

**THE PEACE PROCESS AND THE CONSTRUCTION OF RECONCILIATION  
POST CONFLICT – THE EXPERIENCE OF MOZAMBIQUE**

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## **USED ABBREVIATIONS**

<b>CEDE</b>	<b>Centre for Democracy and Development Studies</b>
<b>CEEI</b>	<b>Centre for Strategic and International Studies</b>
<b>FRELIMO</b>	<b>Front of Liberation of Mozambique</b>
<b>GPA</b>	<b>General Peace Accord</b>
<b>IFI</b>	<b>International Financial Institutions</b>
<b>IMF</b>	<b>International Monetary Fund</b>
<b>INE</b>	<b>National Statistics Institute</b>
<b>ISRI</b>	<b>Higher Institute of International Relations</b>
<b>JVC</b>	<b>Joint Verification Commission</b>
<b>MNR</b>	<b>Mozambican National Resistance</b>
<b>RENAMO</b>	<b>Resistance National of Mozambique</b>
<b>SADCC</b>	<b>Southern Africa Development Co-operation Co-ordination.</b>
<b>SADC</b>	<b>Southern Africa Development Community</b>
<b>SAP</b>	<b>Structural Adjustment Program</b>
<b>UN</b>	<b>United Nations</b>
<b>UNOMOZ</b>	<b>United Nations Operations in Mozambique</b>
<b>WB</b>	<b>World Bank</b>

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## MOZAMBIQUE – BASIC FACTS

<b>Surface</b>	<b>799, 386 km<sup>2</sup></b>
<b>Population (IMF<sup>1</sup>)</b>	<b>18, 90 millions (estimated)</b>
<b>Administrative Division</b>	<b>11 provinces including Maputo, the capital</b>
<b>Official Name</b>	<b>Republic of Mozambique</b>
<b>Legal System</b>	<b>Based mostly on Roman law and the Constitution of 1990</b>
<b>National Legislature</b>	<b>250 member Assembly – <i>Assembléia da República</i>, the parliament. Elected by direct, universal suffrage every five years.</b>
<b>National Elections</b>	<b>Held in December 1999, legislative and presidential. Next elections are due to December 2004, legislative and presidential.</b>
<b>Head of State</b>	<b>President, chosen by direct universal suffrage.</b>
<b>National Government</b>	<b>The president and his appointed Prime Minister and the Council of Ministers; cabinet appointed within the ruling party in January 2000.</b>
<b>Main Political Parties</b>	<b><i>Frente de Libertação de Moçambique</i> (FRELIMO) is the ruling party. The main opposition is the former rebel movement <i>Resistência Nacional de Moçambique</i> (RENAMO), at present in parliament in coalition with 10 small parties.</b>
<b>GDP (US\$ bn)</b>	<b>4.3</b>

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<sup>1</sup> International Monetary Fund, mid-year 2003 estimated.

## **INTRODUCTION**

Mozambique has been in peace since 1992 after 16 years of armed conflict that has contributed to destroy infrastructures, productive units, and above all, lives, undermining in the process the very social tissue of the society. Considering that independence had only been achieved in June 1975 before the armed destabilisation initiated in April 1976, the country has experienced in fact, almost three decades of continuous armed conflict before peace was achieved in 1992. The time counting from 1964, when a group of freedom fighters stated the struggle against the colonial regime, leading to the process of independence.

The road to peace was difficult, long and troublesome, but successful in the end. The time it took and the setbacks it experienced, was part of a process of maturity required by an internal case between two different sides belonging to a common house. The peace process was the result of an engagement to find a way for a constructive dialogue that lead finally to the conclusion that everyone had more to gain in peace than at war.

The causes of the conflict had also to be addressed in the process. To amend what was causing problems in terms of practices of exclusion, and to construct a legal framework to build a common house to embrace all Mozambicans under the same umbrella of a democratic Constitution. The hard-core socialism adopted in 1977 that advocated a program of modernisation to be achieved in ten years had produced successes but also left visible wounds in the process along the whole national tissue. Not only among the bearers of the African culture, which was to be denied to leave the space empty to absorb the waves of modernisation, but also with the African religions practices that were discouraged and called obscurantism. The practice of the universal religions was also highly discouraged and their patrimony nationalised, including the temples.

Because of that, the African culture viewed under a broad understanding of the term, that was denied, placed aside to build a modern state, was one of the issues addressed in the process of making peace; and so was the approach towards the universal religions. The First National Conference of Culture held in 1993 in Maputo, was an official occasion to review the attitude and to embark on a new practice. It issued in the end, a statement, saying that Mozambique is a Bantu country proud of its cultural heritage, which involves also inputs of value from Asia and Europe in the course of its history. The traditional society was also re-valued and studied carefully, in order to explore ways to use good practices from the African tradition to reform the state, in order to make it reflect the face of the common citizen: a program captained by the Ministry of State Administration launched in 1991. The Pope visited the country in 1988, an event that changed officially the state policy as regarding the three major Universal religions, the Catholics, the Muslims and the Protestants, and the African Christian Churches.

As for the external component of the conflict, the awareness of the fact became a major element searching for peace by approaching and negotiating with South Africa that had sustained it for more than a decade. A process that ended with the Nkomati Accord signed in 1984.

On the official side, new legal, political, administrative and cultural disposition involving reforms under the new Constitution was thus, the platform the government constructed to make peace possible.

### **Considerations**

Considering the nature of the process, I view it as an internal matter among Mozambicans involving however, those having interest in the conflict. Either as proxy sustaining it, the case of South Africa, or as honest brokers aiming to halt it, the case of the local civil society and some sectors of the international community. Political administrative measures were also to be put in place on the part of the State to prepare for peace.

In fact, the government initiated political administrative reforms already in 1984, establishing the first contacts with the International Financial Institutions (IFI) the World Bank and the International Monetary Fund, taking distance from the initial model of development towards socialism. Also in 1984 an accord was signed with South Africa, trying to halt its support for the rebels. In 1990 a new constitution was drawn, voted, approved and adopted, to change state policies and practices in force to the date, changing the whole outfit Mozambique had had so far. In 1991 the process to decentralise the state was initiated, to embrace more areas of the territory and the communities there settled in the new Mozambique, making in the process the state more inclusive to serve all Mozambicans in urban and rural areas, regardless party-colours' distinctions.

