

PROTOCOL II

CRITERIA AND ARRANGEMENTS FOR THE FORMATION AND RECOGNITION OF POLITICAL PARTIES

On 13 November 1991, the delegation of the Government of the Republic of Mozambique, headed by Armando Emílio Guebuza, Minister of Transport and Communications, and composed of Aguiar Mazula, Minister of State Administration, Teodato Hunguana, Minister of Labour, and Francisco Madeira, Diplomatic Adviser to the President of the Republic, and the delegation of RENAMO, headed by Raul Manuel Domingos, Chief of the External Relations Department, and composed of Vicente Zacarias Ululu, Chief of the Information Department, Agostinho Semende Murrial, Deputy Chief of the Political Affairs Department and, Joao Francisco Almirante, member of the President's cabinet, meeting in Rome in the context of the peace talks, in the presence of the mediators, Mario Raffaelli, representative of the Government of the Italian Republic and coordinator of the mediators, Jaime Gonçalves, Archbishop of Beira, Andrea Riccardi and Matteo Zuppi of the Community of San Egidio, took up item 1 of the Agreed Agenda of 28 May 1991, concerning "Criteria and arrangements for the formation and recognition of political parties".

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.

In this connection, and bearing in mind the provisions of Protocol I on "Basic principles", the parties have agreed on the following principles:

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.

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

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

(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.

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:

- (a) They must pursue democratic purposes;
- (b) They must pursue national and patriotic interests;
- (c) The political objectives pursued must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious;
- (d) The members of political parties must be citizens of Mozambique;
- (e) The parties must have a democratic structure and their internal bodies must be transparent;
- (f) The parties must accept democratic methods for the pursuit of their aims;
- (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.

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.

Parties shall enjoy the following rights:

- (a) Equal rights and duties before the law;
- (b) Every Party shall have the right freely and publicly to propound its policies;
- (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;

(d) Exemption from taxes and fees as provided for by law;

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

(f) Other aspects specific to individual political parties shall be determined in their respective statutes or regulations, which must conform with the law. Public notice shall be given of such statutes or regulations.

4. Duties of parties

Political parties shall fulfil the following requirements:

(a) They shall be identified by name, acronym and symbol. The use of names, acronyms or symbols which may be considered offensive by the inhabitants or which incite to violence and may have divisive connotations based on race, region, tribe, gender or religion shall be prohibited;

(b) They shall not call into question the country's territorial integrity and national unity;

(c) 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;

(d) They must ensure that their statutes and programmes are approved by a majority of their members or by assemblies representing those members;

(e) As regards their internal organization, Parties must fully respect the principle of free adherence of their members, who may not be compelled to join or remain in a party against their will;

(f) They must be registered and disclose annually their accounts and sources of funding.

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;

(b) For the purposes of registration, each Party must have collected at least 2,000 signatures;

(c) Responsibility for registering parties shall rest with the Government;

(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

(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;

(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.

In witness whereof, the Parties have decided to sign this Protocol.

For the delegation of the Government
of the Republic of Mozambique:

(Signed) Armando Emílio Guebuza

For the delegation of RENAMO:

(Signed) Raul Manuel Domingos

The mediators:

(Signed) Mario Raffaelli

(Signed) Jaime Gonçalves

(Signed) Andrea Riccardi

(Signed) Matteo Zuppi

Done at San Egidio, Rome, on 13 November 1991