

**PEACEBUILDING IN MOZAMBIQUE WITH SPECIAL  
REFERENCE TO THE UN POLICY ON LANDMINE REMOVAL**

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Thesis in partial fulfilment of the requirements for the degree of Master of Philosophy (Value Analysis & Policy Formulation), University of Stellenbosch

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December 2000

## **Declaration**

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and has not previously, in its entirety or in part, been submitted at any university for a degree.

## ABSTRACT

The end of the Cold War had a profound impact on the qualitative and quantitative nature of the UN's peace and security agenda, representing a shift from traditional peacekeeping to a broader, more ambitious and intrusive notion of peacekeeping. This evolution was marked by an expanded UN engagement in a broad range of intra-state conflicts and characterised by UN undertakings towards aspects of national political and socio-economic reconstruction including the evolution of humanitarian action.

Responding to the expanded United Nations agenda for international peace and security and at the request of the UN Security Council (UNSC) Boutros Boutros-Ghali prepared the conceptual foundations of the UN's role in global peace and security in his seminal report, *An Agenda for Peace* (July, 1992). The Secretary General outlined five inter-connected roles that he projected the UN would play in the fast changing context of post-Cold War international politics, namely: preventive diplomacy, peace enforcement, peacemaking, peacekeeping and post-conflict peacebuilding.

The UNSG described the newly defined concept of post-conflict peacebuilding as action organised "(to) foster economic and social co-operation with the purpose of developing the social, political and economic infrastructure to prevent future violence, and laying the foundations for a durable peace."

With specific reference to landmines in *An Agenda for Peace* the UNSG stressed that peacebuilding following civil war and internal strife must address the serious problem of landmines, which remained scattered in present or former combat zones. The UNSG underscored that mine action (demining) should be emphasised in terms of reference of peacekeeping operations which is crucially important in the restoration of activity when peacebuilding is under way.

The United Nations involvement in the Mozambican peace process (1992-1995) has been interpreted as the culmination of a major success story in wider peacekeeping in Africa under UN auspices – a category of peace operation, which included peacemaking, peacekeeping, humanitarian assistance, peacebuilding and electoral assistance. Mozambique's peace process has subsequently been cited as a model UN peacekeeping operation which could be adapted to post-conflict situation elsewhere.

Within the context of landmines as a threat to post-conflict peacebuilding as articulated by the UNSG in *An Agenda for Peace*, the study focuses on how the United Nations implemented mine action initiatives in operationalising the concept of peacebuilding in Mozambique. In this context, the study reviews the UN operation in Mozambique (ONUMOZ) and its capacity, responsiveness and vision in implementing mine action initiatives, both in terms of the operational requirements of the ONUMOZ peacekeeping mission and the development of longer-term humanitarian mine action programmes in Mozambique. To this end, the study views the establishment of a sustainable indigenous mine action capacity as a sine que non for post-conflict peacebuilding.

From this perspective, the study interprets the 1999 Mine Ban Treaty Prohibiting the Use, Stockpile, Production and Transfer of Anti-Personnel Mines and on their Destruction and the rights and obligations of Mozambique as a State Party to the Treaty as the most appropriate instrument towards the creation of an indigenous Mozambican mine action capacity to address the long-term effects of landmines on post-conflict peacebuilding.

In terms of methodology the approach was historical-analytical and in essence a deductive method of research was followed.

## OPSOMMING

Die einde van die Koue Oorlog het diepgaande verandering teweeggebring ten opsigte van die Verenigde Nasies se vredes en sekuriteits regime ter handhawing van internasionale vrede en sekuriteit. Hierdie periode is gekenmerk deur 'n skerp toename in intra-staatlike konflikte en gevolglik in die kwalitatiewe en kwantitatiewe aard en omvang van Verenigde Nasies vredesoperasies in terme van die VN Handves.

Ten einde die verantwoordelikhede van die Verenigde Nasies met betrekking tot die handhawing van vrede en sekuriteit in die snel - veranderende konteks van die post - Koue Oorlog periode aan te spreek, het die Sekretaris – Generaal van die Verenigde Nasies, Boutros Boutros - Gali, in opdrag van die Veiligheidsraad die konseptuele fundering van die VN se rol verwoord in sy pioniersverslag - Agenda vir Vrede (1992).

In sy verslag van Julie 1992 identifiseer en omskryf die Sekretaris-Generaal vyf verbandhoudende konsepte wat sou dien as meganismes ter beslegting van internasionale konflik, naamlik voorkomende diplomatie (preventive diplomacy), vredesingryping (peace enforcement), maak van vrede (peacemaking), vredesoperasies (peacekeeping) en post-konflik vredeskonsolidasie (post-conflict peacebuilding).

Die Sekretaris-Generaal het post-konflik vredeskonsolidasie omskryf as die “vestiging van sosio-ekonomiese samewerking met die oogmerk om die sosiale, politieke en ekonomiese infrastruktuur te ontwikkel ten einde hernude konflik te voorkom en ter grondlegging van langdurige vrede”.

Met spesifieke verwysing na die korrelasie tussen landmyne en post-konflik vredeskonsolidasie het die Sekretaris-Generaal benadruk dat landmyne ‘n bedreiging inhou vir die konsolidasie van vrede na burgeroorlog en interne konflik, en veral binne die raamwerk van ‘n VN vredesoperasie in terme van ‘n VN Veiligheidsraad mandaat.

Die VN se vredesrol in Mosambiek word allerweë beskou as een van die mees suksesvolle VN vredesoperasies ooit. Die doel van die studie is gevolglik om ondersoek in te stel na die toepassing van die konsep van post-konflik vredeskonsolidasie met spesifieke verwysing na die Mosambiekse vredesproses en die rol van die Verenigde Nasies se Operasie in Mosambiek (ONUMOZ). In die opsig fokus die studie spesifiek op die rol van ONUMOZ (1992-1995) en suksesse en tekortkomings in sy vredesmandaat ten opsigte van die implementering van aksies om die kort-en-langtermyn impak van landmyne in terme van post-konflik vredeskonsolidasie in Mosambiek aan te spreek.

Vanuit hierdie konteks, vertolk die studie die Landmyn Verdrag (1999) en die totale verbod op die aanwending, opgaar, produksie en oordrag van landmyne en die vernietiging daarvan as die mees geskikte raamwerk waarbinne Mosambiek ‘n inheemse vermoë tot stand kan bring ten einde die langtermyn impak van landmyne op post-konflik vredeskonsolidasie effektief aan te spreek.

Vanuit ‘n metodologiese oogpunt word in hierdie studie historiese analities te werk gegaan en die benadering is beskrywend – verklarend van aard. Verder is die metode van ondersoek in wese deduktief van aard.

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## LIST OF ACRONYMS

<b>AA</b>	<b>Assembly Area</b>
<b>ADP</b>	<b>Accelerated Demining Project</b>
<b>CAC</b>	<b>Cease-fire and Cessation of Hostilities</b>
<b>CCF</b>	<b>Ceasefire Commission</b>
<b>CCW</b>	<b>Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons, which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (1980)</b>
<b>CIDC</b>	<b>Canadian International Demining Centre</b>
<b>Civpol</b>	<b>United Nations Civilian Police</b>
<b>CMCM</b>	<b>Mozambique Campaign to Ban Landmines</b>
<b>CNA</b>	<b>National Commission on Administration</b>
<b>CND</b>	<b>National Demining Commission</b>
<b>CNE</b>	<b>National Elections Commission</b>
<b>COMPOL</b>	<b>National Police Affairs Commission</b>
<b>CORE</b>	<b>Reintegration Commission</b>
<b>CSC</b>	<b>Supervisory and Monitoring Commission</b>
<b>DHA (UN)</b>	<b>Department of Humanitarian Affairs</b>
<b>DPKO (UN)</b>	<b>Department of Peace-keeping Operations</b>
<b>FADM</b>	<b>Forças Armadas de Defesa de Mocambique (Mozambican Defense Force)</b>
<b>FRELIMO</b>	<b>Frente de Libertação de Mocambique (Mozambique Liberation Front)</b>
<b>GA</b>	<b>General Assembly</b>
<b>GPA</b>	<b>General Peace Agreement</b>
<b>HALO Trust</b>	<b>Hazardous Area Life-Support Organization</b>
<b>HI</b>	<b>Handicap International</b>
<b>ICBL</b>	<b>International Campaign to Ban Landmines</b>

<b>ICRC</b>	<b>International Committee of the Red Cross</b>
<b>IDPs</b>	<b>Internally Displaced Persons</b>
<b>IOM</b>	<b>International Organization for Migration</b>
<b>MAC</b>	<b>Mine Action Centre</b>
<b>MCSC</b>	<b>Mine Clearance Sub-Committee</b>
<b>NGO</b>	<b>Non Governmental Organization</b>
<b>NMCC</b>	<b>National Mine Clearance Commission</b>
<b>NPA</b>	<b>Norwegian People's Aid</b>
<b>OAU</b>	<b>Organization of African Unity</b>
<b>ONUMOZ</b>	<b>United Nations Operation In Mozambique</b>
<b>PKO</b>	<b>Peacekeeping Operation</b>
<b>RENAMO</b>	<b>Resistencia Nacional Mocambicana(Mozambique National Resistance)</b>
<b>RSS</b>	<b>Reintegration and Support Scheme</b>
<b>SOFA</b>	<b>Status of Forces agreement</b>
<b>SOP</b>	<b>Standard Operating Procedures</b>
<b>SRSG</b>	<b>Special Representative of the Secretary General</b>
<b>TU</b>	<b>Technical Unit</b>
<b>UN</b>	<b>United Nations</b>
<b>UNDP</b>	<b>United Nations Development Programme</b>
<b>UNGA</b>	<b>United Nations General Assembly</b>
<b>UNICEF</b>	<b>United Nations Children's Fund</b>
<b>UNHCR</b>	<b>United Nations High Commissioner for Refugees</b>
<b>UNMAS</b>	<b>United Nations Mine Action Service</b>
<b>UNMO</b>	<b>United Nations Military Observers</b>
<b>UNOCHA</b>	<b>United Nations Office for the Co-ordination of Humanitarian Assistance</b>

<b>UNOHAC</b>	<b>United Nations Office of Humanitarian Assistance Co-ordination</b>
<b>UNOPS</b>	<b>United Nations Office for Project Services</b>
<b>UNSC</b>	<b>United Nations Security Council</b>
<b>UNSG</b>	<b>United Nations Secretary General</b>
<b>UNSCERO</b>	<b>United Nations Special Co-ordinator of Emergency Relief Operations</b>
<b>VVAF</b>	<b>Vietnam Veterans of America Foundation</b>
<b>WFP</b>	<b>World Food Programme</b>
<b>WHO</b>	<b>World Health Organization</b>

## **ACKNOWLEDGEMENTS**

The study wishes to recognise the Department of Foreign Affairs for its financial assistance towards the completion of the study; to Professor Johan Kinghorn and his dedicated team in providing an academic platform to meet the challenges of policy making and leadership; to the promoter of the thesis, Professor Willie Breytenbach for his incisive and focused guidance; to my family, for their encouragement and sharing with me the devastating tragedy of landmines in the Southern African region; and to Jason Varney, Rene Everson, Alexander Okhrimenko and Victoria Babaritskaya from the South African Embassy in Kyiv, Ukraine, for their assistance in finalising the text.



# CHAPTER ONE

## *INTRODUCTION*

### *1.1. Problem Statement*

The General Peace Agreement (GPA) between Frelimo and Renamo of Mozambique, concluded in October 1992, was negotiated at a time when global and regional politics were undergoing dramatic and fundamental change. The end of the Cold War meant growing disinterest in conflicts waged for ostensible ideological reasons and the changing political equation in Southern Africa opened opportunities for peace.

With the end of the Cold War, the United Nations agenda for peace and security rapidly expanded. At the request of the UN Security Council (UNSC) Summit of January 1992, UN Secretary General (UNSG) Boutros Boutros-Ghali prepared the conceptual foundations of the UN's role in global peace and security in his seminal report, *An Agenda for Peace* (1992). The Secretary General outlined five inter-connected roles that he projected the UN would play in the fast changing context of post-Cold War international politics:

- **preventive diplomacy**, undertaken in order “to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur”;
- **peace enforcement**, conducted “with or without the consent of the parties in order to ensure compliance with a cease-fire” mandated by the UN Security Council acting under the authority of Chapter VII of the UN Charter;
- **peacemaking**, designed “to bring hostile parties to agreement” through peaceful means such as reflected in Chapter VI of the UN Charter;
- **peacekeeping**, established to deploy a “United Nations presence in the field, with the consent of all the parties concerned, to monitor a truce between the parties, to negotiate a comprehensive peace or to implement an agreed peace;”
- **post-conflict peacebuilding**, organised “to foster economic and social co-operation with the purpose of developing the social, political and economic infrastructure to prevent future violence, and laying the foundations for a durable peace.”

The primary focus of this study is the concept of peacebuilding as articulated by the UNSG in *An Agenda for Peace*. As a newly defined mechanism within the UN peace and security regime aimed towards the resolution of international conflict, the study observed that there is no explicit provision for the concept in the UN Charter. However, UN peacekeeping or peace operations have evolved from the purposes and principles upon which the United Nations was founded. Article 1(1) of the UN Charter clearly states that the primary purpose of the United Nations is “(to) maintain international peace and security, and to that end, to take, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. To this end the study argued that the concepts of UN peace operations and their execution have evolved over a period as a product of experience and experiment and adjusted incrementally according to prevailing international circumstances and trends.

In terms of agreements ending civil war, the UNSG stressed that post-conflict peacebuilding included disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel and the monitoring of elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions, and promoting formal and informal processes of political participation.

With specific reference to landmines in *An Agenda for Peace* the UNSG stressed that peacebuilding following civil war and internal strife must address the serious problem of landmines, which remained scattered in present or former combat zones. The UNSG underscored that mine action (demining) should be emphasised in terms of reference of peacekeeping operations which is crucially important in the restoration of activity when peacebuilding is under way.

Against this background, the General Peace Agreement (GPA) between Frelimo and Renamo of 4 October 1992 called for the introduction of a UN presence in Mozambique, formalised by UNSC Resolution 797 of 16 December 1992 and the establishment of the United Nations Operation in Mozambique (ONUMOZ) with a one year timeframe which mandated ONUMOZ to oversee the verification and implementation of the General Peace Agreement, and with specific responsibility for the cease-fire, demobilisation, formation of a national army, arrangements for the formation of political parties, organisation of elections, and humanitarian action. The GPA stressed the importance of humanitarian action being an integral component of the peacebuilding endeavour.

As warfare in Mozambique ceased towards the end of 1992, and the GPA came into effect, it was increasingly apparent that Mozambique's economy and infrastructure had been devastated and massive international assistance would be required towards post-conflict reconstruction. An estimated one million Mozambicans died during the conflict and one third of the country's population, estimated to be 16 million in the early 1990s, were up-rooted; 4.2 million were displaced internally and 1.5 million became refugees in neighbouring countries. With a per capita GDP of US \$80, 60% of the population was living in absolute poverty and in critical need of food assistance. Mozambique was producing less than 10% of its food requirements and it was estimated that the war had resulted in the destruction of 70% of schools and 50% of clinics and had brought about an almost total collapse in markets, making Mozambique the poorest country in the world.

Mine warfare in Mozambique was officially brought to an end with the signing of the Rome Peace Accords in 1992. At this stage the UN estimated that there were 2 million landmines emplaced in the country and around 500 people were killed or maimed in landmine incidents each year due to the extensive use of landmines by all sides during Mozambique's war of independence and in the ensuing civil war. Over decades of armed conflict, the warring parties deployed landmines to defend strategic strongholds and villages, to ambush and disrupt the enemy and to terrorise and deny population the use of land. Landmines were used offensively and defensively, in all provincial territory of Mozambique. As the Mozambican peace process unfolded it became apparent that the impact of landmines on human security and the destructive socio-economic implications of these weapons posed serious and costly obstructions to post-conflict peacebuilding and reconstruction.

Within the context of landmines as a threat to post-conflict peacebuilding as articulated by the UNSG in *An Agenda for Peace*, the study therefore focuses on how the United Nations implemented mine action initiatives in operationalising the concept of peacebuilding in Mozambique. In this respect the study views mine action as a multi-faceted and multi-disciplinary set of activities inclusive of mine awareness, mine field surveys and marking, training, minefield clearance (demining) and assistance to victims. The study also distinguishes between operational and

humanitarian mine action. Within the peacebuilding concept the study interprets operational demining as actions undertaken to safeguard the security of UN troops in the execution of their peacekeeping mission. On the other hand, humanitarian mine action is viewed as comprehensive, integrated and structured actions undertaken to remove landmines from the ground in order to minimise the negative socio-economic effects of landmines on human security. Humanitarian mine action is also viewed from a community-oriented, long-term peacebuilding perspective, which extends beyond the realm of a relatively brief and infrequent UN peacekeeping mandate, and which, for the purpose of the study, is defined as activities carried out to reduce the threat posed by landmines to individuals and communities in a mine contaminated area, including survey and assessment, mine clearance, mine awareness and victim assistance. Humanitarian mine action is also interpreted as inclusive of operational mine action during peacekeeping operations mandated by the UN Security Council as well as mine action in support of reconstruction and development. For the purposes of the study mines or landmines are defined as a "anti-personnel mine designed to be exploded by the presence, proximity or contact of a person which will kill, incapacitate or injure one or more persons".

Regarding the UN's capacity to plan, organise and manage mine action in a post-conflict setting, the study interpreted the UN's responsiveness and vision in rapidly implementing mine action initiatives, both in terms of the operational requirements of the peacekeeping mission and the development of longer-term humanitarian mine action programmes in Mozambique as central to the peacebuilding concept. To this end, the study views the establishment of a sustainable indigenous mine action capacity as a sine qua non for post-conflict peacebuilding. An indigenous capacity for the purpose of the study is therefore defined as the acquired capability of a national entity to define and articulate overall mine action policy and direction, to co-ordinate and manage a programme that is capable of addressing both the short and long-term humanitarian and socio-economic implications of landmines, and to generate and allocate resources in line with clearly identified priorities in order to ensure accountability and cost-effectiveness.

The focal point of the study, namely peacebuilding and landmines, is extended to include the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, commonly known as the Ottawa Treaty or officially as the Mine Ban Treaty. This international instrument, which became international law more rapidly than any previous multilateral arms convention, is viewed by the study as the international response to the humanitarian crisis caused by the global proliferation of anti-personnel landmines and their long-term negative effect upon individuals and society and on sustainable socio-economic development. The study also interprets the Ottawa Treaty from a long-term peacebuilding perspective in Mozambique, providing an appropriate framework for the development of an indigenous capacity towards post-conflict peacebuilding and reconstruction.

## **1.2. Purpose**

The inauguration of Mozambique's first democratically elected president, on 9 December 1994, brought the mandate of one of the United Nation's largest and most successful peacekeeping operations to an end. These elections were interpreted as the culmination of a major success story in wider peacekeeping in Africa under UN auspices - a category of peace operation, which included peacemaking, peacekeeping, humanitarian assistance and peacebuilding. Mozambique's peace process has subsequently been cited as a model UN peacekeeping operation which could be adapted to post-conflict situations elsewhere. The overall purpose of the study is therefore to review the assumption that significant lessons remain to be learned by revisiting the UN operation in Mozambique, especially when the implications of such UN interventions for longer term peacebuilding become apparent given the fact that Mozambique still faces critical challenges with regard to post-conflict peacebuilding and reconstruction. The study is

also intended to contribute to the continuing debate to strengthen the common capacity of the international community in its resolve to deal with threats to global peace and security, in terms of post-conflict peacebuilding and landmines.

In this respect the application of the concept of peacebuilding in Mozambique in a post-conflict environment is directly linked to the July 1992 UNSG report, *An Agenda for Peace* following a UNSC request for an analysis and recommendations to UNSG Boutros Boutros-Ghali on ways of strengthening and making more efficient, within the provisions of the UN Charter, the capacity of the UN for preventive diplomacy, peacemaking and peacekeeping. In this groundbreaking report the UNSG specifically identified landmines as a threat to the process of post-conflict peacebuilding and emphasised that mine action is critical in the restoration of activity when peacebuilding is underway.

The human cost of landmines in Mozambique in terms of lives and disability, the destructive social and economic implications of these weapons, and their obstruction to peacebuilding and reconstruction dictate the need for prompt and effective action from the international community for the removal and destruction of landmines and for the establishment of a national, indigenous capacity to do so. Instituting mine action programmes after the cessation of hostilities where central and institutional capacity is weak or non-existent is therefore critical in maintaining the momentum and consolidation of post-conflict peacebuilding and related humanitarian activities. Of similar importance is the development of a sustainable indigenous capacity in addressing the longer term objectives of post-conflict peacebuilding.

The study therefore seeks to identify factors which affected the development of an indigenous mine action capacity in post-conflict Mozambique while simultaneously addressing the need for humanitarian mine action essential for peacebuilding activities in a UN mandated peacekeeping mission. To this end the study reviews the initiation, development, management and implementation of mine action programmes during the peacebuilding phase of the ONUMOZ mandate while concurrently identifying the inadequacies and insights which can be inferred from the UN peacebuilding effort in the field of humanitarian mine action. Consequently, the study analyses goals and perspectives which influenced the initiation of landmine action after the cessation of hostilities, taking into account political and other factors which shaped overall objectives, philosophy and methodology, including the conceptualisation of the UN towards the establishment of an indigenous mine action capacity in Mozambique. Within this context the study also determines factors which impeded the development of an institutional framework critical for policy formulation, effective management, resourcing, implementation and accountability towards the development of indigenous institutional structures, and a long-term, sustainable national mine action capacity in Mozambique.

The study postulates that the Mine Ban Treaty sets a new norm in international humanitarian law by comprehensively banning the development, production, stockpiling, transfer and use of an existing weapon in widespread use. Moreover the Treaty also provides an international legal framework with binding timeframes and commitments towards landmine clearance, victim assistance and destruction of stockpiles, establishing a framework for international co-operation, implementation and compliance. The study therefore analyses the implications for Mozambique, as a State Party to the Treaty in terms of the legal framework including binding timeframes and commitments to clear landmines, assist victims, destroy stockpiles, co-operate internationally and ensure implementation and compliance. Moreover, the Ottawa process is interpreted as a separate initiative, driven by an international coalition of NGOs, the International Committee of the Red Cross (ICRC) and like-minded states. In this context the study postulates that the Ottawa Treaty ultimately provides a long-term implementation framework as well as substance to the concept of post conflict peacebuilding and reconstruction, and the threat of landmines to

this process. To this end the study regards the rights and obligations of Mozambique under the terms of the Treaty as an appropriate framework towards the creation of an indigenous Mozambican capacity to address the long-term effects of landmines on post-conflict peacebuilding.

The relevance of the Mine Ban Treaty therefore becomes applicable in this equation. To ensure that the prohibitions of the Treaty, as a legally binding international instrument, become a reality Mozambique, as a State Party to the Mine Ban Treaty, must adopt a number of legal regulatory measures on the national level in order to reduce the threat of landmines to human security and to post-conflict peacebuilding and reconstruction underway in the country. This implies that Mozambique must ensure that the rights and obligations contained in the Treaty are fully implemented – a process which will require concerted and sustained long-term action, including its right as a mine affected State to seek international assistance across the full range of mine related activities - from assessing the extent of the country's landmine problem to preparing mine action plans, destroying mines, building an indigenous capacity and the care and rehabilitation of landmine victims.

On the more specific levels of response regarding the critical need for effective mine action, the study seeks to illustrate the difficulty of developing adequate legislative, institutional and technical capacities and the relevance of benefiting from the Mozambican experience by ensuring that pertinent lessons are incorporated in future post-conflict peacebuilding scenarios. The purpose of the study in this context is to enhance the capacity of role-players in the planning, development and implementation of mine action within a post-conflict peacebuilding setting, and ultimately, the establishment of an indigenous mine action capability to address the needs of humanitarian mine action essential for the consolidation of peacebuilding activities.

To this end Chapter II explores the concept of peacebuilding as articulated by UNSG Boutros – Boutros Ghali in his report *An Agenda for Peace* to the UNSC in July 1992. From this perspective Chapter II also briefly reviews inadequacies of traditional peacekeeping in the aftermath of the Cold War.

With reference to the Mozambican peace process culminating in the General Peace Agreement of October 1992 and leading to the establishment of the United Nations Operation in Mozambique by UNSC Resolution 797 of 16 December 1992, Chapter II also evaluates the mandate of ONUMOZ, in terms of its humanitarian component, peacekeeping and peacebuilding roles.

Chapter III assesses the Mozambican peace process culminating in the General Peace Agreement (Rome Peace Accords) of October 1992. The implementation of the cease-fire, demobilisation and elections are reviewed with specific focus on the problems and obstacles in the process.

Chapter IV investigates the concept of peacebuilding and the phenomenon of landmines in Mozambique and its impact on human security and socio-economic development. The role of the UN and its agencies in the establishment of a national indigenous mine action capacity in Mozambique to effectively address the long-term implications for post-conflict peacebuilding is also reviewed. Chapter IV also analyses the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction which was ratified by Mozambique in August 1998. This Chapter assesses the implications for Mozambique and its rights and obligations as a State Party to the Mine Ban Treaty, across the full spectrum of mine-related activities in realisation of the longer term goals of peacebuilding in a post-conflict environment.

In conclusion, Chapter V reflects on the purpose of the study, the problem statement and the context of the UN operation in Mozambique, highlighting the insights and lessons which can be distilled and analysing the strengths and weaknesses of the UN capacity towards peacebuilding where the post-conflict environment is threatened by the existence of landmines. This Chapter also reflects on the validity and acceptance of the peacebuilding concept, reviews the research methods employed by the study, including the evaluation of UN policy in relation to the Mozambican experience.

### **1.3. *Research Methods***

The aim of the study is a quantitative, descriptive-explanatory analysis of the concept of post-conflict peacebuilding, as articulated by UNSG Boutros Boutros-Ghali in *An Agenda for Peace* and applied in the post-conflict setting of Mozambique where landmines posed a threat to the process of post-conflict peacebuilding. In terms of methodology the approach was historical-analytical and in essence a deductive method of research was followed.

To this end primary and secondary sources were applied extensively. Running records and recollections were also utilised and are inclusive of the following:

Books, academic journals, UN documentation and assessments, surveys, studies, official South African government policy documentation, proceedings of international conferences, official Mozambican government documentation, personal interviews and documentation from the international donor community and non-governmental organisations.

Personal interviews with the United Nations Development Programme (UNDP) International Committee of the Red Cross (ICRC), Mozambican Foreign Minister Dr L. Simão, and the National Director of the Mozambican Demining Commission (CND) in order to verify and determine:

- the role of the United Nations and its agencies in mine action in Mozambique;
- the removal of landmines in post conflict peacebuilding and reconstruction in Mozambique;
- the role of the international community in mine action in Mozambique;
- the implications of the international Treaty on the banning of landmines for Mozambique;
- the establishment of an indigenous Mozambican mine action capacity;
- the status of assistance to landmine victims;
- the roles of South Africa and the international donor community in the international landmine debate and bilateral assistance to Mozambique mine action.

In order to validate research findings a collaborative research project between the Department of Foreign Affairs, the South African Institute for International Affairs (SAIIA), the Mozambican National Demining Commission (CND), the S.A. High Commission in Maputo and the international donor community in Mozambique was initiated. The aim of the research project was

to provide a report on the status of the development of an indigenous mine action capacity in Mozambique. The following questions were inter alia incorporated in a questionnaire circulated to selected respondents.

- Could mine action in Mozambique be categorised as successful? Why or why not?
- Should an overarching national body for mine action exist in Mozambique? What duties and role should it have?
- What are your views on the UN Mine Action Service (UNMAS)? How should this focal point of mine action contribute towards the establishment of a strong, indigenous demining capacity in Mozambique?
- Describe the performance of the Mozambican National Demining Commission (CND) thus far. Please address CND's relationship with donors specifically.
- In which areas should Mozambique's indigenous mine action capacity be expanded. What are the most critical priorities with regards to the restructuring of CND?
- Will Mozambique meet the objectives of the Mine Ban Treaty? If not, what can be done to improve its chances?
- What is your assessment of assistance to landmine victims in Mozambique? What should be done to implement nationally an effective and multifaceted victim assistance programme?

Attendance of the Global Humanitarian Demining Conference in Washington D.C. (May 1998) and meeting of the SADC Committee of Demining Experts (August 1998) in order to verify and validate:

- Implications of the Ottawa Treaty for Mozambique.
- Socio-economic impact of landmines in Mozambique including the scope and extent of the landmine problem.
- Status of mine action, victim assistance and national landmine survey in Mozambique.