As regarding the very question of peace, the ex-combatants of FRELIMO, those that had liberated the country from the colonial power, had risen as one voice in 1985 on behalf of peace. They sent a letter addressed to president Chissano and some of his ministers, inviting the government to assume peace as a priority action, and not hesitate to perspective direct talks with RENAMO, the rebels (Ex-combatants 1985). Moreover, pressure for peace came from the civil society, expressed loudly by the religion denominations in the country by the voices of the Catholic, the Muslim and the Protestant clergy. Finally, because, even if with a good effort from mediators and with all the merit they deserve, peace was made by and for Mozambicans, and is being kept by the effort of the people under the process of reconciliation.

The role of facilitators providing a channel for dialogue was however, important in the process of making peace. Worth to mention, in the context, the African governments of Kenya, Zimbabwe, Malawi and Botswana, and the government of Italy as well as the Catholic Church, providing guidance in times of turbulence, and logistics to house the belligerent parts outside the country.

After this brief introduction, the communication will account for the process of negotiation leading to the peace agreement, the transitional justice applied after peace was achieved, and the process of reconciliation together with the lessons we have learned so far. The role of the ex-belligerent, of the mediators, and of the civil society at large are

highlighted as social agents of a process taking place under the principle that the common effort that has brought peace, is also paving the road for gradual reconciliation.

## **THE PROCESS OF NEGOCIATION<sup>2</sup>**

The sum zero approach dominated the political discourse of FRELIMO in the first years of the decade of 1980, when the war intensified<sup>3</sup>. Therefore, any probably political settlement was not clearly defined. However, in spite of the official discourse the devastation of the armed conflict exacerbated by a prolonged drought, coupled with the military “mutual stalemate”, compelled gradually to a re-evaluation of this view.

### **Nkomati Accord**

The need for peace restoration, coexistence and co-operation in Southern Africa was of paramount importance for the Mozambican leadership under President Samora Machel, in the beginning of the 1980s. It was taken for granted then, that the major impediment for national development stood on the ongoing war against the state backed by the apartheid regime – South Africa. There was a need “to achieve peace and normalising the life in the society, paving the way for economic restoration and progress in the country” (FRELIMO 1989: 5). By early 1980s the Mozambican government tried to engage in searching peace by political solution, looking to the ongoing conflict in classical inter-state ways between Mozambique and South Africa. The Mozambican National Resistance (MNR), the rebels, as part of it was neglected. In fact, according to some analysts Samora Machel “appeared not to be worried about MNR in those days. He seemed to think that it would disappear along its creator, the Rhodesian regime” (Ohlson 1998)<sup>4</sup>.

However, from this stage one might conclude that there was then, more incentive for peace than for war. But the sum-zero solution was not totally ruled out from FRELIMO’s leadership calculations. Rather, the discursive practices were centred on the so-called “stick and carrot” policy. FRELIMO stated that: “all political and diplomatic actions were complemented by the military actions on the ground” (FRELIMO 1989:156). In fact, concerns on war and on the armed forces were issues manifested by the ruling elite, as a remarkable clue of political will in searching peace through political settlement. In this context, it was interesting to look at FRELIMO’s official language on its peace policy: “The party sustain and pursuit the peace policy. As we usually say, we fight war to bring an end to war, we wage for peace” (FRELIMO 1989:155). Here, one may be confused by the discursive practices in that peace and war interchange meanings, even if, of course, at semantic and practice levels the terms have different meanings. This peace policy meant in short, a true political instrument in that war and peace reinforce each other mutually.

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<sup>2</sup> The account for the process of negotiation follows the lines used in a reflection made by Baptista Lundin and Gaspar (2002).

<sup>3</sup> The sum-zero approach implies that the security of part A increases as the security of part B decreases.

<sup>4</sup> As a matter of fact, MNR did not disappear with the end of the Rhodesian regime. It was transferred then, from Zimbabwe to South Africa under apartheid. To notice that with the move the movement started to use the Portuguese acronym, RENAMO.

The first sign of a political settlement for the civil war in Mozambique became visible when President Samora Machel and South African Prime Minister P.W. Botha signed the Nkomati Accord on March 16th 1984. Under the terms of the Accord South Africa undertook to halt its support for RENAMO and Mozambique agreed to close down the military operations of the African National Congress (ANC) in the country. The Nkomati Accord was a clear indication of “surviving policy” pursued by the then Mozambican ruling elite in which searching peace was sustained by “stick and carrot” method. The ruling elite explains: “coherent with our peace policy we search it not only by violent means. To the military operations we add the political, diplomatic actions aimed to stunk the bloodshed, to save lives and to ensure social development, in order to wipe out the misery and to improve the living standard of all citizens” (FRELIMO 1989: 155).

However, the expected climate of non-aggression, co-existence and co-operation between the two states failed. The war not only continued, but also assumed “highest physical, psychological and unprecedented cruelty in Africa and elsewhere in the world” (FRELIMO 1989). A number of children were “instrumentalised” to commit crimes beyond the human imagination. Citizens were kidnapped in urban and rural areas, tortured, mutilated or murdered. The unprotected populations were murdered in direct violation of human rights.

On the other hand, a remarkable and tangible impact of the Nkomati Accord was the wiping out of threats of a South African conventional attack, even if the source of insecurity remained in the country. After Nkomati, RENAMO far from reducing its actions intensified its campaign, seemingly, “provisioning itself from the Mozambican Army” (UN 1995: 14) and from South Africa military forces<sup>5</sup>.

### **Pretoria Declaration**

Under Nkomati atmosphere, the South African authorities tried to bring together the government of Mozambique and RENAMO to the first face-to-face negotiations in Pretoria in October 1984. The South African’s initiative would lead the political elite in Pretoria to make an explorative contact with the Mozambican government and the MNR. The issue at stake was peace in Mozambique, and apparently both parts in one way or another were interested in bringing an end to the conflict. However, it was impressive to note the lack of clear and serious commitment among “all” the parts involved in the deal that did not materialise. In a way the “ripe moment” for a peaceful settlement was probably still far away by then, if we admit that there was not enough military engagement to create a sort of Zartman’s (1989) ”mutual, stalemate hits”.

