Registration, (b)

For the purposes of registration, each Party must have collected at least 2,000 signatures.

Page 3, 5. Registration, (c)

Responsibility for registering parties shall rest with the Government.

Page 3, 5. Registration, (d)

The Commission provided for in paragraph 5 of Protocol I on basic principles shall consider and settle any disputes which may arise in connection with the registration of parties. For that purpose the Government shall make available to the Commission the documents required by law.

Electoral commission

No specific mention.

Political parties reform

Governance→Political parties reform→Other political parties reform
The Protocol in its entirety deals with the formation of political parties.

Page 1, 1. The nature of political parties, (c)

The Political Parties Act shall determine the conditions for the acquisition of the status of juridical person by political parties.

Page 1, 1. The nature of political parties, (d)

Political parties shall be granted specific privileges, which shall be guaranteed by law.

Page 2, 2. General principles, (a)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: They must pursue democratic purposes.

Page 2, 2. General principles, (b)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: They must pursue national and patriotic interests.

Page 2, 2. General principles, (c)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The political objectives pursued must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious.

Page 2, 2. General principles, (d)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The members of political parties must be citizens of Mozambique.

Page 2, 2. General principles, (e)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The parties must have a democratic structure and their internal bodies must be transparent.

Page 2, 2. General principles, (f)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The parties must accept democratic methods for the pursuit of their aims.

Page 2, 2. General principles, (g)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: Joining a political party must be a voluntary act reflecting the freedom of citizens to associate with others who share the same political outlook.

Page 2, 3. The rights of parties

The purpose of the Political Parties Act shall be to protect the freedom of action and operation of political parties, with the exception of those which espouse anti-democratic, totalitarian or violent aims, or which conduct their activities in a manner contrary to law.

Civil society	No specific mention.
Traditional/ religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	Page 1, 1. The nature of political parties ... (e) For the operation and full development of a multi-party democracy based on respect for and guarantees of basic rights and freedoms and based on pluralism of democratic political expression and organization under which political power belongs exclusively to the people and is exercised in accordance with principles of representative and pluralistic democracy, the parties must have fundamentally democratic principles by which they must abide in practice and in their political activities.
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Bill of rights/similar	No specific mention.
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Treaty incorporation	No specific mention.
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Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 2, 3. The rights of parties, (a)

Parties shall enjoy the following rights: Equal rights and duties before the law.

Page 2, 3. The rights of parties, (c)

Parties shall enjoy the following rights: Specific guarantees shall be provided with respect to access to the mass media, sources of public funding and public facilities, in accordance with the principle of non-discrimination and on the basis of criteria of representativeness to be specified in the Electoral Act.

Page 3, 3. The rights of parties, (e)

Parties shall enjoy the following rights: No citizen shall be persecuted or discriminated against because of membership in a political party or political opinion.

Human rights and equality→Civil and political rights→Freedom of association

Page 2, 2. General principles, (g)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: Joining a political party must be a voluntary act reflecting the freedom of citizens to associate with others who share the same political outlook.

Page 3, 3. The rights of parties, (e)

Parties shall enjoy the following rights: No citizen shall be persecuted or discriminated against because of membership in a political party or political opinion.

Socio-economic rights

No specific mention.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general

Page 1, Untitled Preamble

... At the conclusion of their talks, the parties agreed on the necessity of guaranteeing the workings of a multi-party democracy in which the parties would freely cooperate in shaping and expressing the will of the people and in promoting democratic participation by the citizens in the Government of the country.

Page 1, 1. The nature of political parties

(a) Political parties shall be independent, voluntary and free associations of citizens, national in scope, whose primary purpose shall be to give democratic expression to the will of the people and to provide for democratic participation in the exercise of political power in accordance with the fundamental rights and freedoms of citizens and on the basis of electoral processes at all levels of State organization.

(b) Associations whose primary purpose is to promote local or sectoral interests or the exclusive interests of a given social group or class of citizens shall be different from political parties and may not enjoy the status provided for by law for such parties.

Page 2, 2. General principles

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions:

... (d) The members of political parties must be citizens of Mozambique;

... (g) Joining a political party must be a voluntary act reflecting the freedom of citizens to associate with others who share the same political outlook.

Rights related issues→Citizenship→Citizens, specific rights

Page 2, 3. The rights of parties

The purpose of the Political Parties Act shall be to protect the freedom of action and operation of political parties, with the exception of those which espouse anti-democratic, totalitarian or violent aims, or which conduct their activities in a manner contrary to law.

... (e) No citizen shall be persecuted or discriminated against because of membership in a political party or political opinion;

Democracy

Page 1, Untitled Preamble

... At the conclusion of their talks, the parties agreed on the necessity of guaranteeing the workings of a multi-party democracy in which the parties would freely cooperate in shaping and expressing the will of the people and in promoting democratic participation by the citizens in the Government of the country.

Page 1, 1. The nature of political parties, (a)

Political parties shall be independent, voluntary and free associations of citizens, national in scope, whose primary purpose shall be to give democratic expression to the will of the people and to provide for participation in the exercise of political power in accordance with the fundamental rights and freedoms of citizens and on the basis of electoral processes at all levels of State organization.

Page 2, 1. The nature of political parties, (e)

For the operation and full development of a multi-party democracy based on respect for and guarantees of basic rights and freedoms and based on pluralism of democratic political expression and organization under which political power belongs exclusively to the people and is exercised in accordance with principles of representative and pluralistic democracy, the parties must have fundamentally democratic principles by which they must abide in practice and in their political activities.

Page 2, 2. General principles, (a)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: They must pursue democratic purposes.

Page 2, 2. General principles, (e)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The parties must have a democratic structure and their internal bodies must be transparent.

Page 2, 2. General principles, (f)

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions: The parties must accept democratic methods for the pursuit of their aims.

Page 3, 4. Duties of parties, (c)

Political parties shall fulfil the following requirements: They must establish their organs and organize their internal structure on the basis of the principle of democratic election and responsibility of all individuals holding party office.

Detention procedures

No specific mention.

Media and communication

Rights related issues→Media and communication→Media roles

Page 2, 3. The rights of parties

... (c) Specific guarantees shall be provided with respect to access to the mass media, sources of public funding and public facilities, in accordance with the principle of non-discrimination and on the basis of criteria of representativeness to be specified in the Electoral Act.

Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	No specific mention.

Business	No specific mention.
Taxation	Socio-economic reconstruction→Taxation→Reform of taxation Page 3, 3. The rights of parties, (d) Parties shall enjoy the following rights: Exemption from taxes and fees as provided for by law.
Banks	No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** Page 4, 6. Implementation, (a)
The Parties agree that, immediately following the signature of the General Peace Agreement, RENAMO shall commence its activities as a political party, with the privileges provided for by law; it shall, however, be required to submit at a later date the documents required by law for registration.

Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
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Other international signatory	Mediators: Mario raffaeli (Italian Govt), Jaime Goncalves (Archbishop of Beira), Andrea Riccardi and Matteo Zuppi (Sant'Egidio)
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Referendum for agreement

No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 3,

5. Registration, (d)

The Commission provided for in paragraph 5 of Protocol I on basic principles shall consider and settle any disputes which may arise in connection with the registration of parties. For that purpose the Government shall make available to the Commission the documents required by law.

6. Implementation

... (b) Pursuing the method of dialogue, collaboration and regular consultation, the parties agree to establish, in connection with the discussion of item 5 of the Agreed Agenda, the timetable of activities necessary for the proper implementation of this Protocol.