## CHAPTER TWO

### *PEACEBUILDING*

#### **2.1. *Introduction***

The concept of United Nations peace operations derives from the United Nations Charter, which has been signed by more than 180 independent states since it was drafted in 1945. Article 1 (1) clearly states that the primary purpose of the UN is to maintain international peace and security and, to that end, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

There is no explicit reference in the UN Charter to either peacekeeping or post-conflict peacebuilding. Any review therefore on the development of UN peace operations must proceed from the assumption that these cannot be contradictory to the purpose, principles and provisions of the United Nations, as articulated in the Charter. Article 24 confers upon the United Nations Security Council (UNSC) primary responsibility for the maintenance of international peace and security, and directs it to act in accordance with the Purposes and Principles of the UN, according to the specific powers granted in Chapters VI, VII, VIII, of the Charter, which provide the basic framework for UNSC action.

#### **2.2. *Boutros-Ghali's Agenda for Peace***

On 31 January 1992, the United Nations Security Council (UNSC), at the level of Heads of State and Government, requested United Nations Secretary General Boutros Boutros - Ghali to prepare, by 1 July 1992, an analysis and recommendations on ways of strengthening and making more efficient within the provisions of the UN Charter, the capacity of the United Nations for preventive diplomacy, peacemaking and peacekeeping (Boutros-Ghali, 1992:1).

The Secretary General's analysis culminated in a report entitled *An Agenda for Peace*. In this report Dr Boutros Boutros-Ghali, stated that the era of global transition following the Cold War was marked by contradictory trends in which regional and continental associations of states were evolving ways of deepening co-operation. In this process however, national boundaries were blurred and states yielded some sovereign prerogatives to larger common political associations. At the same time, fierce new assertions of nationalism and sovereignty were experienced and the cohesion of states was threatened by ethnic, religious, social, cultural and linguistic strife. (Boutros-Ghali, 1992:5).

The Secretary General acknowledged that the UN had been rendered "powerless" to deal with over 100 major conflicts around the world since the creation of the UN in 1945, leaving some 20 million people dead. According to the UNSG, the 279 vetoes exercised in the UNSC during the period up to 31 May 1990, "were a vivid expression of divisions of the Cold War period." (Boutros-Ghali, 1992:7).

Dr. Boutros Boutros-Ghali also impressed upon UN member states that in dealing with preventive diplomacy, peacemaking and peacekeeping “the search for improved mechanisms and techniques will be of little significance unless this new spirit of commonality is propelled by the will to take the hard decisions demanded by this time of opportunity” (Boutros-Ghali, 1992:3).

In this context the UNSG announced that the UNSC had emerged “as a central instrument for the prevention and resolution of conflict and for the preservation of peace.” The UNSG also defined the macro aims to achieve this within the following framework (Boutros-Ghali, 1992:8):

- To identify at the earliest possible stage situations that could produce conflict, and through diplomacy to remove the sources of danger before violence erupts;
- where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;
- through peacekeeping, to work to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peace-makers;
- to assist in peacebuilding in its differing contexts; rebuilding the institutions and infrastructures of nations torn by the civil war and strife; and building bonds of peaceful, mutual benefit among nations formerly at war;
- to address the deepest causes of conflict namely economic despair, social injustice and political oppression.

In terms of the aforementioned the UNSG outlined five interconnected roles that he projected the UN would play in the fast changing context of post Cold War international politics and an expanded UN agenda for peace and security. Doyle (1995:2) defined these concepts as follows:

- **preventive diplomacy**, undertaken in order “(to) prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.”
- **peace enforcement**, conducted “with or without the consent of the parties” in order to ensure compliance with a cease-fire mandated by the Security Council acting under the authority of Chapter VII of the UN Charter. These military forces are composed of heavily armed, national forces operating under the direction of the Secretary General.
- **peacemaking**, designed “(to) bring hostile parties to agreement” through peaceful means such as those found in Chapter VI of the UN Charter. Drawing upon judicial settlement, mediation and other forms of negotiation, UN peacemaking initiatives would seek to persuade parties to arrive at a peaceful settlement of their differences.
- **peacekeeping**, established to deploy a “United Nations presence in the field, hitherto with the consent of all the parties concerned,” as a confidence building measure to monitor a truce between the parties while diplomats strive to negotiate a comprehensive peace or officials to implement an agreed peace.
- **post-conflict peacebuilding**, organised “(to) foster economic and social co-operation with the purpose of building confidence among previously warring parties, developing the social, political and economic infrastructure to prevent future violence, and laying the foundations for a durable peace.”

In his report Boutros Boutros-Ghali stressed that preventive diplomacy, peacemaking and peacekeeping were “integrally related” and in providing the conceptual foundations of post-conflict peacebuilding the UNSG (Boutros-Ghali, 1992:4) provided the following elucidation:

“The present report in addition will address the critically related concept of post-conflict peacebuilding-action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy seeks to resolve disputes before violence breaks out; peacemaking and peacekeeping are required to halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peacebuilding, which can prevent the recurrence of violence among nations and peoples”.

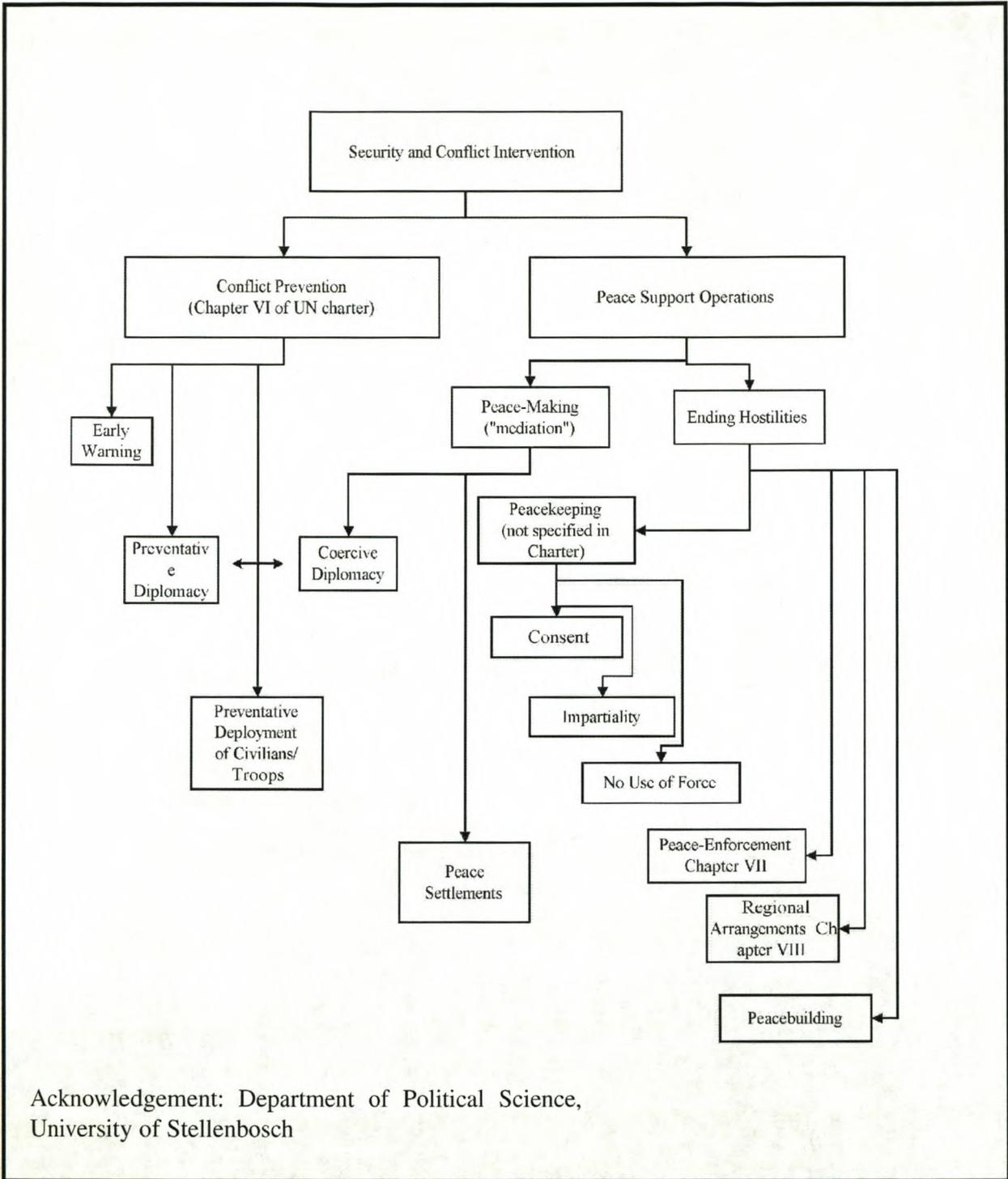
The UNSG stressed in *An Agenda for Peace* (Boutros Ghali, 1992:33) “that peacemaking and peacekeeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.”

In linking the “range of efforts for peace” with post-conflict peacebuilding the UNSG pointed out that the concept of peacebuilding (Boutros-Ghali, 1992: 33) “(as) the construction of a new environment should be viewed as the counterpart of preventive diplomacy, which seeks to avoid the breakdown of peaceful conditions. When conflict breaks out, mutually reinforcing efforts at peacemaking and peacekeeping come into play. Once these have achieved their objectives, only sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation. Preventive diplomacy is to avoid a crisis; post-conflict peacebuilding is to prevent a recurrence”.

With specific reference to the linkage between post-conflict peacebuilding and landmines the UNSG stressed in his report that peacebuilding following civil war and international strife must address the serious problem of landmines, “many tens of millions which remained scattered in present or former combat zones.” The UNSG underscored “(that) demining should be emphasised in the terms of reference of peacekeeping operations and is crucially important in the restoration of activity when peacebuilding is underway, agriculture cannot be revived without demining and the restoration of transport may require the laying of hard surface roads to prevent re-mining”. In such instances, according to the UNSG, the link becomes evident between peacekeeping and peacebuilding. (Boutros-Ghali, 1992:33)

On the occasion of the 50th Anniversary of the United Nations, the UN Secretary General on 3 January 1995 presented a position paper, *Supplement to an Agenda for Peace* to the UN General Assembly (UNGA).

With regard to the aspect of post-conflict peacebuilding the UNSG confirmed that the validity of the concept had received “wide recognition”. He also pointed out that peacebuilding measures “(can) also support preventive diplomacy,” and included demilitarisation, the control of small arms, institutional reform, improved police and judicial systems, the monitoring of human rights, electoral reform and social and economic development. (Boutros-Ghali, 1995:12).



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The report to the UNGA acknowledged that the implementation of post-conflict peacebuilding can however be complicated requiring “integrated action and delicate dealings between the United Nations and parties to the conflict in respect of which peacebuilding activities are to be undertaken”. To this end the Supplement to an Agenda for Peace detailed the role of the UN in the activities of post-conflict peace building by stating that:

“Most of the activities that together constitute peacebuilding fall within the mandate of the various programmes, funds, offices and agencies of the United Nations system with responsibilities in the economic, social, humanitarian and human rights fields. In a country ruined by war, resumption of such activities may initially have to be entrusted to, or at least co-ordinated by, a multifunctional peacekeeping operation, but as that operation succeeds in restoring normal conditions, the programmes, funds, offices and agencies can re-establish themselves and gradually take over responsibility from the peace-keepers”. (Boutros-Ghali, 1995:13).

Focussing on the role of Non Governmental Organisations (NGOs) within the changed nature of United Nations operations, the UNSG acknowledged the close relationship of NGOs with the United Nations, “(especially) in the provision of humanitarian relief in conflict situations and in post-conflict peacebuilding” The UNSG also stressed the necessity to devise procedures “(to) ensure that (NGO) efforts are properly co-ordinated with those of the United Nations and its programmes, funds, offices and agencies.” (Boutros-Ghali, 1995:21).

Reflecting on the international funding of peacebuilding, the UNSG pointed out that peacebuilding was critically dependent on member states’ readiness to make the necessary resources available, as peacebuilding “(can) be a long-term process and expensive – except in comparison with the cost of peacemaking and peacekeeping if the conflict should recur.” The UNSG also acknowledged that “one lesson learned in recent years is that in putting together the peacebuilding elements in a comprehensive settlement plan, the United Nations should consult the international financial institutions in good time to ensure that the cost of implementing the plan is taken into account in the design of economic plans” (Boutros-Ghali, 1995:23).

### **2.3. *The Inadequacies of Traditional Peacekeeping and Peacemaking: The Need for Post Hostility Measures***

According to Otunnu (1995:66) the peace-and-security agenda of the United Nations had developed gradually in phases, and from the first mission that was established in 1948 to supervise the truce in Palestine (UNTSO), to before the launching of the first major multidimensional peacekeeping operation in Namibia (UNTAG) in April 1989, the UN organised fifteen peacekeeping operations. Most of these operations were concerned with conflicts between states and the mandates of the missions consisted principally of monitoring or supervising truces, cease-fires, troop withdrawals and buffer zones. Significantly, these were consent-based operations, marked by adherence on the part of the peacekeepers to the principles of co-operation, impartiality, and non-use of force except in self-defence.

Sir Brian Urquhart (1995:10) argued that peacekeeping emerged in the very early years of the Cold War as a new technique for containing conflicts and in response to a series of problems of the Cold War world, which had not been foreseen by the founders of the United Nations. Furthermore, it was a technique of using military forces in a cooperative and non-forceful way and by a series of voluntary arrangements including voluntary acceptance by the countries whose conflicts the UN was trying to contain, and voluntary provision of the forces that the United Nations was using. It was, according to Urquhart “very specifically a technique which was to be used in conflicts between states.”

Urquhart also pointed out that peacekeeping was to some extent the product of the paralysis of the Security Council by the Cold War. "(It) was the opposite of the enforcement technique which had been the great innovation of Chapter VII of the United Nations Charter. But it was not the peaceful settlement of disputes either, which is Chapter VI of the United Nations Charter. It lay, undescribed, somewhere between these two chapters." According to Urquhart the word "peacekeeping" only came into use in the early 1960's as "(a) kind of useful all-purpose word to cover this rather complicated form of activity".

Urquhart concluded that peacekeeping fulfilled two important objectives. It dealt with the power vacuums, which had resulted from the process of de-colonization and provided some way of containing the conflicts, which arose from those vacuums. Its other very important function was to keep regional conflicts out of the orbit of the Cold War and the East-West struggle with its potential for nuclear confrontation. These activities according to Urquhart were very much a matter of maintaining international peace and security and "(thus) very well within the spirit of United Nations Charter."

In this respect the Cold War period provided "(a) sort of framework and limits to what peacekeeping operations could do. The limitations of peacekeeping and the essential nature and methods of its operations were, however, fairly well understood by the members of the United Nations, who, by and large, though sometimes with great reservations, supported these operations."

This generation of operations defined what many commentators termed "traditional peacekeeping" and Otunnu (1995:66) asserted that the development of this mechanism in itself represented a major innovation by the UN. Indeed, according to Otunnu, the very idea of peacekeeping is not mentioned at all in the UN Charter, "although the practice was developed in the spirit of Chapter VI of the Charter."

This situation underwent a significant change in the late 1980's and early 1990's. The end of the Cold War, the success of an ambitious operation in Namibia, and a certain sense of triumph emanating from the Gulf War injected a new lease of confidence in the UN, thereby creating enlarged expectations about what the organisation could accomplish. Responding to this new mood, the UN embarked on a more ambitious program of peace activities, with its operations growing in number and complexity.<sup>1)</sup> In a space of only six years (1989-1995), the UN established twenty new peacekeeping operations, seventeen within the context of conflicts within states (Otunnu, 1995:66).

This evolution of the UN peace and security agenda (Otunnu, 1995:66) expanded UN peacekeeping tasks to include implementation of complex peace agreements; overseeing transition to democratic governance through supervision of previously opposing armed factions; rehabilitation of collapsed state structures; provision of broader support to humanitarian missions, including protection of "safe areas" and escort of relief convoys; and removal of anti-personnel mines from contaminated country sides.<sup>2)</sup>

1) Malan (1997:18) argued that Cold War politics prevented the Security Council from fully developing its peacekeeping potential. The UN Charter had envisaged unanimous purpose prevailing in the event of having to keep and even enforce peace. Instead, the use of the veto by permanent members in the Security Council blocked many efforts to use the Security Council as an effective instrument for peacekeeping. Due to the specific nature of the Cold War, UN peacekeeping activities were mainly focussed upon dispatching troops and observer missions to discourage the involvement of major powers in civil wars and wars aimed at achieving independence from former colonial empires.

2) The UNSG confirmed in a Supplement to An Agenda for Peace that UN peacemaking and peacekeeping activities in the post-Cold War period had increased both in terms of the number and variety of operations conducted. UN active involvement in preventive diplomacy and peacemaking, for example, had increased from eleven cases in 1988, to thirteen in 1992, to thirty in 1995. Similarly, the number of peacekeeping operations had increased from five in 1988, to eleven in 1992. This increase in peacemaking and peacekeeping activities had generated similar increases in the number of military and civilians deployed, with the annual UN budget for peacekeeping rising from \$230 million in 1988 to \$3.6 billion in 1995 (Boutros-Ghali, 1995:19).

According to the UNSG qualitative changes in peacemaking and peacekeeping during the period 1988-1992 reflected a high incidence of intra-rather than inter-state conflict which involved irregular forces instead of national armies, resulted in high civilian casualties accompanied by humanitarian emergencies, and the collapse of state institutions. These new characteristics of conflicts placed a much greater demand upon the United Nations and impelled it to respond in a variety of ways that went beyond traditional peacekeeping. UN involvement now included demobilisation of troops, promotion of national reconciliation, the organisation and monitoring of elections, restoration of effective government, and long-term economic and social assistance programmes. As a result, according to the UNSG, UN peace efforts had become "more expensive, more complex and more dangerous" (Boutros-Ghali, 1995:19).

These developments according to Doyle (1995:2) had their roots in the striking changes in the international system that emerged at the end of the Cold War. A new spirit of multilateral co-operation from the USSR, beginning with President Gorbachev's reforms, met a new spirit of tolerance from the United States. Together the two former adversaries broke the forty year gridlock in the UN Security Council and post-Cold War co-operation meant that the Security Council was now functioning as the global guardian of peace and security.

Within this context, Doyle argued that "at the same time, there also emerged an ideological community of democratic values that gave specific content to the co-operative initiatives of these years. The Vienna Conference on Human Rights (1993) and President Gorbachev's plea before the General Assembly for "Global Human Values" signified that human rights were no longer merely a Western, but rather a global principle of good governance." (Doyle, 1995:2)

During the post-Cold War period UN peacekeeping reflected three distinct levels or "generations" of UN Peace Operations, which, according to Doyle (1995:4), included traditional peacekeeping or first generation peacekeeping.

**Second generation** operations, involved the implementation of complex, multidimensional peace agreements. In addition to the traditional military functions, the peacekeepers were often engaged in various police and civilian tasks, the goal of which was a long-term settlement of the underlying conflict. Taking a substantial step beyond first generation operations, second generation multidimensional operations were based on consent of the parties.

**Third generation** operations or peace enforcement extended from low-level military operations to protect the delivery of humanitarian assistance to the enforcement of cease-fires and when necessary, assistance in the rebuilding of failed states.

Doyle (1995:5) concluded that the result of these three "generations" operating together in the post-Cold War world was an unprecedented expansion of the UN's role in the protection of world order and in the promotion of basic human rights in countries torn by costly civil wars. Self-determination and sovereignty were enhanced and a modicum of peace and rehabilitation was introduced in Namibia, Cambodia, El Salvador and Mozambique.

The new readiness (Goulding, 1993:453) of the United States and the Soviet Union to work together, revived opportunities for resolving regional conflicts and created a renewed demand for UN peacekeeping. Goulding also argued that the UN operations, established during the Cold War, fostered the gradual evolution of a body of principles, procedures and practices for peacekeeping. Few of them were formally enacted by the legislative organs of the United Nations, but they came to constitute a corpus of case law or customary practice "(which) was by and large

accepted by all concerned, though until the mid-1980s Moscow continued from time to time to question peacekeeping's lack of legitimacy because it was not explicitly provided for in the Charter."

Goulding (1993:456-459) identified six different types of peacekeeping of which type Five was likely to involve enforcement and post-conflict peacebuilding. This type according to Goulding "(is) the deployment of a United Nations force in a country where the institutions of state have largely collapsed, anarchy and lawlessness abound, the break-up of the country may be imminent and some external agency is needed to put it together again." It required an integrated programme including humanitarian relief, a cease-fire, demobilisation of troops, a political process of national reconciliation, the rebuilding of political and administrative structures and economic rehabilitation.

Malan (1997:22) asserted that peacekeeping operations were a necessary invention of the Cold War, initiated during a time when the Charter provisions for dealing with inter-state conflict (Chapter VII) were frozen by the threat of superpower confrontation and global annihilation. The termination of the Cold War made it possible to implement the ideal of collective security through concerted Chapter VII enforcement action. It also opened the way to negotiated settlements to end proxy Cold War conflicts in developing countries, where the UN was invited to guide former adversaries to political settlements based on compromise, rather than the more limited goals of stabilising cease-fires, which were typical of classical peace operations. UN peacekeeping thus embarked on a new mission: helping to end internal conflicts, where the peace process started with a cease-fire determined by negotiated agreements, and UN peace keepers deployed in the affected areas with the consent of the involved parties reflected in these agreements.

Second generation multifunctional operations according to Malan (1997:23) were associated with the ending of proxy Cold War conflicts through negotiated settlements, in which the UN or other multinational organisations guided the adversaries to political settlements based on compromise, as in the case of Mozambique where the UN became involved in ending the internal conflict through multidimensional processes which included:

- the separation of combatants;
- the disarmament of irregular forces;
- the demobilisation and transformation of regular and irregular forces into a unified army;
- the establishment of new policing systems; and
- the monitoring of elections for a new government.

These operations, Malan argued, had *inter alia* provided a basis for the reconstruction of Mozambique, demonstrating the utility of a broader concept of peacekeeping - a concept which combined military functions with a broad variety of largely civilian undertakings to engineer change and fulfil the objectives of the operations.

Malan (1997:26) concluded that peacekeeping was established as a pragmatic tool, and "(was) improvised from the very beginning." The traditional role of UN peace keepers had expanded in scope and complexity as the constraints on intra-state conflict imposed by the East-West confrontation had been eroded. This had created an urgent need to develop new approaches, new skills, and new ways of dealing with practical problems and situations at the strategic,

operational and tactical levels. The starting-point for such development had predominantly been the concept of classical peacekeeping and its associated principles. According to Malan, the validity of this approach was questionable “(and) perhaps the much-lauded, ‘golden’ principles of peacekeeping are not principles at all, but characteristics which typify international attempts to settle disputes during a specific historical era. To cling to these principles as a conceptual foundation for dealing with the new world disorder is an exercise in fallacious logic. Granted, there may seem to be no other option where the political will and resources for more effective forms of international collective security are absent, but as long as pragmatism is predominant, practice will continue to guide principle in a sea of conceptual confusion.”

#### 2.4. *Security Council Resolution and ONUMOZ*

In the course of the Mozambican peace negotiations the need to secure the services of the UN as an impartial guarantor of the peace process emerged gradually.<sup>3)</sup> (UN and Mozambique, 1995:17).

On 28 May 1992 the UNSG offered the services of the UN in promoting an agreement between the Government and Renamo, and on 1 June, President Chissano responded by outlining, in a letter to the UNSG, the elements of the agreements signed thus far which envisaged a role for the UN. Specifically, the two parties intended, once a peace agreement was concluded, to formally invite the UN to participate in a commission that would supervise and monitor compliance with the accord, and to provide assistance for the electoral process. In Pres. Chissano’s letter he specifically “welcomed the readiness of and the interest of the United Nations to actively participate in the search for the so desired peace in my country bearing in mind the evolution of the negotiation process and its next stages” (Pres.Chissano letter to UNSG, June 1992).

In June 1992, United Nations military observers joined the Rome negotiations in an expert capacity, providing technical advice on cease-fire monitoring. By August, a United Nations Senior Political Affairs Officer was also present. For the United Nations itself, consideration of a peacekeeping operation in Mozambique required close study and consultation. A strong link was needed between the peace process and the delivery of humanitarian aid; roads required urgent repair and mine clearance; and the number of military observers would be influenced by the quantity and location of sites at which the troops of the two sides would assemble, an issue that had not yet been determined in Rome (UN and Mozambique, 1995:18).

In July 1992, a number of United Nations and international agencies, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC), assisted in the preparation of a Declaration on the Guiding Principles for Humanitarian Assistance, which was agreed to by the Government of Mozambique and Renamo and issued on 16 July. The declaration established two important principles: there should be no discrimination in delivering humanitarian assistance to affected Mozambicans, and there would be freedom of movement throughout the country for humanitarian personnel or goods travelling under United Nations or ICRC flags. Both the Government and Renamo also undertook not to derive military advantage from humanitarian assistance operations. To follow up on the Declaration, a Committee for Humanitarian Assistance was established in Maputo, chaired by the United Nations Special Co-ordinator

3) Initially, Renamo was more in favour of the presence of the United Nations than was the Frelimo government, which viewed the war as having had an international dimension but also had deeply felt concerns about the implications that a United Nations presence would have in several areas relating to national sovereignty. The Government was also concerned by the possibility that Renamo could improve its political status as a result of such United Nations involvement. However, consensus developed on the need for impartial management of the peace process.

for Emergency Relief Operations (UNSCERO) which included representatives of UN agencies, the ICRC, neighbouring countries and major donor Governments (UN and Mozambique, 1995:18).

President Chissano and Mr Dhlakama met in Rome on 7 August 1992 and signed a joint political declaration guaranteeing agreement on outstanding issues by 1 October 1992. The Joint Declaration committed the parties to "accepting the role of the international community, and especially that of the UN, in monitoring and guaranteeing the implementation of the GPA, in particular the cease-fire and the electoral process" (Joint Declaration Rome, August 1992).

On 19 August 1992, the UNSG in a "nonpaper" to Pres. Chissano detailed the arrangements for a UN operation to implement the GPA, which included the appointment of a UN Special Representative and the creation of mechanisms to verify both military and civilian aspects of the peace process. The UNSG also stated that "(it) would be desirable for a United Nations technical team to visit Mozambique in order to prepare recommendations on how the United Nations' role should be implemented (the concept of operations) and to assess the resources required to implement that concept." (UNSG letter to Pres. Chissano, August 1992).

President Chissano on 22 September 1992 requested United Nations financial support in the areas of national reconstruction, reintegration of refugees and demobilised soldiers, formation of the new national army and organisation of democratic elections (Pres. Chissano letter to UNSG, September 1992).

It was apparent (UN and Mozambique, 1995:20) that before the GPA could be finalised and signed, further negotiations were necessary on the issues of the security services, the police, civilian administration and assembly areas. In last-minute talks, agreements were reached on the security services and police matters (Protocol IV, sections IV and V), and, finally, on a national commission on administrative matters to be formed by the two parties (Protocol V, section III, point 9). Much of these discussions concentrated on the role of the UN. The timing of the Organisation's arrival on the ground was critical, with both parties expressing a desire to have a UN presence in Mozambique by 15 October, the date the cease-fire was to go into effect. Once these outstanding issues — with the exception of the location of assembly areas — were resolved, the General Peace Agreement was signed on 4 October by both President Chissano and Mr Dhlakama in the presence of the Presidents of Botswana and Zimbabwe, senior ministers from Kenya, Malawi and South Africa and representatives of the observers.

On the same day President Chissano requested the UNSG "(to) take appropriate action in order to ensure the participation of the United Nations in monitoring and ensuring the implementation of the General Peace Agreement and in assisting the Government by providing technical assistance for the general elections and in monitoring these elections." President Chissano also requested the UN to chair the following Commissions (Pres. Chissano letter to UNSG, October 1992).

- (a) The Supervision and Control Commission for the implementation of the General Peace Agreement, as provided for in Protocol 1;
- (b) The Cease-fire Commission provided for in Protocol VI, and;
- (c) The Reintegration Commission, provided for in Protocol IV.

In the report of the UNSG to the UNSC on the establishment of a UN operation in Mozambique (UNSG report to UNSC, December 1992) the ONUMOZ mandate in terms of the GPA was defined by the UNSG in the following terms:

(a) Political:

- To facilitate impartially the implementation of the agreement, in particular by chairing the Supervisory and Monitoring Commission and its subordinate commissions;

(b) Military:

- To monitor and verify the cease-fire, the separation and concentration of forces, their demobilisation and the collection, storage and destruction of weapons;
- To monitor and verify the complete withdrawal of foreign forces;
- To monitor and verify the disbanding of private and irregular armed groups;
- To authorise security arrangements for vital infrastructures; and
- To provide security for United Nations and other international activities in support of the peace process, especially in the corridors;

(c) Electoral:

- To provide technical assistance and monitor the entire electoral process;

(d) Humanitarian:

- To co-ordinate and monitor all humanitarian assistance operations, in particular those relating to refugees, internally displaced persons, demobilised military personnel and the affected local population, and, in this context, to chair the Humanitarian Assistance Committee.

Within this framework the UNSG described “three fundamental considerations” guiding the UN operation in Mozambique in the following terms (UNSG report to UNSC, December 1992).