Nevertheless, by 1984 an attempt of political settlement for the armed conflict took place in Pretoria, under South Africa mediation, in which the Mozambican authorities and the MNR delegation have met on October 3rd 1984. The Pretoria Declaration was issued in the end of the meeting, in which apparently, the South African government was committed to bring peace to the Southern African region, particularly to Mozambique, but a peace *a la mode* of Pretoria. For a number of reasons these peace talks’ initiatives

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<sup>5</sup> As a matter of fact, the evidence post-Nkomati revealed that the war intensified in Mozambique, and South African diplomats continued to deny the government claim on their support to MNR.

soon collapsed. Firstly, because there was a clear sabotage by South African military intelligence in any effort for peace; secondly, the former white settlers in Mozambique, an influential positioning within the MNR, were also not prepared to discuss peace process with the government of FRELIMO.

### **THE ROAD TO THE GENERAL PEACE ACCORD**

The conflict destabilised significantly the government and drained resources from the state, halting the process of development. Neither side was however, able to achieve a military victory. The government was incapable of imposing a military solution to the conflict. RENAMO clearly did not have sustainable military capability to achieve its goals to bring down the government. With this military impasse, the possibility of a political solution gained gradually strength.

The conflict reached its widest extent in 1986, the war devastating the Mozambican economy and the country becoming increasingly dependent on foreign assistance. Furthermore, on October 19th 1986, the government of Mozambique suffered a major blow when President Samora Machel died in an aircraft crash returning to Maputo after a regional summit meeting in Zambia. Joaquim Chissano, then Minister for Foreign Affairs, was appointed by FRELIMO the new President, in November.

Changes in state policies already on the way had intensified by then. After initial contacts with the IFIs in 1984, the government launched in January 1987 a comprehensive economic reform process, the Structural Adjustment Program (SAP) to be followed by constitutional change later in 1990. The core of the new Constitution was the replacement of the one party by a multiparty system based on general elections for the presidency and the parliament, and the abandoning of the former Marxist philosophy. The constitution of 1990 introduces a new dispensation with a liberal approach even if with statist orientation. It proclaims party pluralism and free elections, free market and private property, civic and religious freedom and a free press. This political move allowed in exchange, the government to win further financial and political support from the Western governments and kept RENAMO politically isolated. The government's economic and political reforms enhanced the prospects of political accommodation for those previously at odds with the establishment, a good platform to support peace negotiations. For its part, RENAMO facing a similar military stalemate, as well as organisationally weak and with the uncertain external material support, was also being pushed towards negotiations.

Tentative negotiations through the intermediaries of the Mozambican Churches began seriously in 1988, and rapidly involved African governments: initially Kenya and Zimbabwe and subsequently Botswana, Malawi and other members of the Front-line States, as well as South Africa<sup>6</sup>. After that, indirect contacts were made between the government and RENAMO late in 1988.

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<sup>6</sup> The so-called Front Line States were those suffering most from the policy of apartheid in force in South Africa, which had built a political front to tackle the problem together with the support of some European countries such as the Scandinavian block.

Amid a deepening humanitarian crisis, the result of the protracted civil war exacerbated by periodic draughts, the government and then, RENAMO, began efforts to resolve the military stalemate through direct negotiations.

### **The Pre-negotiation Period**

Establishing a basis for negotiations between the government and RENAMO was one of the most difficult tasks and a challenge for anyone in Mozambique, particularly in late 1980s. RENAMO, while somehow politically isolated at the international level by the gains of FRELIMO in the same political environment, was still receiving clandestine help from elements of the South Africa military. The movement was thus, increasingly self-sufficient and continued to inflict heavy damage on the Mozambican economy. The “war economy” approach adopted by the government was also unable to support the war endeavour against RENAMO.

This phase was mainly characterised by informal and explorative meetings among the belligerents through the facilitation of the Mozambican Churches. These indirect contacts were aimed at creating the ground for direct negotiations. In various missions, leaders of the Churches (Protestants and Catholic) based in Maputo, established a network of contacts with both sides in Maputo and Nairobi. The religious personalities managed to move forward and during 1989 the informal negotiations started to take shape turning into formal talks. In February 1989, a delegation of Mozambican Anglican and Catholic bishops travelled to Nairobi, Kenya, to meet senior RENAMO leaders. They returned to Maputo to tell Chissano that: “they believed RENAMO was also tired of the war and therefore peace negotiations were possible” (Africa Watch 1992; Sengulane 1994). In short, the multi-track initiatives were so relevant as to bring the two parts to the negotiation table.

As a result of that initiative the government wrote and introduced a “twelve-point position paper” (Government of Mozambique 1989), which called on RENAMO to halt its attacks and offered “a dialogue about the ways to end the violence, establish peace and normalise the life of every one in the country”. This document would come to be known as “non-paper” through which FRELIMO marked its first concrete step on the road to a negotiated settlement to the conflict. The RENAMO leadership presented also a paper, “sixteen points paper” (RENAMO 1989), expressing its desire to bring an end to the war. These two unpublished documents were welcomed within the national and international community because enlarged the “window of possibility” for peace and reconciliation in the country.

The search for common ground between the two parties showed in the process of getting directly involved, that while both sides had a strong interest in peace each remained highly “distrustful of the other and could not accept the other’s claim to legitimacy” (UN 1995: 15). In particular, RENAMO’s demand on equal status with that of the government in any direct negotiations, which was “unacceptable to the authorities in Maputo” (UN 1995). Furthermore, for negotiations to begin it was essential to identify mutually acceptable mediators. Here again the distrust among the parts was noticeable. RENAMO was willing to accept Kenya or Portugal as mediators. The government favoured a jointed

mediation by Zimbabwe and Kenya. The first attempt to bring the parts to “face-to-face” meeting-talks hosted by Malawi in 1990, would fail<sup>7</sup>. The Catholic community of Santo Egídio offered Rome as alternative, with the approval of the government of Italy and both sides accepted the offer<sup>8</sup>. The two asymmetric parts began the negotiations in July 1990. On the one hand, a party turned to government, with the experience of 15 years of governance in a single party system; on the other hand, a “proxy guerrilla organisation, with [apparently] a vaguely identified leadership, carrying no societal administrative experience and with no political/organisational structure” (Nilsson 1999).

