

Republican Assembly

Law no. /2014 of August

Bearing in mind the necessity to bring into force the Memorandum of Understanding, the Mechanisms of Guarantee and Terms of Reference from the Military Observation Team previously approved by the Dialogue between the Government of the Republic of Mozambique and the RENAMO, in accordance with no. 1 of article 179 of the Constitution of the Republic, the Republican Assembly determine:

Article 1

The MEMORANDUM OF UNDERSTANDING, TERMS OF GUARANTEE AND TERMS OF REFERENCE OF THE MILITARY OBSERVATION TEAM, whose consensus was achieved in the dialogue between the Government and the RENAMO are approved and annexed, and are an integral part of this Law.

Article 2

Any legal norm resulted from the documents mentioned in Article 1 will mention the content of those documents.

Article 3

The present Law will come into force immediately.

MEMORANDUM OF UNDERSTANDING

Both sides reaffirm the constitutional, legal principles and also those from Security and Defence Policy, as well as the principles of dialogue, collaboration and consultation that follows:

- a) Defence and Security Forces shall be republican, i.e., nonpartisan, serving the Republic of Mozambique with professionalism and respect for the constitutional order which is based on the Rule of Law, democracy and social justice;
- b) No party, political or related force shall use the Defence and Security Forces, save in cases requested by law;
- c) Defence and Security Forces should pledge loyalty to the Constitution of the Republic;

- d) Promoting and guaranteeing the spirit of reconciliation, which includes the immediate cessation of all hostile manifestation, especially the military manifestation, including in the social communication;
- e) The organic structure of the Armed Forces for the Defence of Mozambique and the Police of the Republic of Mozambique may be altered, after consideration of the National Council of Defence and Security, according to the law;

Both sides also understand that:

- f) After the end of military hostilities, no element of any party can be prosecuted on the basis of acts or facts derived from the hostilities or connected situation.
- g) For the effects constituted in the paragraph before, the parties agree that it is necessary to approve an amnesty law, in this session of the Assembly of the Republic.
- h) For the operational effects of the questions related to previous paragraphs, the groups of military experts from both sides will have to introduce a document to the plenary. In this document, there will also be questions about the integration of the current residual forces from Renamo to the Armed Forces for the Defence of Mozambique and the Police of the Republic of Mozambique and the consequent development of framework for the security of Renamo.
- i) Conclude all the process of integration and development of the framework for the residual forces of Renamo, all military equipment will be delivered to the guard and they will be at the disposal of the Forces of Defence and Security.
- j) With the end of the procedures, the party should not own any sort of armed forced other than the forces allowed by law.
- k) The implementation of these principles shall be followed, monitored and observed by the International Community, through the Military Observation Team on the Cessation of Hostilities (EMOCHM);

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ANNEX - 1

GUARANTEE MECHANISM

Both parties, in good faith, in the spirit of National consolidation and preservation of everlasting peace, as well as the principle of collaboration, consultation and dialogue, guarantee to the Mozambican people and international community that they assume responsibility the following understanding and commit to:

- a) Dedicate all energies to the fulfilment and respect for the content of the following understandings;

- b) Not to violate nor abandon the letter and the spirit of the agreed texts;
- c) Not to interpret the text reached and agreed with a different meaning; if that is the case, both sides must gather and find common grounds for the interpretation of the contested text;
- d) Not to make new demands that misrepresent the meaning of this understanding. In this case, both sides shall gather to find a solution based on consensus;
- e) Once the amnesty based on the understandings reached between the Government of the Republic of Mozambique and Renamo is declared, any posterior act that can be substantiated in a unilateral violation or abandon of the principles agreed, will be processed and punished in the terms of the applicable legislation;
- f) If there is a violation of the understandings reached, both sides must meet a solution through dialogue.
- g) This understanding will come into force on the date of its signature.

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TERMS OF REFERENCE FOR THE MILITARY OBSERVATION TEAM ON THE CESSATION OF HOSTILITIES – EMOCHM

I. DESIGNATION

Military Observation Team on the Cessation of Hostilities – EMOCHM.

II. PARTICIPATING COUNTRIES:

EMOCHM consists of the following countries:

Botswana; Zimbabwe; South Africa; Kenya; Cape Verde; Portugal; Italy, Great Britain and the United States.