“The first relates to the trust placed in the United Nations by both parties, as well as by the people of Mozambique. The agreement envisages that the United Nations will provide an impartial and supportive structure to help both parties to break the vicious cycle of violence that has caused so much suffering to Mozambique over the years.

The second consideration derives from the breadth of the responsibilities entrusted to the United Nations under the agreement. These will require the involvement of the entire international community, especially United Nations programmes and specialised agencies, and also bilateral entities, intergovernmental agencies and non-governmental organisations, all of which can contribute to the rebuilding and development of a peaceful Mozambique.

The third consideration relates to the geography of Mozambique and the country’s current condition after 14 years of civil war. It covers an area of 800 000 square kilometres. It is elongated in shape, extending about 1 800 km from north to south, 600 km from east to west in the north and 300 km in the south. Its communications have been devastated by the war. It has been

afflicted by the worst drought in decades and food is in short supply. There is an abundance of arms and many armed bandits operate outside the control of the armed forces of either side. Several million Mozambicans are internally displaced or are refugees in neighbouring countries.”

With reference to the operational concept of ONUMOZ the UNSG reiterated the strong inter-relationship between the four components of its mandate. “Without sufficient humanitarian aid, and especially food supplies, the security situation in the country may deteriorate and the demobilisation process might stall. Without adequate military protection, the humanitarian aid would not reach its destination. Without sufficient progress in the political area, the confidence required for the disarmament and rehabilitation process would not exist. The electoral process, in turn, requires prompt demobilisation and formation of the new armed forces, without which the conditions would not exist for successful elections.” The UNSG also pointed out that these “strong linkages” required a fully integrated approach and strong co-ordination by the UN interim Special Representative (UNSG report to UNSC, December 1992).

In recommending the elements and dimensions of the Mozambican operation to the UN Security Council, the UNSG stated that “(in) the light of recent experiences elsewhere, the recommendations in the present report may be thought to invite the international community to take a risk. I believe that the risk is worth taking; but I cannot disguise that it exists” (UNSG report to UNSC, December 1992).

On 16 December 1992, the Security Council approved the establishment of the United Nations Operation in Mozambique (ONUMOZ) and agreed to its mandate for the political, military, electoral and humanitarian objectives outlined in the UNSG report by a unanimous vote on Resolution 797 (1992) (UN and Mozambique, 1995:26).

#### ***2.4.1. Humanitarian Component***

The war in Mozambique, which was already one of the world’s poorest nations, had tragic consequences for its civilian population. Renamo attacks on villages and towns often resulted in large numbers of civilian deaths, while others were forcibly evicted from their homes. Renamo’s policy of destroying the economic and social infrastructure - including roads, factories, schools, hospitals and clinics - and disrupting agricultural production resulted in widespread migration, malnutrition, famine and death. According to the Africa Recovery Briefing Paper (UNDPI: 1993) out of a total population of some 16 million people, an estimated 4,5 million were driven from their homes by the decade and half of fighting and by drought.

The 1992 peace accord set out two objectives for international humanitarian assistance to Mozambique: to serve as an instrument of reconciliation, and to assist the return of people displaced by war and hunger, whether they had taken refuge in neighbouring countries or in provincial and district centres within Mozambique. ONUMOZ’s integral component for humanitarian operations – the United Nations Office for Humanitarian Assistance Co-ordination (UNOHAC) - was established in Maputo, with sub-offices at the regional and provincial levels. It replaced the office of the United Nations Special Co-ordinator for Emergency Relief Operations (UNSCERO), which had been responsible for humanitarian assistance programmes in Mozambique. Headed by the Humanitarian Affairs Co-ordinator, and under the overall authority of the UN Special Representative, it functioned as an integrated component of ONUMOZ. Operational agencies and the non-governmental aid community were asked to provide representatives to work within UNOHAC. (ONUMOZ, 1996:4).

UNOHAC also made available food and other relief for distribution by a technical unit of ONUMOZ to the soldiers in the assembly areas. In order to achieve the successful reintegration of demobilised soldiers, UNOHAC proposed a three-pronged strategy centered on identification of training and employment opportunities, vocational kits and a credit scheme, and a counselling and referral service. (ONUMOZ, 1996:4)

As drought took hold in large areas of Mozambique, the number of internally displaced persons needing emergency assistance continued to grow. The threat of famine and mass starvation was particularly severe for the rapidly growing numbers of displaced persons who sought refuge either along the protected Beira and Limpopo corridors or in neighbouring countries – which were themselves feeling the effects of a drought that was afflicting the entire sub-region. The cost of Mozambique's 1992/93 emergency assistance programme, targeted to 3.1 million people, amounted to more than \$400 million<sup>4)</sup> (UN and Mozambique, 1995:13).

Security considerations severely constrained the delivery and distribution of relief supplies. By late 1992, supply convoys to 74 of Mozambique's 128 districts needed armed escorts to ensure delivery. Numerous trucks were destroyed and many drivers were killed. Such conditions hindered any increase in relief operations.<sup>5)</sup> (UN and Mozambique, 1995:13).

The signing of the General Peace Agreement in October 1992 and the opening up of districts that Renamo had controlled or held under siege prompted the spontaneous return of large numbers of displaced persons and refugees.

Under the terms of the GPA, a Donors Conference for Mozambique was held in Rome on 15 and 16 December 1992 to address the country's humanitarian requirements and the needs of refugees and the displaced, those in severe distress and demobilised soldiers. Pledges in the amount of \$450 million were made during and after the Conference. A humanitarian assistance programme for 1993/94, representing a shift in emphasis from emergency relief to reintegration and rehabilitation, was submitted at a follow-up Donors Meeting in Maputo on 8 and 9 June 1993 under the joint chairmanship of the United Nations and the Government of Italy. Additional pledges in the amount of \$70 million were made. In June 1993, as political tensions mounted and access to Renamo-controlled areas became increasingly difficult, the Special Representative and representatives of the International Committee of the Red Cross (ICRC) reached an agreement with Renamo that humanitarian organisations be allowed unimpeded access to Mozambicans in need of assistance<sup>6)</sup> (UN and Mozambique, 1995:48).

Between October 1992 and December 1994, approximately 4,3 million Mozambicans resettled voluntarily in different parts of the country, the great majority of them in their original home areas. Of the total number, 1,6 million were refugees who returned from camps or exile in neighbouring countries. About 200 000 were demobilised soldiers and their dependants, who were transported to their places of choice as part of the peace process. The repatriation of Mozambican refugees was one of UNHCR's largest African operations and the successful accommodation of the returnees into their home areas one of the most significant achievements during ONUMOZ. (UN and Mozambique, 1995:47)

4) At a meeting held in November 1989, the World Bank's Consultative Group for Mozambique agreed to expand the scope of the economic rehabilitation programme in order to alleviate poverty and war-related suffering. By 1990, virtually all the major United Nations agencies were active in Mozambique, in addition to other multilateral agencies, bilateral donors and official agencies from 35 countries and numerous external non-governmental organisations (NGOs) from 23 countries.

5) In many parts of the country where Renamo raids were most frequent, or where landmines had made road travel dangerous, air transport remained the only viable means of providing the local population with its basic needs.

6) In addition to UNHCR activities, the WFP assisted with the delivery of food aid to some 1,2 million displaced and 1,1 million returnees and feeding schemes for the estimated 100,000 demobilised soldiers. The FAO assessed Mozambique's food production and future requirements while UNICEF, WHO and UNESCO targeted specific humanitarian aspects.

## **2.4.2. *Peacekeeping Role***

ONUMOZ was to monitor and verify the cease-fire, the separation and concentration of forces of the two parties, their demobilisation and the collection, storage and destruction of weapons; monitor and verify the complete withdrawal of foreign forces, and provide security in the four transport corridors; monitor and verify the disbanding of private and irregular armed groups; authorise security arrangements for vital infrastructures; and provide security for United Nations and other international activities in support of the peace process. (ONUMOZ, 1996:3)

ONUMOZ's verification of the arrangements for the cease-fire and other military aspects of the peace process in Mozambique was to be carried out mainly by teams of UN military observers at the 49 assembly areas in three military regions and elsewhere in the field. Teams were also to be deployed at airports, ports and other critical areas, including RENAMO headquarters. (ONUMOZ, 1996:3)

The military aspects of the United Nations operation in Mozambique was to be closely linked with the humanitarian effort. The approximately 100,000 soldiers who were to come to the assembly areas were to be disarmed, demobilised and reintegrated into civil society. They would need food and other support as soon as the assembly areas were established. An ONUMOZ technical unit, staffed by civilian personnel, was to assist in implementing the demobilisation programme and to collaborate closely with UNOHAC on the programme's humanitarian aspects. (ONUMOZ, 1996:3)

The General Peace Agreement provided for the withdrawal of foreign troops to be initiated following the entry into force of the cease-fire. Simultaneously, the Supervisory and Monitoring Commission, through the Cease-fire Commission, was to assume immediate responsibility for verifying and ensuring security of strategic and trading routes, of which the most important were the four transport corridors. ONUMOZ was to assume transitional responsibility for the security of the corridors in order to protect humanitarian convoys using them, pending the formation of the new unified armed forces. Bearing this in mind, ONUMOZ infantry battalions were to be deployed in the corridors. (ONUMOZ, 1996:3)

## **2.4.3. *Peacebuilding***

### **2.4.3.1. *Monitoring of Electoral Process***

Under the terms of the GPA, legislative and presidential elections were to be held simultaneously one year after the date of signature of the Agreement. This period might be extended if warranted by the prevailing circumstances.

ONUMOZ's Electoral Division was to monitor and verify all aspects and stages of the electoral process, which would be organised by the National Elections Commission (NEC). The Division was to provide overall direction and maintain contacts with the Government of Mozambique, RENAMO, the National Elections Commission and the main political parties.

In addition, the Secretary General's Special Representative was to co-ordinate technical assistance to the whole electoral process in Mozambique, which was to be provided through UNDP, other existing mechanisms of the United Nations system and bilateral channels. (ONUMOZ, 1996:9)

#### **2.4.3.2. *Humanitarian Aspects***

Providing humanitarian assistance in the environment created by the General Peace Agreement promoted communication needed to solidify the peace. Humanitarian assistance committees convened by UNOHAC's Field Officers in the provinces expanded contacts among all concerned parties. Support for the repatriation process, the demobilisation of armed forces, emergency relief and the restoration of essential services, and mine clearance were the main components of the consolidated humanitarian assistance programme<sup>7)</sup> (ONUMOZ, 1996:9)

During the war, nearly half of Mozambique's rural health facilities were looted, destroyed or forced to close. After the signing of the GPA, an immediate priority was to reactivate essential health services in those rural areas to which the population was beginning to return. By July 1994, at least 37 different agencies and NGOs were operating in the health sector in former Renamo areas across 51 districts. Health posts in border areas were also rehabilitated to accommodate the reintegration of returnees. UNICEF actively supported the Government's 1994 health budget, which covered an expansion of the health network to include former Renamo areas. Funds were allocated to help integrate the available health services in Renamo areas into the national health system. (UN and Mozambique, 1995:51)

With less than half of Mozambique's children of primary school age receiving any education by the time of the ONUMOZ mission, the reopening of schools became a major component of national reconstruction. About 1,2 million pupils and 20 000 teachers had been forced out of the schools between 1983 and 1991. In Tete, which had suffered the most in this regard, 98% of primary schools had been closed or destroyed. After the GPA was signed, hundreds of thousands of children returned to their home districts, increasing demands on the available infrastructure. In the six provinces for which UNOHAC had reliable data, more than 40 organisations were renovating or reconstructing a total of 790 classrooms by February 1995 (UN and Mozambique, 1995:52).

#### **2.4.3.3. *Civilian Police Component***

The ONUMOZ civilian police component (CIVPOL) was mandated (ONUMOZ, 1996:10) to monitor all police activities in the country and verify that their actions were consistent with the GPA; monitor respect of citizens' rights and civil liberties; provide technical support to the National Police Commission; verify that the activities of private protection and security agencies did not violate the GPA; verify the strength and location of the government

7) The international community directly contributed more than 78% of the approximately USD 650 million required to meet Mozambique needs for humanitarian assistance during the period of the ONUMOZ mandate (UN and Mozambique 1995:54)

police forces and their materiel; and monitor and verify the process of reorganisation and retraining of the quick reaction police, including its activities, weapons and equipment. In addition, CIVPOL, together with other ONUMOZ components, would monitor the proper conduct of the electoral campaign and verify that political rights of individuals, groups and political organisations were respected.<sup>8)</sup>

CIVPOL would be a separate component of ONUMOZ under the command of a Chief Police Observer, who would report directly to the Special Representative of the Secretary General. It would also work closely with the existing electoral, military, humanitarian and administrative components of ONUMOZ. Appropriate liaison arrangements would be established with the national police at all levels, and CIVPOL would establish itself at all strategic locations throughout the country. It would have unrestricted access to the general public, conduct all its own investigations and, when necessary, recommend corrective action. (ONUMOZ, 1996:10)

#### **2.4.3.4. *Reintegration***

A major UNOHAC function, reinforced by its chairmanship of the Commission for Reintegration (CORE), was planning, organising and monitoring the economic and social reintegration of demobilised soldiers. Although many projects for demobilised soldiers were formalised under bilateral programmes and were outside CORE's control, CORE ensured that both the Government and Renamo were fully consulted about reintegration issues. The Reintegration Support Scheme (RSS) for demobilised soldiers was implemented by UNDP.

#### **2.4.3.5. *UN Trust Fund***

At the Donors Conference for Mozambique held in Rome in December 1992, participating countries had committed themselves to providing additional funds to support the democratic process in Mozambique. On 10 May 1993, the United Nations established a Trust Fund for the implementation of the GPA, with an initial contribution of almost \$6 million from Italy. Protocol III (section V, point 7) of the General Peace Agreement had enunciated the need to ensure that Renamo had the facilities to carry out its political activities in all areas of the country and envisioned that the Government would seek support from the international community, particularly Italy, for this purpose. The Trust Fund was the response to this requirement and proved critical to the peace process, as it helped to finance the transformation of Renamo from a rebel force into a political party that would be able to campaign effectively in the electoral process (UN and Mozambique, 1995:31).

#### **2.4.3.6. *Territorial Administration***

The achievement of a unified territorial administration in Mozambique – a difficult issue throughout the peace process – remained to be resolved. It had been agreed by President Chissano and Mr. Dhlakama, in September 1993, that all

8) With assistance from the centre for Human Rights, CIVPOL monitors underwent an extensive human rights training programme, the first of its kind provided to a UN police force (UN and Mozambique, 1995:46)

former Renamo-controlled areas would be integrated into the State administration and that each provincial administration would have Renamo advisers. This agreement did not lead to a resolution of problems at the district level, where Renamo was often reluctant to cede control.

The National Commission on Administration (CNA) made little progress at its meetings, and its work stalled when Renamo boycotted the meetings after July 1994. The CNA was to determine which localities were under Renamo control and to approve Renamo-nominated administrators for them. Before the Renamo boycott, the CNA had agreed on Renamo control of five districts and 42 administrative posts, and administrators had been appointed for all of them. The status of numerous other districts and administrative posts remained undetermined. (UN and Mozambique, 1995:31)

#### 2.4.3.7. *Peacebuilding and Landmines*

Refer to Chapter 4. (Peacebuilding and Landmines).

### 2.5. *Evaluation*

The end of the Cold War had a profound impact on the qualitative and quantitative nature of the UN's peace and security agenda,<sup>9)</sup> representing a shift from traditional peacekeeping to a broader, more ambitious and intrusive notion of peacekeeping. This evolution was marked by an expanded UN engagement in a broad range of intra-state conflicts and characterised by UN undertakings towards aspects of national political and socio-economic reconstruction and the evolution of humanitarian action. To this end UNSG Boutros Boutros – Ghali provided the conceptual foundations of post-conflict peacebuilding in an Agenda for Peace which sought to build a political, social and economic infrastructure in societies destroyed by civil war.

The concept of peacebuilding has received widespread recognition in international conflict resolution, especially as an essential and integral mechanism of the UN and international community to bring about, maintain and consolidate peace and assist in rebuilding war-torn societies, collapsed states and disintegrated economies.

On the political level the UNSG Kofi Anan in his report to the UNSC on the Causes of Conflict and the Promotion of a Durable Peace and Sustainable Development in Africa confirmed the importance of the concept of peacebuilding in respect of the actions undertaken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation. The UNSG acknowledged that the consolidation of peace in the aftermath of conflict required more than purely diplomatic and military action, and that an integrated peacebuilding effort was needed to address the various factors that had caused or were threatening a conflict, including the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programmes, and creating conditions for resumed development. According to the UNSG peacebuilding did not replace ongoing humanitarian and development activities in countries emerging from crisis and “aims rather to build on, add to, or reorient such activities in ways designed to reduce the risk of a resumption of conflict and contribute to creating the conditions most conducive to reconciliation, reconstruction and recovery.” (Anan, 1998:13)

9) The peace-and-security agenda of the UN is a broad term which refers to the various activities being developed by the UN in response to conflict situations. These activities include: preventive measures aimed at averting or de-escalating conflict; political, economic and social actions designed to provide the basis for long-term peace; consent-based peacekeeping operations; provision of humanitarian assistance to populations in distress; promotion of political settlement in the context of on-going conflicts; the use of collective diplomatic, political and economic sanctions to induce change of policy; and coercive collective military action in accordance with Chapter VII of the UN Charter.

The UNSG also pointed out (Anan, 1998:14) that human security was the crucial underlying need in post-conflict peacebuilding and societies that emerged from conflict had special needs. In order to avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights, fostering political inclusiveness and promoting national unity, ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons, reintegrating ex-combatants and others into productive society, curtailing the availability of small arms, and mobilising the domestic and international resources for reconstruction and economic recovery.

In addition, Anan (1998:14) stressed that prior to the end of a conflict, there must be a clear assessment of key post-conflict peacebuilding needs and of ways to meet them. Peacebuilding elements should be explicitly and clearly identified and integrated into the mandates of the peacekeeping operation. When a peacekeeping operation comes to an end, the concluding mandate should include specific recommendations for the transitional period following the post-conflict phase.

In this context, the UNSG argued (Anan, 1998:15) that a strategic framework for post-conflict peacebuilding provided the basis for a coherent effort by the entire United Nations system in countries in crisis. The strategic framework would especially embrace political, human rights, humanitarian and development activities aimed at promoting a durable peace and sustainable development. Such an effort would encompass all partners in the United Nations system, including the Bretton Woods institutions, as well as national authorities, donor organisations and non-governmental organisations.

In terms of ONUMOZ and the application of the concept of post-conflict peacebuilding UNSG Boutros Boutros Ghali asserted that in Mozambique, the United Nations role went beyond peacekeeping to the broader concern of assisting in the political evolution of a society previously riven by conflict. Reducing the level of distrust between former foes was therefore one vital function for ONUMOZ. Helping to establish the institutional framework for the democratic process was another – not only in terms of the Electoral Law but also in achieving an understanding on the role of the opposition in what had previously been a one-party system. The mobilisation of resources that enabled RENAMO and new political groupings to organise themselves as parties and contest the elections in an effective manner was as crucial a factor as any in maintaining the peace process. Such peacebuilding according to the UNSG was also essential for the successful implementation of the demobilisation process (UN and Mozambique, 1995:68).

In the context of longer term peacebuilding and with specific reference to the termination of the ONUMOZ mandate the UNSG stated that Mozambicans would need more time, with support from the international community, to entrench the democratic system they had adopted. The same was also true of other important aspects of “nation-building” in Mozambique, including the promotion of economic and social reconstruction, the continued integration of areas formerly under Renamo control into the State administration, the training and provision of equipment for the newly unified armed forces and the national police, the safe-keeping of weapons collected by ONUMOZ and the systematic removal of landmines and arms caches remaining from the war (UN and Mozambique, 1995:69).

Taking into consideration the UNSG’s summation and with reference to the link between peacebuilding and development Whaley and Piazza – Georgi (1997:69) argued “(that) peacebuilding, although it is not synonymous with development, is in practice very closely identifiable with development. The reason for this is that the critical elements of peacebuilding (building up local

capacities, strengthening civil society, restoring essential infrastructure and commercial relations) are the same elements on which a well-conceived development plan will concentrate in such a post-conflict situation. The only essential addition is that all programmes should issue from the needs and wishes of all parties to the conflict, and be designed in a way that involves all parties (working together towards a common concrete goal is the universally recognised formula for pacifying two opponents) and benefits all affected groups. In practice, therefore, the peacebuilding component of a peace support operation should be implemented by the affected population itself, with the support chiefly of the development support structures present in the country.”

Alden (1996:55) argued that for stability and growth to prevail in Mozambique peacebuilding, “(as) the transition point between peacekeeping and development must move from its preliminary stages concerned with demilitarisation and elections to the long term dimensions of economic rehabilitation, the cultivation of a vibrant civil society and other nation-building activities. The willingness of the international community to support this transition, through selective financial assistance, foreign investment, institutional support and capacity building both inside the government and in the wider society, will have a determining influence on the success of the new dispensation.” Alden however warned against the corrosive impact on Mozambican sovereignty caused by its dependency on international assistance and, increasingly, “(the) state’s indiscriminate pandering to the interests of foreign capital at the expense of its citizens.”

The former SRSG to Mozambique (Ajello, 1996:16) with reference to the peacebuilding dimension of ONUMOZ acknowledged “(that) while demobilising soldiers, a gap between peacekeeping, peacebuilding and development emerged, as those cultures were not based on the same assumptions and objectives and peacebuilding and development seemed to overlap.” According to Ajello development is supposed to identify “(the) proper technologies for the development of a country and its people, and to teach them how to utilise these technologies.” Peacebuilding in Mozambique according to Ajello therefore “backfired as it created a hierarchy of who received what as well as competition for humanitarian aid and influence.”

From an academic perspective, Haugerudbraaten (1998:17) argued “(that) despite, (or perhaps because) of the positive reception that the notion received, the precise definition of the term ‘peacebuilding’ has remained unclear.” As a result, there are several significant differences in its interpretation.

Haugerudbraaten (1998:17) assessed that an important dimension of “confusion” was already present in *An Agenda for Peace*. “The Secretary General made it clear that peacebuilding consisted of sustained, co-operative work to deal with underlying economic, social, cultural and humanitarian problems. Yet, the measures listed, included disarming, restoring order, destroying weapons, repatriating refugees, training forces, monitoring elections, advancing the protection of human rights, reforming institutions and promoting political participation. These measures, for the most part associated with short to medium term international interventions, do not carry the notion of being sustained efforts that address underlying causes to put an “achieved peace on a durable foundation”. Thus, at the very outset, peacebuilding emerged as a less than clear concept and has remained so ever since.”

Haugerudbraaten pointed out however, that diverging interpretations and use of one single term need not present problems, provided that scholars and policy-makers recognise their existence and take care in explaining what they are talking about. Yet, more often than not, the definitions in the literature are either weakly elaborated or entirely absent. This practice can only bring more confusion to the debates. Since these discussions form the framework and premises for political decisions, the conceptual confusion is likely to spill over into the design and implementation of peacebuilding efforts. For the concept of peacebuilding to realise the potential that

is widely accorded to it, it is of vital importance that the term was employed with care and accuracy. This meant being clear about the content which is assigned to the term. Since there were several dimensions on which the usage of the term differed, “(it) is important to specify the particular approach to these dimensions which is adopted.” (Haugerudbraaten 1998:17)

It should be acknowledged (Haugerudbraaten, 1998:18) that a comprehensive theory of peacebuilding “is for now a far-flung effort, a fact which will preclude efforts to establish an authoritative definition of peacebuilding for some time to come.”

Haugerudbraaten (1998:18) pointed out that the twin tendency implied by An Agenda for Peace reflected six dimensions of the variable usage of the term peacebuilding. These dimensions are:

- **The aim of peacebuilding:** Is peacebuilding about removing the root causes of a conflict or about finding ways to resolve old and new disputes in a peaceful fashion?
- **The means of peacebuilding:** Do peacebuilding efforts primarily entail security, humanitarian, economic or political intervention or all of these at the same time?
- **The temporal (time) aspects of peacebuilding:** Are the measures employed in peacebuilding short to medium term or long-term ones? Should international involvement in peacebuilding be a short-to-medium term or long-term effort?
- **The main actors of peacebuilding:** Who are the main actors in peacebuilding – indigenous or external actors?
- **The process/action dimension of peacebuilding:** Does the word peacebuilding refer to a set of concrete actions taken or is it a generic concept that refers to an overarching, aggregate process?
- **The organisation of peacebuilding:** Should peacebuilding be viewed as a top-down or bottom-up process, as a planned and co-ordinated process, or as one that, to a large extent, is initiated locally and pursued by a multitude of actors in their field of concern and comparative advantage?

In terms of the means of peacebuilding Haugerudbraaten (1998:19) argued “(that) related to the debate on the aims of peacebuilding, is the debate on what measures are the most important in this undertaking. As long as funding for peacebuilding ventures remained scarce, programme planners will need to consider carefully which measures to undertake. Since the chosen policies tend to feed back to analytical concepts, policy-makers effectively promote one particular notion of peacebuilding. However, different actors pursue different practices, as is reflected in the literature. They do not agree on the course to follow, causing further confusion about the concept.”

Haugerudbraaten (1998:20) also warned that both excessively wide and excessively narrow, definitions of the concept of peacebuilding posed problems of their own. “A narrow definition may exclude a number of aspects relevant to the achievement of lasting peace. A broad definition, by trying to encompass ‘everything’ that seems to have a connection to peaceful human relations, runs the risk of rendering the concept superfluous, imprecise and useless for academic purposes or as a guide to political decisions.”<sup>10</sup> According to Haugerudbraaten, for the concept of peacebuilding to have a distinct analytical meaning (and to inspire new thinking), “(it) needs

10) The Canadian Peacebuilding Co-ordinating Committee (CPC) define peacebuilding “(as) the effort to promote human security in societies marked by conflict. The overarching goal of peacebuilding is to strengthen the capacity of societies to manage conflict without violence, as a means to achieve sustainable human security.” The definition covers peacebuilding in pre;mid-and post-conflict situations and encompasses a wide range of efforts to increase a societies capacity to manage conflict without resorting to violence including conflict resolution, physical, personal, and environmental security, institutional and civil capacity building, humanitarian relief and emergency assistance, early warning, economic reconstruction, human rights, governance and democratic development, training, social reconstruction and policy development.

to be separated from other concepts such as development and nation-building. These latter concepts already have a long history and have proven quite elusive. Therefore, the term 'peacebuilding' should not become infected with the same problems. Care must be taken not to let the meaning of the concept 'slide' towards these older terms."

In terms of the temporal aspects of peacebuilding Haugerudbraaten (1998:20) pointed out that a major point of confusion in the literature is when activities referred to as peacebuilding commence and when they end. In this regard Haugerudbraaten observed as follows:

"It is generally agreed that peacebuilding can take place during all the phases through which a particular conflict may pass. One notable exception is mentioned in *An Agenda for Peace*, which states that preventive diplomacy seeks to resolve disputes before violence breaks out; peacemaking and peacekeeping are required to halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peacebuilding, which can prevent the recurrence of violence among nations and peoples. Thus, according to *An Agenda for Peace*, peacebuilding sequentially follows peacekeeping."

In this context Haugerudbraaten (1998:20) asserted that the UNSG modified his position in the 1995 Supplement to *An Agenda for Peace*, which suggested that peacebuilding can also be preventive. It is thus not necessarily related to peacekeeping operations. Hence, peacebuilding as a concept, from being at first a strictly post-conflict undertaking, has evolved to acquire a broader meaning. There is also disagreement over the duration of peacebuilding activities. The approach until now according to Haugerudbraaten had been to schedule the end of peacebuilding efforts at the time of general, national elections, as was the case in Mozambique. This has also resulted in linkages between peacebuilding and nationbuilding as well as distinctions between short-term and long-term peacebuilding.

Haugerudbraaten (1998:21) identified two dimensions of peacebuilding. "Firstly, texts dealing with peacebuilding tend to promote a concept that is heavily dominated by external actors. In so far as peacebuilding conceived of in this way ignored the actions of locally based citizens and organisations, it can be characterised as donor-biased. Donor-bias can be manifested in visions of a grand strategy for external intervention, or in more humble but self-confident schemes for going into communities to teach them non-violent conflict resolution.

Secondly, peacebuilding can be conceptualised either as the concrete actions taken to support and promote peace, or as an aggregate process. This process involves a modification of social structures (political, economic, social, cultural, psychological) through a number of broad developments, notably democratisation, economic development and demilitarisation. The adjective 'aggregate' is used to highlight the fact that peacebuilding in this sense is an outcome that depends on the combined effect of a number of actions occurring at different levels."