By November 1990 the parts had thus, agreed on the locale and assigned four individuals mediators: Mário Raffaelli from the Italian government, Andrea Ricardi and Matteo Zuppi from Santo Egídio Community and the Mozambican Archbishop of Beira, Jaime Gonçalves members of the Catholic hierarchy<sup>9</sup>.

#### **Box 1 – From Observers to Mediators**

“Through the press we got to know that the Presidents of Zimbabwe and Kenya, Robert Mugabe and Arap Moi respectively, had been nominated Mediators of the process. We got to know later, through the same source, that the place of negotiations had been discussed, then, we got to know that the Government and RENAMO were in direct dialogue, the Mediators were thus dispensed. Around July 1999, the conversations started in Rome, with the presence of the Archbishop of Beira, of the Italian Government and of the Santo Egídio Community as Observers, latter they became Mediators” (Bishop Sengulane 1994: 25).

The first formal and direct meeting between the two parties took place in Rome, from 8 to 10 July 1990. In the end of this meeting it was adopted a joint communiqué in that both sides agreed “to set aside what divided them and to focus on what united them in their common search for an end to the war” (UN 1995: 15). It was a first and tangible outcome from a direct meeting between the two belligerents in that they publicly expressed a “statement of intention” to start negotiations. Consequently, both the Mozambicans and the international community immediately welcomed this political achievement, because the “window of opportunity” for peace in the country was more open than ever before.

In spite of initial successes the peace negotiations, in Rome, between the government and RENAMO were, from the very beginning, marked by distrust. “Enormous and reciprocal, but it came very strongly from RENAMO which did not want to fall into trap of integration [...] the strategy through which FRELIMO had wanted for years to assimilated RENAMO [offering amnesty to those subduing to the government] not giving

<sup>7</sup> The meeting failed because of the lack of consensus on the *locale* of talks and the process of building trust and co-operation was still fragile between the government and RENAMO. Besides, the Government insisted on Blantyre, Malawi, as an ideal place for talks due to both economic cost and communications facilities reasons, whereas, RENAMO defended lack of security in Malawi, ironically in a country where it enjoyed support and sympathy from local authorities, and proposed Nairobi.

<sup>8</sup> To notice that: both President Chissano and Dhlakama are good Catholics.

<sup>9</sup> The Government of Botswana and Zimbabwe, among those represented at Rome talks, played also some role in the negotiations, particularly at this stage. At the signing accord ceremony the international image was reinforced by the presence of President Mugabe of Zimbabwe and Matsire of Botswana. The vice-president of Kenya was also invited to take part in the event. And so were, the South African Minister of Foreign Affairs Pik Botha, the Malawian Minister in the Office of the President John Tembo, and Ahmed Haggag, the Assistant Secretary General of the UN.

it any political worth” (Mazula 1996). However, there existed in general and among all stakeholders, a strong political will to end the war. According to the first Joint Communiqué of 10 July 1990, there was political will not only to terminate the military hostilities but, essentially, “to create the necessary political, economic and social conditions for building a lasting peace and normalising the life of all Mozambican citizens” (UN 1995). In this context, the peace-building process was not only an end but also a mean to create an environment for national development and reconciliation among people, towards a standing political stability and progress.

The attempt to understanding each other consisted of a process to overcome the basic or radical distrust, to build instead, a basis of trust and patriotic consciousness and reconciliation. However, it was hard to construct a spirit of comprehension and mutual understanding, because of distrust and divergence of interests. Overtime the spirit of mutual tolerance gradually increased which opened up the possibility for reaching consensus in certain relevant issues placed on the table for discussion. Many believed that whenever the horizontal relationship between the government and RENAMO established in the course of negotiations, “there was greater openness, greater proximity and a climate of trust, which favoured the dialogue” (Mazula 1996). On the other hand, it became clear that “distrust was mixed with uncertainty” about the political future being agreed.

Nevertheless, throughout the entire process not only of pacification but above all, of constructing the bases for democracy, it was evident the existence of political will for peace within the conscious of both parts belonging to the same motherland and, above all, the existing sense of a common “Mozambican identity”: of being part of the same geographic territory and of the same family of citizens. The feeling of commonness was also expressed by the public statements and finally through the accords and consensus reached in the different phases of the process. These factors were important elements and made possible to confront the waves of distrust to pave the way for reconciliation, not only between the parts in conflict, but also among the ex-combatants and the ordinary citizens.

Summing up, this phase paved the way for moving from radical distrust to a basic operational trust. This was the condition for a consequent dialogue between the two former belligerents. Firstly, to accept each other as subjects of history (fellow countrymen), secondly, “to build and understanding, something of value: the General Peace Accord Agreement” (Mazula, 1996).

### **The Rome Partial Cease-fire Accord**

After the opening of the formal talks, a partial cease-fire was agreed on 1 December 1990 that entered into effect on January 1st 1991, upon the transport corridors. Under its terms, RENAMO would cease its attacks on the Beira Corridor (in the centre of the country) and on the Limpopo Corridor (in the south of the country). In turn, the Zimbabwean troops deployed in Mozambique, the major object of the disagreement on the issue, were supposed to confine their operations only to those routes patrolling the roads and the close surroundings.

As one may see, the initial accord sought to protect the highly vulnerable and important Corridors for the development of the Mozambican economy and of other Southern Africa Development Co-operation Co-ordination (SADCC) member states from the attacks of RENAMO<sup>10</sup>. It meant a “limited success”, apparently because the Zimbabwean troops continued to operate elsewhere in Mozambique<sup>11</sup>. The accord reflected however, also the then, remaining “deep difference and distrust” among the parts. Furthermore, the presence of foreign forces was seen by RENAMO, as “an obstacle for peace” in Mozambique, the reason was the object of this accord. But this partial cease-fire accord was useful because it opened up a possibility for further understanding in the course of the ongoing bargaining between the primary parties involved in the conflict<sup>12</sup>.

