

Country/entity	Mozambique
Region	Africa (excl MENA)
Agreement name	Protocol III- Principles of the Electoral Act
Date	12 Mar 1992
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	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 III of the General Peace Agreement for Mozambique. Protocol setting the terms of an Electoral Act to be drafted by the Government in consultation with RENAMO and all other political parties. Drafters to be guided by principles of: freedom of press and access to the media; freedom of association, expression and political activity; liberty of movement and freedom of residence; return of refugees/displaced persons and social reintegration; system of democratic, impartial and pluralistic voting; and guarantees for the electoral process and role of international observers.

Agreement document	MZ_920312_General Peace Agreement Protocol III.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	Groups→Disabled persons→Rhetorical Page 2, IV. Return of Mozambican refugees and displaced persons and their social reintegration, (a) The parties undertake to cooperate in the repatriation and reintegration of Mozambican refugees and displaced persons in the national territory and the social integration of war-disabled.
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	<p>Groups→Refugees/displaced persons→Substantive</p> <p>Page 2, IV. RETURN OF MOZAMBICAN REFUGEES AND DISPLACED PERSONS AND THEIR SOCIAL REINTEGRATION</p> <p>(a) The parties undertake to cooperate in the repatriation and reintegration of Mozambican refugees and displaced persons in the national territory and the social integration of war-disabled.</p> <p>(b) Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.</p> <p>(c) Mozambican refugees and displaced persons shall not forfeit any of the rights and freedoms of citizens for having left their original places of residence.</p> <p>(d) Mozambican refugees and displaced persons shall be registered and included in the electoral rolls together with other citizens in their places of residence.</p> <p>(e) Mozambican refugees and displaced persons shall be guaranteed restitution of property owned by them which is still in existence and the right to take legal action to secure the return of such property from individuals in possession of it.</p>
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Social class	No specific mention.
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Gender

Women, girls and gender	No specific mention.
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Men and boys	No specific mention.
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LGBTI	No specific mention.
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Family	No specific mention.
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State definition

Nature of state (general)	No specific mention.
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State configuration	No specific mention.
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Self determination	No specific mention.
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Referendum	No specific mention.
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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.

Political No specific mention.
institutions (new or
reformed)

Elections

Protocol in its entirety deals with the formation of a new electoral act.

Page 1,

This Protocol sets forth the general principles which should guide the drafting of the Electoral Act and any possible amendments to the laws in connection with the conduct of the electoral process.

Page 1,

The Electoral Act shall be drafted by the Government, in consultation with RENAMO and all other political parties.

Page 2, IV. Return of Mozambican refugees and displaced persons and their social reintegration, (d)

Mozambican refugees and displaced persons shall be registered and included in the electoral rolls together with other citizens in their places of residence.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 1. General principles, (a)

The Electoral Act shall establish an electoral system which is consonant with the principles of the direct, equal, secret and personal ballot.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 1. General principles, (b)

Elections to the Assembly of the Republic and for President of the Republic shall be held simultaneously.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 1. General principles, (c)

The elections shall take place within one year after the date of the signing of the General Peace Agreement. This period may be extended if it is determined that circumstances exist which preclude its observance.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 2. The right to vote, (a)

Mozambican citizens 18 years of age and over shall have the right to vote, with the exception of individuals suffering from certified mental incapacity or insanity.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 2. The right to vote, (b)

As envisaged by item 4 (a) of the Agreed Agenda, Mozambican citizens who are detained or have been sentenced to a prison term for a criminal offence under ordinary law shall not have the right to vote until they complete their sentence. In any event, this restriction shall not apply to individuals belonging to the Parties in respect of acts committed in the course of military operations.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 2. The right to vote, (c)

Exercise of the right to vote shall be conditional on registration in the electoral rolls.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 2. The right to vote, (d)

With the aim of promoting the broadest possible participation in the elections, the parties agree to encourage all Mozambican citizens 18 years of age and over to register and to exercise their right to vote.

**Electoral
commission**

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 1.

The Commission shall have the following functions: To draw up, in consultation with the political parties, regulations governing election campaigning, regulations on the distribution of broadcast air time and regulations on the utilization of public and private places and facilities during the election campaign.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 2.

The Commission shall have the following functions: To oversee the compilation of electoral rolls, the legal filing of candidacies, the public announcement of candidacies and checking and recording the election results.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 3.

