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**HUMAN RIGHTS IN NEGOTIATING PEACE AGREEMENTS:
MOZAMBIQUE**

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INTRODUCTION

1. Recent peace agreements have referred extensively to human rights norms and principles. While most human rights proponents consider this a positive trend, peace mediators sometimes feel that the reference to human rights constitutes an obstacle to successful negotiations. References to human rights in peace agreements address a broad set of issues, from ratification of international instruments to establishment of “truth and reconciliation commission” and/or other justice mechanisms, to principles to be respected in holding democratic elections, often believed to be the ultimate step in the transition period.
2. This paper will analyze as to why certain human rights provisions (substantive protection issues; categories of rights holders/duty bearers; reform of the justice system; monitoring mechanisms; mechanism of dealing with the issues of accountability for the past) were not included in the General Peace Accords of 1992, signed between Frelimo government of Mozambique and opposition forces of Renamo; and how and in what way did the omission of human rights clauses affect the development of democracy and pluralism in Mozambique.
3. This paper argues that, specifically in the case of Mozambique, it was more important in the immediate sense to bring warring parties at the negotiating table and put an end to hostilities, rather than insist - during the fragile negotiations - on inclusion of human rights provisions in the agreement, thus potentially endangering the negotiation process and prolonging the civil war.
4. This paper further intends to analyze the relationship between human rights and sustainable peace; examine whether human rights provisions assist or hinder the search for peace; and to what extent were human rights deficits in the agreements subsequently addressed, and to what extent did the agreements’ limitations limit the promotion and protection of human rights?

BACKGROUND

5. After sixteen years of bloody civil war that claimed lives of one million Mozambicans and produced four million refugees, the warring parties in Mozambique – the Frelimo government and the opposition forces of Renamo (Resistencia Nacional Mocambicana) – decided to sit down at the negotiating table to end the gruesome war. Negotiations, hosted in Rome by a Catholic lay community of Sant’Egidio and mediated by a group of four impartial observers, including a Catholic Bishop of Beira, a member of the Italian Parliament, and two members of the Sant’Egidio community, were launched in 1990 and lasted for two years culminating with the General Peace Accord (GPA) on 4 October, 1992. Negotiations were long, strenuous and required mobilization of maximum support and attention on the part of international community spearheaded by the United Nations, the Italian government and the United States, along with the representatives of other governments. ⁱ
6. The General Peace Accord (GPA) deals with military, political and humanitarian issues. It consists of seven protocols agreed upon along the negotiations process, and a number of joint communiqués and declarations. (Lundin, 2004) Although the agreement was a huge success it still fell short of expectations of many human rights activities in that it did not provide for any specific human rights provisions that would be undertaken as a result of the GPA. Moreover, there is no specific mention of human rights in the text agreement. Not only human rights principles are not mentioned, but the peace agreement itself, does not address any substantive protection issues, nor are the categories of right holders/duty bearers addressed. There are neither human rights justice system reforms envisioned nor national human rights institutions identified. Naturally, the agreement does not provide for monitoring mechanisms to implement the non-existent provisions.
7. In the light of non-existent human rights provisions in the agreement, three major issues – mechanisms (if any) for accountability for the past; extent of work done to advance human rights; and whether inclusion of human rights provisions is at all necessary and vital in peace agreements in general, and in this GPA in particular – will need to be addressed in this paper.
8. Before turning to the above issues, it is useful to address why human rights were not referenced in the agreement; and why the first four questions [of the research framework] are not relevant in the case of Mozambique. There are a few observations that may help us identify reasons for the lack of inclusion and to understand its meaning.
9. Historically Mozambique was never unified peaceful and independent at the same time. ⁱⁱ The territory of South African region bordering with South Africa, Zimbabwe, Malawi, Tanzania, Mozambique was for more than 400 years the colony of Portugal. Located in the southern region of Africa, Mozambique was (and still is) ethnically very diverse. Colonized by the Portuguese at the end of the fifteenth century, Mozambique did not experience the decolonization process that peaked in the 1960s. (Newitt, 1995)
10. Legality in Mozambique was constructed around the colonial rule, which was certainly never perceived as just or fair, or meaningfully related to the universal notion of human rights. It was rather a part of a politico-military-cultural domination on the part of the colonial power. The response to Portuguese colonial presence in Mozambique emerged in the form of pro-independence national movement led by Eduardo Mondlane, a Mozambican with Ph.D. in anthropology from Northwestern University and an American wife, whose support was organized around Frelimo (Front for National Liberation of Mozambique). Frelimo’s Marxist-Leninist ideology sustained armed-resistance movement, which for more than a decade confronted the colonialist power. Rather than referring to or utilizing the international human rights norms or playing the international system to its advantage as in the case of South Africa,