III. GENERAL PRINCIPLES AND MISSION

The delegations agreed:

- 1) With the immediate and definitive necessity to cease military hostilities;

2) With the preparation of the dialogue of Higher Level between His Excellency Armando Emilio Guebuza, President of the Republic of Mozambique and His Excellency Afonso Dhlakama, President of the Renamo Party;

3) To promote and guarantee the spirit of reconciliation, ceasing all hostile manifestations, including via social communication

4) With the Terms of Reference for the Military Observers, composed of 23 foreign military officials and 70 Mozambican officials – including 50% of Government and 50% of Renamo representatives, to follow these terms and this mission:

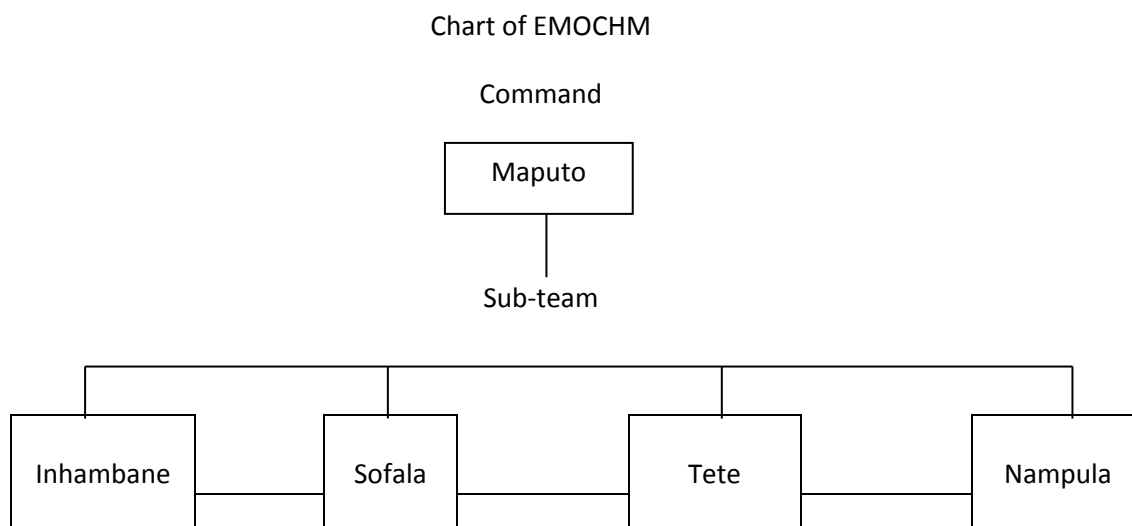
- Observe, monitor and guarantee the implementation of the cessation of military hostilities and the beginning of the subsequent stages, following the terms of the Memorandum of Understanding attached and integral part of these Terms of References.

IV. MANDATE

The mandate of EMOCHM begins 10 days after its constitution and it will be in effect for a hundred and thirty-five days, extendible.

V. ORGANISATION AND STRUCTURE OF THE TEAM

Chart of EMOCHM



5.1. Composition of the team

a) EMOCHM is constituted by a total of ninety-three (93) men, with the Command based in the city of Maputo and four (4) sub-teams in the Provinces of Sofala, Inhambane, Tete and Nampula.

- b) The Central Command of EMOCHM is led by one (01) Brigadier from Botswana, assisted by four (04) Colonels, two (02) of which are foreigners, one from Zimbabwe and the other from Italy, and two (02) nationals, nominated one by the Government and the other by Renamo, respectively; one (01) Lieutenant-colonel and one (01) Major, both foreigners.
- c) The Sub-teams of Inhambane and Tete are formed by four (04) foreigners: one (01) Colonel; two (02) Lieutenants-colonels; (01) Major; and sixteen (16) nationals of which eight (08) from the Government and eight (08) from Renamo, distributed as follows: two (02) Colonels; (02) Lieutenants-Colonels; six (06) Majors and six (06) Captains, totalising a total of twenty (20) Officials.
- d) The Sub-team of Nampula is formed by four (04) foreigners of which one (01) Colonel; one (01) Lieutenant-colonel and two (02) Majors. About national officials, it is applicable the distribution made to the Provinces of Inhambane and Tete.
- e) The Sub-team of Sofala is comprised of twenty-six (26) elements, of which six (06) foreigners distributed as follows: one (01) Colonel; two (02) Lieutenants-Colonels and twenty (20) nationals, of which ten (10) from the Government and ten (10) from Renamo, of which two (02) Colonels; four (04) Lieutenants-Colonels; eight (8) Majors and six (06) Captains.
- f) The origin of the foreign observers mentioned in the number above and their distribution by Command and Sub-teams are presented in tables 5.2 and 5.3.
- g) The territorial allocation of the sub-teams of international military observers is not fixed; it can be changed whenever the local situation request.