Initial agreements are thus, an important element to build trust and common understanding, even when the achievement there stated is not substantial as a whole to address finally the cause of peace.

### **THE PEACE AGREEMENT**

During 1991, progress towards a more substantial peace agreement was slowed by RENAMO’s refusal the legitimacy of the government. An agenda for Peace was designed to address the issue and agreed on 28 May 1991, consisting of six areas: the law of political parties, the electoral system, military issues, guarantees, a cease-fire and a donor conference. However, the issue of legitimacy of the government continued to prevent any progress on these items until agreement was reached in some of the items scheduled.

In fact, only the first national democratic elections of 1994 gave finally the legitimacy to the government before the eyes of RENAMO: making of the elections a “plebiscite to peace” (Morozzo della Rocca 1998: 12).

### **The Contents of the Accord**

The General Peace Accord (GPA) deals with military, political and humanitarian issues. It consists of seven protocols agreed upon along the negotiation process, and a number of jointed communiqués and declarations. It is described in the most relevant aspects below, taking from the content of the protocols. The key stipulations were that (i) all armed forces were to be demobilised under United Nations supervision and a small portion of both of them incorporated into the new 30.000 strong armed forces; and (ii) presidential and parliamentary elections were to be held before 4 October, also under the UN supervision.

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<sup>10</sup> After the end of apartheid SADCC became Southern Africa Development Community (SADC), with the adhesion of South Africa to the organisation.

<sup>11</sup> The Zimbabwean troops deployed in Mozambique from 1984 and by 1990, constituted about 10 000 personnel (Lindgren, Nordquist and Wallenstein 1991).

<sup>12</sup> The agreement also established an international commission, JVC (Joint Verification Commission), to monitor the cease-fire. The JVC was comprised of the members of the two parts (three each), the representatives of mediators and representatives of eight countries selected by Government (Congo, Great Britain and Soviet Union) and Renamo (Kenya, Portugal, United State and Zambia): the commission was chaired by the Italian Ambassador in Maputo, Mr. Manfredi di Camerana.

**Protocol I**, states the “basic principles” of the GPA, in that the parts were committed to reach peace. Under the terms of this Protocol the question of the legitimacy and the mutual recognition between the parts was overcome. RENAMO agreed to respect the government authorities and to renounce the use of force for political gains. The government promised in turn, to delay further legislation on any other issue under discussion until democratic multi-party elections were held. To monitor the implementation of the Accord, they agreed to set up a commission composed of members of the government, RENAMO, the UN and other organisations.

**Protocol II** was signed on November 13th 1991. It deals with political issues, namely, the need for implementing the multi-party democracy in Mozambique. The protocol reaffirms the Law of Political Parties unilaterally adopted by FRELIMO earlier in 1991. Under this protocol RENAMO obtained the special guarantee of being recognised as a legitimate political party following the cease-fire.

**Protocol III** outlined the principles for the electoral process, in which the government was entitled to draft the law in consultation with RENAMO and other political parties. It also includes the guiding principles for the elections and the participation of the international observers during the electoral process.

**Protocol IV** dealt with the military questions and determines the new structures of the Mozambican Armed Forces. The protocol also calls for “depolitisation” of the security and the policy. Finally, it established the calendar for the demobilisation of the troops from both sides.

**Protocol V** laid out the timetable for the electoral process and determines that the elections would take place within a year after the signing of the GPA. It establishes also, the main-commission to supervise the cease-fire. It also suggests that the government should request the UN to participate in the monitoring and implementing of the GPA.

**Protocol VI** established the timetable for the cease-fire and its implementation in four steps: (i) cease-fire, (ii) separation of forces, (iii) concentration of the separated forces and (iv) demobilisation. Prisoners, except those being held for ordinary crimes, were supposed to be released.

Finally, under **Protocol VII**, the parts agreed that they should request the international community to finance the entire implementation of this GPA. For the purpose, a Donor Conference was held in Rome late 1992.

By the terms of the contents of the Peace Accord, the two signatories promised consciously before the Mozambican people and the international community to undertake hard and complex activities towards its successful implementation.

However, this does not mean that there were no forces that wanted to continue the war in Mozambique. According to Aldo Ajello, war in the country was a profitable business for some people, but they “were minority and [...] neutralised” (1996: 118). In fact, the so-

called “peace spoilers” (Wallensteen 1998) were unable to change the course of history based on the popular willing for peace heavily supported by the international community commitment “ability to speak with just as one voice” (Ajello 1996) in tune with the Mozambicans.

### **The Implementation**

The GPA provides a comprehensive framework for the transition from war to peace and democracy by the following:

- The assembly and demobilisation of troops.
- The formation of new armed forces.
- The reintegration of demobilised military personnel into civil life.
- The resettlement of refugees and displaced persons.
- The process of holding the first democratic multiparty elections.

The international community through the United Nations Operations in Mozambique (UNOMOZ) was responsible for supervise these tasks which, in our view, was facilitated by the nature and political will of the Mozambican people for ending the war. The success of the UNOMOZ was also due to the skilful manoeuvring of the Italian politician Aldo Ajello, who extensively used his personal diplomatic and political experience to push things forward. However, several aspects of the peace agreement were not satisfactory implemented. For instance, the integration of the “zones under RENAMO’s influence” into a single state remained a remote goal; and there was an inefficient collection of weapons with the consequence that some of them are used at present, in the “world of crime”. Besides, the whole process of demobilisation captained by the United Nations ended up as a very expensive exercise (Baptista Lundin *et al* 2000), considering that the most successful contribution, of the communities, in resettling and (re) inserting the demobilised, was provided without any special payment in terms of disbursement of money.

In general, the cease-fire held but the implementation of the accord was systematic delayed by about a year because of a number of reasons related to the complexity of the process itself, and to the political transition from a single party to a multiparty system. Nevertheless, the elections were held in October 1994 where FRELIMO won a majority in the 250 members’ Assembly, and Chissano was elected president. A coalition of three small parties won nine seats, contributing to easy the polarisation in the parliament between the ex-belligerents<sup>13</sup>. The second national election was held in 1999, also with the victory of FRELIMO, and RENAMO appearing again as the second force, building a collation with 10 parties. The third national electoral exercise will take place in 2004, consolidating the democratic process<sup>14</sup>.