With reference to the indigenous dimensions of peacebuilding Haugerudbraaten (1998:22) concurred that despite the fact that most of the literature mentioned the need to obtain the consent of the conflicting parties and the local population, "(it) does not change the impression that peacebuilding is conceived of as being dominated by external actors." According to Haugerudbraaten "scant attention is paid to the consideration of peacebuilding as an indigenous undertaking." The focus therefore remains on the role of the international community, whether played by NGOs or UN agencies. In this respect, Haugerudbraaten (1998:23) concluded by identifying two concepts of peacebuilding."

The first concept is the short-term involvement of the international community. It is characterised by centralism and political measures. Action is primarily undertaken by external agents, even though attention is paid to the consent and support of the indigenous players.

The second concept is the long-term efforts by mainly indigenous actors to promote political and economic development, and a sustainable solution to the root causes of conflict. This entails action in both political, economic, humanitarian and social spheres in a broad comprehensive effort that can only be carried through by relying on a multitude of diverse actors. Inherent in this concept's idea of diversity is the emphasis on the emergence of local NGOs and a civil society."

Haugerudbraaten (1998:25) stressed that national ownership of the peacebuilding process was vital for its eventual success. Moreover, "(it) is doubtful in many cases whether external, short-term involvement can do anything but provide an enabling environment or an initial impetus towards finding solutions for the root causes of conflict. The nations involved must engage in long-term activities in a number of sectors. A great number of indigenous agents must undertake their own tasks in a long-term process, of which the result, it is hoped, will amount to peace."

## CHAPTER THREE

### THE MOZAMBICAN PEACE PROCESS AND ONUMOZ

#### 3.1. *Introduction*

Establishing a basis for negotiations between the Mozambique Government and Renamo was one of the most difficult peacemaking challenges of the late 1980s. Renamo, while politically isolated at the international level, were still receiving clandestine help from elements of the South African military. They were increasingly self-sufficient and continued to inflict heavy damage on the Mozambican economy.

For the Frelimo Government, negotiation with a group it considered an externally inspired "bandit" force bent on seizing power through terror and destruction was generally considered an unacceptable course of action. But the devastation of the civil war, intensified by severe drought and coupled with the military impasse, compelled a re-evaluation of this view. The Government's economic and political reforms also enhanced the prospects of accommodation. For its part, Renamo at a similar military stalemate, as well as organisationally weak and with the degree of its external material support uncertain, was also being pushed towards negotiations.

Tentative negotiations through Catholic Church intermediaries began in 1988 and rapidly involved African Governments – initially Kenya and Zimbabwe, and subsequently Botswana, Malawi and other members of the Front Line States (FLS), as well as South Africa. After indirect contact was made between the Government and Renamo in late 1989, the process gained momentum gradually and came to be supported by the efforts of Italy, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as the United Nations.

The first substantive agreement came on 1 December 1990, limiting the deployment of Zimbabwean troops supporting government forces to the Beira and Limpopo-transport corridors, in exchange for Renamo's pledge not to attack those routes. This cease-fire soon broke down, and several new rounds of talks ended in deadlock. Between October 1991 and March 1992, the government and Renamo negotiators reached agreement on a number of specific political reforms, some which had already been enacted in broad outline by the Mozambican legislature, but were opened to further proposals by Renamo. These included the procedures for forming and registering political parties, recognition of freedom of the press, assembly, political activity and movement throughout the country; and the general outlines of the future electoral process. Reflecting the severity of the 1992 drought, which threatened to plunge the country into one of its worst famines ever, the two sides agreed on a series of guiding principles for humanitarian assistance in July of that year. These principles pledged security for international relief personnel and operations and called for relief aid to be distributed freely to all Mozambicans, without political discrimination and in all parts of the country. They also asked the UN to chair a committee, comprised of the International Committee of the Red Cross and the mediators and observers at the Rome talks, to co-ordinate and supervise all humanitarian assistance operations in the country.

On 4 October 1992, after 14 years of devastating civil war, Mr. Joaquim Alberto Chissano, President of the Republic of Mozambique, and Mr. Afonso Dhlakama, President of the Resistencia Nacional Mozambicana (RENAMO), signed in Rome a General Peace Agreement establishing

the principles and modalities for the achievement of peace in Mozambique. The Agreement called for United Nations participation in monitoring the implementation of the Agreement, in providing technical assistance for the general elections and in monitoring those elections.

Under the GPA, negotiated with the help of a number of international mediators and observers including UN representatives, a cease-fire was to come into effect not later than 15 October 1992, referred to as E-Day. The Agreement itself and its seven protocols called for the cease-fire to be followed rapidly by the separation of the two sides' forces and their concentration in certain assembly areas. Demobilisation was to begin immediately thereafter of those troops who would not serve in the new Mozambican Defence Force (FADM). Demobilisation would have to be completed six months after E-Day. Meanwhile, new political parties would be formed and preparations would be made for elections, scheduled to take place not later than 15 October 1993. A 16 July 1992 Declaration by the Government of Mozambique and RENAMO on guiding principles for humanitarian assistance, a Joint Declaration signed in Rome on 7 August 1992, as well as a Joint Communiqué of 10 July 1990 and an Agreement of 1 December 1990, formed integral parts of the General Peace Agreement.

### **3.2. *The General Peace Agreement (Rome Peace Accords) October 1992.***

The first direct meeting between delegations of the Mozambique Government and Renamo took place from 8 to 10 July 1990 at the Convent of Sant'Egidio in Rome. The talks resulted in the adoption of a joint communiqué on 10 July, with both sides agreeing to set aside what divided them and to focus on what united them in their common search for an end to the war. Although this was little more than a statement of intent to start negotiations, it was an achievement that was immediately welcomed by the European Community, the United States and many other Governments. By November 1990 the two sides had also agreed on four individual mediators (UN and Mozambique, 1995:16).

Soon after the opening of formal talks, a partial cease-fire was agreed to on 1 December 1990. Under its terms, Renamo would cease its attacks on the Beira and Limpopo transport corridors in return for an agreement by the Zimbabwean troops in Mozambique to confine their operations to those routes. While this partial cease-fire agreement did not address the conflict that still raged in wide areas of the country, it sought to protect the highly vulnerable corridors. The agreement also established the precedent of a joint commission to monitor the cease-fire. (UN and Mozambique, 1995:16)

The partial cease-fire was not a success, as Renamo, claiming that Zimbabwean troops were operating elsewhere in Mozambique, continued to attack the transport corridors. During 1991, progress towards a more substantial peace agreement was also slowed by Renamo's refusal to recognise the legitimacy either of the Government or of its moves – first made in 1990 – to institute multi-party democracy (UN and Mozambique, 1995:16).

An agenda for full peace negotiations was eventually agreed upon on 28 May 1991, specifying six areas requiring agreement: the law on political parties, the electoral system, military issues, guarantees, a cease-fire and a donors conference. However, the issue of legitimacy continued to prevent any progress on these items until agreement was reached at the eighth round of talks, in Rome on 18 October, on Protocol I, what would become the "basic principles" of the General Peace Agreement (UN and Mozambique, 1995:16).

The first protocol settled two important issues that were to guide the negotiations over the next 12 months<sup>11</sup>). The first of these was the question of the Mozambican Government's legitimacy. Renamo agreed to respect the authority and institutions of the Government, to renounce the use of force and "to conduct its political struggle in conformity with the laws in force" after the enactment of a cease-fire (Protocol I, point 2). In return, the Government promised to delay legislation on any issue under discussion until after democratic multi-party elections (UN and Mozambique, 1995:17).

Building on these "basic principles", the mediators pursued the formulation of a full peace agreement over the next 12 months, with the increasingly active participation of the international community and with direct assistance from the Governments of Italy and the United States. Protocol II, on the "Criteria and arrangements for the formation and recognition of political parties", was signed in November 1991, and Protocol III, on "Principles of the Electoral Act", covering such issues as freedom of the press, freedom of association and expression and freedom of movement, as well as the principles of the country's electoral system, was signed in March 1992. Chapter VI of the Protocol called for international assistance in the electoral process, specifically from the United Nations and the Organisation of African Unity (UN and Mozambique, 1995:17).

The parties then attended to the most difficult issues, including the formation of a new Mozambican army and other military matters, and guarantees covering the peace process and a cease-fire. The final four protocols (Nos. IV, V, VI and VII) were concluded only during the final rounds of negotiation in the second half of 1992 and were signed together on 4 October 1992 (UN and Mozambique, 1995:17).

Upon the signing of the Rome peace accords on 4 October 1992, the United Nations moved to implement one of the most extensive peacekeeping operations in its history. The Organisation was encouraged by the positive indications that Mozambicans were ready for peace after a decade and a half of war. Despite the problems being encountered at this time in the Angolan peacekeeping operation – important lessons from which were incorporated into ONUMOZ – hopes for a peaceful settlement were also strongly buoyed by political reforms taking place across the southern African sub-region, particularly developments occurring inside South Africa (UN and Mozambique, 1995:22).

The General Peace Agreement required the United Nations to perform a comprehensive range of tasks. The first and most urgent priority was that the Organisation undertake verification of the cease-fire from the first day the GPA was to come into force (Protocol VI, section I, points 5 and 6, and Protocol VI, section II). In this regard, the United Nations was required to supervise the withdrawal of foreign troops from Mozambican territory, a measure that was intended to be achieved within one month of the start of the cease-fire (Protocol VI, section I, point 10 (c)).

Of equal importance was the invitation to the United Nations to undertake the overall supervision of the peace process. This was made specific in the declared commitment of the Government of Mozambique to "submit a formal request to the United Nations for its participation in monitoring and guaranteeing the implementation of the General Peace Agreement" (Protocol V, section III, point 1). United Nations supervision was clarified by the explicit commitment that the chairman of the Supervisory and Monitoring Commission (CSC), the body charged with overall responsibility for monitoring and supervising the implementation of the Agree-

<sup>11</sup> The other important issue to be settled was the principle of establishing a commission to supervise and monitor the peace process. Already at this stage, the negotiators felt that the United Nations would play a critical role, although its precise nature had yet to be fully clarified. The Protocol simply declared: "The commission shall be composed of representatives of the Government, Renamo, the United Nations and other organisations or Governments to be agreed upon between the parties" (Protocol I, point 5) (UN and Mozambique, 1995:17).

ment, should be appointed by the Secretary General of the United Nations (Protocol V, section II, points 1 and 2). This superseded the preliminary agreement, reached in 1991, that the United Nations should be merely a member of the CSC (Protocol I, point 5).

The General Peace Agreement also allocated to the United Nations the chairmanships of the Cease-fire Commission (CCF) and the Reintegration Commission (CORE), and further asked the UN to assist in the implementation, verification and monitoring of the entire demobilisation process (Protocol IV, section VI (i), points 2 and 3). These points were again amplified in Protocol VI, which provided details of the cease-fire and its timetable (Protocol VI, section I, points 1, 2, 5, 6, 7 and 8, and section II)<sup>12</sup>.

In addition to the supervisory and military responsibilities, the GPA assigned a number of other tasks to the United Nations. The parties agreed to seek the involvement of the competent United Nations agencies in drawing up and implementing the plan to return Mozambican refugees and displaced persons (Protocol III, section IV (b)). They agreed to invite the United Nations to observe the electoral process and to provide technical and material assistance for the holding of elections (Protocol III, section VI). They also empowered the Supervisory and Monitoring Commission to settle any disputes relating to the registration of political parties (Protocol II, point 5 (d))<sup>13</sup>.

The points contained in Protocol IV, which dealt with a range of military questions, were of special significance to the overall process. Among the protocol's requirements was the formation of three additional commissions: a Joint Commission for the Formation of the Mozambican Defence Force (CCFADM – Protocol IV, section I (iii)); a National Information Commission (COMINFO – Protocol IV, section IV, point 7), which was to monitor and investigate the functioning of the security police; and a National Police Affairs Commission (COMPOL – Protocol IV, section V, point 7).

Other commissions to be established under the terms of the General Peace Agreement included a National Elections Commission (CNE – Protocol III, section V, point 3) and a commission that was proposed for the facilitation of “collaboration and good understanding” between the Government and the administration in areas of Mozambique that were controlled by RENAMO (Protocol V, section III, point 9 (d)). The name of the latter commission was eventually established as the National Commission on Administration (CNA) (General Peace Agreement for Mozambique, October 1992).

On 9 October 1992, UNSG Boutros Boutros-Ghali submitted to the UNSC a report on the proposed UN role in Mozambique, in which he recommended an immediate plan of action and stated his intention, subject to the Council's approval, to appoint an interim Special Representative to oversee UN activities in Mozambique (UNSG report to UNSC, October 1992)

On 13 October, the UNSC adopted Resolution 782 (1992), by which it welcomed the signature of the GPA between the Mozambican Government and RENAMO and approved the appointment by the Secretary General of an interim Special Representative and the dispatch to Mozambique of a team of up to 25 military observers. (UNSC Resolution 782, October 1992)

12) At the time the General Peace Agreement was signed, the annexes on assembly areas had not yet been provided; the locations of the assembly areas were only specified some weeks later.

13) Although not all aspects of the General Peace Agreement specifically required United Nations monitoring, the supervisory role allocated to the Organisation carried the implication of responsibility for the entire peace process in Mozambique. The implementation of each part of the process was likely to come under the purview of the Supervisory and Monitoring Commission and therefore of the United Nations.

On the same day, the Secretary General appointed Mr. Aldo Ajello <sup>14)</sup> as his interim Special Representative for Mozambique, and asked him to proceed to Mozambique to assist the parties in setting up the joint monitoring machinery, in finalising the modalities and conditions for the military arrangements and in carrying out the various other actions that were required of them at the beginning of the peace process.

The interim Special Representative and the team of 21 military observers, drawn from existing United Nations peacekeeping missions, arrived in Mozambique on 15 October 1992, the day the General Peace Agreement entered into force. On 20 October, two teams of military observers were also deployed to the provincial capitals of Nampula and Beira. Later, two additional outposts were established to verify the withdrawal of foreign troops from Mozambique, which was an important element of the GPA (ONUMOZ, 1996:2)

Both Mozambican parties committed themselves to undertake, immediately after, and in some instances before, the entry into effect of the Agreement, specific action to set in motion the joint mechanisms to monitor and verify its implementation. However, no such action had been initiated at the time the interim Special Representative arrived in Mozambique<sup>15)</sup>. Upon arrival, he started extensive discussions with the parties concerned in an effort to ensure the early start of implementation of the Agreement. (ONUMOZ, 1996:2)

The Secretary General reported on the situation to the President of the UNSC on 23 October. The President, in a statement dated 27 October, expressed the Council's deep concern about the reports of major violations of the cease-fire, called upon the parties to halt such violations immediately and urged them to co-operate fully with the interim Special Representative. (UNSC statement, October 1992)

In an attempt to avoid further escalation of hostilities, the interim Special Representative called for an early informal meeting of the Government and RENAMO. The initiative was successful and both parties sent high-level delegations to attend their first meeting in Maputo. Thereafter, the two delegations met on numerous occasions, both bilaterally and together with the interim Special Representative. On 4 November 1992, the interim Special Representative appointed the Supervisory and Monitoring Commission (CSC) CSC was to guarantee the implementation of the Agreement, assume responsibility for authentic interpretation of it, settle any disputes that might arise between the parties and guide and co-ordinate the activities of the other Commissions. It was chaired by the United Nations.

The CSC held its first meeting on 4 November 1992 and appointed the main subsidiary commissions: the Cease-fire Commission (CCF), the commission for the Reintegration of Demobilised Military Personnel (CORE), as well as the Joint Commission for the Formation of the Mozambican Defence Forces (CCFADM). (UNSG report to UNSC, December 1992)

Various delays and difficulties of a political, administrative, as well as of a logistical nature seriously impeded the implementation of the General Peace Agreement. In his 2 April 1993 report to the Security Council, the Secretary General stated that although the cease-fire had largely held, many of the timetables established in the Agreement "proved to be unrealistic". Continuing deep mistrust had resulted in reluctance to begin assembly and demobilisation of troops, and contributed to the delay in the deployment of United Nations military observers. (UNSG report to UNSC, April: 1993)

14) Mr. Aldo Ajello, a national of Italy was a senior UNDP official. He was only confirmed as Special Representative of the UNSG in March 1993

15) During this period major violations of the cease-fire were reported in various areas of the country, and the parties presented official complaints to the interim Special Representative. He urged the two parties to refrain from any type of military operation and to discuss and settle all disputes through negotiations. (UNSG statement, October 1992)

As to the elections, the Secretary General stressed that the military situation in Mozambique had to be fully under control for conditions to be created in which a successful election could take place. Having found it evident that the elections could not be held in October 1993 as originally scheduled, he indicated that he would continue discussions with the parties on new dates. (ONUMOZ, 1996:5)

On 14 April, the Security Council, by adopting Resolution 818 (1993), stressed its concern about delays and difficulties impeding the peace process in Mozambique, and strongly urged the Government and RENAMO to finalise the precise timetable for the full implementation of the provisions of the General Peace Agreement, including the separation, concentration and demobilisation of forces, as well as for the elections. The Council also urged both sides urgently to comply with their commitments under the Agreement and to co-operate with the Secretary General and his Special Representative in the full and timely implementation of the mandate of ONUMOZ. (UNSC Resolution 818, April: 1993)

In the following weeks, due to determined efforts undertaken by the United Nations, many of the difficulties were overcome and, by the beginning of May 1993, ONUMOZ was fully deployed and its military infrastructure established in all three operational regions. (ONUMOZ, 1996:5)

On 30 June, 1993, the Secretary General reported about a number of positive developments which had resulted in forward movement of the peace process in Mozambique. Those included the establishment of the voluntary Trust Fund to assist RENAMO, the resumption of the work of the Joint Commissions, international effort in the humanitarian field and a sharp increase in the return of refugees and displaced persons. The withdrawal of Zimbabwean and Malawian troops, as provided for in the General Peace Agreement, was also successfully completed and a status-of-forces agreement was signed between the Government and the United Nations, which facilitated the entire range of work of ONUMOZ. (UNSG report to UNSC, June: 1993)

However, the establishment of the National Elections Commission and the Commission of State Administration was still pending, cantonment and demobilisation of troops as well as the formation of the new army had not commenced. The Secretary General stated that unless the major provisions of the General Peace Agreement were implemented, the future stability of the country would remain uncertain and that there should be no further delay in finalising a new and realistic timetable for the implementation of the Agreement. In addition, the cantonment and demobilisation of troops "(should) start soon and be completed early in 1994, and the training of a new Mozambican army should be initiated as soon as possible." To assist in the process, the Secretary General was willing to grant the request that ONUMOZ, with the consent of the Security Council, assume chairmanship of the Joint Commission for the Formation of the Mozambican Defence Force on the understanding that it would not entail any obligation on the part of the United Nations for training or establishing new armed forces. (ONUMOZ, 1996:5)

The revised timetable, presented by the Secretary General at that time, took as its point of departure the resumption of the work of the Joint Commissions beginning on 3 June 1993 and concluding 16 months later with the holding of elections in October 1994. The concentration and demobilisation of Government and RENAMO troops, to be carried out in stages, was expected to take eight or nine months. The concentration of troops was scheduled to begin in September 1993 and would be followed a month later by the beginning of demobilisation. It was expected that 50 per cent of the soldiers should have been demobilised by January 1994, and the demobilisation of troops should be completed by May 1994. (ONUMOZ, 1996:5)

It was expected that approximately 30,000 soldiers would be absorbed into the new army and the rest were to return to civilian life. Half the new army was to be operational by May 1994 and formation of the new army was to be completed by September 1994. Home transportation

of soldiers who would not be part of the new army was to start in October 1993, after demobilisation began, and was to be concluded by April 1994 in order to enable the demobilised soldiers to register for the elections. Voter registration was expected to take three months and was scheduled to be carried out from April to June 1994. The repatriation of refugees and displaced persons was expected to be largely completed by April 1994 so that the resettled population might register in time for the elections. (ONUMOZ, 1996:6)

By adopting Resolution 850 (1993) of 9 July, the Security Council welcomed the progress made in the implementation of the General Peace Agreement but expressed concern over continuing delays, particularly in the assembly and demobilisation of forces, the formation of the new unified armed forces, and the finalising of election arrangements. It approved the Secretary General's recommendation that ONUMOZ should chair the Joint Commission for the Formation of the Mozambican Defence Force. Further, the Council invited the Government of Mozambique and RENAMO to agree without delay to the revised timetable to implement the provisions of the General Peace Agreement based on the general parameters described by the Secretary General. (UNSC Resolution 850, July:1993)

In his progress report presented to the Security Council on 30 August 1993, the Secretary General stated that the "recent developments in the Mozambican peace process have been encouraging". The most significant development was the "long overdue" start of direct talks between the President of Mozambique, Joaquim Chissano, and the President of RENAMO, Afonso Dhlakama.

The talks had begun on 23 August in Maputo. The Secretary General strongly urged the parties to turn their dialogue into "an ongoing and action-oriented process" aimed at bringing the peace process to a successful conclusion. As to the revised timetable, the Secretary General indicated that although it had not yet been formally approved by the Supervisory and Monitoring Commission, important progress had been made in key areas. The Government explicitly agreed to the October 1994 deadline for the holding of the elections, while RENAMO also expressed its implicit agreement. The Secretary General reported that he had instructed his Special Representative to follow as closely as possible the revised timetable for assembly and demobilisation of forces and the formation of the unified armed forces. (UNSG report to UNSC, August:1993)

On 10 September 1993, the Secretary General informed the Security Council that two major agreements had been signed between the Government of Mozambique and RENAMO on 3 September - the outcome of the first meeting between the President of Mozambique and the President of RENAMO after the signing of the General Peace Agreement in October 1992.

By the first agreement, the Government and RENAMO agreed to integrate into the state administration all areas that had been under RENAMO control. That agreement, the Secretary General believed, would contribute to stability in the country and promote national reconciliation.

By the second agreement, concerning the impartiality of the national police, the parties agreed to request the United Nations to monitor all police activities in the country, public or private, to monitor the rights and liberties of citizens and to provide technical support to the Police Commission (COMPOL) established under the Rome Agreement. The proposed United Nations police contingent would be responsible for verifying that all police activities in the country were consistent with the General Peace Agreement. The Secretary General planned to send to Mozambique a small survey team of experts and, based on their findings, make recommendations concerning the size of the police component, while awaiting those recommendations, preparations would commence to deploy the 128 ONUMOZ police observers authorised by Resolution 797 (1992) of 16 December 1992. (UNSG report to UNSC, September:1993)

On 13 September 1993, the Security Council, by Resolution 863 (1993), strongly urged the Government of Mozambique and RENAMO "to apply, without further postponement" the revised timetable for implementing the General Peace Agreement, and encouraged the President of Mozambique and the President of RENAMO to continue their direct talks. Further, it urged RENAMO to join the Government in authorising immediate assembly of forces, and urged both parties to begin demobilising troops, in accordance with the revised timetable and without pre-conditions.<sup>16)</sup> (UNSC Resolution 863, September: 1993)

Deploring the lack of progress in the multiparty consultative conference, the Security Council urged RENAMO and other political parties to join with the Mozambican Government in quickly agreeing on an electoral law, which should include provision for an effective National Election Commission. The Council called on the Government and RENAMO to make operational, without further delay, the National Commission for Administration, the National Information Commission and the Police Affairs Commission. The Council requested the Secretary General to examine expeditiously the proposal of the Government of Mozambique and RENAMO for United Nations monitoring of police activities in the country, and welcomed his intention to send a survey team of experts in that connection.(UNSC Resolution 863, September 1993)

In an attempt to break the stalemate in the peace process, the Secretary General visited Mozambique from 17 to 20 October 1993. He met with President Chissano and Mr. Dhlakama as well as with leaders of other political parties and representatives of the international community.<sup>17)</sup>

On 20 October, the Secretary General announced a breakthrough in the peace process. Major agreements had been reached between the Government and RENAMO on the assembly and demobilisation of RENAMO and Government troops as well as the simultaneous disarmament of paramilitary forces, militia and irregular troops, the composition of the National Elections Commission and the system and timetable for finalising the Electoral Law, and the creation of local National Police Affairs Commission subcommittees to monitor the activities of the Mozambican Police. Following these and other agreements, the revised timetable for the implementation of the Peace Agreement was approved by the Supervisory and Monitoring Commission on 22 October 1993. (ONUMOZ, 1996:7)

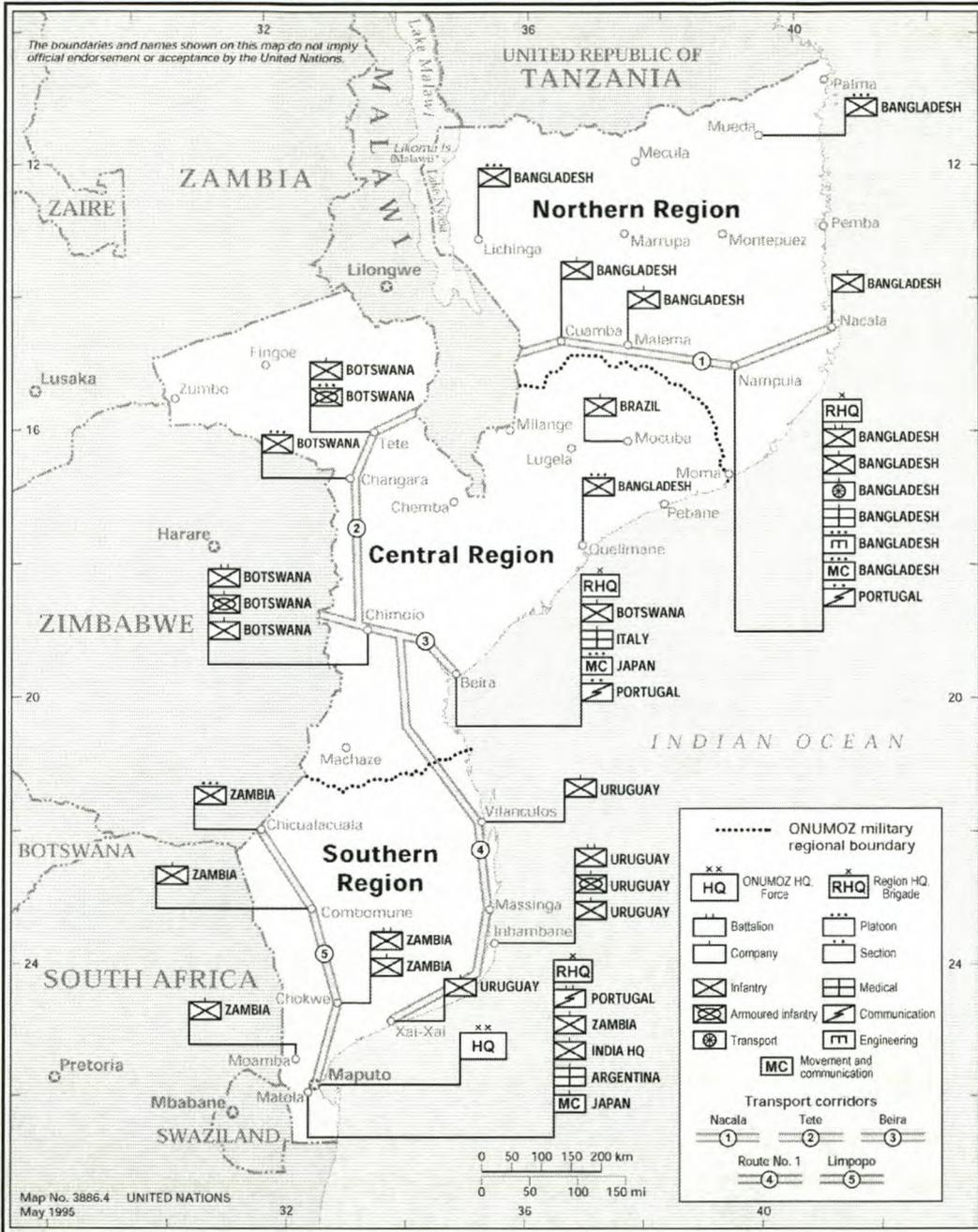
On 29 October 1993, the Security Council, by its Resolution 879 (1993), decided to extend ONUMOZ's mandate for an interim period terminating on 5 November 1993, pending examination of the Secretary General's report due under Resolution 863 (1993). (UNSC Resolution 879, October:1993)

The Secretary General submitted his further periodic report on 1 November 1993. On 5 November, the Security Council, by Resolution 882 (1993), decided, inter alia, to renew ONUMOZ's mandate for a period of six months, subject to a proviso that the Council would review the status of the mandate within 90 days based on the further report of the Secretary General. The Council requested the Secretary General to report by 31 January 1994 and every three months thereafter on whether the parties had made "sufficient and tangible progress" towards implementing the General Peace Agreement and meeting the timetable. (UNSC Resolution 882, November:1993)

16) On 22 October 1993 the Supervisory and Monitoring Commission approved and signed a revised timetable for the remainder of the peace process. The concentration of troops was to commence in November 1993, followed by the start of demobilisation in January 1994. Demobilisation was due to end in May 1994, by which time the demobilised soldiers would be returned to their home areas. The new Mozambican Defence Force was to be fully operational by September 1994. Voter registration was to be conducted between April and June 1994. The electoral campaign was to take place in September and October in time for elections to be held by the end of October 1994.

