



PROTOCOL No. 3

On 12 March 1992, the delegation of the Government of the Republic of Mozambique, led by Armando Emílio 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 Raúl Manuel Domingos, Head of the Organisation Department and comprising Vicente Zacarias Ululu, Head of the Information Department, Agostinho Semende Murrial, Deputy Head of the Organisation Department and Virgílio Namalue, Director of the Information Department, 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 Gonçalves, Archbishop of Beira, and Prof. Andrea Riccardi and D. Matteo Zuppi, of the Santo Egídio Community, and broached the point of the agenda signed on 28 May 1991 concerning the Electoral Law, and agreed the following:

This Protocol contains the general principles that will guide the drawing up of the Electoral Law, as well as eventual alterations to laws related to the development of the electoral process.

The Electoral Law will be drawn up by the Government, in consultation with RENAMO and with all the other political parties.

I. Freedom of the press and access to the media

a) All citizens have the right to press freedom, and the right to information. These freedoms specifically include the right to found and manage newspapers and other publications, and radio and television stations, as well as other forms of written or aural propaganda, such as posters, leaflets and other media.

These rights will not be limited by censorship.

b) In no case will administrative or fiscal regulations be applied in such a way as to discriminate or prevent the exercise of this right for political reasons.

c) Freedom of the press also includes the freedom of journalistic expression and creativity and protection of their independence and of professional confidentiality.

d) The mass media of the public sector will enjoy editorial independence and will guarantee the right of access to all Parties without political discrimination, in the terms of the specific regulation defined in point V.3.b)1 of this Protocol. Within the framework of this regulation, spaces of free access for all the Parties will be defined.

Advertisements that respect current commercial rules may not be refused for political reasons.

e) The mass media may not discriminate or refuse any Party or its candidates the exercise of the right of reply or the publication of corrections or denials for political reasons. In the case of defamation, libel, slander or other press crimes, legal recourse will be guaranteed.

II. Freedom of association, expression and political propaganda

a) All citizens have the right to freedom of expression, association, assembly, demonstration and political propaganda. In no case will administrative or fiscal regulations be applied in such a way as to discriminate or prevent the exercise of these rights for political reasons. These rights do not extend to illegal private para-military groups and activities or to those who promote violence in any form, terrorism, racism or separatism.

b) Freedom of association, expression and political propaganda includes non-discriminatory access to the use of public places and installations.

This use will be dependent on a request to the appropriate administrative authorities, which must reply within 48 hours of receiving it. Requests may only be refused for reasons of public order or organisational questions.

III. Freedom of travel and domicile inside the country

All citizens have the right to travel throughout the country without needing administrative authorisation.

All citizens have the right to take up residence in any part of the national territory, and to leave the country and return.

IV. Return of Mozambican refugees and displaced people and their social re-integration

a) The parties undertake to cooperate in the repatriation and re-integration in the national territory of Mozambican refugees and displaced people, as well as in the social integration of the war disabled.

b) Without affecting the right of citizens to travel, the Government will prepare an action plan in agreement with RENAMO to organise the necessary assistance for the refugees and displaced people, preferably in their places of origin. The parties agree to request the participation of the appropriate United Nations bodies in preparing and implementing this plan. The International Red Cross and other organisations to be agreed will be invited to participate in its implementation.

c) The Mozambican refugees and displaced people do not lose any of their rights and freedoms as citizens by the fact of having abandoned their normal places of residence.

d) The registration and enrolment of the Mozambican refugees and displaced people on the electoral lists will be carried out together with that of the other citizens in the places of residence.

e) The Mozambican refugees and displaced people will be guaranteed the restoration of goods that are their property and are still in existence, as well as the right to claim them by legal means from whoever may be in possession of them.

V. Electoral procedures: a democratic, impartial and pluralist voting system

1. General principles

a) The Electoral Law will establish an electoral system that respects the principle of the direct, equal, secret and personal vote.

b) Elections for the Assembly of the Republic and the President of the Republic will be held simultaneously.

c) Elections will take place within a year following the signature of the General Peace Agreement. This timelimit may be extended in the presence of reasons that make it impossible to maintain.

2. The right to vote

a) All Mozambican citizens over eighteen years of age will have the right to vote, except those with proven mental incapacity or insanity.

b) Mozambican citizens who, following application of point 4, line a) of the agreed Agenda, are in detention or have been legally sentenced to prison terms for felonies and have not completed the sentence, also do not have the right to vote. Whatever the case, this limitation does not apply to members of the parties for deeds committed in actions of war.

c) Exercise of the right to vote is conditional on enrolment in the electoral lists.

d) In order to enable the widest possible participation in the elections, the parties agree to mobilise all Mozambican citizens over eighteen years old to register and exercise their right to vote.

3. National Electoral Commission

a) To organise and direct the electoral process the Government will create a National Electoral Commission comprising people who, by their professional and personal characteristics, offer guarantees of balance, objectivity and independence in relation to all the political Parties. One-third of the members to be appointed to this Commission will be nominated by RENAMO.

b) The Commission will have the following powers:

1. In consultation with the political Parties, to draw up the Regulation disciplining electoral propaganda, the Regulation distributing broadcasting time and the Regulation on the use of public and private places and installations during the electoral campaign.