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<sup>13</sup> The Liberal Party of Mozambique (PALMO), the Democratic and National Party (PANADE) and The Mozambican National Party (PANAMO) built a coalition the Democratic Union (UD).

<sup>14</sup> The parliament has become polarised between FRELIMO and RENAMO since 1999, RENAMO building however, a coalition, with 10 small parties.

## **Demilitarisation and Peace-building**

How much the demilitarisation has contributed to peace building is a very important question. First, the presence of the UN through the ONUMOZ, has, no doubt, contributed to peace building in Mozambique. In this context, the former belligerent forces were demobilised, as well as the paramilitary forces, most of them from the government side. This may have reduced the possibility to restart the military hostilities.

### **Box 2 - The Role of UNOMOZ**

The United Nations (Peacekeeping) Operations in Mozambique (UNOMOZ), was set up after the UN Security Council approved a US\$ 260 million covering a troop contingent of up to 7,500 military personnel and 354 observers (UN 1995). The United Nations in the course of its two-year mandate assisted Mozambique in its remarkable transformation of political, economic and social character. The mission was regarded, as one of the most complex ever undertaken before. It ensured the maintenance of a cease-fire, with few serious violations; undertook the disarmament of some 80,000 combatants and facilitated their return to civilian life. This was to reduce the possibility of further military hostilities. Co-ordinated humanitarian relief effort in the course of which about 4 million refugees and displaced people returned to their home is to highlight in the work of UNOMOZ. Moreover, the monitoring of an electoral process where the citizens freely and democratically exercised their rights to determine their future government is also the outcome of the presence of the UNOMOZ. In sum, there is no doubt that the presence of the UN through the UNOMOZ has contributed to keep peace and stability in Mozambique, paving the road also for reconciliation within the Mozambican family.

However, it is important to emphasise once more, that the determinant factor of a successful peace building was/is related to the strong willing for peace of the ordinary citizens of Mozambique as well as of the leadership of the government of FRELIMO and of RENAMO. The process of “disarming the minds” of ordinary citizen, crucial in order to endure the demilitarisation of the society, is still on the making with good signs of success (Baptista Lundin, forthcoming).

## **THE TOOLS TO TRANSITIONAL JUSTICE**

By the terms of the GPA all prisoners were released (Protocol VI). A general amnesty was granted to all Mozambicans in collision with the law of the state and with the normative practices of the government. The act was applied to all those held in prison for political reasons, and to those operating with and for RENAMO, including some among those living in the areas controlled by the movement. Those regarded at large, by the forces of the state, as armed bandits, were then, peacefully, re-integrated into the Mozambican society without further legal procedures.

Transitional justice applied then, was to mean “the interim arrangements which come to the fore [...] to act as tools that spur political accommodation and compromise” (Transitional Justice Institute at the University of Ulster 2002, quoted by Hegarty 2004<sup>15</sup>).

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<sup>15</sup> The working definition used for Northern Ireland for transitional justice applies also for the case of Mozambique. It is structured to describe “the interim arrangements, which come to the fore as states enter into transition from violence conflict to peace and democracy, or undertake profound internal re-arrangement to facilitate new political and constitutional imperatives. Such arrangements can acutely re-order existing legal structures, and act as tools that spur political accommodation and compromise (Transitional Justice Institute at the University of Ulster (2001-2002) Justice in Transition – Northern Ireland & Beyond, *ESRC Seminar Series*).

However, such a justice was to be applied to a unified Mozambican state, which in the end of the war was still divided in zones controlled by the Government and zones controlled by RENAMO. As highlighted by Morozzo della Rocca (1998: 244), the discussion about the unified civil administration was, on the eve of the peace accord, about to collide with the initial premises of 27 months of hard work. A solution is reached finally, under the institutional framework, stating that the only normative source to regulate what happens in the national territory is the administrative organisation of the State. However, the state assumes the compromise to nominate administrators for the zones controlled by RENAMO, appointed by the movement. Those administrators have however, to operate under the order of the State, even if in the case of rupture with the civil administration they may use the resource to mediation of the National Commission. A type of arbitrator body created *ad hoc* to deal with the relationship between the Ministry of State Administration and the administrators placed in the zones previously controlled by RENAMO.

Regarding the legal status of the General Peace Accord (GPA) it was “initially *the facto*, above the Constitution, [but] later *de jure* submitted to it” (Carrilho 1996: 127). According to Carrilho (*ibid.*) although the GPA by its nature, object and subjects came close to being an international treaty or accord, it was passed as law (13/92 of 14 October) by the Mozambican parliament in a formal sense, its value was therefore beneath that of the Constitution (1996: 127-128).

Concerning the question of the elections for the representative organs of the state, the Protocol III of the GPA provided for the “principles of the Electoral Law”. The paragraph 3 of the article 107 of the Constitution was revised and changed from majority vote to proportional, as recommended by the protocol of the GPA.

The new Constitution and the GPA have thus, established the foundations for the creation of the planning, executing, directing and supervision organs of the electoral processes for the multiparty elections. The organs are the National Electoral Commission (CNE) and the Technical Secretariat of the Electoral Administration (STAE). From 1994 to 2003 those organs have suffered modifications in form and contents, searching for a broader consensus between the two major parties, but also as an outcome of the very dynamics of the process of democratisation. The last changes took place in 2002, to build a new framework for 2003 and 2004, the date for the last local and the next national elections respectively.

Unlike other countries in post-conflict situation, Mozambique chooses not to create a Truth and Reconciliation Commission. The major argument was that the African culture functions under a principle of forgiveness not confrontation, and such a commission would open wounds of war already in the process of healing. Besides, the legal experience with those “involved with the colonial regime” after independence with public hearings, had been evaluated by many, with mixed feelings, considered therefore, a legal element not to be repeated after the end of the armed conflict of 16 years. Being so, peace and reconciliation were to be achieved under other means than a legal disposition.