where Apartheid regime was clearly under pressure from the international community because of its segregationist laws, Frelimo relied on arms, and guerilla tactics to liberate Mozambique.

11. Finally, in 1975, Mozambique obtained independence in part through armed resistance rather than pressure of international bodies and in part because the new Portuguese government chose to relinquish its colonies. Thus, the culture of Frelimo is not that of political struggle but of armed one. This general orientation was strengthened by the fact that the Mozambicans were always oriented towards the Soviet Union and the liberation movement itself was supported by the Soviet Union. Political elite that emerged after the war was mostly comprised of soldiers and career political cadres, with primary allegiance to the movement (Frelimo) and the new government which brought them to power.
12. We should not overlook the fact that Frelimo – fundamentally, a nationalist movement - had a keen interest in the concept of freedom and justice, however, the interpretation of these human desires were not constructed in terms of references to international human rights norms, rather they were referencing the birth of a new nation through struggle.
13. After the war for independence, Frelimo was presented as the sole legitimate representative of the Mozambican people, and the movement immediately launched itself upon a mission to create a socialist country. Its task was immense: to create a new state – a new nation – from an area that had been left completely deprived of functional infrastructure, capital, and human resources and that had never before regarded itself as having a single identity or a common cultural history. (Bartoli, 2)
14. Frelimo ideologically rejected all remnants of colonialism, and along with it the modern capitalist system, with which all the ills of colonialism were associated. The new Frelimo government, which inherited a shattered country, ⁱⁱⁱ attempted a radical economic, political and cultural restructuring of the country based on its Marxist-Leninist radical ideology. Planned economy was introduced and private property abolished with the new government absorbing country's production resources through forced nationalization. Yet, incidentally, what could unify such ethnically and linguistically diverse country was not the Marxist ideology but the Portuguese language. Mozambique decided to keep Portuguese criminal and civil laws while managing this profound transformation. At the same time, they attempted to unify the county under the Marxist banner and bring together ethnic groups that did not identify with Mozambique as a unified country.
15. The response of the opponents to Frelimo was a violent one and both South Africa and Rhodesia supported the emergence of the Renamo, which engaged the new Frelimo government in a civil war. Renamo was not a signatory of the Geneva Convention and clearly did not see human rights as a significant point of reference and fought an extraordinarily brutal civil war.

PEACE NEGOTIATIONS AND THE GENERAL PEACE ACCORD OF 1992

16. After sixteen years of war, both parties exhausted and under pressure from within and outside the country, agreed to negotiate cease-fire. In 1992, Mozambique was one of the poorest countries in the world, (CIA World Factbook, 2005) plagued with famine, ravaged by war, and abandoned by its former ally – the Soviet Union. Neither the government nor the opposition had any significant resources or the willingness to continue the war. The government itself had already initiated the process of gradual transformation that would result in a new Constitution of 1990. ^{iv}

