

Country/entity Mozambique

Region Africa (excl MENA)

Agreement name Projecto de Lei de Memorando de Entendimento

Date 25 Aug 2014

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 Implementation/renegotiation

Conflict nature Government

Peace process Mozambique process - recent

Parties

Government of Mozambique and Renamo party:
MILITARY EXPERTS (signed)

For the government
Major-General Julio dos Santos Jane (Team Leader)

First-Adjutant Commissary of the Police, Xavier Ernesto Tocoli

Brigadier Tenente Freitas Norte

Adjutant-Commissary of the Police Arsenia Felicidade Felix Massingue

Simiao Pedro Macave, jurist
For RENAMO:
Lt. General Ossufo Momad

Colonel Jose Manuel

Major Antonio Muzorewa

Isekiel Meide Gusee, jurist

Maputo, on the eleventh day of August, two thousand and fourteen.

For the government:
Jose Condugua Antonio Pacheco
(Minister of Agriculture and Head of Delegation)

Gabriel Serafim Muthisse
(Minister of Transport and Communications)

Abdurremane Lino de Almeida
(Vice-minister for Public Offices)

For RENAMO
Salmone Muhambi Macuiana
(Deputy in the Assembly of the Republic, President of the Jurisdictional Council and
Head of RENAMO delegation)

Jeremias Pondaca Munguambe
(Head of the Department for Rural Administration and Local Government)

Dr. Antonio Eduardo Namburete
(Head of the Department for External Relations)

Abdul Magid Ibraimo
(Senior Member)

Third parties	<p>National observers/mediators: Prof. Dr. Lourenco do Rosario (Team Leader)</p> <p>Right Reverend don Dinis Sengulane</p> <p>Prof. Dr. father Filipe Couto</p> <p>Reverend Anastacio Chembeze</p> <p>Sheik Saide Habibo</p>
Description	<p>Legislative act giving the legal power to the agreement to include Renamo in the military structures of the Republic of Mozambique, with provisions for a mixed national and international Military Observation Team. The agreement entails the mention of a legislative mechanism for implementing this integration of Renamo, but no details, as those are to be defined in subsequent legislation. The guarantee entails a commitment to resolving disputes of interpretation through dialogue. Amnesty law is mentioned as an aim, but not provided for in detail in this agreement - except that all parties are clear that there is amnesty.</p>

Agreement document	MZ_140825_Projecto_de_Lei_de_Memorando_de_Entendimento_tr.pdf (opens in new tab) Download PDF
Agreement document (original language)	MZ_140825_Projecto_de_Lei_de_Memorando_de_Entendimento.pdf (opens in new tab)

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	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

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) No specific mention.

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 No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

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 Power sharing→Military power sharing→Merger of forces
Summary: The whole agreement deals with the Renamo forces, maintaining the ceasefire, and the Renamo integration in Mozambique's military.

Page 2, section h):
h) For the operational effects of the questions related to previous paragraphs, the groups of military experts from both sides will have to introduce a document to the plenary. In this document, there will also be questions about the integration of the current residual forces from Renamo to the Armed Forces for the Defence of Mozambique and the Police of the Republic of Mozambique and the consequent development of framework for the security of Renamo.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

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 No specific mention.

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.
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Security sector	
Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	<p>Page 2, section e)</p> <p>e) The organic structure of the Armed Forces for the Defence of Mozambique and the Police of the Republic of Mozambique may be altered, after consideration of the National Council of Defence and Security, according to the law;</p>
Armed forces	<p>Most of the text of the agreements concerns armed forces. Particularly, see Pages 1 and 2: Both sides reaffirm the constitutional, legal principles and also those from Security and Defence Policy, as well as the principles of dialogue, collaboration and consultation that follows:</p> <p>a) Defence and Security Forces shall be republican, i.e., nonpartisan, serving the Republic of Mozambique with professionalism and respect for the constitutional order which is based on the Rule of Law, democracy and social justice;</p> <p>b) No party, political or related force shall use the Defence and Security Forces, save in cases requested by law;</p> <p>c) Defence and Security Forces should pledge loyalty to the Constitution of the Republic;</p> <p>d) Promoting and guaranteeing the spirit of reconciliation, which includes the immediate cessation of all hostile manifestation, especially the military manifestation, including in the social communication;</p> <p>e) The organic structure of the Armed Forces for the Defence of Mozambique and the Police of the Republic of Mozambique may be altered, after consideration of the National Council of Defence and Security, according to the law;</p>
DDR	<p>Security sector→DDR→Demilitarisation provisions</p> <p>Page 2, sections i) and j):</p> <p>i) Conclude all the process of integration and development of the framework for the residual forces of Renamo, all military equipment will be delivered to the guard and they will be at the disposal of the Forces of Defence and Security.</p> <p>j) With the end of the procedures, the party should not own any sort of armed forced other than the forces allowed by law.</p>
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Summary: The whole agreement deals with the Renamo forces, maintaining the ceasefire, and the Renamo integration in Mozambique's military.

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 Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 2:
Both sides also understand that:
f) After the end of military hostilities, no element of any party can be prosecuted on the basis of acts or facts derived from the hostilities or connected situation.
g) For the effects constituted in the paragraph before, the parties agree that it is necessary to approve an amnesty law, in this session of the Assembly of the Republic.

Also, page 3:

e) Once the amnesty based on the understandings reached between the Government of the Republic of Mozambique and Renamo is declared, any posterior act that can be substantiated in a unilateral violation or abandon of the principles agreed, will be processed and punished in the terms of the applicable legislation;

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	Page 2, section d): d) Promoting and guaranteeing the spirit of reconciliation, which includes the immediate cessation of all hostile manifestation, especially the military manifestation, including in the social communication;

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	Page 2: k) The implementation of these principles shall be followed, monitored and observed by the International Community, through the Military Observation Team on the Cessation of Hostilities (EMOCHM); Pages 3-8: TERMS OF REFERENCE FOR THE MILITARY OBSERVATION TEAM ON THE CESSATION OF HOSTILITIES – EMOCHM
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	Originally obtained in hard copy, text on file with author.