The process of reconciliation discussed below illustrates the potential for amending the wrongdoing existent in the African cultural heritage that was explored positively by the state, the civic and religious institutions and by the communities at large.

The resource to dialogue at community basis including traditional healing, to amend the wounds of war, was viewed pragmatically, as more functional than a legal processes conducted by the state or an international body. The two sides never openly discussed the reasons, but our work on the subject impels me to guess of a few:

- Firstly, because the nature of the war made relatives of victims at large, their own perpetrators. In fact, the policy of kidnapping common citizens adopted by the rebels, to force them fight the war under psychological pressure transforming them into fierce soldiers by the use of drugs, to be able to kill relatives and destroy their own villages, made the process of reconciliation more of a family business than a state affair. In the context, the question raised is also, how to punish those already living under constant psychological pain and stress by the fact of being the killers of their own relatives and close friends and destructors of their own villages?
- Secondly, because the characteristics of the war placed the common population in middle of the fight, changing sides from time to time but participating in warlike acts. How recriminate the actions and judge them?
- Thirdly, because the major perpetrators would have its trail held elsewhere, or not at all. A statement referring to the Portuguese colonial settlers and to the white minority regimes of former Rhodesia and South Africa, which had created the MNR and nourished RENAMO.
- Finally, because the government was aware that it had its own share in the creation of the armed conflict, even if acting unconsciously of such consequences at the time. In fact, because of the intolerance for the political dissent and the policy of exclusion adopted in the first ten years of independence, the social basis of RENAMO was created and consolidated within the national state. Especially among the share of the population that lost status along economic and cultural elements taken away or denied with the adopted reforms to construct development under the banner of socialism and modernisation, be it property and economic assets, be it religious belonging, be it cultural identity.

## **THE PROCESS OF RECONCILIATION**

The first steps in the making of the process of reconciliation were taken to address the causes of the conflict, to make sure that what had happened then would not, ever, happen again. The framework of the law and political practices should be amended, changed if necessary, when they were seen as partial, legal elements that exacerbated the conflict.

For the case of Mozambique, the legal framework and political practices have been changed dramatically. In fact, a new Constitution is providing the guidelines to the disposition since November 1990 changing monolithic practice to pluralism, centrally planned to market economy, and providing a legal space for people participate in state

affairs as citizens<sup>16</sup>. To consolidate the process of peace and promote reconciliation, the civil society of urban and rural characters is participating actively in an exercise inviting all to an open dialogue. The religious' denominations working institutionally to restore a way of life disrupted during the armed conflict, constitutes one of the most successful examples of reconciliation involving all members of the society. They have been engaged in the process, in fact, since the time of war. And are at present calling the political elite to dialogue at the highest level when things get sour, working within their own constituencies in order to make it become a practice according to the best African tradition.

The traditional and the modern society in a interaction that does not accommodate a dichotomy of two opposed poles, the state through its governmental institutions and sectors, all religious denominations and the laic non-governmental organisations, are all working together to “disarm the minds and the hearts” of the Mozambican society. A difficult task considering the nature of the conflict, and the fact that it had lasted for so long. However, in spite of the difficulties the common effort has produced fruits to make peace a lasting social fact: a reality present in the functioning of state institutions and in the daily life of the communities of urban and rural characters.

The structure of the African traditional society is lending an important contribute to peace and reconciliation. It has used in the context, the resource of what is embedded in the African culture to reconcile and re-insert, for instance, former soldiers from both sides within the rural communities (Baptista Lundin 1998) as shown below in box 3.

**Box 3 – Reconciliation at Community Level**

The ritual of reconciliation at local rural level took place after the end of the war according to the African tradition. “Coming back after the war my father took me to a traditional healer. [...] Because in my zone there is a tradition saying that 'when someone leaves the military life, coming home, in the first place, before eating anything, your father has to take you to the house of a traditional doctors to treat your head. So it may stop going round as it used to do when in the army. A ceremony has to be performed in order to slow down the rhythm the heart used to beat when in the bush, to make it normal again”<sup>17</sup> (Baptista Lundin 1998: 111).

“The ritual of social integration [...] is divided in three parts. [...] The first part is designed to help the ex-soldier overcome his acquired identity as ‘a killing machine’ and regain a civilian identity after which he ‘becomes a person again’. The ceremony is meant to cleanse both physically and spiritually, so the individual first takes a steam bath, and then washes afterwards in water fortified with various herbs. The second aspect of the ritual is the propitiation of the spirits, to announce to the dead relatives that the ‘lost sheep’ is back home. In this ceremony thanks are given for the protection that made possible his safe return home. The third and last part of the ritual is the reconciliation with the spirits of the dead persons killed by the ex-soldier, a symbolic ‘encounter’ with his victims. In this last moment, forgiveness is requested and is backed by a show of remorse. Compensation usually requested by the ‘dead’, speaking through the traditional healer [the official of the ceremony] comes in form of cash or goods. This ritual of cleansing includes sessions where former enemies, in person or represented by relatives, are brought together and put through rituals in order to reconcile them. In some regions a collective meal is served, and everybody eats together as a sign of reconciliation”(Baptista Lundin 1998: 111-112)

<sup>16</sup> The law 8/91 has created a space for the people organised in groups of interest to build associations.

<sup>17</sup> Testimony of a demobilised soldier, 25 years old, from Nicoadala-Zambézia, published in the daily NOTICIAS (28/04/1993:3).

Diverse types of healing are still taking place all around the country. Involving those directed instrumentalised by the war, the case of children, the youth and women, as well as those that have experienced or assisted brutal acts, with manifestation at present in terms of possessions. The procedures are following the African tradition, where the three moments identified above are also crucial in the process of reconciliation through healing.

### **Lessons Learned in Terms of Reconciliation**

The Mozambican peace process has been unique in many ways. FRELIMO, the party in power before the party-state, has changed political practices and has written a new Constitution to inaugurate a new disposition in state affairs. Reforms were undertaken, still on the way, to pave the road for peace, to make the state property of all Mozambicans not of a single party. Two armies were dismantled under the Peace Accord to build a single one. The process of demobilisation has been accomplished, costly and far from fulfilling what was desired, but as successfully as possible. Peace was achieved in the end of the process, bringing as the major outcome peace itself. RENAMO has become a legal political party, sitting in parliament and participating in the legislative exercise to consolidate the democratic principles in the country political administrative system.