17. Neither of the two actors – Frelimo and Renamo - that came together to negotiate in Rome in 1990, had any fundamental orientation to human rights that would subdue the violent logic of the conflict. Both wanted military victory, they both pursued it as a strategy and both provoked human rights abuses; although the atrocities committed by Renamo were much higher than those of the Frelimo.
18. The peace agreement, for the first time, brought Mozambicans of opposite parties who resolved their differences through political rather than military means. The peace agreement became a precedence of the future of relations in Mozambique - a kind of a constitutional framework. The agreement was intended to be in line with the international human rights norms; fundamentally, it was understood as a reorientation of the polity that would reference human rights in the process of stabilization and development, rather than an immediate remedy for it.
19. Human rights were never understood as a means that enabled the mediators or the negotiating parties, but as a general principle that would guide the future Mozambican democratic society. Human rights, which were never officially recognized in Mozambique prior, were never considered to be violated since they had never been established as a norm in Mozambique. With the advent of the war, Human rights abuses did not become exclusion to the general norm, but the norm itself. The very presence of civil war implied the abuse of human rights, since war, in general, is the source of human rights abuses. To attempt to look at human rights abuses as if they were somehow independent of the condition of war does not make sense in the case of Mozambique. These were not isolated cases of abuses: they were systemic and integral to the structure of Mozambique conflict to which the rules of the Geneva Convention were not applied.
20. Because the issue of human rights abuses was closely linked to the war, all parties involved in the negotiation process agreed that it was necessary to stop the war in order to pave the way for the political transformation that would create the conditions for solving the human rights problem. Hence, the focus of the Rome accords was peace and political transformation. The GPA provided a comprehensive framework for the transition from war to peace and democracy by addressing the following:
 - The assembly and demobilization of troops^v
 - The formation of new armed forces
 - The reintegration of demobilized military personnel into civil life
 - The resettlement of refugees and displaced persons
 - The process of holding the first democratic multiparty elections
21. The presence of peace would allow human rights to attain feasibility within the structure of the new constitution and transformed society, and guarantee other fundamental rights such as private property, freedom of religion and press. As we shall see, peace guaranteed the emergence of all these rights. Mozambique did not get to peace by insisting on human rights, but on the contrary, it arrived at human rights through starting the dialogue and creating conditions for sustainable peace.
22. The parties to the conflict and the mediators believed that the most important responsibility was to stop the war, thus reducing the number of new human rights abuses by giving a chance to a political process of self-representation that Mozambicans never had a chance to enjoy before. Fundamentally, it was a way of entrusting Mozambicans with their own destiny, and with their own right to tell the stories of the suffering in the way consistent with their own experiences and desires. This choice, led to a peace agreement that allowed for the emergence of the political process based on a clear dichotomy, significantly consonant with traditional values and cultural references: the time of war and the time of peace.

23. For Mozambicans it was more crucial to focus their individual and collective energies toward peace; making sure that peace is embedded in the agreement and would be given a chance. In this framework, Mozambicans who owned the process and made decisions simply never conceived^{vi} the need for truth and reconciliation commission.
24. The amnesty provision offered by Frelimo government was an important step in creating a discontinuity between war and peace, and significantly 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 those operating with and for Renamo, including some among living in the areas controlled by the movement. (Lundin, 2004)

HEALING AND RECONCILIATION

25. Although human rights were always in the background of all talks, no truth commission was established to address actors' prior violent activity, and no provisions were made for indicating or prosecuting war criminals. The text of the agreement represented the reality Mozambicans preferred - to accept those involved in horrible war crimes, into their own communities again, rather than follow the Western-oriented way of dealing with the consequences of war. Later, Mozambicans blaming the war – not Renamo or Frelimo – for the suffering that had, for such a long time, marked the life of the country. It is interesting that this strategy – the emphasis on political agreement to assure peace rather than on justice to prosecute a few leaders singled out as the main perpetrators of war crimes – is at times perceived by many in the international community as disturbing. Yet, at least in the case of Mozambique, it is clear that a negotiated political settlement that reduces violence will also contribute to a dramatic reduction of human rights abuses. (Bartoli, 2) Key ingredient to this success is a respect for political autonomy and creativity.
26. However, to some observers there was a major problem with the accountability for the past. Because the agreement was between two parties involved in the human rights abuses during the war, some observers argued that no accountability mechanism was put in place in Mozambique. Furthermore, the human rights violators would have been elected to the parliament and people who had committed crimes against humanity would have been running political parties. This posed fundamental problem vis-à-vis the conceptualization of the peace agreement in Mozambique since the issue at hand was whether it is legitimate to favor a transformation of an armed movement into a political party especially when they were the initiators of human rights abuses and crimes against humanity.
27. At this point it is essential to pose a fundamental question as to “what is the role of the victims and their memories when someone attempts to end a conflict that caused a million deaths and four million displaced people?” (Bartoli, *forthcoming*) It is important not to make a mistake of judging an environment on the surface, from the Western stand point, but to visualize the process from the Mozambican or even African point of view. Therefore, the goal is not to artificially instill or include the human rights provisions on paper but give the population, itself,^{vii} a chance to redeem the voucher of trust given during the negotiations,^{viii} to secure, implement and preserve full enforcement of human rights, as envisioned by international norms.
28. As noted above, unlike other countries in post-conflict situation, Mozambique chose 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 the 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. (Lundin, 2004)