The Commission shall have the following functions: To monitor the electoral process and ensure compliance with the laws.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 4.

The Commission shall have the following functions: To ensure equality of treatment for citizens in all acts relating to the elections.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 5.

The Commission shall have the following functions: To receive, consider and settle complaints with respect to the validity of the elections.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 7.

The Commission shall have the following functions: To review the election accounts.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 8.

To draw up and have published in the national gazette (Boletim da Republica) the lists of the results of the final vote tally.

Page 6, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 7. Financing and facilities, (a)

The National Elections Commission shall guarantee the distribution to all parties competing in the elections, without discrimination, of subsidies and logistic support for the election campaign apportioned on the basis of the number of each party's candidates and under the supervision of all parties competing in the elections.

**Political parties
reform**

No specific mention.

Civil society	Page 2, IV. Return of Mozambican refugees and displaced persons and their social reintegration, (b) Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.
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Traditional/ religious leaders	No specific mention.
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Public administration	No specific mention.
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Constitution	No specific mention.
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Power sharing

Political power sharing	No specific mention.
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Territorial power sharing	No specific mention.
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Economic power sharing	No specific mention.
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Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general	No specific mention.
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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, II. Freedom of association, expression and political activity, (b)

Freedom of association, expression and political activity shall encompass access, without discrimination, to the use of public places and facilities. Such use shall be conditional on submission of an application to the competent administrative authorities, who must give a decision within 48 hours after the submission of the application. Applications may be rejected only for reasons of public order or for organizational considerations.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 4.

The Commission shall have the following functions: To ensure equality of treatment for citizens in all acts relating to the elections.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 6.

The Commission shall have the following functions: To ensure equal opportunity and treatment for the different candidates.

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

Page 2, III. LIBERTY OF MOVEMENT AND FREEDOM OF RESIDENCE

All citizens shall have the right to move about throughout the country without having to obtain administrative authorization. All citizens have the right to choose to reside anywhere in the national territory and to leave or return to the country.

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

Page 1, I. Freedom of the press and access to the media, (d)

The Government-controlled mass media shall enjoy editorial independence and shall guarantee, in accordance with the specific regulations envisaged in section V.3.b.I of this Protocol, the right of all parties to access without political discrimination. Provision should be made in such regulations for access by all parties free of charge.

Page 1, II. FREEDOM OF ASSOCIATION, EXPRESSION AND POLITICAL ACTIVITY

(a) All citizens shall have the right to freedom of expression, association, assembly, demonstration and political activity. Administrative and tax regulations shall in no case be used to prevent or hamper the exercise of these rights for political reasons. These rights shall not extend to the activities of unlawful private paramilitary groups or groups which promote violence in any form or terrorism, racism or separatism.

Page 2, II. FREEDOM OF ASSOCIATION, EXPRESSION AND POLITICAL ACTIVITY

... (b) Freedom of association, expression and political activity shall encompass access, without discrimination, to the use of public places and facilities. Such use shall be conditional on submission of an application to the competent administrative authorities, who must give a decision within 48 hours after the submission of the application. Applications may be rejected only for reasons of public order or for organizational considerations.

Human rights and equality→Civil and political rights→Vote and take part

Page 2, V. ELECTORAL PROCEDURES: SYSTEM OF DEMOCRATIC, IMPARTIAL AND PLURALISTIC VOTING

2. The right to vote

(a) Mozambican citizens 18 years of age and over shall have the right to vote, with the exception of individuals suffering from certified mental incapacity or insanity.

(b) As envisaged by item 4 (a) of the Agreed Agenda, Mozambican citizens who are detained or have been sentenced to a prison term for a criminal offence under ordinary law shall not have the right to vote until they complete their sentence. In any event, this restriction shall not apply to individuals belonging to the Parties in respect of acts

Socio-economic rights No specific mention.

Rights related issues

Citizenship Rights related issues→Citizenship→Citizens, specific rights
Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 2.
The right to vote, (a)
Mozambican citizens 18 years of age and over shall have the right to vote, with the exception of individuals suffering from certified mental incapacity or insanity.

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 4.
Voting Assemblies, (a)
At each polling place there shall be a Voting Assembly composed of: All citizens who are to exercise their right to vote at the given polling place.