17) In an address carried on Mozambican national television, the UNSG warned of a growing reluctance on the part of the international community to sustain the peace-keeping operation: "Time is short. Solutions must now be found. While the international community continues to show a willingness to assist in the process of building peace, peace cannot be imposed from outside, nor can it be built where there is not sufficient political will to make peace."

**ONUMOZ military deployment at time of elections, October 1994**



### 3.2.1. Cease-fire

Protocol VI of the GPA described the issue of the cease-fire and cessation of hostilities (CAC) as “a brief, dynamic and irreversible process of predetermined duration which must be implemented throughout the territory of Mozambique. To this end the implementation of the process shall be the responsibility of the Government of Mozambique and Renamo, acting within the framework of the Cease-fire Commission (CCF), answerable to the CSC, the organ responsible for the overall political supervision of the cease-fire.”

Protocol VI of the GPA also stated that: “The CCF shall be composed of representatives of the Government, and countries accepted by them and a representative of the United Nations, who shall preside.”

The CCF, was structured as stipulated in Protocol IV, paragraph VI (i) (2), and had the following functions:

- To plan, verify and guarantee the implementation of the cease-fire rules;
- To set itineraries for the movement of forces, in order to reduce the risk of incidents;
- To organise and implement mine-clearing operations;
- To analyse and verify the accuracy of the statistics provided by the Parties on troop strength, arms and military equipment;
- To receive, analyse and rule on complaints of possible cease-fire violations;
- To ensure the necessary co-ordination with organs of the United Nations verification system;

The CAC was to begin on E-Day and end on E-Day + 180.

The CAC consisted of 4 (four) phases:

- Cease-fire;
- Separation of forces;
- Concentration of forces;
- Demobilisation.

#### ***“The cease-fire”***

The Parties agreed that:

- (a) The cease-fire shall enter into force on E-Day. E-Day is the day on which the General Peace Agreement is adopted by the Assembly of the Republic and incorporated into Mozambican law. The deployment of United Nations personnel in Mozambican territory to verify the cease-fire shall begin the same day.
- (b) As of E-Day, neither of the Parties shall carry out any hostile act or operation by means of forces or individuals under its control. Accordingly, they may not:
- carry out any kind of attack by land, sea or air;
  - organise patrols or offensive manoeuvres;
  - occupy new positions;
  - lay mines and prevent mine-clearing operations;
  - interfere with military communications;
  - carry out any kind of reconnaissance operations;
  - carry out acts of sabotage and terrorism;
  - acquire or receive lethal equipment;
  - carry out acts of violence against the civilian population;
  - restrict or prevent without justification the free movement of persons and property;
  - carry out any other military activity which, in the opinion of the CCF and the United Nations, might jeopardise the cease-fire.
- In performing their functions, the CCF and the United Nations shall enjoy complete freedom of movement throughout the territory of Mozambique.
- (c) On E-Day, the United Nations shall begin official verification of compliance with the undertaking described in paragraph (b), investigating any alleged violation of the cease-fire. Any duly substantiated violation shall be reported by the United Nations at the appropriate level;
- (d) During the period between the signing of the General Peace Agreement and E-Day, the two Parties agree to observe a complete cessation of hostilities and of the activities described in paragraph (b), in order to allow the United Nations to deploy its personnel in the territory to verify all aspects of the CAC as of E-Day” (General Peace Agreement: Protocols IV and VI, 4 October 1992).

In his report to the UNSC on ONUMOZ (UNSG report to UNSC, October: 1992) the Secretary General stated that in terms of the verification and monitor of the cease-fire “it will not be possible for the UN to establish more than a token presence in Mozambique by 15 October 1992. The viability of the cease-fire will therefore, in its early stages, depend critically on the political will and strict compliance of the two parties with the agreed modalities”.

In this context the UNSG described the role of the UN as “similar to that entrusted to the United Nations in other recent cases where the organisation has monitored the implementation of a cease-fire, the separation and concentration of forces, their demobilisation and the collection and storage of weapons.” In addition, the Cease-fire Commission would also approve plans for dealing with other armed groups, including irregulars, and would authorise security arrangements for vital infrastructure, including the corridors. (UNSG report to UNSC, December:1992)

According to the UNSG, to ensure credible verification, it would be necessary to obtain from the parties lists of all troops and paramilitary forces, assembled or unassembled, together with details of weapons and ammunition held by them. Arrangements would also be needed for ONUMOZ to control weapons and ammunition in possession of the Government and Renamo. All arms and ammunition not required for the new armed forces would be destroyed under close supervision of the United Nations. A systematic programme for removal of weapons from the civilian population would also be required from the outset (UNSG report on ONUMOZ, December: 1992).

The Special Representative and a team of 21 military observers arrived in Mozambique on 15 October as the General Peace Agreement came into force. On 20 October, two teams of military observers were deployed to Nampula and Beira. Renamo’s absence from the capital impeded the establishment of the monitoring and verification machinery that was specified by the General Peace Agreement. Thus major violations reported in the days following the cease-fire could not be effectively investigated. These violations prompted a statement of concern by the Security Council and, in order to overcome this immediate potential crisis, the interim Special Representative convened an informal meeting of the two parties, who responded by sending high-level delegations to Maputo on 29 October. The meeting greatly helped to defuse the atmosphere of political and military tension, and no further major cease-fire violations occurred. (UN and Mozambique, 1995:24).

Groups of military cease-fire observers, drawn from several different countries, began to arrive in February 1993. On 13 February, the UNSG appointed Major-General Lélío Gonçalves Rodrigues da Silva (Brazil) as Force Commander of ONUMOZ. By mid-March, 154 military observers drawn from 12 countries had been deployed, primarily in Maputo, Beira, Matola and Nampula. While the cease-fire held, demobilisation of the two sides’ armed forces remained stalled because of their continuing failure to supply complete lists of their troop strength, arms and ammunition, as they had originally pledged to do by 15 October 1992 (UN and Mozambique, 1995:28).

During the first three months of 1993, both the Supervisory and Monitoring Commission (CSC) and the Cease-fire Commission (CCF) held a number of meetings to establish procedural guidelines. The CCF was the most active commission, reviewing alleged violations of the cease-fire, including troop movements by both sides (UN and Mozambique, 1995:28).

By August, the number of military observers numbered 303, provided by Bangladesh, Brazil, the Czech Republic, Egypt, Guinea-Bissau, Hungary, India, Malaysia, the Russian Federation, Spain, Sweden and Uruguay. The observers surveyed the assembly areas for demobilisation and established a presence in those that were suitable. They also investigated reports of cease-fire violations (UN and Mozambique, 1995:31).

The cease-fire continued to be respected in most of Mozambique, but two potentially serious violations that came before the CCF during June and July, 1993 were transferred to the CSC for consideration. Both incidents raised the issue of territorial and administrative control, which had been a sticking point in the negotiations over the General Peace Agreement and remained essentially unresolved. In the first incident, Renamo detained 27 people in Maputo Province, claiming that they had been hunting in the area of Renamo-controlled Salamanga without permission. Negotiations with Renamo conducted by the Special Representative in conjunction with the head of the Renamo delegation to the CSC succeeded in obtaining the prisoners' return to Maputo. In the second incident, the Government attempted to forcibly dislodge Renamo from three villages in Tete Province and one in Gaza Province on the grounds that Renamo had moved into these areas after the signing of the General Peace Agreement. The Government's action implied that it had the right to use force to reclaim territory that it considered to be under its control<sup>18)</sup> (UN and Mozambique, 1995:33).

The Special Representative, supported by other CSC members, declared that disputes of any kind could be resolved only within the mechanisms established under the General Peace Agreement. Hoping to defuse what was a potentially explosive issue, the Special Representative formulated a set of rules to guide the CCF in dealing with troop movements. The rules separated the military and logistic aspects of troop movements from those relating to the administration of territory. They also defined as cease-fire violations all military movements conducted for the purpose of gaining new positions and required all troops moved for such purposes to be withdrawn (UN and Mozambique, 1995:34).

### 3.2.2. *Demobilisation*

According to the UNSG it was apparent to all concerned that Mozambique's planned elections should not take place until the military aspects of the Agreement had been implemented. This conclusion was reinforced by the events following Angola's elections in the preceding weeks, where the failure to complete demobilisation had enabled the loser of the election to launch an all-out war. In Mozambique, the UNSG stressed demobilisation of the two sides' forces would have to be vigorously pursued, and arrangements would have to be made for the control and disposal of weapons and ammunition. United Nations verification would be carried out by teams of military observers (UN and Mozambique, 1995:26)<sup>19)</sup>.

A hindrance to the start of demobilisation was the unsuitability of the designated assembly points for the cantonment of troops. During November 1992, the Government had identified 29 assembly points and Renamo 20, but for many of them access, either for purposes of verification or for prolonged habitation, was difficult. They had been designated more for their strategic importance in controlling certain areas than for their suitability for cantonment. Some could be reached only by roads or tracks that were known to be mined, some had no access to water and therefore could not sustain temporary settlement. After investigating the sites with a view to preparing for the supply and well-being of troops once the assembly process began, the United Nations asked for several to be relocated (UN and Mozambique, 1995:28).

18) On the whole, formally confirmed cease-fire violations were relatively few and presented no serious threat to the peace process. Violations basically fell into three categories: illegal detention of individuals, alleged movement of troops and occupation of new positions.

19) Groups of military cease-fire observers, drawn from several different countries, began to arrive in February 1993. By mid-March, 154 military observers drawn from 12 countries had been deployed, primarily in Maputo, Beira, Matola and Nampula. Demobilisation of the two sides' armed forces remained stalled because of their continuing failure to supply complete lists of their troop strength, arms and ammunition, as they had originally pledged to do by 15 October 1992. The Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) could also not begin sitting, as the two parties had not named their respective delegations (UN and Mozambique, 1995:28).

After the failure of both sides to start demobilising in 1993, the timetable agreed upon in October of that year demonstrated a new willingness on the part of both Renamo and the Government to move forward.<sup>20)</sup>

Demobilisation was the most difficult and dangerous phase of the ONUMOZ mandate. There was considerable uncertainty about the numbers of troops to be demobilised, and both sides were reluctant to give up their best fighting units or to assemble their senior officers until the very end of the assembly and demobilisation process. The agreed procedures laid down by the General Peace Agreement could not be followed, and reinterpretation and occasional substantive changes were required. (UN and Mozambique, 1995: 38)

To prepare for demobilisation, the role of the Cease-fire Commission (CCF) was of critical importance. In addition to verifying the cease-fire and arranging for the clearance of landmines, the CCF had the central responsibility for establishing procedures for the cantonment, assembly and demobilisation of Government and Renamo soldiers. The CCF also set itineraries for the movement of forces and approved rules of conduct for the assembly areas. (UN and Mozambique, 1995: 38)

Critical to the success of the assembly and demobilisation of troops was the Technical Unit (TU), a civilian team supporting the military observers. The unit, collaborating with the United Nations Office for Humanitarian Assistance Co-ordination (UNOHAC), was responsible for the distribution of food, medicines and other basic services to the assembly areas, the organisation of a database and issuance of personal documents to demobilised soldiers, the supply of civilian clothing and the organisation of transport of ex-combatants to their homes, and the establishment of a solid link with provincial and district authorities in the demobilisation process. (UN and Mozambique, 1995: 39)

The principal outstanding difficulty was in reaching agreement on a final list of assembly areas. By November 1993, only 35 of the 49 areas (26 out of the 29 designated by the Government and 9 out of the 20 designated by Renamo) had been approved. ONUMOZ military observers found several to be unacceptable because of inaccessibility, lack of basic security (especially because of the existence of landmines) or the absence of basic infrastructure, especially water. (UN and Mozambique, 1995: 38)

ONUMOZ could still only estimate the total numbers of soldiers that it would have to register. Following the earlier registration of 13 717 Government soldiers who were demobilised before the signing of the General Peace Agreement, ONUMOZ broadly expected to register about 80 000 Government soldiers and about 21 000 from Renamo. (UN and Mozambique, 1995: 39)

The first 20 assembly areas were formally opened on 30 November 1993, followed by 15 more on 20 December 1993. Continuing disagreements between the two parties, however, delayed the opening of the remaining 14 sites. By 24 January 1994, 9 895 Government soldiers and 6 714 Renamo troops had been assembled<sup>21)</sup>. The arrival of Renamo troops in greater numbers than expected led to overcrowding and shortages of essential provisions in a few Renamo assembly areas. Meanwhile, in some Government areas there were incidents of rioting by soldiers demanding back pay. (UN and Mozambique, 1995: 39)

20) UNSC Resolution 882 (1993) urged the parties to commence assembly of troops in November 1993 and to initiate demobilisation by January 1994 with a view to ensure the completion of the demobilisation process by May 1994, in accordance with the new timetable signed by the two parties in October 1993.

21) In his report to the UNSC dated 28 January 1994 the UNSG noted that despite significant progress made in the implementation of the GPA several serious problems remained to be solved, including the opening of the 14 remaining assembly sites, initiation and completion of the actual demobilisation, transfer of weapons from assembly areas to regional warehouses, dismantling of paramilitary forces, provision of financial support to Renamo from a military movement into a political party and formation of a national defence force.

After negotiations between the Special Representative and the two sides, the remaining 14 assembly areas were opened and became operational on 21 February 1994. The process then moved ahead, albeit at a slow pace. By mid-April 1994, more than 49 000 soldiers had reported to assembly areas for cantonment, of which some 34 000 were from the Government and more than 14 000 were from Renamo. (UN and Mozambique, 1995: 39)

Demobilisation commenced formally on 10 March. Over the first three weeks, 12 195 Government and 561 Renamo troops were given clothing, money and assistance with transport to their districts of choice. Arrangements were put in place for the full reintegration of demobilised soldiers in their home areas, under the supervision of the Reintegration Commission (CORE). (UN and Mozambique, 1995: 40)

Most of the assembled soldiers had to remain in the assembly areas much longer than they had expected. Serious tensions arose, resulting in about 20 violent incidents between January and March 1994. Initially, Government troops protested principally about arrears in their pay, while Renamo troops refused to be demobilised until they received substantially greater benefits than were scheduled, following unrealistic promises made to them by their commanders. As the assembly period became more extended, troops from both sides began to demand immediate demobilisation, including severance pay.<sup>22)</sup> (UN and Mozambique, 1995: 40)

On 8 April 1994, President Chissano and Mr Dhlakama agreed on the need to speed up the assembly of Government forces and the demobilisation of Renamo troops. The two sides also agreed that some military personnel would not be moved to assembly areas but would be demobilised at their current locations, such as military hospitals, air bases or military headquarters. (UN and Mozambique, 1995: 40)

On 5 May 1994, the Security Council adopted Resolution 916 in which it urged the two parties to meet the target dates of 1 June for completion of the assembly of forces and 15 July for the end of demobilisation. (UNSC Resolution 916, May: 1994)

The Secretary General reported to the Security Council on 7 July 1994 and stated that while significant progress had been made in many areas of the Mozambican peace process, and especially in the electoral sphere, serious problems still remained because of delays in the completion of the assembly and demobilisation of troops belonging to the Government and to RENAMO, and in the formation of the FADM. The Secretary General stressed that it was imperative that the assembly and demobilisation of troops be accelerated dramatically if the established deadline was to be met. Referring to the problems encountered in the selection of the agreed number of 30,000 soldiers for the FADM, and the unlikelihood that all would be trained by October, he suggested that it would be preferable for 15,000 to be trained after the elections. (UNSG report to UNSC, July:1994)

On 19 July, the Security Council issued a statement again urging both sides to meet the 15 August deadline and stressing that elections should take place on 27 and 28 October. On 4 August, the Council announced that it would send a mission to discuss with the parties how to ensure full and timely implementation of the General Peace Agreement. (UN and Mozambique, 1995: 41)

22) In mid-1994, CORE approved the creation of a provincial fund to provide small and medium-size grants to employ ex-soldiers and facilitate their participation in community-based economic activities. Other components of reintegration were: a support scheme providing each soldier with an 18-month subsidy in addition to his 6-month demobilisation pay, career counselling and problem-solving services and an occupational-skills development programme (UN and Mozambique, 1995:42).

Continuing frustration among soldiers at their prolonged cantonment provoked further demonstrations and rioting, occasional attacks on United Nations personnel and looting of food and other supplies. As a precaution, on several occasions ONUMOZ troops were deployed around assembly areas. Soldiers in a number of unassembled areas also protested, sometimes taking their commanding officers hostage to press their demands for rapid demobilisation or more pay. (UN and Mozambique, 1995: 41)

On 15 August, all assembly areas were officially closed to new entrants, and the 3 723 troops remaining at the assembly points on that day were quickly demobilised or recruited into the reconstituted Mozambican Defence Force. By late November 1994, demobilisation accounted for a total of 57 540 Government and 20 538 Renamo soldiers, a total of 78 078. These had been drawn from a total of 91 691 registered troops (both assembled and unassembled, of which 67 042 were from the Government army and 24 649 from RENAMO), or 4 588 more than the figure of 87 103 that had been declared by both sides. (UN and Mozambique, 1995: 41)

Teams comprising representatives of the Government, Renamo and ONUMOZ began post-demobilisation verification on 30 August 1994. A total of 722 former military positions or depots were declared to the CCF by the Government (435) and by Renamo (287). In accordance with procedures approved by the CCF, the teams verified information relating to the presence of unregistered troops and undeclared arms depots or weapons caches. The teams also examined 146 locations that had not been declared by either party. (UN and Mozambique, 1995: 43)

Verification led to the discovery of substantial numbers of weapons, including tanks, anti-aircraft guns, mines, armoured personnel carriers and mortar bombs abandoned or stored throughout the country. A small number of previously unregistered military personnel were also identified at some Government and Renamo bases. (UN and Mozambique, 1995: 43)

The delays in demobilisation and the parties' initial reluctance to participate fully in the verification meant that the process lagged behind schedule. It was not possible, therefore, to finish the checking of weapons before the expiry of the ONUMOZ mandate on 9 December 1994. At that point, United Nations teams had examined a total of 754 locations and had found 22 069 weapons<sup>23</sup>, as well as large amounts of ammunition (UN and Mozambique, 1995:43).

### ***3.2.3. New Parties and Elections***

Implementing the electoral elements of the General Peace Agreement was a test of the authority of ONUMOZ and the Supervisory and Monitoring Commission. Following the issuance of a draft electoral law in March 1993, discussions repeatedly reached an impasse over the composition of the National Elections Commission (CNE). The Government tried throughout the year to convene meetings to discuss the draft. Finally, after the visit of the UNSG in October 1993, an agreement was reached, and it was decided that interested political parties would continue examining the remaining articles on technical matters. The differences between the Government and Renamo focussed on four points in the electoral law: voting rights for expatriate Mozambicans, the composition of provincial and district election commissions, the composition of the Technical secretariat for the Organisation of the Elections (STAE), and the establishment and composition of

23) In his 21 October report to the UNSC the UNSG expressed concern regarding the proliferation of weapons despite the fact that 111,539 weapons had been collected from troops of the two parties and 43,491 from paramilitary forces.

an electoral tribunal. Following a series of direct meetings between President Chissano and Mr Dhlakama, which were held in close consultation with the SRSG, these issues were resolved on 26 November 1993.<sup>24)</sup> (UN and Mozambique, 1995: 55)

Starting its work on 15 February, the CNE established a timetable for the entire electoral process, including a period for voter registration between 1 June and 15 August, the electoral campaign, set for 10 September to 24 October, and the holding of presidential and assembly elections together on 27 and 28 October 1994. The provincial and district election commissions were established in subsequent months. (UN and Mozambique, 1995: 56)

The CNE and its executive secretariat were responsible for the conduct, preparation and organisation of the elections. The United Nations Development Programme (UNDP) co-ordinated international financial and material support and provided technical assistance throughout the entire electoral process in the areas of organisation, training, civic education, jurisprudence, social communication and financial management. (UN and Mozambique, 1995: 56)

The ONUMOZ electoral division established its own network of monitoring activities, with 148 officers stationed throughout the provinces to cover voter registration, civic education, political campaigns and political party access to, as well as impartiality of, the media, polling, vote counting and vote tabulation at the provincial counting centres. Complaints of alleged irregularities in the electoral process were to be transmitted to the CNE, while ONUMOZ was mandated to carry out separate investigations. (UN and Mozambique, 1995: 57)

Registration of Mozambican voters began on schedule on 1 June 1994 with the deployment of 8 000 registrars and 1 600 civic education agents throughout the country. The National Assembly twice decided to extend the registration process in order to guarantee that no groups of people were excluded from the electoral process, specifically populations in remote areas and returning refugees and demobilised soldiers. On 15 August, at the end of the initial registration period, 5 636 000 voters had been registered. On 20 August, at the end of the first extension, voter registration had risen to 6 034 066, and at the conclusion of the process on 2 September, 6 363 311 voters had been registered – 81% of the 7 894 850 estimated eligible voting population. (UN and Mozambique, 1995: 58)

Although a number of political parties emerged, the electoral contest was dominated by Frelimo and Renamo. However, Renamo continued to threaten delay. In December 1993, at a meeting of the Supervisory and Monitoring Commission, Mr Dhlakama had made an urgent appeal for financial resources. Without them, he warned, Renamo would be forced to abstain from the elections.<sup>25)</sup> (UN and Mozambique, 1995: 58)

In view of the extension of time allotted for voter registration it became necessary to shorten the campaign period from 45 to 35 days. As a result, the election campaign opened on 22 September 1994, little more than a month before the elections were to take

24) The Electoral Law was eventually approved by the National Assembly on 9 December 1993 and entered into force on 12 January 1994. The Law prescribed that the President should be elected by an absolute majority; if this was not obtained in the first round, a run-off would be held between the two candidates receiving the largest numbers of votes. The term of office for the President and the 250 members of the National Assembly would be five years. A system of proportional representation would be used to allocate the seats among the parties that received a minimum of 5 per cent of the vote nationally.

25) According to the GPA, Renamo, as a partner in the peace process, was entitled to financial assistance for the process of transforming itself from a military organisation into a political party. The Agreement stipulated that the Mozambique Government would provide the financing and, if lacking the necessary means, could appeal to the international community, in particular to Italy. The United Nations Trust Fund for the Implementation of the Peace Agreement in Mozambique, established in May 1993, was the main instrument for this critical task. According to the UNSG its creation was one of the most innovative features of the Mozambique operation and was a pivotal factor in maintaining the momentum of the peace process.

place. Parties and presidential candidates were entitled to 5 minutes of radio broadcasting time each day on Radio Mozambique and 10 minutes per week on television. Few of the parties took advantage of the media access.<sup>26)</sup> (UN and Mozambique, 1995: 60)

Both principal presidential candidates, President Chissano and Mr Dhlakama, undertook extensive tours of the country, focusing on the populous northern provinces. The campaign was largely conducted in an atmosphere of calm, albeit with considerable anxiety about the possibility of renewed conflict provoked by inflammatory rhetoric, occasional disturbances and even some physical attacks. (UN and Mozambique, 1995: 61)

Despite a number of such incidents and reports, the SRSB declared on 21 October that ONUMOZ did not believe that they posed a serious threat to the democratic electoral process. On the same day, the Security Council appealed to the Mozambican parties to ensure that there would be no violence or threat of violence during the election days and their aftermath. The Council's appeal underlined its determination to hold the parties to their obligation under the General Peace Agreement to abide fully by the results, should the United Nations declare the elections free and fair. (UN and Mozambique, 1995: 61)

On the eve of the elections, there were 14 parties contesting the legislative election and 12 candidates seeking the presidency. Polling was to be conducted at 7 244 individual stations around the country. Approximately 52 000 polling officers and 35 000 party monitors had been given training in the agreed procedures. More than 2 300 international observers had reached the district capitals and were given the necessary transport to visit every polling-station in their jurisdiction at least once during the elections. In many places, the devastated urban and transport infrastructure had still not been repaired, and the risk of landmines remained. Where landmines threatened the safety of international observers, arrangements were made to transport them to remote polling-stations by helicopter. (UN and Mozambique, 1995: 61)

Unexpectedly, late in the evening of 26 October, the day before the elections, Mr Dhlakama announced in Beira that Renamo would not participate in the polling, alleging that the Government was preparing to engage in massive fraud during the elections.<sup>27)</sup> The CNE refuted each complaint and said that none of the questions raised by Renamo contained anything that could call into question the holding of the elections or their results. The Commission pointed out that, under the Electoral Law, a presidential candidate who wished to withdraw from the polling was required to do so 15 days prior to the election; a party that wanted to pull out had to do so 72 hours beforehand. The CNE therefore concluded that both Renamo and Mr Dhlakama were still standing in the elections. (UN and Mozambique, 1995: 62)

The UNSG issued a statement emphasising that the elections had to go ahead as planned. The Security Council also appealed directly to Mr Dhlakama to reconsider Renamo's decision to withdraw. (UN and Mozambique, 1995: 62)

On 27 October, the first day of elections, it was clear that the electorate was, in fact, proceeding to vote. The parties' election monitors, including those representing Renamo, remained on duty at nearly all polling-stations throughout the country. In some districts,

26) A separate United Nations Trust Fund for Assistance to Registered Political Parties in Mozambique, launched following the establishment of the CNE, was designed to assist all political parties not signatories to the Peace Agreement in their preparations for the forthcoming elections and an initial sum of \$50 000 had been given to each of the 16 parties on 19 August 1994. An additional \$50 000 was given to those parties that could provide clear evidence that their spending of the first disbursement had only been for election-related requirements.

27) On 26 October, the leaders of the Front-line states - Angola, Botswana, Mozambique, the United Republic of Tanzania, Zambia and Zimbabwe - met in Harare, Zimbabwe, for discussions covering inter alia Mozambique. In their final statement they called for full respect for the 1992 peace accord. They said that conditions existed for free elections and that the Front-line leaders would accept the result, but warned that they would take "appropriate and timely action" if it became necessary to keep the peace after the elections."

voters and election officials did not hear of Renamo's announcement until the end of the day. Reports from ONUMOZ co-ordinators and observers indicated no major irregularities. (UN and Mozambique, 1995: 62)

On the morning of 28 October, Mr Dhlakama announced the end of his party's boycott. In a statement issued simultaneously, the international CSC members and ONUMOZ reminded all parties that any evidence of significant electoral fraud would prevent them from declaring the elections free and fair. They also welcomed Mr Dhlakama's decision to participate fully in the elections and recommended that the CNE adopt a flexible approach to ensure that there was sufficient time to secure a high voter turnout. (UN and Mozambique, 1995: 63)

The Electoral Law provided for a third day of polling if it proved necessary, and the CNE ordered an extension to 29 October. While most votes were cast during the first two days, the extension satisfied the parties that all those who wanted to vote had done so. The overwhelming evidence provided by the international observers showed an election that was conducted peacefully, in which electoral officials followed procedures impartially and efficiently and in which the electorate participated patiently, seriously and with great dignity. By 31 October, ONUMOZ was able to declare the polling successful. It noted that some 90% of the registered voters had cast their ballots. (UN and Mozambique, 1995: 63)

On 2 November, the Special Representative issued a preliminary statement asserting that Mozambique's first multi-party elections had been conducted peacefully, in a well-organised manner and without any major irregularities or incidents. He added that United Nations observation did not support any claim of fraud or intimidation, or any pattern of incidents that could affect the credibility of the elections. He promised to make an official pronouncement regarding the freedom and fairness of the entire electoral process following the completion of the count. (UN and Mozambique, 1995: 63)

Declaring the election results on 19 November, CNE Chairman Brazão Mazula stated that Joaquim Chissano had received 53,30% of the votes in the presidential election, while Afonso Dhlakama had received 33,73%. A total of 5 402 940 people, representing 87,9% of the electorate, had participated in the elections. In the legislative election, Frelimo won 44,33% of the votes, giving it 129 seats, while Renamo received 37,78%, giving it 112 seats. (UN and Mozambique, 1995: 64)

On 19 November, in Maputo, the Special Representative welcomed the results with a formal declaration that the elections had been free and fair. The SRSR stated that although problems had occurred, no event or series of events could affect the overall credibility of the elections. Both the OAU and the European Union also declared the elections to be free and fair. The observation mission of the European Union, which, with its Member states, defrayed about 80 per cent of the costs of the elections, expressed satisfaction that the results announced were correct and reflected the true outcome of the ballot. (UN and Mozambique, 1995: 65)

Following the proclamation of the results, the UNSG made a statement congratulating the people and the leaders of Mozambique on the successful outcome of the elections. The UNSG called upon all Mozambicans to ensure that peace and stability prevailed in their country and region. On 21 November, the Security Council endorsed the results (UNSC Resolution 960, 1994) and called on all parties to stand by their obligation to accept and fully abide by them. On the same day, the President of the General Assembly stated that the elections had "enabled Mozambique to move irreversibly along the road to

democracy”, and that the Mozambican people would now be able to win the battle for the reconstruction and economic and social development of their nation. On 14 December, the Security Council welcomed the inauguration of the new President and Assembly and expressed the hope that with United Nations assistance a national mine-clearance programme would be put in place prior to ONUMOZ’s withdrawal. (UN and Mozambique, 1995: 65)

On 15 November 1994 the Security Council by its Resolution 957(1994) extended the mandate of ONUMOZ for technical reasons until a new Government was installed in Mozambique, but not later than 15 December 1994. The overall framework for the drawing down of ONUMOZ was not affected, although there were appropriate adjustments for the withdrawal schedule of military and police personnel. Resolution 957(1994) also authorised ONUMOZ to complete its residual operations prior to its withdrawal on or before 31 January 1995. (UNSC Resolution 957, November 1994)

The last meeting of the Supervisory and Monitoring Commission was held on 6 December 1994. At the meeting, the chairmen of the subsidiary commissions – Cease-fire Commission, Joint Commission for the Formation of the Mozambican Defence Force, Reintegration Commission, National Police Affairs Commission and National Information Commission – submitted their final reports. In a ceremony held on 7 December, the Special Representative handed those reports to Mr Joaquim Chissano as President-elect, thus formally concluding the work of the commissions. The new Assembly of the Republic was installed on 8 December 1994. (UN and Mozambique, 1995: 66)

The inauguration of the newly elected President of Mozambique on 9 December 1994 marked the expiry of the mandate of ONUMOZ, and the SRSG left Mozambique on 13 December 1994 (UN and Mozambique, 1995:66).

