

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

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 –))
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](#)  | [Download PDF](#)

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)	<p>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.</p> <p>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.</p>
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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Page 3, 5. Registration, (b) For the purposes of registration, each Party must have collected at least 2,000 signatures.</p> <p>Page 3, 5. Registration, (c) Responsibility for registering parties shall rest with the Government.</p> <p>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.</p>
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

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.

Bill of rights/ similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	<p>Human rights and equality→Civil and political rights→Equality</p> <p>Page 2, 3. The rights of parties, (a) Parties shall enjoy the following rights: Equal rights and duties before the law.</p> <p>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.</p> <p>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.</p> <p>Human rights and equality→Civil and political rights→Freedom of association</p> <p>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.</p> <p>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.</p>
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.

Other international signatory Mediators: Mario raffaeli (Italian Govt), Jaime Goncalves (Archbishop of Beira), Andrea Riccardi and Matteo Zuppi (Sant'Egidio)

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.

Related cases No specific mention.

Source UN Peacemaker <http://peacemaker.un.org/mozambique-general-peace-agreement92>