Page 5, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 5.
Election to the Assembly of the Republic, (e)
Citizens 18 years of age and over shall be eligible to stand for election to the Assembly of the Republic. The parties agree, however, on the desirability of raising the minimum age to 25 for the forthcoming elections as a transitional measure.

Page 6, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 6.
Election of the President of the Republic, (c)
Individuals 35 years of age and over who are citizens and registered voters shall be eligible to stand for election to the office of President of the Republic.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication

Rights related issues→Media and communication→Governance of media

Page 4, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (b) 1.

The Commission shall have the following functions: To draw up, in consultation with the political parties, regulations governing election campaigning, regulations on the distribution of broadcast air time and regulations on the utilization of public and private places and facilities during the election campaign.

Rights related issues→Media and communication→Media roles

[Summary: The protocol deals in detail with freedom of the press, and freedom of expression and organisation. as it relates to political organisation and elections.]

Page 1, I. FREEDOM OF THE PRESS AND ACCESS TO THE MEDIA

(a) All citizens shall enjoy the right of freedom of the press and freedom of information.

These freedoms shall encompass, specifically, the right to establish and operate newspapers and other publications, radio and television broadcasting stations and other forms of written or sound communication, such as posters, leaflets and other media.

These rights shall not be abridged by censorship.

(b) Administrative and tax regulations shall in no case be used to hamper or prevent the exercise of this right on political grounds.

(c) Freedom of the press shall also include freedom of expression and creation for journalists and the protection of their independence and professional secrecy.

(d) The Government-controlled mass media shall enjoy editorial independence and shall guarantee, in accordance with the specific regulations envisaged in section V.3.b.I of this Protocol, the right of all parties to access without political discrimination. Provision should be made in such regulations for access by all parties free of charge.

Advertisements which conform to the prevailing commercial practice may not be refused on political grounds.

(e) The mass media may not discriminate against or refuse on political grounds any party or its candidates the exercise of the right of reply or the publication of corrections or retractions. Access to the courts shall be guaranteed in cases of defamation, slander, libel and other press offences.

Mobility/access	<p>Page 2, III. LIBERTY OF MOVEMENT AND FREEDOM OF RESIDENCE</p> <p>All citizens shall have the right to move about throughout the country without having to obtain administrative authorization. All citizens have the right to choose to reside anywhere in the national territory and to leave or return to the country.</p>
	<p>Page 2, IV. RETURN OF MOZAMBICAN REFUGEES AND DISPLACED PERSONS AND THEIR SOCIAL REINTEGRATION</p> <p>... (b) Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.</p>
	<p>Page 6</p> <p>7. Financing and facilities, (b)</p> <p>The Government undertakes to assist in obtaining facilities and means so that RENAMO may secure the office space and transport and communications facilities it needs to carry out its political activities in all the provincial capitals, and in other locations to the extent that the available resources so permit.</p>
Protection measures	<p>Rights related issues→Protection measures→Protection of groups</p> <p>Page 1, I. FREEDOM OF THE PRESS AND ACCESS TO THE MEDIA</p> <p>(c) Freedom of the press shall also include freedom of expression and creation for journalists and the protection of their independence and professional secrecy.</p>
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.
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National economic plan	No specific mention.
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Natural resources	No specific mention.
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International funds	No specific mention.
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Business	No specific mention.
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Taxation	<p>Socio-economic reconstruction→Taxation→Reform of taxation Page 1, I. Freedom of the press and access to the media, (b) Administrative and tax regulations shall in no case by used to hamper or prevent the exercise of this right on political grounds.</p> <p>Page 2, II. Freedom of association, expression and political activity, (a) All citizens shall have the right to freedom of expression, association, assembly, demonstration and political activity. Administrative and tax regulations shall in no case be used to prevent or hamper the exercise of these rights for political reasons. These rights shall not extend to the activities of unlawful private paramilitary groups or groups which promote violence in any form or terrorism, racism or separatism.</p>
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Banks	No specific mention.
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Land, property and environment

Land reform/rights	No specific mention.
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Pastoralist/nomadism rights	No specific mention.
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Cultural heritage	No specific mention.
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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 Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 2. The right to vote, (b)
As envisaged by item 4 (a) of the Agreed Agenda, Mozambican citizens who are detained or have been sentenced to a prison term for a criminal offence under ordinary law shall not have the right to vote until they complete their sentence. In any event, this restriction shall not apply to individuals belonging to the Parties in respect of acts committed in the course of military operations.