### 3.3. *Evaluation*

The study interpreted the linkage by Boutros-Gali of peacebuilding and landmines as valid in recognising the dramatic shift in the use of landmines as an offensive weapon against civilians and their proliferation in internal conflicts. The study also concluded that the impact of landmines on peacebuilding became acute taking into consideration their consequences for the social and economic infrastructure in post-conflict Mozambique. The mining of roads not only blocked transportation but cut communication networks and disrupted the flow of goods and services. This effected employment opportunities and marketing systems. The presence of mines also disrupted the return and reintegration of people up-rooted by war. The inability to return home and regain a sustainable means of survival undermined demobilisation and reintegration processes and threatened political stability, food security and rehabilitation of shattered health and educational infrastructure.

In assessing the successes and failures of the UN operation in Mozambique it is important to be mindful of the magnitude, degree of complexity and difficulty of the UN operation. The difficulties derived from the size of the country, the devastated state of its infrastructure, the disruption of its economy by war and drought, the limited capacity of the Government to cope with the new tasks arising from the General Peace Agreement and the complexity of the processes enshrined in the Agreement. An additional security dimension derived from the critical importance of the Mozambican corridors. To achieve in one year the high priority placed on peacebuilding, the assembly, disarmament and demobilisation of the two sides’ troops, the formation of new armed forces, the establishment of a police component, the resettlement of millions of refugees and

displaced persons, the provision of humanitarian relief to all parts of the country and the organisation and conduct of elections required an intense co-operative effort between the Government and RENAMO and by the international community, with the United Nations in the lead.

In evaluating the overall success of ONUMOZ, the UNSG, Boutros Boutros-Ghali (UN and Mozambique, 1995:67) declared that ONUMOZ was one of the most effective peacekeeping operations in the history of the United Nations. It brought peace to Mozambique and contributed directly to the profound political transformation that has enabled Mozambique to set a firm course towards greater peace, democracy and development. According to the UNSG, ONUMOZ "succeeded admirably in all its objectives." It provided the vehicle with which Mozambicans could sustain their peace efforts, created an environment of security which allowed the cease-fire to hold, accomplished the demobilisation of former combatants and provided the basis for democratic practices, rather than military confrontation, in the conduct of Mozambique's national affairs (UN and Mozambique, 1995:67).

The UNSG also pointed out that fundamental to the success of ONUMOZ was the "deep desire of the Mozambican people and of the principal parties involved for peace" and that the United Nations Operation in Mozambique "stands as testimony of the ability of the international community to help build the foundation for sustained peace even in situations of seemingly intractable conflicts". (UN and Mozambique, 1995:67)

In addition, the UNSG described ONUMOZ (UN and Mozambique, 1995:3) "(as) a complex operation involving peacekeeping, the demobilisation of armed forces, the provision of humanitarian relief, electoral support and the return of millions of refugees. One of its most important aspects was the emphasis placed on peacebuilding - helping to ensure that the laying down of guns would create a durable peace. The Organisation's unprecedented endeavours were concentrated not only in its oversight of the electoral process but also in channelling efforts by the international community to strengthen the organisational capability of parties contesting the election. In a significant development for peacekeeping operations, the United Nations established a trust fund to help RENAMO transform itself from a military movement into a political party. The transformation of a guerrilla force, experienced only in war, into a political entity with a stake in the democratic process is one of the most significant legacies of the United Nations operation."

Regarding the GPA the Secretary General concluded that the agreement provided "(a) clear and precise, if nevertheless complex, set of tasks for the United Nations. The Rome accords envisaged a one-year timetable for the accomplishment of the peace process. From the outset, however, this was recognised as unrealistic and all parties involved showed pragmatism in agreeing to an evolving implementation schedule. This adherence to an established and agreed plan - despite some differences in interpretation - was a vital factor in the success of ONUMOZ, even though the mission required two years instead of one to complete its mandate." (UN and Mozambique, 1995:4)

With reference to the United Nations chairmanship of the commissions established to supervise the implementation of the General Peace Agreement the UNSG argued that this allowed ONUMOZ to maintain the momentum of the peace process, especially whenever either party showed reluctance to move to the next stage. "Patient but active diplomacy, with the constant involvement of the international community, helped to overcome the deep distrust that initially divided the two main parties and to defuse a number of potential crises. Most importantly for the achievement of an atmosphere of genuine peace in Mozambique, the two parties respected the cease-fire without serious breaches." (UN and Mozambique, 1995:4)

With specific reference to the humanitarian role of ONUMOZ the UNSG declared (UN and Mozambique, 1995:5) that one of the keys to the success of the ONUMOZ operation was the United Nations humanitarian assistance programme, which helped to build a climate of trust and co-operation between the contending parties. According to the UNSG the Mozambican repatriation was one of the largest such operations ever undertaken by UNHCR in Africa. By the time the ONUMOZ mandate ended in December 1994, the country's humanitarian crisis was considerably eased. Some 4 million refugees and displaced persons had gained sufficient confidence to travel to their home areas and resume farming and other economic activities.

According to the UNSG (UN and Mozambique, 1995:5) the principal problems confronting ONUMOZ concerned the long delay in the initial deployment of the peacekeeping contingents; the question of territorial and administrative control over certain areas of the country which had been contested during the war, the additional demands made by the different parties, especially RENAMO, which led to serious delays in the demobilisation of the armed forces, and the many logistical constraints which made more difficult the task of closely co-ordinating the various aspects of the operation and which were compounded by delays in the start "(of) the vitally important programme of mine clearance."

The UNSG therefore acknowledged that although both the General Peace Agreement and the ONUMOZ mandate were successfully implemented, a number of concerns remained at the time of the mission's conclusion. These included, on the security front, the continuing need to train and equip the new integrated armed forces and to collect and dispose of all outstanding caches of weapons. There was also a need to strengthen Mozambique's democratic institutions and to promote economic and social reconstruction so that peace, democracy and development could be sustained. (UN and Mozambique, 1995:5)

In his final overview of the UN operation in Mozambique (UN and Mozambique, 1995:3) UNSG Boutros Boutros-Ghali asserted that the first free and fair multi-party elections in Mozambique were the culmination of a major success story in United Nations peacemaking, peacekeeping, and humanitarian and electoral assistance. "Through a complex, multifaceted and highly innovative strategy which broke new ground in how the United Nations dealt with parties in a conflict situation, a formerly socialist Government, committed to a one-party State, negotiated with an armed, rebellious group to create peace for their country."

Several authors have assessed the role of Aldo Ajello, Special Representative of the United Nations Secretary General in the successful completion of the ONUMOZ mandate. According to Syngge, Ajello's performance (Syngge, 1997:153) as SRSR earned conflicting assessments, "(but) there was no doubting his courage and commitment to making a success of the peace process." His principal strength, according to Syngge, "(was) his ability to act as a politician rather than as a UN bureaucrat - a role for which he was unsuited."

Chachia and Malan, (1998:19) in outlining the successes of ONUMOZ stated that this should be explained in terms of the role of the Special Representative of the Secretary General (SRSR), adequate resources, political leadership and donor co-ordination. "(as) the SRSR, Aldo Ajello of Italy was willing and able to use the political muscle at his disposal to push the process forward, to challenge the UN bureaucracy, and to deal squarely with foot-dragging by both Mozambican parties."

Dennis Jett, US Ambassador to Mozambique during the ONUMOZ period confirmed that much of ONUMOZ's success, was due to the force of Ajello's personality, close co-ordination within the international community, and Mozambique's exhaustion after a long civil war capped by its worst drought in a century. Jett also pointed out that the lessons to be learned from ONUMOZ and the implications for future conflicts "must therefore be carefully noted." (Jett, 1996:2)

However, Berman (1996:27-28) concluded that on some major issues the relationship between the UN and Government were strained and that the major tension as far as the Government was concerned, however, lay with the operating style of the Special Representative of the Secretary General (SRS) for Mozambique, Aldo Ajello. "The Government found him to be abrasive and disrespectful - not just toward the Government, but toward the terms of the General Peace Agreement and the UN's mandate as well. As the Security Council established ONUMOZ in exercise of its powers granted under Chapter VI of the UN Charter, the UN was obliged to operate with the consent of the parties. The Government constantly reminded the SRS of this fact."

In this context, by the second year of ONUMOZ, according to Synge (1997:149) "(the) United Nations came to be perceived as a parallel administration. At times it almost had the features of a colonial operation, fulfilling a foreign agenda rather than a domestic one, although the rapid scaling-down of ONUMOZ after the elections showed that the United Nations had no long-term political intentions. It did use interventionist diplomacy but only to ensure the completion of the steps laid down by the GPA."

Synge also argued that between December 1993 and December 1994, ONUMOZ and the international community effectively displaced the normal functions of government. The short-term priorities of that period diverted attention from Mozambique's longer-term requirements for social and economic reconstruction and derailed the government's own efforts to reform and restructure the state and economy.

Aldo Ajello (1996:13) SRS in Mozambique surmised that the fundamental ingredient for the Mozambican settlement was a long period of negotiations in Rome during which the warring factions could come to terms with each other and get used to a power-sharing situation. This stood in contrast to many other peace settlements, where a long-term settlement of the conflict was sacrificed in order to force a quick success story, and a peacekeeping operation was left to address all the questions that were successfully excluded from the negotiations.

However, the most negative aspect of the peace agreement according to Ajello was the limited timeframe of one year, "(as) it was clear from the outset that one year would not be sufficient to implement the UN mandate and the main objective." The timeframe was further hampered by the slow process of deployment of the peacekeeping force. Ajello pointed out that against the will of the UN Secretariat, the SRS pledged "he would stay at least double the amount of time in order to deliver his mandate" and in this regard according to Ajello "(it) was obvious that the general rules of UN engagement needed fundamental reform." (Ajello, 1996:14)

Aldo Ajello (1996:15) also concluded that the Mozambican Peace process was carried by the people's strong will for peace and a deadlock of the warring parties. "The end of the Cold War and the breakdown of Apartheid opened up a window of opportunity. In order to prevent the mistakes experienced in Angola, where fighting was renewed after a peace agreement and elections, the international community decided to spend more right from the beginning, thus creating an almost "perfect mission" for Mozambique, following the design of the SRS. This was ultimately enforced with the support of the United States. The size of the peacekeeping army and the role of the international community, particularly that of the United States and the UN, was extended. These features represented a unique opportunity."

The establishment of a Trust fund to consolidate peacebuilding had also been identified as a positive development in the Mozambican peace process. Ajello (1996:15) viewed the establishment of a UN Trust Fund as "a final, yet integral part of the operation which granted the operation some flexibility." According to the SRS it helped transform the guerrilla movement

Renamo into a political party and contributed in the demobilisation and reintegration of former soldiers, who needed training and employment in order to be reintegrated into Mozambican society. This transformed the peace process into a lasting settlement by preventing widespread banditry and a disintegration of the disarmament process.

Within the context of peacebuilding Syngé (1997:148) also concurred that the principal political achievement was the conversion of Renamo from an almost entirely military force and an instrument of destruction into a credible political organisation. Such a conversion was, indeed, the primary goal of the GPA, and it was achieved through patient engagement with the Renamo leadership, both by Ajello and by the international community as a whole. The defusing of the military threat had to be accompanied by inducements, including the controversial Renamo Trust Fund, which became an effective insurance policy against failure. But the international community's efforts to keep Renamo in play, and its efforts on occasion to treat the government and Renamo as equals, provoked considerable resentment on the part of the government and the Frelimo leadership.

Jett (1996:2) pointed out that successful peacekeeping requires enormous effort and is most difficult after a protracted civil war like the one in Mozambique and that such operations have not always achieved their goals, regardless of the resources applied. Unlike many other peacekeeping operations, however, ONUMOZ was heralded as a success.

Jett however raised the question whether the costs associated with the UN operation in Mozambique were justified, and concluded that "even if one could be callous enough to attach no monetary value to the reduction of human suffering, ONUMOZ was a good investment. Whether it pays off in the long run will be up to the people of Mozambique. The United Nations can be effective at peacekeeping only when there is a peace to keep. Eventually, it must depart and leave the people of that country to determine how strongly they wish to preserve peace" (Jett, 1996:11).

Reflecting on ONUMOZ's shortcomings Chachua and Malan (1998:20) pointed out that ONUMOZ was the first UN Peacekeeping operation to incorporate a large humanitarian component. "While the SRSG was nominally in charge from the outset of the mission, he lacked the authority necessary to force the various elements of ONUMOZ to operate as a team. Instead, he had to contend with various parent UN agencies pushing their own agendas and having their own lines of authority and communication with their representatives in Mozambique. In particular, the creation by the UN Department of Humanitarian Affairs (UNDHA) of a parallel bureaucracy to oversee humanitarian operations not only duplicated the efforts of other UN agencies and dozens of non-government organisations (NGOs) already active on the ground, it actually served to slow and even block donor efforts to deal with problems."

It was also pointed out (Syngé, 1997:71) that UNOHAC came into being "(without) the consent and co-operation of the dozens of humanitarian organisations on the grounds." In addition "decisions in New York raised problems in Maputo, where the aims and management of UNOHAC were subjected to scrutiny by a long-established community of international, bilateral, and non-governmental humanitarian agencies. A high degree of co-ordination already existed, both formally and informally, and these organisations found it hard to accept the need for an additional agency."

In terms of the overall successes of UNOHAC Syngé (1997:89) declared that "(most) of the credit for the successes in the humanitarian field, as in so many other areas of the Mozambican peace process, should go to the country's people. Their patient and co-operative spirit ensured the generally peaceful return home of the refugees, the displaced, and the demobilised soldiers. The generosity of the international community, which kept faith with its long-standing

support of Mozambique in earlier years, also played a large part. UN agencies, international organisations, and NGOs generally provided high levels of assistance. The organisational and interagency problems besetting the humanitarian relief programmes never seriously hindered the generally well co-ordinated and accurately targeted delivery of many different forms of emergency assistance.”

Synge (1997:90) however pointed out that the long-term legacy of humanitarian work during the peace process was more difficult to assess. Donor agencies relied heavily on foreign NGOs to deliver resources, prompting some observers to comment that the donor community was deliberately attempting to weaken the government rather than to promote a healthy balance between state and civil society. The fact that there were more international NGOs in Mozambique at the end of the process than at the time of its launch could be a cause of concern. Although the international community delivered humanitarian assistance effectively, especially in Renamo-held areas, it did not follow this through with a strategy for a balanced, Mozambican-managed completion of the process.

With reference to demobilisation during the Mozambican peace process (Synge, 1997:112) stated that “(in) operational terms, demobilisation was as thorough and effective as it could have been in the circumstances, thanks to an extraordinary effort at co-ordination by the international donor community. Much of the organisation was managed under programs established independently of ONUMOZ bureaucracy.” The principal shortcoming of the demobilisation process according to Synge was the delay in collecting and disposing of weapons, although “(this) could be largely attributed to the reluctance of the parties and the lack of priority given to the issue in the GPA.”

In terms of the size and deployment of ONUMOZ Berman (1996:81) contended that “(the) issue is hotly contested by some.” According to Berman “One of the interesting lessons learned from the operation in Mozambique was that cantonment of troops was possible with a minimum of UN presence.” In this regard Chachiu and Malan (1998:20) agreed, pointing out that the majority of the ONUMOZ military mission burden was carried by a small contingent of military observers who staffed assembly areas, assisted with demobilisation, collected arms from caches and verified weapons deposits – “(while) the bulk of the military contingents spent their time patrolling transportation corridors in a relatively secure environment. The result was that the demobilisation and reintegration of combatants, the formation of the new FADM, and the disposal of surplus small arms were the most desultory aspects of the entire peace process.”

Most authors and analysts are *ad idem* in their assessment of ONUMOZ failure towards its disarmament objectives during the peace process. Chachiu and Malan (1998:25) argued that “(the) short-sightedness with which the disarmament and demobilisation of redundant soldiers were undertaken, proved a significant impediment to the post-conflict reconstruction process. The UN neglected the need for a comprehensive ‘security first’ approach to peace in Mozambique, as can be clearly demonstrated by the contempt for issues of security and stability during the ONUMOZ deployment. Although disarmament was initially a high UN priority, Chachiu and Malan also pointed out that ONUMOZ represented “(a) shift from military to electoral and political issues.”

While the UN Secretary General reported that some 190 000 weapons were collected under ONUMOZ supervision, very few of these arms (and the ammunition which was recovered) were destroyed - while many found their way back into illegal hands. Moreover, it was estimated that there were probably as many as one million assault rifles in circulation in Mozambique at the time. (Chachiu and Malan, 1998:26)

According to Chachiua and Malan the neglect of safety and security issues “(becomes) even more apparent when one views Mozambique’s longer term security concerns. Although the country needed support for demobilisation and reintegration, it also needed an army for the maintenance of security in the aftermath of the peace process. The UN remained totally unconcerned with the fact that less than ten per cent of the registered soldiers volunteered to join the new Mozambican Defence Force (FADM). This lack of enthusiasm to serve in a new peacetime national army was partly because of war fatigue but also, significantly, because no material or moral incentives were provided for joining - there was nothing akin to even the paltry demobilisation packages which were sponsored by the international community.” (Chachiua and Malan, 1998:26)

Chachiua and Malan (1998:27) also concluded that “(if) the primary objective of peace operations is meant to be that of enhancing security, long term stability and therefore sustainable development, then issues of violence, peace and stability should not be viewed through a purely political lens. Elections, for example, should not be viewed as an end in themselves, but also as a means for promoting long term political and social stability. When people continue to suffer from widespread insecurity, violence and social instability during and after a peace process, no mission can be regarded as an unqualified success.”

The criticism that ONUMOZ failed in its disarmament objectives is supported by Berman (1996:84-85) stating “(that) overall, the greatest problem with the GPA was that it was too general and the non-specific nature of much of the GPA - especially as concerned disarmament and arms destruction - gave both parties room to manoeuvre in interpreting the plans. The UN, therefore, was not able to ensure that the parties adhered strictly to their commitments. The UN’s mission was further complicated by the Chapter VI framework in which the PKO was undertaken; the Government’s acute sensitivity toward upholding its sovereignty, and powerful interests within both parties to delay demobilisation and to refrain from disarming.”

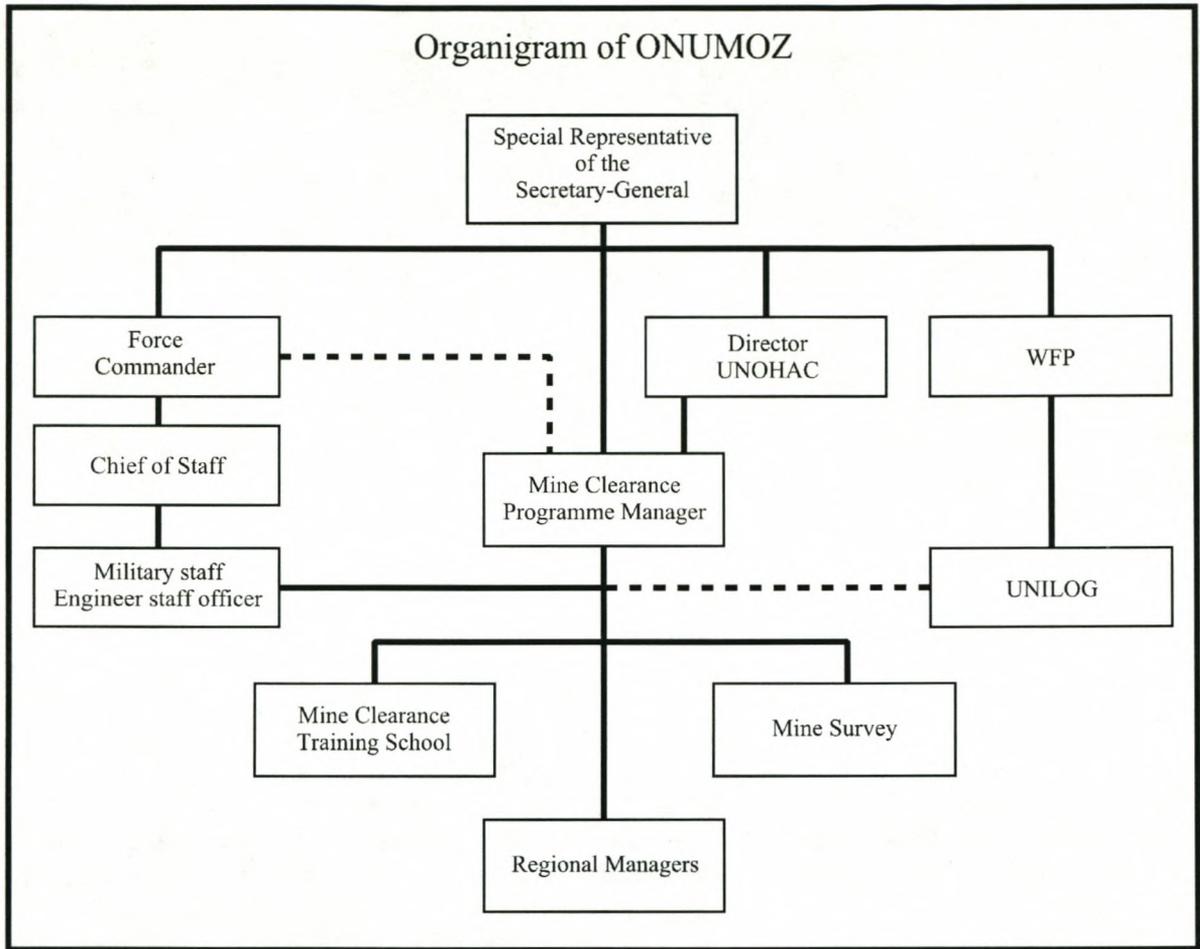
In this regard Berman argued that the UN and the international community dealt with this predicament by affecting policies not foreseen in the GPA as a means to undercut both parties’ influence. “The RSS achieved the goal of demobilisation, but did little toward realising disarmament. The Government is now forced to locate and destroy caches of weapons in the post-ONUMOZ environment with substantially reduced resources than those, which were available during the PKO. The result has been a marked increase in violent crimes in neighbouring countries as the cross-border trade in assault rifles escalates.” (Berman, 1996:85)

According to Berman disarmament, which at first had been the prerequisite to holding elections, “(eventually) became little more than an afterthought and the operation’s great failing lies with the fact that it did not also make disarmament a priority.” Berman therefore concluded that it is rare when the UN and the international community have an opportunity to reduce significantly the threat that small weapons pose to law and order within a country as well as within a region. “ONUMOZ presented such an opportunity, yet it was not appropriately exploited.” (Berman, 1996:85)

Reflecting on the UN’s capacity to respond to peacekeeping operations as presented by the Mozambican scenario Alden (1995:127) concluded that several of the numerous problems which emerged in Mozambique called into question “(the) capacity of the United Nations to fulfil missions of this nature. The overall readiness to engage in such peace support operations was found in many instances to be wanting. Delays in introducing UN troops, partially due to the failure to secure immediately a Status of Forces Agreement with the Government, were compounded by the reluctance of UN member-states to provide soldiers. The inter-agency conflicts, reflective of structural flaws in the UN system itself, also damaged the credibility of ONUMOZ.”

Alden (1995:112) also pointed out that although the 1992 peace agreement had called for the introduction of a UN presence in Mozambique almost immediately, it took nearly six months before ONUMOZ was actually established. In addition, bureaucratic wrangling, involving everything from in-fighting over "turf" issues to paralysis over procedures, played a significant part in the character of ONUMOZ. "While this could be expected in any large undertaking, and certainly amplified in the case of an operation of the magnitude found in Mozambique, there were several indications that these highlighted the existence of important problems in both the structure and the manner in which UN peace support operations were carried out. In particular, the overlap in terms of mandate fuelled inter-agency conflicts over everything from securing of lucrative contracts to implementing their provisions, while a narrowness of interpretation frequently prevented UN agencies from fulfilling aspects of the peace process which would seem to logically fall within their purview. In addition to incompatible bureaucratic procedures in such key areas as accounting, trust fund management, and the allocation of resources, institutional prohibitions on working with non-state bodies was an obstruction to UN action. Further compounding the situation were the clumsy and slow procurement procedures which, while designed for maximum "transparency", did not lend themselves to the quick and successful implementation of a massive mission in support of peace" (Alden, 1995:115).

Synge (1997:160) also observed that although the soldiers were eventually demobilised, very few of their weapons were collected or destroyed. Disarmament in Mozambique as a national priority was never addressed seriously by the GPA, by the ONUMOZ mandate, or by the international donor community. It was common knowledge that millions of AK-47s were at large in the country, in the possession of soldiers and civilians alike. "The rare opportunity that the ONUMOZ period provided for a comprehensive disarmament was missed entirely. As a result, there is continuing concern about the effects of the proliferation of Mozambican weapons on the stability of the wider Southern African region and of South Africa in particular." Only 180 000 weapons were collected under CCF monitoring and all these were handed over to the new army, with the exception of 24 000 that were destroyed, according to Synge.



## CHAPTER FOUR

### *PEACEBUILDING AND LANDMINES*

#### *4.1. The Problem Of Landmines In Mozambique*

Landmines were extensively used in Mozambique's war of independence, and in the ensuing civil war. Over a period of more than twenty years, the warring parties used landmines to defend army strongholds, villages, strategic areas and in order to ambush and disrupt the enemy, and deny its population the use of land. Mines were also used offensively. (Department of Foreign Affairs, May:1998)

According to Human Rights Watch (1997:69) landmines were deployed by the parties in a variety of ways. Frelimo and Renamo in the 1980s and 1990s frequently disseminated landmines in a random fashion. In many cases it appeared "(that) civilians were the main target and that mines were used deliberately to terrorise civilian communities and to deny them access to fields, water sources and fishing points." In the southern provinces, Renamo was largely responsible for laying mines specifically to discourage or make impossible the return of displaced persons to their homes.

Renamo's war against the government was aimed at the devastation of the economy and the isolation of government forces to garrisons and towns. As part of this campaign Renamo used landmines extensively. Rhodesian military officials began training Renamo combatants in landmine use in 1977. Route denial was a frequent objective through mining of major roads, supply routes, and rural tracks. Airstrips were also an important target of Renamo mining. Ambush mining, particularly on roads and tracks, was extensively employed by Renamo. (Human Rights Watch, 1997:69)

Government forces began using mines to protect border installations against Rhodesian incursions in 1977. Many of the technicians had received training in mine laying when they were trained as nationalist guerrillas in Tanzania, China, and Algeria. Government forces primarily used defensive mining, for the protection of key economic installations and strategic locations (Human Rights Watch, 1997:69).

Portuguese forces in the independence war also used landmines in Mozambique to protect economic and strategic installations and during counterinsurgency operations. Rhodesian and South African forces planted mines in cross-border raids in the late 1970s and early 1980s. Tanzanian troops laid defensive minefields around their bases in Zambézia province. Malawian troops planted mines along the Nacala railway and Zimbabwean regular forces mined the Beira and Limpopo transport corridors (Human Rights Watch, 1997:71).