29. But what are the hopes for prosecution, trials and punishment? Generally, proponents in favor of pursuing accountability through trials for perpetrators of mass violence support one of the following goals: (1) to discover and disclose the truth of past atrocities; (2) to punish perpetrators and to provide a future deterrent; (3) to address the needs of victims; (4) to promote the rule of law in emerging democracies; and (5) to promote reconciliation.
30. Significantly, however, there seems to be no empirical data to substantiate the presupposed benefits of criminal trials. As Fletcher and Weinstein assert: “A primary weakness of writing on transitional justice is the paucity of empirical evidence to substantiate claims about how well criminal trials achieve the goals ascribed to them. There have been few studies of the effects of criminal trials on victims, bystanders, and perpetrators, that is, how trials simultaneously are a response to societal atrocities and an intervention that may affect profoundly societal beliefs and attitudes. Similarly there have been virtually no studies that systematically have attempted to examine or measure the contribution of trials to reconciliation and social reconstruction.” (Fletcher and Weinstein, 2002)
31. Furthermore, Fletcher and Weinstein, refer to a recent study that offers empirical data contradicting many of the assumptions about the benefits of such trials. (Human Rights Center, 1999) Against the backdrop of this study, they suggest, with regard to revealing the truth, “that international criminal trials, by themselves, are not able to inculcate citizens with a particular understanding of the past.” (Fletcher and Weinstein, 2002) Do trials promote reconciliation? “In fact, there is very little data regarding the ways in which communities rebuild in the aftermath of mass violence and even less about the contributions of [criminal] justice to that process. In addition, what reconciliation means at an individual level is poorly understood. Despite the lack of data, the purported link between trials and reconciliation has solidified into articles of faith that guide policy decisions in the international arena. (Fletcher and Weinstein, 2002)
32. Significantly, the structure of the African traditional society is lending an important contribute to peace and reconciliation. It has used in the context, the re-use of what is embedded in the African culture to reconcile and re-insert, for instance, former soldiers from both sides within the rural communities. (Lundin, 2004) The eagerness of soldiers to demobilize and reintegrate into peace-time society, along with the spontaneous return of hundreds of thousands of refugees from neighboring countries, has confirmed a deep and generalized feeling of conflict fatigue among the population. (Armon, Hendrickson, and Vines 1998)
33. Alcinda Honwana's *Sealing the Past, Facing the Future*^{ix} emphasizes that the overwhelming urge for peace and reconciliation in Mozambique cannot be fulfilled unless the individual traumas and communal rifts stemming from the war are confronted and addressed. Recognizing the costs and limitations of state and internationally-sponsored healing initiatives, she argues forcefully that rehabilitating Mozambique's ravaged social fabric will depend, to a large degree, on cultural and institutional resourcefulness at the local level. (Armon, Hendrickson, and Vines 1998)
34. One aspect of this challenge is the healing of psycho-social traumas associated with war and upheaval. ‘Trauma’ includes a wide range of afflictions that have affected soldiers, peasants, women and children caught up in the war in a number of ways. ‘Healing’ goes beyond the alleviation of individual traumas and includes the mending of the social divisions which exist both within and between communities. War-affected populations in rural Mozambique continue to draw on a wide range of traditional rituals to help them deal with the traumas of war and to open the way to reconciliation. To the extent that outside approaches have a role to play in

promoting post-war healing, they need to build upon local strategies without necessarily seeking to replace them. (Honwana, 1998)