2. To supervise the preparation of the electoral lists, the legal presentation of the candidatures, their publication, and the verification and recording of the election results.

3. To control the electoral process and guarantee that legality is observed.

4. To guarantee equality of treatment for citizens in all the electoral acts.

5. To receive, examine and decide upon complaints concerning the validity of the elections.

6. To guarantee equality of opportunity and treatment for the various candidatures.

7. To analyse the electoral accounts.

8. To draw up and send to the Boletim da Republica for publication the lists of election results.

4. Voter Assembly

a) A Voter Assembly will function at each voting station comprising:

- all the electors who should exercise their right to vote at that station;
- a voter panel;
- representatives of the various candidatures and Parties.

b) Each Voter Assembly is presided over by a voter panel that directs the electoral operations and comprises a President, a Vice-President who also has the function of Secretary, and the scrutineers.

c) The members of the voter panel will be appointed from among the electors belonging to the respective Voter Assembly, with the agreement of the representatives of the different candidatures.

d) The voter panels have powers to supervise all the electoral operations and send the results to the National Electoral Commission.

e) The delegates of the candidatures or Parties to the Voter Assembly will have the following rights:

1. Inspect all the electoral operations.

2. Consult the records made or used by the panel.

3. Be heard and receive explanations on all problems arising from the functioning of the Assembly.

4. Present complaints.

5. Occupy the places nearest to the Assembly panel.

6. Initial and sign the Assembly minutes and observe all activities relating to the electoral operations.

f) Any complaints will be recorded in the minutes and sent to the National Electoral Commission.

5. Election of the Assembly of the Republic

- a) The country's provinces will constitute the electoral constituencies. The National Electoral Commission will decide on the number of seats for each constituency on the basis of each province's population density.
- b) For the Assembly elections the Electoral Law will establish an electoral system based on the principle of proportional representation.
- c) The Parties that agree to present themselves jointly at the Assembly elections must present their electoral lists with a single symbol.
- d) After the opening of the electoral campaign, alliances of electoral lists with the objective of counting the votes jointly will not be permitted.
- e) Citizens over 18 years of age can be elected to the Assembly of the Republic. The parties agree, however, on the convenience of a transitional norm for the next elections raising this age limit to 25.
- f) A minimum percentage of votes cast nationally will be fixed, without which the competing political Parties will not be able to have seats in the Assembly. This percentage will be agreed upon in consultation with all the country's political Parties and should not be less than 5% or more than 20%.
- g) The Parties' representatives in each constituency will be elected according to the order in which they appear on the lists.

6. Election of the President of the Republic

- a) The President of the Republic is elected by an absolute majority of the votes cast. If no candidate obtains an absolute majority, a second round will be held between the two candidates with most votes.
- b) The second round will take place one to three weeks from the announcement of the results of the first. In view of the organisational conditions required, the date will be decided before the beginning of the electoral campaign.
- c) Electors over 35 years old may be elected as President of the Republic.
- d) Candidatures for President of the Republic must be supported by a minimum of 10,000 signatures of Mozambican citizens over 18 years old with active electoral capacity.

7. Finance and facilities

- a) The National Electoral Commission will guarantee the distribution of subsidies and the available logistic support for the electoral campaign to all the Parties competing in the elections without discrimination, according to the number of candidates from each Party and controlled by all the Parties competing in the elections.
- b) The Government undertakes to facilitate RENAMO in obtaining installations and resources aimed at enabling accommodation, movement and communications for developing its political activity in all the country's provincial capitals, and in other places where possible in accordance with current availabilities.
- c) The Government will request support from the international community, and from Italy in particular, to this end.

VI. Guarantees of the electoral process and the role of international observers

- a) Supervision and control of the implementation of this Protocol will be guaranteed by the Commission defined in Protocol N^o 1 "Basic Principles".

b)With the aim of guaranteeing maximum objectivity in the electoral process, the parties agree to invite the United Nations, the OAU and other organisations as observers, as well as idoneous foreigners as may be agreed between the Government and RENAMO.

The observers will carry out their functions from the beginning of the electoral campaign until the swearing in of the Government.

c)For better implementation of the peace process, the parties also agree on the need to request technical and material support from the United Nations and the OAU, to begin following the signature of the General Peace Agreement.

d)The Government will submit formal requests to the United Nations and the OAU in respect of the matters defined in point VI.

And, for the record, the parties decided to sign this Protocol.

For the delegation of the
Government of the
Republic of Mozambique
Armando Emílio Guebuza

For the delegation
of
RENAMO
Raúl Manuel Domingos

The mediators:

Mario Raffaelli, D.Jaime Gonçalves, Prof.Andrea Riccardi, D.Matteo Zuppi

Done in Rome, 12 March 1992

(Unofficial translation)