While systematic mine laying occurred from 1965 until 1992, most mines were laid by Mozambican government armed forces and Renamo between 1978 and 1990. According to Human Rights Watch no one knows the true extent of the landmines problem but most surveys so far suggest that it is a patchy, but nevertheless, serious problem. The most widely cited estimate of the number of mines is the December 1992 UN estimate of two million mines. However, this figure has no independent basis; it was reached by simply taking the average of estimates being circulated at the time. Human Rights Watch was unable to conduct a comprehensive assessment

of landmine numbers, but its 1994 study found that the UN estimate was considerably high, and the figure was better thought of in the tens or hundreds of thousands. (Human Rights Watch, 1997:73)

Analysis of reported mined areas in Mozambique  
(UNDP/DHA/ADP, 1996)

Province	Category					
	1	2	3	4	5	6
Niassa	8	10	4	12	39	26
Cabo Delgado	1	8	3	12	74	21
Nampula	3	19	5	25	63	9
Zambézia	6	72	2	141	202	55
Tete	3	37	4	31	106	38
Manica	14	14	0	7	6	1
Sofala	7	32	2	5	10	2
Inhambane	6	25	6	30	118	25
Gaza	6	15	1	10	18	0
Maputo	35	36	25	32	84	1
<b>Total</b>	<b>129</b>	<b>268</b>	<b>52</b>	<b>305</b>	<b>720</b>	<b>178</b>

Mined area categories:

1. Minefield Rings
2. Roads/Tracks
3. Key National Infrastructures (dams, bridges, power lines)
4. Local Infrastructure
5. Local High Use Areas (schools, health posts, wells)
6. Local General Areas

According to Human Rights Watch (1997:74-75) former Soviet mines remain the most commonly found in Mozambique. Some mines came through circuitous routes. The French MAPDV-59 appeared to have originally been used in Algeria: after independence the Algerians lifted many and resold them to Mozambique. The South Africans also "recycled" mines captured in Angola and gave them to Renamo for its operations.

The following is a list of landmines reported in Mozambique:

- Soviet: PMN, PMN-2, POMZ-2, POMZ-2M, PMD-6M, OZM-3, OZM-4, OZM-72, MON-50, MON-100;
- Czechoslovak: PP-MI-SR II;
- East German: PPM-2;
- Yugoslav: PROM-1;
- Chinese: Type 69, Type 72, Type 72B;
- Italian: VAR-40, VAR-100, Valmara V-69;
- Belgian: PRB-M409;
- French: MAPDV-59;
- British: No.6;
- Portuguese: M-969;

- United States: M18A1, M14;
- South African: M2A2, No.69 Mk1, Shrapnel Mine No.2, MIM MS-803 (mini-Claymore);
- Rhodesian: RAP-1, RAP-2, RAPS (PloughShear);
- Zimbabwean: RAP-No.1, ZAPS (PloughShear).

Antitank mines found in Mozambique include: TM-46, TM-57, TMN-46, TM-62D, TM-62M, TM-62P, TMK-2 (Soviet); Mk5, Mk7, (UK); M19, M24 (USA); Type 72 (Chinese); PtMiBaIII (Czechoslovak); T-AB1 (Brazilian); DNW ATM 2000E (Austrian); PRB M3 (Belgian); No.8Mk1 (South African); "Chocolate Box" (Rhodesian).

In terms of the impact of landmines on Mozambique (Hidden Killers, 1998:7) the U.S. State Department pointed out that the impact of landmines extended far beyond the immediate danger to individual lives and property and affects virtually every aspect of life in heavily mine-infested regions. "The toll that landmines take is far greater than the \$300-\$1 000 required to remove one of them from the ground or the \$3 000 to provide a prosthetic device for a victim. These costs are especially onerous for agrarian societies which typify the mine-infested areas."

According to Hidden Killers the unseen costs and impact of landmines in Mozambique include:

- **Medical:** Treatment and rehabilitation of victims, when services are available, can take years and deplete scarce medical resources in poor countries.
- **Refugees and repatriation:** The presence of landmines impedes the return of refugees and the rebuilding of war-torn societies, prolonging the consequences of war and armed conflict.
- **Economic:** Landmines prevent the fullest utilisation of farmland, destroy livestock, and disrupt markets and production patterns. Their presence inhibits tourism and other potential investment and development opportunities. Retarding economic recovery and reconstruction may increase tensions and instability in the region.
- **Environmental:** Damage to wildlife, forests, and other environmental resources have consequences for both economic and social development. Minefields sometimes become breeding grounds for disease.
- **Security:** The presence of landmines threatens the peace process and post-conflict recovery and reconstruction. They may impede humanitarian assistance efforts, prevent delivery of urgently needed services and supplies, and discourage potential investors.

Until 1995, according to the US State Department, "the most widely cited number of mines in Mozambique had been the 1992 UN estimate of more than two million. A partial national survey, conducted by the Halo Trust in 1994 for the UNDHA, concluded that the actual number of landmines was likely to be significantly lower, and in June 1995 the UN officially revised its estimate downward to one million. Some NGOs argue that the UN estimates are still highly exaggerated and should be lower (Halo Trust estimates 250 000 to 300 000). The lack of records regarding actual mine locations renders it impossible to give a more precise figure, and no official Mozambican statistics exist. The variety of national and international forces operating in Mozambique during the past two decades have uncovered nearly 50 different types of landmines during clearance operations (Hidden Killers, 1998:29)<sup>28)</sup>

28) The U.S. State Department has adjusted its estimate in Mozambique to 1 million (Hidden Killers) A UNDHA study of April 1997 puts the estimate for Mozambique between 500,000 and 1 million landmines.

The South African government (Dept. of Foreign Affairs, May: 1998) concluded that the decades of armed conflict in Mozambique had left a legacy of tens of thousands of landmines strewn in all provinces of the country. In addition to the daily human tragedy landmines caused, mines were also a significant impediment to the socio-economic reconstruction and development underway in Mozambique because of its implications for human security, for sustainable development, and for the consolidation of democracy. The Department of Foreign Affairs concluded that minefields were a deadly trap for rural populations and prevented the utilisation of vast and rich cultivation areas, agricultural development, and the expansion of employment opportunities, all of which tended to affect the stability of democratic governance. Landmines also blocked the rehabilitation and expansion of national infrastructure such as schools, clinics, roads, bridges, electrical transmission towers, reservoirs and hydroelectric plants, and posed a major threat to long-term peacebuilding and reconstruction.

The South African Department of Foreign Affairs (May:1998) also pointed out that:

- Almost eighty percent of the Mozambican population depended on agriculture for survival and the rural economy formed the backbone of food security and national development. This sector remained seriously threatened by the presence of landmines on a national scale. Agriculture also accounted for 70% of Mozambique export earnings.
- The continued existence of landmines in Mozambique was hampering the initiatives of the Mozambique tourist industry to establish infrastructure to develop this potential resource of income that Mozambique desperately needed.
- The demining of routes, community areas and facilities to stimulate socio-economic activities and trade links was regarded as a high priority. It had been argued that illegal Mozambicans currently in South Africa would return to Mozambique, once the threat of landmines in their country had been removed.
- The removal of landmines in Mozambique directly served South Africa's regional objectives of promoting peace and economic stability in the region. Those areas of South Africa bordering Mozambique would also benefit directly from the rehabilitation and reconstruction underway. In addition, the Maputo Development Corridor Project was regarded as a top priority for the South African Government and successful demining of the Maputo Province would significantly enhance conditions for economic growth and development.
- The rehabilitation of Mozambique's essential infrastructure i.e. roads, dams, industrial areas, schools, clinics etc. remained a critical priority for the development of the country, and the removal of the landmine threat could contribute to the eventual success of reconstruction and development programmes undertaken by the Mozambican Government and the international donor community.

In terms of landmine victims in Mozambique (Hidden Killers, 1998:30) the US State Department concluded that no comprehensive number of landmine casualties for all provinces existed and there were wide variances (20 to 50 per month) reported. Handicap International had however collected data in most provinces as part of its mine awareness campaign, and estimated that 45 to 50 casualties per month resulted from landmines. Some NGOs also reported that casualties were minimal in areas in which they conducted clearing operations. Based on recorded accidents in eight of the 10 provinces, the number of casualties showed a reduction between 1996 and 1997, but Mozambique "(must) still contend with the nearly 10 000 people who have become mine victims since the signing of the peace accord."

The 1994 Halo Trust Mozambique landmine survey supported by other relevant data obtained (Mechem Project Proposal, May: 1995) provided the following summary of landmine contamination in Mozambique:

Province	Mined area (m <sup>2</sup> )	Estimated mines	Farmland released (Ha)
Maputo	1 793 500	237 121	22 604
Gaza	737 100	19 027	1 385
Inhambane	1 839 000	29 923	464
Sofala	589 000	13 290	211
Manica	612 000	13 315	195
Zambézia	1 611 400	55 025	956
Tete	770 000	23 526	290
Nampula	723 900	24 682	503
Cabo Delgado	660 000	8 916	330
Niassa	1 125 000	18 579	316
<b>Total</b>	<b>10 460 900</b>	<b>443 404</b>	<b>27 254</b>

With reference to mine awareness (Hidden Killers, 1998:32) the US State Department indicated that the UNHCR and NGOs conducted extensive mine awareness and education for returning refugees in neighbouring countries. Surveys were conducted by Human Rights Watch, Physicians for Human Rights, and the Vietnam Veterans of America Foundation in some provinces during different periods from 1993 to 1995 to assess levels of mine awareness. Results showed that a relatively low level of mine awareness existed among the returning refugees and internally displaced persons, even when landmine casualties were high. In 1994, the UNHCR asked HI to undertake responsibility for the national co-ordination of mine awareness. HI had set up a voluntary partner system at the local level to integrate mine awareness with local government ministries and offices of the NGOs. Other NGOs and the ICRC, NPA, UNHCR, and the Mozambican Red Cross each provided mine education and awareness in locations closest to their operations. Most included some demining in nearby areas that provided basic social services for the local population. The US Government had provided training aids, pamphlets, books, and cards to support these programs. UNICEF had supported a countrywide Landmine Awareness Campaign for several years, emphasising broadcasting and print media to provide information in multiple dialects.

In terms of victim assistance Hidden Killers (1998:32) observed that Mozambique suffered from a lack of adequate health and rehabilitative facilities that contributed to a high fatality rate among mine casualties while UNICEF had reported that nearly 60% of all victims died before they could receive appropriate first aid. In 1996, a comprehensive Community Information Epidemiological Technologies (CIET) International survey of four major landmine-affected countries reported that, in Mozambique, more than 25% of all households were affected by landmines, and women, more than in any other country surveyed, were victims. The government relied heavily upon NGOs to meet its rehabilitative needs. The ICRC, VVAF, MSF, and POWER (Prosthetics and Orthotics World-wide Education and Relief), an international NGO, operated rehabilitation and orthopaedic centres in most provinces and were enhancing the local production capacity for prostheses by training local technicians in production and maintenance. The ICRC had transferred control of some prosthetic/orthopaedic projects to indigenous health care organisations.

## 4.2 *ONUMOZ – Peacebuilding and Landmines*

As the effects of war and drought spread in Mozambique and food insecurity and vulnerability increased throughout the 1980s measures were taken to strengthen the overall UN response. Within the UN system, a co-ordination forum was established in 1984 under the responsibility of the UN Resident Co-ordinator. However, individual agencies tended to unilaterally pursue their sectoral activities. In February 1987, the UN Resident Co-ordinator was appointed UN Special Co-ordinator of Emergency Relief Operations and the office of UNSCERO was created. Agencies involved in large-scale operational activities continued with the organisation of unilateral programmes but UNSCERO provided a useful forum for the exchange of information and, as the peace process moved centre stage in the latter part of 1992, was instrumental in negotiating access to RENAMO-held areas. With the creation of UNOHAC in December 1992, UNSCERO ceased to exist. (UNDHA, 1997:10)

The General Peace agreement signed in Rome in October 1992 stressed the importance of humanitarian action being an integral component of the larger peacebuilding endeavour. However, there was no “humanitarian contingent”, as such, involved in the peace negotiation process and it was not until July 1992 that both parties agreed to a Declaration of Principles designed to facilitate unhindered humanitarian action. There was no specific reference to landmines in the peace agreement.<sup>29)</sup> It must be noted that in 1992 few individuals or entities in or outside the UN were adequately aware of the nature of the problem posed by landmines. In April 1992, the Department of Humanitarian Affairs was formally established and it was not until August of that year that the UN acquired the assistance of an in-house mines specialist who worked with the Department of Peacekeeping Operations and provided advice to UNDHA. (UNDHA, 1997:11)

As early as July 1992, the Under Secretary General for UNDHA, Mr. Jan Eliasson contacted UNSCERO for advice on the nature of the landmines problem in Mozambique and was advised that it was not possible to provide any kind of precise information prior to a cease-fire. UNSCERO also indicated that mines were, indeed, a problem and that aid agencies were in the process of contacting demining companies which might, potentially, be used to open up access roads for relief convoys. (UNDHA,1997:11)

Consequent to the signing of the Joint Declaration by President Chissano and RENAMO leader DHLAKAMA on 7 August 1992 in which they committed themselves to a General Peace Agreement on 1 October 1992, the United Nations dispatched a Technical Team to Mozambique on 9 September 1992.

The team was assigned the objective of evolving a plan for the implementation of the likely role of the United Nations in the cease-fire verification arrangements. It was also assigned the task of assessing the requirement for human and material resources to implement this plan.

The Technical Report (1992:12) concluded that a priority element of the UN Operation must be to assist in the demining and repair of road and rail networks, and to provide security for those undertaking such work.

The Technical Report, however pointed out that it was impossible to estimate the total numbers of mines deployed in minefields, because of the variety of mine-laying agencies. In addition, mines had not been laid in a disciplined fashion, nor had minefield records taken place. Accord-

29) Protocol VI (article 1, par 2) of the GPA merely stated that the CCF should organise and implement mine clearing operations while par 5 (point 6) stipulated that as of E-day (entry into force of the GPA) the Parties may not lay mines and prevent mine clearing operations.

ing to the Report "(a) very rough figure, based on arbitrary and untested approximations, is that the total mine contamination in Mozambique is in the order of 250,000 mines of various types." (Technical Report, 1992:28)

The Technical Team concluded that "the scope of the demining problem is difficult to define, and a mine contamination survey will have to be carried out as a matter of priority after the cease-fire.

The Report also pointed out that the removal of mines will have to be an integral part of the road and rail network clearance and repair. This aspect again will require military engineer capability, because neither the Government engineers nor their counterparts in RENAMO are organised, trained or equipped for the removal of anti-personnel mines. As with other repair and reconstruction groups, mine clearance teams would have to be protected or capable of self protection." (Technical Report, 1992:13)

The Report identified the following priorities for a UN demining capacity as part of a projected UN Peacekeeping operation in Mozambique (Technical Report, 1992:29-30)

- (a). Implementation of a full-scale mine reconnaissance along routes and in areas necessary for peacekeeping and humanitarian operations.
- (b). Clearance essential to the establishment of UN Military Observers, and their immediate areas of operations.
- (c). Clearance essential to the administrative support of Assembly Areas after the cease-fire.
- (d). Clearance necessary for the humanitarian movement of food to feeding centres.
- (e). Clearance necessary for the return of refugees to Mozambique from neighbouring states.
- (f). Clearance and clearance training necessary for the resettlement of refugees.
- (g). Clearance of major infrastructure items not directly connected to the UN operation.

In recommending the establishment of ONUMOZ the UNSG pointed out that the character and scope of the United Nations ongoing humanitarian assistance programmes in Mozambique required adjustment following the signing of the Agreement, in which the parties undertook to facilitate significantly the provision of humanitarian aid to previously inaccessible areas and called on the United Nations to co-ordinate the provision of all such assistance. The UNSG immediately after the signing of the agreement, accordingly dispatched a Humanitarian Assistance Mission to Mozambique to assess existing United Nations operations in this area and to devise a more effective United Nations response to the intended expansion of humanitarian activities, with emphasis on the development of an appropriate co-ordination mechanism. (UNSG report to UNSC, 1992: December)

As a result, the UNSG recommended that ONUMOZ should have a humanitarian component in the form of a United Nations Office for the Co-ordination of Humanitarian Assistance (UNOHAC) which would be established in Maputo, with sub-offices at the regional and provincial levels. It would replace the office of the United Nations Special Co-ordinator for Emer-

gency Relief Operations (UNSCERO). Headed by the Humanitarian Affairs Co-ordinator, and under the overall authority of the interim Special Representative, it would function as an integrated component of ONUMOZ. To ensure the proper provision and delivery of relief assistance to an expanded beneficiary population in Mozambique, UNOHAC would co-ordinate the various humanitarian assistance programmes, operational agencies and the non-governmental aid community would be asked to provide representatives to work within UNOHAC. (UNSG report to UNSC, 1992: December)

According to UNDHA (1997:11) after the entry into force of the GPA, it became apparent that neither the Government nor RENAMO were enthusiastic about mine clearance for humanitarian purposes. When various relief agencies encountered problems in obtaining approval for verification and clearance activities, a special meeting of the Cease-fire Commission was held on 28 December 1992. At the meeting, the SRSR stressed that it was important to distinguish between mine clearance in the context of Protocols IV and VI concerned with military matters and mine clearance undertaken for humanitarian purposes. Referring to the Guiding Principles for Humanitarian Assistance signed by both parties in July the SRSR noted that the United Nations and the ICRC had the authority to undertake the clearing of mines in order to obtain access to people in need of humanitarian assistance. The SRSR referred to various sections of the Guiding Principles including those which stipulated freedom of movement for persons and means which, under the flag of the United Nations or of the ICRC, were engaged in humanitarian actions and were not accompanied by military escorts. The SRSR, referring to Protocol VI of the GPA which stated that the Cease-fire Commission (CCF) would organise and implement mine-clearing operations, indicated that these provisions were strictly limited to the implementation of the cease-fire agreement and did not give the CCF a monopoly over all mine action activities. (UNDHA, 1997:12)

To avoid problems in the future, the SRSR proposed that the Cease-fire Commission be responsible for all issues related to mines but with the clear understanding that this approach should have no negative effect on the delivery of humanitarian aid and if problems arose in the Cease-fire Commission, the issue would automatically come before the CSC. (UNDHA, 1997:12)

On 31 December 1992, the Control and Supervisory Commission decided that in relation to mines a national plan should embrace the dual objectives of clearing all Mozambican territory of mines and strengthening the national capacity to undertake mine clearing operations. The CSC affirmed the role of the two Mozambican parties, FRELIMO and RENAMO to develop this plan with the support of ONUMOZ which requested the UN Department of Peacekeeping (DPKO) in New York to make immediately available the services of the resident mine specialist, to assist in the preparation of a national plan as ONUMOZ had no personnel with the necessary experience in mine warfare. (UNDHA, 1997:13)

In January 1993, after a reconnaissance trip to Mozambique, a preliminary plan was developed setting out the overall direction and modalities of a future mine action programme. The preliminary plan was geared to meeting the immediate needs of the ONUMOZ peacebuilding mission and focussed on the opening of major routes particularly those which had been approved in December 1992 by the CCF although there was no real understanding of the extent to which these roads were mined. (UNDHA, 1997:14)

While there was a sense of urgency to get clearance of major routes underway as quickly as possible, the plan also established the need to simultaneously develop a cadre of Mozambican mine clearers to commence tackling secondary routes and other mined areas likely to cause high civilian death rates. A key element of the plan was the organisation of a mine clearance training school where basic courses would run for 8-9 weeks. After a few months of actual clearance it was envisaged that the most skilled personnel would be selected for training as team leaders

and supervisors. The plan also outlined requirements for the actual management of UN support but no reference was made to the creation of a Mozambican capability essential for the overall co-ordination and management of a national programme upon the departure of the UN mission. (UNDHA, 1997:14)

The plan highlighted the importance of mine awareness and survey activities being undertaken at an early stage but did not identify clearly defined objectives in this regard. With the plan focussed on immediate clearance needs it was primarily concerned with developing a programme which could manage and organise contractual arrangements for rapid clearance of major routes and the organisation of a school to train Mozambicans in mine-clearance and related skills. In this connection, the plan also indicated that at some future date Mozambicans could become a source of expertise for other programmes in Africa. (UNDHA, 1997:14)

The plan also stated that when ONUMOZ “winds down, the Project Management role will continue and, eventually, (it) will pass to the future Mozambique Government”. However, there was no indication as to when or how this could occur or an assessment of the government’s capability to assume such responsibilities. The plan did not indicate to what extent, if any, the government, RENAMO and others were involved in, or consulted on, the formulation of the plan. (UNDHA, 1997:14)

Notwithstanding considerable concern about the implications of mines for a vast range of peace-building activities, the CFC did not approve the project document for a national mine action programme, as broadly outlined in the preliminary plan, until November 1993 - eleven months after it was tabled by ONUMOZ. Initially, FRELIMO expressed reservations about the overall programme and objected to the way in which its use of mines during the war was outlined in the plan. In March 1993, RENAMO began a three-month boycott of the CSC effectively making approval impossible. (UNDHA, 1997:16)

The CFC recommenced its activities with RENAMO participation in June 1993 but since decision-making was by consensus, and the RENAMO participant did not have the necessary authority to decide on particular issues, little progress was made in securing approval for a nation-wide programme. In September and October various tri-lateral meetings were held, paving the way for approval of a number of individual projects including a HALO Trust Level I survey and an NPA programme in Tete. A country-wide programme, which largely reflected the objectives, institutional arrangements, and operational modalities set out in the initial preliminary plan, was finally approved on 24 November 1993. (UNDHA, 1997:17)

UNDHA (1997:17) pointed out that the initial plan was framed within the context and time-frame of the ONUMOZ mission and was vague about institutional arrangements needed to support activities which would continue after the ONUMOZ mandate expired. The general idea was that activities under the direct management of the Programme Manager of the Mine Clearance Programme Management Unit would become the responsibility of the government at the completion of the ONUMOZ mandate. UN institutional arrangements for the mine action programme during the ONUMOZ period were also ambiguous. The plan envisaged a centralised management structure with the Programme Manager reporting to the SRSG while working closely with the UNOHAC Director; in practice, the Programme Manager reported to the UNOHAC Director and collaborated with the Force Commander on issues such as the Mine Clearance Training School which was under the direction of ONUMOZ engineers.

UNDHA (1997:19) also observed that “throughout most of 1993, the UN mine action programme essentially consisted of an office with a Programme Manager waiting for the Cease-fire Commission to reach agreement on the Mozambique Mine Clearance Programme.” It was understood that this programme would be executed by the United Nations Development Programme/Office for Project Services (UNDP/OPS). The project document assumed that rapid deployment of mine clearance units would require contracting with commercial firms particularly in relation to the clearance of major routes.<sup>30)</sup>

By early 1994, According to UNDHA (1997:20) a chorus of criticism was directed at UN activities in relation to mine action in Mozambique. The central complaint from donors was that notwithstanding the allocation of funds in early 1993, no mines had actually been cleared under the auspices of the UN programme some 12 to 14 months later. Aware of such criticism, perturbed by delays, and anxious to have a Mozambican capability operational prior to the end of the ONUMOZ mission, UNOHAC initiated steps in April 1994 to launch what became known as ADP, the Accelerated Demining Programme.

The report of the Secretary General on ONUMOZ (UNSG report to UNSC, April:1994) acknowledged that the United Nations mine-clearance programme “(has) suffered significant delays, partially as a result of the slow approval of the national mine-clearance plan by the Cease-fire Commission, but also because the process of identifying and selecting suitable contractors turned out to be protracted. Negotiations have finally been completed for a contract for the clearance of unexploded ordinance and mines blocking 2 000 kilometres of priority roads.”

In the same report the UNSG also announced that “(the) mine-clearance programme will be accelerated to ensure that sufficient progress is made in the coming months in the movement of internally displaced persons and returnees and to facilitate the election campaign. The training of mine-clearance personnel, being undertaken by the United Nations and other donor agencies, will be speeded up so that an adequate number of Mozambicans will have been trained to carry out the necessary mine-clearance activities.”<sup>31)</sup> (UNSG report to UNSC, April:1994)

Security Council Resolution 916 (May:1994) renewing the mandate of ONUMOZ until 15 November 1994 and urging the Mozambican parties to allow ONUMOZ unimpeded access to the areas under their control emphasised the importance of progress being made in the area of mine clearance and related training in Mozambique. It also welcomed the Secretary General’s intention to accelerate the implementation of the United Nations programme and expressed appreciation to those countries which had provided assistance.

In the report of the Secretary General on ONUMOZ to the UNSC (July:1994) the UNSG announced that “(the) plan to establish a national mine-clearance capacity is now making progress, and it is expected that some 400 Mozambican deminers will be trained by November 1994. In this regard, the Mine Clearance Training Centre is to be moved from temporary facilities in Beira to more permanent ones in Tete, In the meantime, the national mine survey was completed on 9 June 1994, providing critical details concerning safety of roads and 1 300 confirmed or suspected mined sites.”<sup>32)</sup>

30) Despite the slow progress UNSC Resolution 863 of 13 September 1993 welcomed “the progress on mine-clearing” in Mozambique.

31) The Secretary General in his report to the UNSC (1993:November) indicated that “(the) projected aim to train 1500 deminers is now in an advanced stage of preparation.”

32) The UNSG described the Halo Trust Survey as a “national mine survey (which) will provide high quality information on mined roads and areas all over the country.” UN DHA however found the survey to be “seriously flawed” given the absence of crucial information such as the magnitude of mined areas identified, the precise length of roads suspected of being mined and the non classification of the reliability of individual accounts of reported minefields.

In addition, a statement by the President of the Security Council (July:1994) expressing concern at continued delays in the implementation of the General Peace Agreement for Mozambique underlined the importance to the peace process of the rehabilitation of areas with a large returning population, including through an effective mine-clearance programme. In this regard, "(it) urged that high priority be given to mine-clearance activities and related training."<sup>33)</sup>

The visit of the UN Security Council mission to Mozambique between 7 and 12 August 1994 underscored the serious problems experienced by the ONUMOZ mine clearance programme towards the end of its mandate. In the report of the UNSC mission (August:1994) the mission pointed out "(that) substantial delays in the implementation of aspects of the mine-clearance programme, and the state of the programme generally, were a source of dismay to the Mission. While the National Mine Survey has been largely completed, there has been only limited progress in the clearing of priority roads, and the Mine-clearance Training Centre is still not fully operational." The Mission was especially concerned to learn during a visit to the Training Centre at Tete that the Centre was experiencing difficulty attracting Mozambican trainees. The lack of resources at the centre, including such basics as a reliable water supply and medical support unit, was also a cause of concern to the UNSC mission.

The UNSC Mission therefore concluded that "(if) there was one area of disappointment in an otherwise successful mission, it was that of mine clearance, which was late in starting and has made little progress. This must be rectified, with proper machinery put in place. There should be no attempt whatsoever to disrupt the programme, or to transfer existing resources to another operation." (UNSC Mission Report, August:1994)

With regard to the longer term sustainability of the programme after expiration of the ONUMOZ mandate the mission observed that "(the) financing of the programme beyond November 1994 deserves serious consideration as the Government of Mozambique is unlikely to be in a position to finance the programme on a long-term basis." (UNSC Mission Report, August:1994)

The Report of the Secretary General to the General Assembly on humanitarian and disaster assistance to Mozambique, (September:1994) also addressed the longer term dimension of landmines in Mozambique and stated that "(the) clearance of the land-mines, which are impeding the economic and social development of Mozambique, will require a number of years. It is hoped that the Mozambican national capacity can eventually encompass all of the Mozambicans who have been engaged in mine-awareness and clearance efforts. The establishment of a national government entity, which is to assume responsibility for the demining programmes upon the expiry of the ONUMOZ mandate, has unfortunately also suffered delays. Additional technical and financial assistance will clearly be required from November 1994. Before that time, however, required managerial capacities must be created and a management training programme should be in place that would provide operational and financial management capacities and thus set the stage for the eventual assumption of full responsibility by the Government of Mozambique."<sup>34)</sup>

The Statement by the President of the Security Council welcoming the installation of the President of Mozambique and the inauguration of the new Assembly (December:1994) also expressed the hope "(that) effective arrangements for the disposition and, as appropriate, the destruction of weapons and the establishment, with the assistance of the United Nations, of a

33) The initial mine action plan clearly identified mine awareness as an important component of the envisaged programme but according to UN DHA no serious attempt was made by the UN to develop a national programme during the initiation period. In fact mine awareness was stipulated as part of the plan in the report to the UNSG to the UNSC on ONUMOZ (1993:November). Although primarily focused on the physical and occupational rehabilitation of mine victims Handicap International began to play a key role in conducting mine awareness in Mozambique in early 1993.

34) A statement by the President of the Security Council on 7 September expressed concern at the limited progress made in the area of demining, welcomed efforts to revitalise the programme and urged all concerned to accelerate training and mine-clearance "(and) work with the relevant Mozambican authorities towards the establishment of a national demining capacity"

national demining capability will be in place prior to the final withdrawal of ONUMOZ, and that consideration will be given to leaving demining and other equipment in Mozambique after the withdrawal, subject to the appropriate arrangements.”

In the final report of the Secretary General on ONUMOZ (December:1994) the UNSG informed the UNSC that “(as) a result of the slow start of the original United Nations demining programme, a new and accelerated programme was put in place in June 1994. Its ultimate goal is the creation of a national Mozambican mine-clearance capacity. By the end of the mandate of ONUMOZ, the programme had been able to train 450 Mozambicans to man 10 demining teams, which are currently operating in the southern areas of Maputo province. They have cleared some 40 000 square metres and disabled over 555 mines. The programme has also achieved a significant number of other goals: 20 Mozambicans were trained as demining team supervisors; an additional 16 Mozambicans have completed training as minefield surveyors; and others have been trained for work as paramedics, explosive ordnance disposal specialists and logisticians, and for general administrative and other functions.”