35. Cultural understandings of health, trauma and healing are important because the way people express and interpret their afflictions are very locally-specific. In the Mozambican context, as in many other parts of Africa, health is traditionally defined as harmonious relationships between human beings and their natural surroundings, between them and their ancestors, and amongst themselves. Far from being narrowly defined realms, the social world (comprising the spirits and the living) and the physical world are united within a larger cosmology. If this harmonious state breaks down, this is seen to result from the malevolent intervention of *valoyi* (witches and sorcerers) or a sanction by the ancestral spirits for incorrect social behavior. Illness is therefore considered primarily a social rather than a physical phenomenon. (Honwana, 1998)
36. Such models of health and healing contradict traditionally Western approaches in which individuals and their social context, the body and the mind, are often perceived as separate, distinguishable entities. These approaches typically locate traumatic distress in the mind of the individual, and responses are devised on a one-on-one basis between ‘patients’/‘clients’ and health professionals. Recovery is often achieved by helping the individual ‘come to terms’ with the traumatic experience, usually by externalizing it in some way. If such approaches prove unfruitful or problematic, drug therapy — typically a treatment for ‘physical’ afflictions — can be administered to control or repress distressing symptoms.
37. In cultures where they are widely understood and accepted, Western approaches enjoy some success. In the Mozambican context, their suitability can be questioned. This is partly because Western approaches tend to be expensive, require specialist training, and are limited in the numbers they can reach. On the other hand, therapies which do not account for the role of ancestral and malevolent spirits in the causation and healing of trauma may actually hamper family and community efforts to provide care. This is corroborated by recent studies of war-affected populations in Mozambique which show that talking about traumatic experiences does not necessarily help patients ‘come to terms’ with their distress. In such cases, the performance of complex traditional healing rituals can prove significantly more effective. (Honwana, 1998)
38. The prevalence of customary healing rituals attests to the capacity of many Mozambicans to harness local cultural and institutional resourcefulness to address their problems. These people are not assuming that the government or other outsiders will meet their needs, but are using the means available to them to heal the social wounds of war and to restore stability in their communities.
39. It is also evident that the horrors experienced by many Mozambicans cannot simply be erased from the collective memory, as customary practices sometimes require. If drawing a line under the past fosters denial and impunity, there is also the risk of facilitating further human rights abuses. The establishment of a variety of interest groups to safeguard democratic principles in Mozambique and ensure that no dominant group seeks to vindictively ‘settle accounts’ from the past is perhaps the best guarantee that this will not occur. In the meantime, the practical and moral case for accommodating customary modes of healing and reconciliation, especially at the local level, is very strong. (Honwana, 1998)
40. While these local processes of healing need to be recognized and accommodated, it is also important to acknowledge their limits. The extreme disruptions of the past three decades in Mozambique in terms of economic hardship, social change and displacement have been important factors shaping and inhibiting healing processes. In communities where people were killed by their neighbors, where families were divided for long periods of time, where people can no longer muster the resources necessary to carry out ceremonies properly, and where the

reputation of traditional leaders was compromised during the war, the effectiveness of customary remedies has come into question.

41. The resource to dialogue at community basis including traditional healing, ^x to amend the wounds of war, was viewed pragmatically, as more functional than legal processes conducted by the state or an international body.
42. Lundin discusses several reasons as to why utilization of local resources was tactically more advantageous in such delicate situation:
43. 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?
44. 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?
45. 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.
46. 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. (Lundin, 2004)

PEACE IN MOZAMBIQUE AND RECENT DEVELOPMENTS

47. There is little doubt that in Mozambique, peace has created the conditions for the development. (Bartoli, *forthcoming*) Peace in Mozambique was not an obvious outcome, as the case of Angola demonstrates. If the result has been positive, it is probably because the characteristics of the Mozambique experience have to do with the ability of the political leadership to capture, express, and deliver a policy of reconciliation that was inclusive and open to structural institutional changes. This policy was also an expression of the desire of peace of the great majority of Mozambicans. (Bartoli, 2)
48. The results are so far extraordinary: the peace process has been very successful, the level of violence in the country is minimal, and the economic growth has been significant. (Bartoli, *forthcoming*) Although the signing of the GPA formally ended the war, the events which followed have been no less crucial to its long-term success. Implementation of the GPA, overseen by the United Nations Operation in Mozambique (ONUMOZ), was the fourth phase in the peace process which concluded with the holding of multi-party elections in October 1994. During this phase, the presence of ONUMOZ helped build Renamo's confidence in peace and allowed it to transform itself from a guerrilla army into a political party. (Armon, Hendrickson, and Vines 1998)
49. Mozambique has conducted three democratic presidential elections since the GPA was signed, all of which were accepted by the international community as legitimate. The success of the [electoral] process ^{xi} was based on the Mozambicans' ability to create institutions, such as the