As much as the will for peace was present in Mozambique during the war, the experience reveals that peace building is a complex process requiring a strong will and commitment from the parts in conflict. In case it is not there, the best mediator will fail. However, existent instruments as well as the general effort of neighbours and friends within the international communities provide useful support. An Agenda for Peace has made a valuable contribution for the case of Mozambique, in the understanding of both the content and scope of peace building process, particularly in the post-conflict situation. Boutros Ghalli, the former UN General Secretary, wisely pointed out that peace building consists of “sustained, co-operative work to deal with underlying economic, social cultural and humanitarian problems” (UN 1992). The “sustainable and co-operative work” should ensure that actions of disarming, restoring order, destroying weapons, repatriating refugees, training and the military and security forces, monitoring elections, and promoting political participation of citizens are successful undertaken. It entails among other things, patience, tolerance political will and a permanent dialogue among the parts involved.

Reconciliation is however, more than that: it constitutes a long process not only a succession of events. It has to be prepared before peace is achieved, by a common effort congregating all social actors. The efforts should continue in the post conflict reality to unite those previously in conflict as well as those that have suffered from the bellicose actions, involving the cities and the countryside under a common development policy. Also those in the role of opinion makers within the modern and the traditional society should be united with those following the norms and rules dictated by the political, economic administrative and religious elite: uniting the political elite and the common people.

Moreover, the practice of living together has to imply the abandonment of the Cartesian principle of dialectic exclusion, eliminating the differences of the various fractions to the minor common denominator, to embrace dialogic meaning inclusive interaction, a concept introduced and discussed by Morin (2003) quote by Mazula 2004: 53-54<sup>18</sup>). The new approach advocates not to kill the diversity but to respect the differences because plurality is what constitutes the basis for a solidified unity.

In fact, for a country with the nature of Mozambique with a plurality of groups of different social ethnic religious background and various interests including party preferences, there is a need to raise a common voice for consensus based on a cultural understanding of reconciliation shared by the majority, to build a platform for peace as a common good. The principle should be that: in spite of differences the country is to be shared by all individual citizens of the common state. Differences should be respected and value as reinforcing the unity, to be solved by dialogue under constitutional means not armed conflict.

It is also crucial in the process of reconciliation to address all causes of the conflict, not only the most obvious that exacerbated the political dissent. Being so, considering that the socialist hard core and the waves of modernisation denied the African culture, it was important to re-value it to house the new climate of peace. To provide a formal space for all Mozambicans to be themselves as pleased, according to what they fell is more in accordance to their own personality. In the context and considering the characteristics of the country, the involvement of the rural with the urban and of the traditional with the modern was important. The value of the African heritage to be considered in the making of the modern state, constituted also a principle of reconciliation pursued by all, with the aim to guarantee inclusiveness within the modern state for the majority of the population.

The opening up of the society was also an imperative for peace, both in terms of the religious practice, but also press freedom, abolishment of the dead penalty. A new disposition in form of a new Constitution made all reforms constitutional introducing moreover, the pluralism of ideas and the right for free space for those advocating it to present them loudly in all corners of the national territory.

In the process of reconciliation, the demilitarisation of the hearts and the minds of those before at war constituted and remain a challenge yet to be made concrete. A major effort taken seriously by the political elite in Mozambique to make the society more inclusive in terms of building a political space under the framework of the law, to receive and accept the political acts practiced under the banner of pluralism as those taking place in the parliament. To use the openness granted by the system in terms of guaranteeing equal opportunities for all to participate in state affairs by presenting the different ideas, discussing and defending them under Constitutional means.

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<sup>18</sup> Mazula (2004: 53-54) discusses in his project of Manual about Conflict Resolution and Transformation the concept of dialogic as introduced by Morin (2003: 201). The meaning as argues by Morin (*ibid.*) is “the complex nit between two logics, entities of complementary, concurrent and antagonistic instances that feed and complement each other, but that also oppose and combat each other”. **Morin, E.** (2003) *O Método V. A Humanidade da Humanidade: A identidade humana*. Publicações Euroap-América. (Translated by José Espadeiro Martins Mira-Sintra – Mem Martins).

Considering all those practices and constrains the process of reconciliation in Mozambique is well on the way. It has been consolidated gradually by legal acts applied by the institutional bodies under the framework of the new Constitution, as well as by constructive attitudes in terms of tolerance regarding the acts and the opinion expressed by “the others”, on the part of the ex-belligerents and of the society at large.

## **FINALLY**

Although successful the Mozambican process does not offer a blueprint for other war-torn countries engaged in the search for peace. It is however, valid, as an experience to share.

To highlight in the context, that the experience is linked to the nature of the conflict of internal and external characters. In fact, the war between Mozambicans (1976-1992) was fomented from the outside, nurtured by local mistakes and consolidated with external means. It was a product of internal conflicts as well as of conflicts with and among neighbouring minority regimes and to the Cold War environment<sup>19</sup>. Multi-track initiatives were therefore, evident and important in sustaining a dialogue and reconciliation among Mozambicans. Considering the still polarised society, the commitment demonstrated by the civil society of urban and rural characters was then and still is at present, useful to building the trust based on tolerance and mutual understanding. The existing differences and the cultural diversity of the parts in conflict were however, not used in a prejudice manner and a dialogue was not only possible but also fruitful under the basis of the dialogic. The parts learned then, that giving and taking is the best way to construct a common good to be used by all and to strength the process of nation building on those grounds.

As a final word I argue that no blueprint can be offered from the Mozambican experience, but a spontaneous thought can be shared: to make peace is no doubt a difficult process. However, using the resource to good will based on the principle of inclusive interaction it is possible to make it come through, and shared commitment to make it last.

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<sup>19</sup> The process of separating internal and external interests driving the war took a long time. However, as outside military supporting to the both sides declined in the context of the global shift towards neo-liberal democracy and free economic market, the “window of opportunity” was opened to the government and RENAMO to negotiate a peace settlement, what happened in October 1992.

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