

PROTOCOL III

On 12 March 1992, 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 Organization Department, and composed of Vicente Zacarias Ululu, Chief of the Information Department, Agostinho Semende Murrial, Deputy Chief of the Organization Department, and Virgílio Namalue, Director of the Information Department, 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 the item of the agenda signed on 28 May 1991 concerning the Electoral Law and agreed as follows:

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.

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

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.1 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.

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.

(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.

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.

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.

(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.

(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.

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

(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.

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.

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

(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.

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 committed in the course of military operations.

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

(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.

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-à-vis all political parties. One third of the members to be appointed to the Commission shall be nominated by RENAMO.

(b) The Commission shall have the following functions:

1. 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.
2. To oversee the compilation of electoral rolls, the legal filing of candidacies, the public announcement of candidacies and checking and recording the election results.
3. To monitor the electoral process and ensure compliance with the laws.
4. To ensure equality of treatment for citizens in all acts relating to the elections.
5. To receive, consider and settle complaints with respect to the validity of the elections.
6. To ensure equal opportunity and treatment for the different candidates.
7. To review the election accounts.
8. To draw up and have published in the national gazette (Boletim da República) the lists of the results of the final vote tally.

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;
 - representative of the various candidates and parties.
- (b) Each Voting Assembly shall be presided over by a Ballot Board composed of a Chairman, a vice-chairman-cum-secretary and tellers which shall oversee the electoral operations.
- (c) The members of the Ballot Board shall be appointed from among the voters belonging to the Voting Assembly in question, with the agreement of the representatives of the various candidates.
- (d) The ballot boards shall be responsible for monitoring all electoral operations and transmitting the results to the National Elections Commission.

(e) Delegates of the candidates or parties in the Voting Assembly shall have the right:

1. To monitor all electoral operations.
2. To examine the rolls compiled or utilized by the Board.
3. To be heard and to receive clarifications with respect to all matters relating to the conduct of the Assembly.
4. To submit complaints.
5. To occupy the places closest to the Assembly Board.
6. To initial and sign the official records of the Assembly and to monitor all acts related to the electoral operations.

(f) Any complaints shall be included in the official records and transmitted to the National Elections Commission.

5. Election to the Assembly of the Republic

(a) The country's provinces shall constitute electoral districts. The National Elections Commission shall decide on the apportionment of seats to each electoral district on the basis of population.

(b) The Electoral Act shall provide for an electoral system based on the principle of proportional representation for election to the Assembly.

(c) Parties which intend to stand jointly for elections to the Assembly must submit lists under a single emblem.

(d) Once the election campaign has begun, the combining of electoral lists for the purpose of pooling votes shall not be permitted.

(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.

(f) A minimum percentage of votes cast nationwide shall be established, below which competing political parties may not have a seat in the Assembly. This percentage shall be agreed in consultation with all political parties in the country and shall not be less than 5 per cent or more than 20 per cent.

(g) Representatives of the parties in each electoral district shall be elected in the order in which they appear on the lists.

6. Election of the President of the Republic

(a) The President of the Republic shall be elected by an absolute majority of ballots cast. If no candidate obtains an absolute majority, a second ballot shall be held restricted to the two candidates who have received the highest number of votes.

(b) The second ballot shall take place within one to three weeks after the announcement of the results of the first ballot. Having regard to organizational considerations, the date of the ballot shall be indicated before the commencement of the election campaign.

(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.

(d) Candidacies for President of the Republic must have the support of at least 10,000 signatures of Mozambican citizens 18 years of age and over who are currently registered voters.

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.

(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.

(c) For these purposes the Government shall seek support from the international community and, in particular, from Italy.

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.

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

For the delegation 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 Rome, on 12 March 1992

}