National Elections Commission, in which interests of the people were expressed. For the first time there was political reconciliation in which both the government and Renamo had to negotiate their difference [through political channels]. The results of the first democratic presidential elections of 1993 gave Chissano 53.3 percent of the vote and Dhlakama 33.7 percent. The high level of voter participation and the peaceful conduct of the elections exemplify politically and symbolically the passage from war to peace. (Bartoli, 2)

50. Elections are not a solution per se; however, as they did in Mozambique, they can provide a powerful symbolic moment in which to unify the country within a peaceful political framework.
51. Even before the first democratic presidential elections, there was a sign “that signified a change in Mozambique’s collective experience [and] fascinated many observers. It was the return of millions of refugees and displaced people to their own villages. This massive return was the most powerful sign that Mozambicans on the whole were ready for peace. Even before the UN programs were ready to support their return, hundreds of thousands had left their temporary shelters on foot to go back to the homes of their families’ tribes and ancestors.” (Bartoli, 2)
52. Relatively successful process of further democratization and stabilization of Mozambique after the Accords, demonstrates that the stronger the democratic political process and stronger the participation than the greater is the respect for human rights. Therefore, there is a direct link between democratic political process, peace and the respect of human rights.
53. A number of other institutions were designated to be created by the GPA though they did not, by common consensus, have ONUMOZ representation on them. The National Information Commission was to be established to monitor the conduct and activities of the government’s security and information service with regard to political rights. The National Police Affairs Commission, whose responsibility it was to monitor the conduct and activities of the Mozambican police. Finally, the National Commission on Territorial Administration composed of government and Renamo delegates. (Alden, 2001)
54. Post-conflict improvements in Mozambique give hope for a stable development of the country and at the same time pose new challenges to the Mozambican society specifically and the international community in general. Closer analysis of the political restructuring of Mozambique reveals that there were significant fractures in the newly built democratic edifice. At the national level, the nature of the transition to democracy had been – as in the classic cases in Latin America – an elite affair driven by a reformist clique centered around then Foreign Minister Joachim Chissano using power and position to initiate a negotiated end to the civil war and, concurrently, install a liberal constitution and ultimately conduct elections. (Alden, 2001)
55. After the 1994 elections, Mozambicans have to adapt to the new political changes that were sweeping across the country. People have to get used to the idea of pluralism and democracy, and democracy itself has to be extended from urban elitist level to local, rural community level where people have hard time grasping the difference between democracy and disrespect for rules.
56. The consolidation of peace in Mozambique depends primarily on how the reconstruction process addresses the profound social divisions, political alienation and poverty that sustained the war for so many years. It is particularly crucial that reconstruction meets the needs of Mozambique’s desperately poor rural populations who, isolated from large urban and economic centers, have so far seen few tangible benefits of peace. The resettlement of some six million displaced people and refugees continues to be a cause for some concern, raising the specter of severe and persistent land disputes. (Rupya, 1998)

