

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 Messrs. Agular 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 Messrs. 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 Egidio Community, and broached the item of the agenda signed on 28 May 1991, which relates to the Electoral Law, and agreed as follows:

This protocol contains the general principles that will guide the drafting of the Electoral Law, as well as eventual amendments to laws relating to 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 shall include, especially, 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 means of communication.

These rights shall not be limited by censorship.

b) In no event shall 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 shall also include journalists' freedom of expression and creativity and protection of their independence and of professional confidentiality.

d) The mass media of the public sector shall enjoy editorial independence and shall guarantee the right of access to all Parties without political discrimination, in terms of the specific regulation provided for in item V.3.b)1 of this Protocol. Within the framework of this regulation, provision shall be made for spaces to which all parties shall have free access.

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

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

II. Freedom of association, expression and political propaganda

a) All citizens have the right to freedom of expression, association, assembly, manifestation 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 shall be contingent on application to the appropriate administrative authorities, which must reply within 48 hours of submission of such application. Applications may only be rejected for reasons of public order or of an organisational nature.

III. Freedom of movement 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 prejudice to the freedom of movement of citizens, the Government shall 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 shall not lose any of their rights and freedoms as citizens by virtue of the fact of having abandoned their normal places of residence.

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

e) The Mozambican refugees and displaced people will be guaranteed the repossession 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 shall establish an electoral system which respects the principles of direct, equal, secret and personal vote.

b) Elections into the Assembly of the Republic and of the President of the Republic shall be held simultaneously.

c) Elections shall take place within a year after the signature of the General Peace Agreement. This time limit 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 shall have the right to vote, except those with proven mental incapacity or insanity.

b) Also, Mozambican citizens who, following application of item 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, shall not have the right to vote. However, this limitation shall not apply to members of the parties [to this agreement] for deeds committed in actions of war.

c) Exercise of the right to vote is conditional on enrolment in the voters' 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 Elections Commission

a) The Government shall appoint a National Elections Commission, to organise and direct the electoral process, composed of people who, by their professional and personal characteristics, offer guarantees of fairness, objectivity and independence from all political Parties. One-third of the members to be appointed to this Commission shall be proposed by RENAMO.

b) The Commission will have the following powers:

1. To draft, in consultation with the political Parties, the Regulation governing electoral propaganda, the Regulation on the distribution of air time and the Regulation on the use of public and private places and installations during the electoral campaign.

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

3. To oversee the electoral process and ensure that legality is observed.

4. To ensure equal treatment of citizens in all electoral acts.

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

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

7. To analyse the electoral accounts.

8. To prepare final tabulations of election results and ensure their publication in the Boletim da Republica

4. Polling Stations

a) A polling station shall function in each polling district, comprising:

- all the voters registered to exercise their right to vote in that district;
- a panel of electoral officers;
- polling agents representing the various candidatures and Parties

b. Each polling station shall be administered by the panel of electoral officers which shall direct the electoral operations and shall be composed of a Presiding Officer, a Deputy Presiding Officer who shall also act as Secretary, and the Polling Assistants.

c. The electoral officers shall be appointed from among the voters registered to vote in the respective Polling District, with the concurrence of the representatives of the candidatures.

d. The electoral officers shall oversee all electoral operations and send the results to the National Elections Commission

e. Polling Agents of the various candidatures and Parties in a polling district shall have the right to:

1. Oversee all electoral operations.

2. Consult the registers made or used by the electoral officers.

3. Be heard and get explanations on any problem arising from the functioning of the District.

4. Occupy the places closest to the electoral officers.

6. Initial and sign the acts of the District.

f) All complaints shall be recorded in the acts and forwarded to the National Elections Commission.

5. Election of the Assembly of the Republic

a) The country's provinces will constitute the electoral constituencies. The National Elections 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 shall establish an electoral system based on the principle of proportional representation.

c) Parties which agree to contest the Assembly elections jointly must present their electoral lists with a single symbol.

d) Once the electioneering campaign begins, alliances of electoral lists aimed at a combined counting of their votes shall not be permitted.

e) Any citizen above the age of 18 may stand for election to the Assembly of the Republic. The parties [to this protocol] are however in agreement on the convenience of establishing a transitional norm for the coming elections raising this age to 25.

f) A minimum percentage of votes cast nationally shall be fixed, below which contesting political Parties shall not be entitled to occupy seats in the Assembly. This percentage shall be agreed upon in consultation with all the country's political Parties and shall not be less than 5% or more than 20%.

g) The parties' representatives in each constituency shall be elected according to the order of precedence on the lists.

6. Election of the President of the Republic

a) The President of the Republic shall be elected by absolute majority of votes cast. If no candidate obtains an absolute majority, a run-off election shall be held between the two candidates with most votes.

b) The run-off shall take place one to three weeks from weeks from the announcement of the results of the first poll. In view of the requisite organisational conditions, the date shall be decided before the beginning of the electoral campaign.

c) Voters above the age of 35 are entitled to stand for election for President of the Republic.

d) Candidatures for President of the Republic must be supported by a minimum of 10,000 signatures of Mozambican citizens above the age of 18 who are qualified voters.

7. Finance and Facilities

- a) The National Elections Commission shall ensure the non-discriminatory distribution of the subsidies and logistic support available for the electoral campaign, to all Parties contesting the elections, relative to the number of candidates from each Party and under the oversight of all Parties contesting the elections.
- b) The Government shall endeavour to help RENAMO in the procurement of installations and resources so as to enable accommodation, movement and communications for the development of its political activity in all the country's provincial capitals, and in other places where this is possible subject to current availabilities.
- c) The Government shall 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 provided for in Protocol No. 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 reputable foreign personalities, 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) For the purposes of the provisions of this item, nº VI, the government shall make formal requests to the United nations and the OAU.

And, for the record, both parties hereby 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 at Rome, 12 March 1992.

[Unofficial Translation – SARDC: A.O. ADEGBOLA]