

Protocol No. 2

Criteria and modalities for forming and recognising political parties

On 13 November 1991 the delegation of the Government of the Republic of Mozambique, led by Armando Emilio Guebuza, Minister of Transport and Communications and comprising Aguiar Mazula, Minister of State Administration, Teodato Hunguana, Minister of Labour and Francisco Madeira, Diplomatic Adviser to the President of the Republic, and the RENAMO delegation, led by Raul Manuel Domingos, Head of the Foreign Relations Department and comprising Vicente Zacarias Ululu, Head of the Information Department, Agostinho Semende Murrial, Deputy Head of the Political Affairs Department and Joao Francisco Almirante, member of the Office of the President, met in Rome within the framework of the peace talks and in the presence of the mediators Mario Raffaelli, representative of the Government of the

Italian Republic and coordinator of the mediators, D. Jaime Goncalves, Archbishop of Beira, and Prof. Andrea Riccardi and D. Matteo Zuppi, of the Santo Egidio Community, and broached the first point of the Agenda agreed on 28 May 1991, on "Criteria and Modalities for Forming and Recognising Political Parties".

At the end of their discussions the parties agreed on the need to guarantee the implementation of multi-party democracy, in which the political parties contribute freely to forming and manifesting the popular will and to the democratic participation of citizens in the Government of the country. In this context, and taking into consideration the content of Protocol No.1 on "Basic Principles", the parties agreed on the following principles:

1. The nature of political parties

a) The political parties are autonomous, voluntary and free organisations of citizens that are national in nature and scope, and have as their main objective giving democratic expression to the popular will and enabling democratic participation in the exercise of political power in accordance with citizens' fundamental rights and freedoms, and on the basis of electoral processes at all levels of the State's organisation.

b) The associations whose main objective is the defence of local or sectoral interests, or those exclusive to a social group or specific class of citizens, will be distinct from the political parties and will not be able to enjoy the legal status provided for these.

c) The Parties Law must establish the conditions in which the political parties acquire legal personality.

d) The political parties will be assured specific privileges that are legally guaranteed.

e) For multi-party democracy to be implemented and fully developed, founded in respect for and guarantee of basic rights and freedoms, and in a pluralism of political and democratic expression and organisation in which political power belongs exclusively to the people and is exercised in accordance with the principles of a representative and pluralist democracy, the parties must be endowed with fundamentally democratic principles with which they must comply in action and in their political struggle.

2. General Principles

In their formation, structure and operation, the political parties will observe and apply the following general principles in order to discipline their activities:

a) Pursuit of democratic ends.

b) Pursuit of national and patriotic interests.

c) Pursuit of non-regionalist, tribalist, separatist, racial, ethnic or religious political ends.

d) Need for their members to be Mozambican citizens.

e) Democratic structuring of the parties and transparency of their internal bodies.

f) Acceptance of democratic methods in pursuing their objectives.

g) Membership of a party is always voluntary and derives from the freedom of citizens to associate around the same political ideals.

3. Rights of the parties

The Parties Law has as its objective protecting the freedom of political parties to act and function, excepting those which propose anti-democratic, totalitarian or violent aims and those which carry on their activities in breach of the law. The parties will enjoy the following rights:

a) Equality of rights and duties before the law.

b) Each party must be able to disseminate its policies freely and publicly.

c) Specific guarantees of access to the mass media, to financial allocations from the State and to public installations or facilities will be established on the principle of non-discrimination, and based in criteria of representativity to be fixed in the electoral law.

d) Exemption from taxes and duties in the terms of the law.

e) No citizen may be persecuted or discriminated against by virtue of his or her party affiliations or political opinions.

f) The further specific features of each party will be defined in the respective statutes or regulations, which must observe legality. The statutes or regulations are published officially.

4. Duties of the parties

The political parties will be bound to the following duties:

a) They must be identified by name, acronym and symbol. Names, acronyms or symbols that could be considered offensive to the people or those that encourage violence and lend themselves to divisionist connotations on the basis of race, region, tribe, sex or religion, are forbidden.

b) They must not call into question territorial integrity and national unity.

c) They must form their bodies and establish their internal organisation based on the principle of democratic elections and responsibility of all office holders in the central bodies.

d) They must guarantee the approval of their statutes and programmes by a majority of their members or by representative assemblies of members.

e) In their internal organisation the parties must fully respect the principle of free adherence by their members, who cannot be forced to join or remain in a party against their will.

f) They are subject to registration and publish their accounts and sources of revenue annually.

5. Registration

a) The act of registration aims to declare the compliance of the establishment and existence of the parties with the legal principles that they must observe and, consequently, to confer their legal personality.

b) For registration purposes each party must have a minimum of 2,000 signatures.

c) It is for the Government to register the parties.

d) The Commission provided for in No.5 of Protocol No.1 on Basic Principles will analyse and decide on the disputes that may arise in the process of registering the parties, and for this purpose the Government must make the documentation required by law available to it.

6. Implementation

a) The parties agree that, immediately following the signature of the General Peace Agreement, RENAMO will begin its activity as a political party and with the privileges provided in the law, remaining, however, subject to submitting the documentation required by law for registration afterwards.

b) Continuing with the method of dialogue, collaboration and regular consultations, the parties agree to establish, within the framework of the discussion of point 5 of the agreed Agenda, the timetable for the actions needed to guarantee correct implementation of this Protocol. And, for the record, the parties decided to sign this Protocol.

For the delegation of the Government of the of Republic of Mozambique, Armando Emilio Guebuza.

For the delegation of Renamo, Raul Manuel Domingos. The mediators: Mario Raffaelli, D.Jaime Goncalves, Prof. Andrea Riccardi, D.Matteo Zuppi Done in Santo Egidio.

Rome, 13 November 1991
(Unofficial translation)