57. The opening of Mozambican society and emulating the changes sweeping much of the socialist world marked a turning point for civil society. Specifically, the promulgation of the constitution of 1990 provided a range of freedoms associated with the advent of liberal democracy. In the same year, The Ministry of Cooperation identified 12 local NGOs with sufficient resources to participate in the founding of a network of non-governmental organizations; by 1993 it had registered 87 and three years later that figure was well over 100. (Bennet, 1995) Two years later the Scandinavian supported Forum Nacional das Organizaxoes Nao-Governmentais Mocambicanas claimed a membership of 292 (Alden, 2001) Mozambican NGOs have come to operate even outside of the major urban areas in spheres as diverse as business to historical preservation and the environment. (Alden, 2001)
58. The opening up of the society was also an imperative for peace, both in terms of the religious practice, but also press freedom and abolishment of the dead penalty. A new disposition in the 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. (Lundin, 1998)
59. In the face of overwhelming odds, and with extensive involvement by international donors, this risky manifold process produced positive results. From 1992 to 2002, Mozambique has enjoyed its first decade free of armed conflict since independence in 1975. And it has provided the United Nations with its only real success story in Africa. (Manning, 2002)
60. According to human rights Watch “Mozambique continued to consolidate peace and reconciliation”. The new government was able to further improve the justice in system in Mozambique. Although the Constitution provides for an independent judiciary, the executive branch, which is the extension of the Frelimo party, continues to dominate and exert influence on the judiciary, which is generally understaffed and managed by inadequately trained appointees. In courts, all accused persons in principle are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. “Although the law specifically provides for public defenders, such assistance generally was not available in practice, particularly in rural areas, and most citizens were unaware of these rights and did not possess the means to obtain any form of legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners.” (NationByNation, 2004)
61. The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, beatings in custody, and arbitrary arrests and detentions. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Despite efforts to clear long-standing case backlogs, prison overcrowding was widespread and lengthy pretrial detention was common. The Government generally respected freedom of the press; however, members of the ruling party influenced news coverage by media outlets owned by the Government and state enterprises. There were several incidents of press detention and intimidation. (NationByNation, 2004)
62. Arbitrary or unlawful deprivation of life is still present, and extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody. (NationByNation, 2004) The Constitution expressly prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, the LDH (League of Human Rights) reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. The LDH reported in 2002 that the number of reported abuses continued to decline. (NationByNation, 2004)

63. The Government continued to cooperate with international organizations in de-mining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National De-mining Institute (IND), over 229 persons were killed in landmine accidents between 1997 and 2002. IND recorded 5 deaths resulting from landmine accidents during the year, although IND believes the figure may not be accurate due to their difficulty in gathering data nationwide. (NationByNation, 2004)
64. A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases; however, registration procedures for NGOs were onerous and expensive. While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests. The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis. (NationByNation, 2004)

CONCLUSION

65. Various researchers, independent observers and NGO's agree that despite these natural setbacks on the way to building a more democratic and more open society, there are many indications that, under the right conditions and enough continuing support from the international community, Mozambique will not only sustain peace but also build upon its achievements to strengthen its democratic edifice which will guarantee wider respect for international human rights norms.
66. In its first decade after the peace accords were signed and democracy formally established as the basis of post-war politics, Mozambique has enjoyed a period of peace and macroeconomic prosperity unparalleled in the country's history. (Manning, 2002) [...] After the signing of the General Peace Accord, Mozambique stood out as one of the more stable and peaceable countries in the region and the United Nation's only post-conflict success story in Africa. There had been no return to armed conflict; virtually no significant political violence and neither of the two major parties had questioned the essential terms of the political settlement. (see Manning, 2002; Armon, Hendrickson, and Vines 1998.)
67. With successful efforts of the government and international donors to alleviate poverty, conduct cardinal economic reforms, expand and rebound economic growth, reduce and keep the inflation low, improve on trade imbalance, and most importantly conduct democratic elections, ^{xiii} the frail tree of Mozambican democracy has achieved that state of fragile growth which needs constant nourishment and attention on the part of the international community.
68. The setbacks in the process of democratic development mentioned above, indicate once more the importance of constant attention and supervision of donor states. Nominal victories on the human, political and economic front and the "set of formal processes and institutions created at the outset are the starting point, rather than the culmination of the democratization process." (Manning, 2002)
69. Mozambique has come a long way from being the poorest country in the world to being the most successful example of state transformation in Africa and arguably elsewhere. While international support was important in the process, Mozambicans themselves played the cardinal role in ending the war by choosing peace. Without their choice, realization, and commitment, little could be done as witnessed in cases of Angola and Sierra Leone. Although human rights were neither mentioned nor included in the General Peace Accord of 1992, their pledge to peace and democracy has allowed Mozambicans to open up their society, which in turn sparked the birth of nascent civic society still growing today.

70. The case of Mozambique is peculiar in its nature and outcome: its success largely dependent on its idiosyncratic culture and traditions, which enabled for healing and reconciliation not based solely on Western traditions. Where local traditions fell short or could not provide answers for further development of the newly unified society as a whole, Mozambicans embraced the Western framework of societal development and embarked on learning parliamentary politics and respecting basic human rights. This synthesis proved extremely successful and is still operational today.