5.2 Distribution of Foreign Observers by Country and Rank

N/O	Countries	Number of Observers	Rank			
			Brigadier	Colonels	Lieutenants-Colonels	Majors
1	South Africa	3			2	1
2	Botswana	3	1	1	1	
3	Cape Verde	2				2
4	Kenya	3		1	1	1
5	Zimbabwe	3		1	1	1

6	USA	2			2	
7	Great-Britain	2		1		1
8	Italy	3		1	1	1
9	Portugal	2		1		1
Total		23	1	6	8	8

5.3 Distribution of Foreign Observers by Command and Sub-teams

N/O	Regions	Number of Observers	Rank			
			Brigadier	Colonels	Lieutenants-Colonels	Majors
1	(Central Command) Maputo	05	(01) Botswana	(02) Zimbabwe/Italy	(01) The United States of America	(01) Cape Verde
2	Inhambane	4		(1) Botswana	(02) South Africa	(01) Cape Verde
3	Sofala	6		(01) Great-Britain	(02) Kenya/Zimbabwe	(03) Portugal/South Africa/Italy
4	Tete	4		(01) Kenya	(02) USA/Botswana	(01) Great-Britain
5	Nampula	4		(01) Portugal	(01) South Africa	(02) Kenya/Zimbabwe
Total		23	1	6	8	8

5.4 Summary

5.4.1 Foreigners

a.	Brigadier.....	01
b.	Colonels.....	06
c.	Lieutenant-Colonels	08
d.	Majors	08
	Subtotal	23

5.4.2 Nationals

a.	Colonels.....	10
b.	Lieutenant-Colonels.....	10
c.	Majors	26
d.	Captains.....	24
	Subtotal	70
	TOTAL	93

6. ELABORATION AND SUBMISSION OF REPORTS

- a) Observers shall elaborate reports of their activities and submit it to the head of both sides, the Government and Renamo;
- b) All parties shall determinate the periodicity of the submission of reports by the observers.

7. OPERATIONS

7.1 Reactive Operations

7.1.1 Readiness of the team of observers

- a) Availability to fulfil the mission;

b) Observers shall dispose of the means to allow them fast transportation to notified places to investigate irregularities.

7.1.2 Defusing Tensions

- a) Communication with the structure of command of the sides;
- b) Permission to free passage
- c) Investigate reported acts;
- d) Format and Procedures for Reports;
- e) Sharing information with the parties;
- f) Security of the team of observers;
- g) Evacuation

8. BUDGET AND FINANCING

The Mozambican State is responsible for financing the process of cessation of hostilities.

9. Logistic Necessity

- a) Administrative Assurance – installations, IT, furniture and office supplies;
- b) Logistic Assurance – accommodation, transportation, communication and other elements to make ends meet;
- c) Financial Assurance;
- d) Medical and Drug Assistance;
- e) Support and subsistence allowance for national EMOCHM members.

10. SUPPLEMENTARY SUPPORT AND TAXATION

- a) Any supplemental support for the process of cessation of military hostilities, be it from logistic of humanitarian nature, must be distributed by the Government, in accordance with this Terms of References;
- b) EMOCHM is subjected to the observance of the taxation and customs laws and migration formalities in force in the Republic of Mozambique;
- c) EMOCHM observes the migration law current in force in the Republic of Mozambique and it must not exercise any activities other than those contained in the Terms of References.

MILITARY EXPERTS (signed)

For the government

Major-General Julio dos Santos Jane (Team Leader)

First-Adjutant Commissary of the Police,
Xavier Ernesto Tocoli

Brigadier Tenente Freitas Norte

Adjutant-Commissary of the Police Arsenia
Felicidade Felix Massingue

Simiao Pedro Macave, jurist

Maputo, on the eleventh day of August, two thousand and fourteen.

For the government:

Jose Condugua Antonio Pacheco

(Minister of Agriculture and Head of
Delegation)

Gabriel Serafim Muthisse

(Minister of Transport and Communications)

Abdurremane Lino de Almeida

(Vice-minister for Public Offices)

For RENAMO:

Lt. General Ossufo Momad

Colonel Jose Manuel

Major Antonio Muzorewa

Isequiel Meide Gusee, jurist

For RENAMO

Salmone Muhambi Macuiana

(Deputy in the Assembly of the Republic,
President of the Jurisdictional Council and
Head of RENAMO delegation)

Jeremias Pondeca Munguambe

(Head of the Department for Rural
Administration and Local Government)

Dr. Antonio Eduardo Namburete

(Head of the Department for External
Relations)

Abdul Magid Ibraimo
(Senior Member)

National observers/mediators:

Prof. Dr. Lourenco do Rosario (Team Leader)

Right Reverend don Dinis Sengulane

Prof. Dr. father Filipe Couto

Reverend Anastacio Chembeze

Sheik Saide Habibo