DDR No specific mention.

Intelligence services No specific mention.

**Parastatal/rebel
and opposition
group forces**

Page 1,
The Electoral Act shall be drafted by the Government, in consultation with RENAMO and all other political parties.

Page 2, II. Freedom of association, expression and political activity, (a)
All citizens shall have the right to freedom of expression, association, assembly, demonstration and political activity. Administrative and tax regulations shall in no case be used to prevent or hamper the exercise of these rights for political reasons. These rights shall not extend to the activities of unlawful private paramilitary groups or groups which promote violence in any form or terrorism, racism or separatism.

Page 2, IV. Return of Mozambican refugees and displaced persons and their social reintegration, (b)
Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.

Page 3, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 3. National elections commission, (a)
For the purpose of organizing and conducting the electoral process, the Government shall set up a National Elections Commission, composed of individuals whose professional and personal qualities afford guarantees of balance, objectivity and independence vis-a-vis all political parties. One third of the members to be appointed to the Commission shall be nominated by RENAMO.

Page 6, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 7. Financing and facilities, (b)
The Government undertakes to assist in obtaining facilities and means so that RENAMO may secure the office space and transport and communications facilities it needs to carry out its political activities in all the provincial capitals, and in other locations to the extent that the available resources so permit.

**Withdrawal of
foreign forces**

No specific mention.

Corruption

No specific mention.

**Crime/organised
crime**

No specific mention.

Drugs	No specific mention.
Terrorism	Page 2, II. Freedom of association, expression and political activity, (a) All citizens shall have the right to freedom of expression, association, assembly, demonstration and political activity. Administrative and tax regulations shall in no case be used to prevent or hamper the exercise of these rights for political reasons. These rights shall not extend to the activities of unlawful private paramilitary groups or groups which promote violence in any form or terrorism, racism or separatism.
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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	Page 2, IV. Return of Mozambican refugees and displaced persons and their social reintegration, (a) The parties undertake to cooperate in the repatriation and reintegration of Mozambican refugees and displaced persons in the national territory and the social integration of war-disabled.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.
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Implementation

UN signatory No specific mention.

Other international signatory Mario Raffaelli;
Jaime Gonçalves;
Andrea Riccardi;
Matteo Zuppi;

Referendum for agreement No specific mention.

International mission/force/similar Page 2, IV. Return of Mozambican refugees and displaced persons and their social reintegration, (b)
Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.

Page 6, V. Electoral procedures: system of democratic, impartial and pluralistic voting, 7. Financing and facilities, (c)
For these purposes the Government shall seek support from the international community and, in particular, from Italy.

Page 6, VI. Guarantees for the electoral process and role of international observers, (b)
With a view to ensuring the highest degree of impartiality in the electoral process, the parties agree to invite as observers the United Nations, OAU and other organizations, as well as appropriate private individuals from abroad as may be agreed between the Government and RENAMO.

Page 6, VI. Guarantees for the electoral process and role of international observers
The observers shall perform their function from the commencement of the electoral campaign to the time when the Government takes office.

Page 7, VI. Guarantees for the electoral process and role of international observers, (c)
With the aim of expediting the peace process, the parties also agree on the necessity of seeking technical and material assistance from the United Nations and OAU following the signature of the General Peace Agreement.

Page 7, VI. Guarantees for the electoral process and role of international observers, (d)
The Government shall address formal requests to the United Nations and OAU in pursuance of the provisions of this section.

**Enforcement
mechanism**

Page 5, VI. GUARANTEES FOR THE ELECTORAL PROCESS AND ROLE OF INTERNATIONAL OBSERVERS

- (a) Supervision and monitoring of the implementation of this Protocol shall be guaranteed by the Commission envisaged in Protocol I on basic principles.
- (b) With a view to ensuring the highest degree of impartiality in the electoral process, the parties agree to invite as observers the United Nations, OAU and other organizations, as well as appropriate private individuals from abroad as may be agreed between the Government and RENAMO. The observers shall perform their function from the commencement of the electoral campaign to the time when the Government takes office.
- (c) With the aim of expediting the peace process, the parties also agree on the necessity of seeking technical and material assistance from the United Nations and OAU following the signature of the General Peace Agreement.
- (d) The Government shall address formal requests to the United Nations and OAU in pursuance of the provisions of this section.

Related cases

No specific mention.

Source

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