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NOTES

- ⁱ President of Zimbabwe and Kenya also played a crucial part in facilitating dialogue between Frelimo and Renamo and in some cases, especially Zimbabwe, pressured Renamo to continue with negotiations. For reference to the signatories of the General Peace Accord and observers at the negotiations, please refer to the text of the Agreement provided by the United States Institute of Peace Library, Peace Agreements Digital Collection: Mozambique. http://www.usip.org/library/pa/mozambique/mozambique_10041992_gen.html
- ⁱⁱ Although Portugal had been a presence in Mozambique since 1498, the interior of Mozambique was never colonized in the totalitarian way favored by many European settlers in North America and South Africa, who transformed the entire cultural, economic, political, and social landscapes of their conquered territories. Many ethnic groups have lived for centuries on what we now call Mozambique and have never been concerned with defined boundaries among modern states. Even now, many ethnic groups and tribes - the Macau and the Luma in the north, the Sena and the Ndau in the central region and the Shangana in the south – lead their lives with scant concern for, or awareness of, national borders. (Bartoli, 2)
- ⁱⁱⁱ Throughout their 500 years of colonial rule, Portuguese never invested in economic, political or technical development of Mozambique, preferring to sublease vast territories of the country to foreign, mainly agricultural, companies whose activity eroded traditional Mozambican agriculture.
- ^{iv} Changes in state policies already on the way had intensified by then. After initial contracts with IFI's 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. (Lundin, 2004)
- ^v How much the demilitarization 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 demobilized, as well as the paramilitary forces, most of them from the government side. This may have reduced the possibility to restart the military hostilities. (Lundin, 2004)
- ^{vi} See Hayner 2002 for example
- ^{vii} For example, numerous human rights clauses and provisions could not stop the conflict in Sierra Leone or Angola from re-emerging. It is interesting to see, as in the case of Sierra Leone, that, if opposing parties are not genuinely interested in the peace process, they will neglect all previous promises made in regards to human rights provisions. In 1999 the Government of Sierra Leone and the Revolutionary United Front (RUF) signed a Peace Agreement in Lome in July 1999. After the signing of the peace agreement a gap was discovered in it; there was no mechanism for the supervision of the human rights provisions. An initial effort to establish a “tracking” mechanism slipped into abeyance with RUF violating the terms of the agreements and launching an offensive against the government forces in May 2000. The text of the peace agreement, in the form of a bulletin, had a number of editions in 1999 and in 2000, “raising awareness of and clarifying key implementation issues.” (look up O’Flaherty and Melrose) Given the May troubles, these efforts do not seem to have made much impression on the RUF. This begs the question what human rights advocates can do to help implement the peace agreement and how they can sustain the commitment of the parties concerned. (Bundschuh, Bartoli, A, *forthcoming*)
- ^{viii} “Significantly, the human needs that were represented in the process were not only of the parties themselves, but of the many who were suffering because of the conflict. It is my firm belief that this ability to represent the needs, interests, and experiences of the victims has been one of the most significant contributions of the third parties involved in the process, including the Community of Sant’Egidio. Representation of the victims and their needs was also a way to cast the entire process within the realm of international norms. While the Universal Declaration on Human Rights was not frequently quoted, it offered nevertheless a powerful reminder of the standards that any peace agreement had to comply with in order to be successful. This was also a way to imagine a stable set of political benchmarks that the new system emerging from the ashes of colonialism and many years of war had to include.” (Bartoli, *forthcoming*)
- ^{ix} Honwana presents an interesting discussion on traditional resources of healing in the Mozambican society, including the process of the healing of psycho-social traumas associated with war and upheaval.
- ^x “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." (Lundin 1998)

xi One of the main objectives of international observers was not to repeat the experience in Angola, where a small group of international monitors was unable to confirm free and fair elections. In Mozambique, not only was international monitoring undertaken by a larger force, but also it was coupled with a significant effort on the part of the Mozambicans to self-monitor. (Bartoli, 2)

xiii *see* State Department's Background Note on Mozambique, <http://www.state.gov/r/pa/ei/bgn/7035.htm>