The Secretary General also expressed the hope that “(the) period of time between the end of the ONUMOZ mandate and November 1995 will be sufficient for the Government of Mozambique and others concerned to reach a final determination regarding the future of the demining programme.” In this regard the UNSG concluded that “(all) parties concerned with demining in Mozambique share the view that there is a need for the establishment of an entity at the national level to provide the various demining organisations and companies with policy orientation, operational standards and coherence. At present, it is envisaged that the capacity required for such an entity will be built through a donor-supported UNDP project.” (UNSG report on ONUMOZ, December:1994)

According to UNDHA at the end of 1994, the combined efforts of the NGOs, commercial companies and the UN resulted in the following levels of clearance:

- Roads cleared \_\_\_\_\_ 2,800 km
- Area cleared \_\_\_\_\_ 1,440,750 sq.m (144 hectares)
- Mine destroyed \_\_\_\_ 1,184
- UXO destroyed \_\_\_\_ 78,000

It was estimated that during this period just under \$24 million was disbursed to achieve these totals. (UNDHA, 1997:24)

Towards the end of the ONUMOZ mandate the UN General Assembly in a Resolution concerning assistance to Mozambique noted “(with) appreciation that a mine-clearance programme is underway in Mozambique”, with the support of the United Nations, in close co-operation with Governments and intergovernmental and non-governmental organisations. The Resolution also urged the international community “(to) continue to provide the needed assistance for the accomplishment of the mine-clearance programme in that country.” (UNGA Resolution 49/21, 1994: December)

### **4.3. *The Ottawa Treaty 1997***

#### **4.3.1. *Introduction***

The 1997 Ottawa Treaty is part of the international response to the humanitarian crisis caused by the global proliferation of anti-personnel landmines. Their long-term negative impact upon individuals, communities and societies and on sustainable develop-

ment presents one of the most serious man-created problems of the twentieth century. Once emplaced, landmines are indiscriminate in their effects, and unless removed or detonated, long lasting.

In 1990, the International Committee of the Red Cross (ICRC) and humanitarian organisations began to document a dramatically high number of civilian mine casualties. Many of the victims were wounded during periods when no fighting was taking place or after the end of hostilities. Subsequently, the ICRC, and the International Campaign to Ban Landmines (ICBL) – an international coalition of non-governmental organisations – began efforts to raise awareness about the devastating effects of these weapons and press for an end to their use. During the years leading up to the conclusion of the Ottawa Treaty in 1997, these efforts were the dominant force in mobilising public opinion, stimulating military and political debate, and ensuring that the plight of victims and communities living under the threat of landmines was highlighted.

Detailed provisions specific to anti-personnel mines are contained in various international agreements and the use of landmines is restricted by international law, specifically international humanitarian law namely:

- Parties to a conflict must always distinguish between civilians and combatants. Civilians may not be directly attacked and indiscriminate attacks, and the use of indiscriminate weapons are prohibited.
- It is prohibited to use weapons which cause superfluous injury or unnecessary suffering. Therefore, the use of weapons whose damaging effects are disproportionate to their military purpose is prohibited.

These principles have become part of customary international law and therefore apply to all states irrespective of their international treaty obligations.

In terms of Treaty law, which applies only to States party to specific international treaties, the principal agreement governing the use of landmines, prior to the Ottawa Treaty was the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, adopted in 1980 (CCW). Protocol II of the Treaty, the Protocol on prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, applies only to those states which agree to be bound by its terms as an international legal agreement, as opposed to international customary law. The CCW was regarded as a weak instrument with inadequate provisions and a low ratification rate. The CCW formally applied only to international armed conflicts while the majority of modern day conflicts were internal armed conflicts. The CCW also lacked implementation provisions.

In light of the humanitarian and socio-economic impact of landmines it became evident that existing provisions of the CCW were inadequate. Governments therefore agreed to a Review Conference in September 1995 (Vienna) of the CCW and to specifically strengthen the provisions of Protocol II dealing with anti-personnel mines. Talks to prohibit or strictly limit the production, transfer and use of anti-personnel mines became deadlocked and the Review Conference was reconvened in Geneva for two sessions in 1996. Although changes to Protocol II of the CCW were agreed upon, many governments, the ICRC and ICBL considered the outcome inadequate in terms of the complexity of provisions, and effective implementation mechanisms in the context of the nature

of modern day armed conflicts. The amended Protocol II was also seen as insufficient to curb proliferation of the weapon and consequently, to reduce the number of civilian casualties.

At the closing session of the Review Conference, Canada announced its intention to invite stakeholders and countries supportive of a total ban on landmines to attend a conference in Ottawa aimed at effectively ending the affliction caused by landmines.

The Canadian conference, "Towards a Global Ban on Anti-Personnel Mines", took place in Ottawa in October 1996 with the active support of 50 governments, the ICRC, the ICBL and the United Nations. On 5 October 1996, the conference adopted the Ottawa Declaration, which committed the participants to carrying out a plan of action intended to increase resources for mine clearance and victim assistance and to ensure that a Mine Ban Treaty was concluded at the earliest possible date. At the closing of the conference, the Canadian government invited all governments to come to Ottawa in December 1997 to sign a Treaty prohibiting the production, stockpiling, transfer and use of anti-personnel mines.

The formal follow-up to the 1996 Ottawa conference took place in Brussels, June 1997. The Brussels International Conference for a Global Ban on Anti-Personnel Mines was attended by representatives of 154 countries and 97 governments signed the Brussels Declaration, launching formal negotiations on a comprehensive Landmine Ban Treaty, greater international co-operation and assistance for mine clearance and the destruction of all stockpiled and cleared anti-personnel mines. The Declaration called for the convening of a diplomatic conference in Oslo to negotiate such a Treaty.

In accordance with the Brussels Declaration, formal Treaty negotiations took place during September 1997 at the Oslo Diplomatic Conference on an International Total Ban on Anti-Personnel Landmines. Ninety-one countries took part in the negotiations as full participants and 38 countries were present as observers, as were the ICRC, the ICBL, and the UN.

The Oslo Diplomatic Conference chaired by South Africa's Ambassador Jakob Selebi, on 18 September 1997 adopted the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The Ottawa Treaty signed by 122 countries in 1997 established a new norm in international humanitarian law by banning the use, stockpile and transfer of anti-personnel mines. It also established a comprehensive international legal framework with binding timeframes and commitments to clear landmines, assist victims, destroy stockpiles, cooperate internationally and ensure implementation and compliance.

#### **4.3.2. *Mozambican Position on the Mine Ban Treaty***

On October 24, 1995 President Chissano announced in New York after meeting with UN Secretary General Boutros Boutros-Ghali that Mozambique was prepared to head an international campaign against landmines. Pres. Chissano stressed "(that) many people are demanding that Mozambique should head a world campaign against the production, sale and use of landmines." He pledged that Mozambique was prepared to play such a role. However, the government took little concrete action as it appeared that there was a split on the landmine issue, with the Ministry of Foreign Affairs and Development increasingly supportive of a ban, but the Ministry of Defence opposed. Some in the

Mozambican military clearly wanted to retain the option of using landmines, believing that they had a useful role in Mozambique's defence strategy. (Human Rights Watch, 1997:99)

In November 1995 the *Campanha Mocambicana Contra as Minas (CMCM)*—Mozambican Campaign to Ban Landmines—was launched. In 1996 the CMCM lobbied the Commission for Defence and Public Order for a law to ban landmines in Mozambique. It also held meetings with the foreign minister and the speaker of the assembly. The CMCM also gathered over 100,000 signatures on a petition calling for a total ban. Mozambican Foreign Minister Leonardo Simão in October 1996 spoke at the UN, saying, "We look forward to continue working together with a view toward eliminating these horrible weapons, not only in Mozambique but also in all countries affected by this evil." He said his government supported a world-wide ban on the production, stockpiling and distribution of landmines. Mozambique also played a constructive role in supporting the U.S.-sponsored UN General Assembly Resolution calling on nations "to pursue vigorously" an antipersonnel mine ban, and to conclude an international Ban Treaty "as soon as possible." The Resolution passed on December 10, 1996 by a vote of 156-0, with ten abstentions.

As the 4th International NGO Conference on Landmines (held in Maputo February 25-28, 1997) approached, the government's position on landmines received greatly increased attention domestically, regionally and internationally. President Chissano, after repeated delays, agreed to meet with the Mozambican ban campaign the week before the conference. (Human Rights Watch, 1997:100)

On February 26, Mozambique's foreign minister addressed the NGO Conference and announced an immediate ban on the use, production, import and export of antipersonnel mines. Foreign Minister Simão's statement said:

"Accordingly, under the provisions contained in paragraph 1 of article 153 of the Constitution of the Republic, the Council of Ministers determines:

1. With immediate effect, the production, commercialisation, utilisation and non-authorized transportation of antipersonnel landmines is hereby prohibited in the national territory.
2. The Government shall continue to promote all efforts aimed at ensuring mine clearance activities, with a view to guaranteeing greater security to the citizens."

Mozambique signed the Mine Ban Treaty on 3 December 1997 and ratified the Treaty on 25 August 1998.

Mozambique, as a State party to the Mine Ban Treaty undertakes "never under any circumstances":

- (a) to use anti-personnel mines;
- (b) to develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, antipersonnel landmines;
- (c) to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention (Art 1. para. 1).

### ***4.3.3. Peacebuilding: Implications of the Mine Ban Treaty for Mozambique***

An analysis of the Mine Ban Treaty reflected the following implications for Mozambique having signed and ratified the convention on the prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel mines and on their destruction.

#### ***4.3.3.1. An End to the Use of Landmines***

Mozambique obliges itself “never, under any circumstances” to use anti-personnel landmines. This includes all situations of armed conflict – whether between countries (international armed conflict) or a civil conflict (internal armed conflict) – as well as troubles of a lesser intensity commonly referred to as internal unrest or civil disturbances. All offensive and defensive usage is prohibited. Moreover, any resort to the weapon during peacetime is also proscribed. Mozambique cannot deploy anti-personnel mines to fortify its borders as a means of preventing unwanted persons from entering its territory or to protect important military or other installations. In ratifying the Treaty, Mozambique accepted that mines were no longer a legitimate weapon to be used either in peacetime or in time of war.

#### ***4.3.3.2. Prohibition on Development and Production***

The Treaty prohibits the development and production of anti-personnel mines (Art. 1, para. 1 (b)). Mozambique cannot manufacture the devices, nor can it initiate any projects intended to improve current models, develop new models, or generate any such weapons in the future.

#### ***4.3.3.3. Prohibition on Stockpiling***

In addition to prohibiting the development, production and use of anti-personnel mines, the Treaty precludes Mozambique from stockpiling them (Art. 1, para. 1 (b)) and Mozambique is not allowed to purchase, procure, or otherwise obtain the devices.

Furthermore, any existing stocks must be destroyed within four years of the date on which the Treaty enters into force for Mozambique (Art. 4). States requiring assistance in order to ensure the destruction of anti-personnel mines within the specified time period may apply to other States Parties to the Treaty for such assistance (Art. 6).

However, Mozambique is permitted to retain or transfer a limited quantity of mines for training in mine-detection, mine-clearance, and mine-destruction techniques. The number of mines kept shall not exceed the minimum number absolutely necessary for such purposes (Art. 3, para. 1).

#### **4.3.3.3. *Prohibition on Transfer***

The final component of the comprehensive ban established by the Treaty is a prohibition on transferring anti-personnel mines. Mozambique is not allowed, in any way or under any circumstances, to transfer anti-personnel mines either directly or indirectly. According to the Treaty, the term "transfer" involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines. (Art. 2, para. 4).

The prohibition on transfer covers import and export as well as transfer of ownership of mines. In order to facilitate mine detection, destruction and clearance, there are, however, a small number of narrow exceptions to this prohibition. First, Mozambique is permitted to transfer anti-personnel mines for the purpose of destruction. Second, it may transfer a limited number of mines allowed to be retained for training purposes. Any other exchange of anti-personnel mines beyond these exceptions is forbidden. As the definition makes clear, the transfer of territory containing anti-personnel mines does not constitute a "transfer" of those mines for the purposes of the Treaty.

#### **4.3.3.5. *Other Prohibited Activities***

Mozambique having ratified the Treaty agrees never under any circumstances to assist, encourage or induce anyone, whether or not they are bound by the Treaty, to engage in any prohibited activity. This reinforces the effectiveness of the Treaty's comprehensive ban on anti-personnel mines.

The Treaty obliges each State Party to clear all anti-personnel mines already in the ground within a period of 10 years following its entry into force for that country. Specifically, Mozambique must destroy all anti-personnel mines in "mined areas" under its jurisdiction or control. This covers not only its own territory but also territory, which it may be occupying. The Treaty defines a mined area as "an area which is dangerous due to the presence or suspected presence of mines" (Art. 2, para. 5).

This includes all Mozambican territory known to contain mines, such as minefields, which are defined as areas where these weapons have been systematically laid in such places as national borders and tracts around military installations. It also includes all other public or private land known or believed to contain the devices. It is irrelevant how the mines came to be in a particular area, and Mozambique assumes responsibility for clearance whether the mines were laid by their own military units or by other forces.

An area is considered to be "mined" if it is thought to contain either anti-personnel or anti-vehicle/anti-tank mines. Since anti-personnel mines are often used to prevent the removal or deactivation of anti-vehicle mines, if an area is suspected of containing anti-vehicle mines it will often also contain anti-personnel mines. If this is found to be the case, all anti-personnel mines in the area must be destroyed. There is no obligation in the Treaty to remove or destroy the anti-vehicle mines. However, they remain regulated by the rel-

evant provisions of Protocol II to the CCW, which require that as soon as possible after the cessation of active hostilities all mined areas be either cleared or marked, fenced and monitored to ensure the effective exclusion of civilians.

The Treaty recognises that some mine-affected countries may not be in a position to clear and destroy all anti-personnel mines in areas under their jurisdiction or control within 10 years. Such countries may therefore request that the other States Parties accord them an extension period of up to 10 years (Art. 5, para. 3). Requests are to be made at a meeting or review conference of the States Parties and the decision to grant or reject a request for additional time is to be made by a majority of those countries present and voting (Art. 5, para. 5). An extension period may be granted more than once. This offers an opportunity for States requiring assistance to present their case and to seek appropriate help, whether in terms of financing, human resources or technical aid, in their mine-clearance efforts. This opportunity, is reinforced by the obligation on States "able to do so" to provide international co-operation and assistance for mine clearance (Art. 6).

Pending the clearance of mined areas and irrespective of any extension granted, Mozambique "shall make every effort" to identify all areas under its control known or suspected to contain anti-personnel mines. Once an area has been identified as possibly containing such weapons, action must be taken to ensure that civilians are prevented from entering it. The perimeter must be marked, monitored and protected, by fencing or other means. The method chosen must ensure the effective exclusion of civilians. Mozambique has a responsibility, not only to close off the area, but also to make certain that the barriers remain in good condition and do not deteriorate, become damaged, or otherwise disintegrate. The protections put up are to remain in place until all of the anti-personnel mines have been destroyed. In marking an area, certain minimum standards set out in the amended version of Protocol II of the CCW must be met. These standards include but are not limited to the following:

- signs should be used to mark mined areas and should be placed at a distance sufficient to ensure their visibility at any point by a civilian approaching the areas;
- the marking should be of a distinct and durable character;
- all feasible steps should be taken to ensure that the means used to establish the perimeter of a mined area are not removed, concealed or destroyed.

#### **4.3.3.6. Assistance to Victims**

The Treaty calls upon all countries able to help to do their utmost to ensure the care, rehabilitation and reintegration of mine victims. A specific role in this process is accorded to the International Red Cross and Red Crescent Movement: Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national

organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federations, non-governmental organisations, or on a bilateral basis (Art. 6, para. 3).

#### **4.3.3.7. *Entry into Force***

The Treaty as a whole will enter into force six months after 40 countries have deposited declarations with the UN Secretary General that they adhere to its provisions. Nonetheless, even before it becomes legally binding, countries are encouraged to declare their intention to apply “provisionally” the basic prohibitions on the development, production, stock-piling, transfer and use of anti-personnel mines (Art. 18).

The Treaty’s obligations become binding on a particular country once the text has formally entered into force as a whole and for that country. A State’s signature is not of itself enough to bind the signatory to respect all of its provisions. Signing a Treaty does, however, signal the intention to adhere formally at a later date (through ratification, approval or acceptance) and international law requires that a signatory must not do anything that undermines the “object and purpose” of the Treaty. The two-stage process of signature followed by formal adherence is intended to allow national parliaments or legislatures to debate the Treaty, and its implications for the country before a final decision is made whether or not to become bound by its provisions.

After it enters into force, countries that have not signed the Treaty may still formally adhere to it by accession. Any State may accede directly to the Treaty instead of signing and ratifying it thereby binding itself to respect its provisions.

#### **4.3.3.8. *Treaty Compliance***

The Treaty provides for a number of mechanisms to promote implementation and resolve disputes. These include a requirement for Mozambique to report regularly on action taken to implement the obligations laid down in the Treaty: a duty to co-operate in settling disputes, legal, administrative and other measures to be taken nationally to prevent violations, and regular meetings to review the effectiveness of the Treaty and its implementation (Arts. 7-13).

#### **4.3.3.9. *Reporting on Implementation***

In order to promote openness and confidence that the Treaty is being implemented, Mozambique must provide the UN Secretary General with an annual report concerning the action it has taken to comply with its provisions (Art. 7). This report must include inter alia information on:

- the progress of its mine-destruction programmes, including the total number and the types of mines destroyed;
- and the national measures, such as legislation or administrative regulations, taken to prevent and suppress violations of the Treaty.

#### 4.3.3.10. *Settling Disputes*

Countries are encouraged to consult and co-operate with each other in order to settle any disputes which may arise (Art. 10, para. 1). In addition to issues of compliance, any disputes concerning the application or interpretation of the Treaty may also be brought before the meeting of States Parties. Mozambique as a country participating in the meeting can offer its services to mediate, or States Parties may recommend ways to resolve the disagreement (Art. 10, para. 2).

Another mechanism established by the Treaty to promote confidence in its implementation is an enquiry process to be used in the event that a State Party is suspected by another State Party of having failed to respect the provisions of the Treaty (Art. 8). The process begins with a "request for clarification", which is passed on to the country under suspicion through the UN Secretary General. Once the request has been received, that country has 28 days within which to respond to the allegation (Art. 8, para. 2).

If no response is received within that time period, or if the response is deemed unsatisfactory, the issue may be presented to the next meeting of States Parties. If, however, the issue is considered urgent, a "special meeting of States Parties" may be convened to consider the matter (Art. 8, para. 3). In both instances, the countries attending the meeting will examine the information submitted and decide by a majority vote if further action is necessary (Art. 8, para. 6).

If additional information is required, a fact-finding mission may be sent to the country (Art. 8, para 8). The fact-finding team will consist of up to nine experts whose task is to collect information directly related to the allegation. Its members are appointed by the UN Secretary General and drawn from a pool of previously submitted names. The country that is the object of the inquiry is consulted on the selection of the experts. The nationals of the country requesting the fact-finding mission or any country directly affected by it cannot participate in the mission (Art. 8, paras. 9 and 10).

The country under examination is obliged to accommodate the fact-finding mission and ensure that it is given the opportunity to speak with all persons and visit all areas relevant to the inquiry (Art. 8, para. 14). Such access, however, may be subject to arrangements made by the country to protect its national security, the safety of fact-finding personnel, and the proprietary and constitutional rights of its citizens. Unless otherwise agreed, the fact-finding mission will not remain in the country for more than 14 days nor stay at any particular site for more than seven days (Art. 8, para. 15).

The fact-finding mission will report the information it has gathered to the UN Secretary General who will forward it to the meeting, or special meeting of States Parties (Art. 8, para. 17). After reviewing the report, countries may suggest ways to resolve the issues. In extreme cases, this could include referring the matter to the UN Security Council or adopting other enforcement measures provided for by the UN Charter. Any decision taken at this stage is made by consensus or, if that is not possible, by a two-thirds majority of the countries present and voting (Art. 8, para. 20).

#### **4.3.3.11. *National efforts to prevent violations***

A State Party must do all it can to prevent and put an end to violations of the Treaty on territory over which it has jurisdiction or control, or by persons over whom it has jurisdiction or control (Art. 9). Mozambique is also required to adopt national laws or enact other administrative or regulatory measures to prevent and punish prohibited activities. Such action should include criminal penalties for violation.

#### **4.3.3.12. *Reviewing Implementation of the Treaty***

The Treaty provides for a series of regular meetings of States Parties that will enable the countries concerned to discuss its implementation. There are four types of meetings referred to in the Treaty: meetings of the States Parties (Art. 11), special meetings of the States Parties (Art. 8), review conferences (Art. 12) and amendment conferences (Art. 13). In summary, the meeting of States Parties is convened to review the status of the Treaty's application and implementation. Such a meeting will be held annually for, at least, the first four years after the Treaty has entered into force. There, countries can raise issues concerning implementation of the Treaty and try to resolve any disputes on its interpretation. The special meeting of States Parties is an extraordinary measure to examine a specific concern about possible non-compliance. Five years after the Treaty's entry into force, a full review conference will be held. In addition to providing a forum to discuss Treaty implementation, it may also determine how often meetings of States Parties will be held in the future. Further review conferences may be convened at the request of any State Party at intervals of, at a minimum, five years (Art. 12, para. 1).

#### **4.3.3.13. *Strengthening and Updating the Treaty***

To ensure that the Treaty can be adapted to address a changing world situation and evolving technologies, there is a specific provision for its amendment at any time after it enters into force (Art 13). Proposals for amendments may be submitted by any State Party. They must be sent to the UN Secretary General, who will circulate them to all the States Parties. These countries must, within 30 days, indicate if they support discussing the proposals further. If a majority of countries respond favourably, the Secretary General will convene an Amendment Conference to which all State Parties will be invited.

At the amendment conference, the proposed amendments will be discussed and voted upon, and adopted if approved by at least two-thirds of the States Parties present and voting. However, support for the proposals at the conference is not enough for them to become binding on the States Parties. Following the conference, countries must inform the UN Secretary General that they agree to be bound by the amendments, which only come into effect once a majority of State Parties have made this notification and then only for these States (Art. 13, para. 5). Once in force, the amendments do not apply to any country that has not ratified them. Nonetheless, these States will remain bound by the original text.

#### **4.3.3.14. Reservations**

No reservations are possible to any of the Treaty's provisions (Art. 19). This means that at moment of signature or subsequent adherence, Mozambique is not entitled to make a unilateral declaration that it will not respect one or more of these provisions.

#### **4.3.3.15. Withdrawal**

As is the case with many other international legal agreements, Mozambique is permitted to withdraw from the Treaty. To do so, it must give notice of its withdrawal to the UN Secretary General and to the other States Parties. However, the withdrawal does not take effect until six months after such notice is received. If, however, at the end of this six-month period the country is involved in an armed conflict, the withdrawal is not effective until after the end of the armed conflict.

### **4.4 The Mozambican National Demining Commission**

With the departure of ONUMOZ on the horizon in mid-1994, UNOHAC/DHA approached the government for permission to begin planning for a "national demining entity". It was assumed that a model similar to that developed in Cambodia - a combined co-ordination and implementation mechanism within a traditional ministerial style body - would emerge in Mozambique. UNOHAC proposed a Mozambique Mine Action Centre (MOZMAC) to the government in late July and presented a paper for donor discussion in late August 1994. MOZMAC was consciously modelled after the Cambodian Mine Action Centre. The donors argued that this model was too top heavy, expensive and replicative of existing efforts by NGOs and commercial companies. In spite of well-articulated criticism from the very donors asked to support the programme, UNOHAC/DHA continued pursuing an integrated co-ordination and implementation model as late as October 1994. An impasse developed. UNOHAC was unable to re-think its original proposition. It equated a Mozambican capacity with the ability to directly clear minefields and it was unable to convince donors that the Government should have the capacity to oversee, co-ordinate and regulate all mine action activities in the country. The inability of the UN and the donors to reach consensus meant that one of the poorest war-torn countries in the world was not given the help it needed to have a voice in the way in which the problem of mines was addressed. The absence of a central co-ordination mechanism meant that it was up to the mine action agencies and the donors to determine where and how resources would be allocated and used. (UNDHA, 1997:21)

According to UNDHA the donors pushed for a model which would have given the government the capacity to regulate and oversee mine action in Mozambique. This meant that the government would not have a direct implementation capacity but would be responsible for:

- 1) developing policy and identifying priorities;
- 2) co-ordination;
- 3) budget development;
- 4) contracting others to undertake specific tasks;

- 5) quality control;
- 6) mine awareness, and
- 7) maintenance of a national database on landmines.

At the beginning of the consolidation period, DHA and UNDP were still pushing for an institutional arrangement which would have given the government both oversight as well as a field operational capacity but donors and the UN never reached agreement. This meant that the UN Accelerated Demining Programme effectively became a project managed and supported by the UN. The issue of a Mine Action Centre or central co-ordination mechanism was left unresolved. (UNDHA, 1997:31)

The SRSR negotiated with the newly-elected government to take over responsibility for mine action activity from the GPA mechanisms and UN/DHA/UNOHAC. The government accepted its responsibility to exercise sovereign authority over mine action activities through the creation in May 1995 of the National Mine Clearance Commission (NMCC) and its executive arm CND. – Comissão Nacional de Desminagem. (UNDHA, 1997:28)

The CND was established by government decree no. 18/95 comprising seven ministers and the director of the executive body of the commission. The commission was to be chaired by the minister of foreign affairs and co-operation and was mandated to:

- collect, process and analyse information and data relevant to demining, elaborate a strategy and action plans for mine clearance, and establish procedures for setting priorities at local and national levels;
- monitor and co-ordinate all ongoing demining activities;
- act as the approval and licensing authority for new operators wishing to start mine clearance activities in the country, as well as ensure quality control and uniform standards;
- adjudicate public tenders for service contracts in the field of mine clearance;
- promote and oversee the implementation of a national program to improve public mine awareness.

The CND was also mandated to “promote a national demining capacity, through national companies and non-governmental organisations, as well as through a subsidiary national demining operative unit.” This provision was for the transfer of the Accelerated Demining Programme to the government in 1997. (Interview with Min. Simão, March:1999)

With the departure of UNOHAC in late 1994, UNDP assumed responsibility for humanitarian co-ordination and tasks which had been handled by UNOHAC. ADP thus came under UNDP administrative authority. UNDP and UNDHA made it clear to the government that ADP, while a nationally executed project, remained under the direct management and control of UNDHA and UNDP. The ADP became operational in February 1995. (UNDHA, 1997:32)

By early 1996 there was increased awareness of the need to assist the government to acquire the necessary skills and expertise to make the NMCC a working reality. Although the NMCC had been decreed into existence in May 1995 it had never formally met. (UNDHA, 1997:31)

In February 1997, the Government and UNDP signed a project document for the continuation of ADP activities for the following three years. The overall strategy identified for the project period was to undertake activities in the three southern provinces based on plans formulated by the CND or on the basis of consultation between local authorities and the CND. The project document had clearly identified objectives for the on-going Mozambicanisation of the ADP. (UNDHA, 1997:33)

In the absence of a central co-ordination and regulatory capacity, programme activities evolved in an ad hoc fashion and in response to specific donor and other objectives. Some of the major characteristics of the consolidation period included the geographic division of Mozambique by ADP, NPA and HALO Trust into three spheres with NPA in the north, HALO in the centre and ADP in the south; the continued and unilateral use of commercial companies to fulfil specific donor objectives, the use of dogs for clearance and experimentation with the use of mechanical devices, and the attempt to co-ordinate and implement a national mine awareness education strategy. (UNDHA, 1997:33)

Towards the end of 1997 a UNDP evaluation mission carried out an assessment of the UNDP technical assistance programme to CND. The Report of the evaluation mission (UNDP, 1997:4) pointed out that in terms of the development of an indigenous mine action capacity “(the) CND existed with little personnel, equipment, expertise or foreign technical assistance (and) although CND only became a UNDP technically assisted project in January 1997, technical assistance did not begin effectively until March 1997.”

Consequently the UNDP evaluation team recommended “multiple and individual steps that may be enacted immediately to address the current problems.” Moreover, the UNDP team presented several scenarios for the future structure of CND, namely a continuation of the current project, the creation of a nationally executed programme, or the construction of a national demining “institute”, with the last selected by the evaluation team as the preferred and recommended solution towards the establishment of an effective indigenous Mozambican mine action capacity. (UNDP, 1997:3)

In a collaborative project between the Department of Foreign Affairs, the South African Institute of International Affairs, the international donor community in Mozambique and CND as to the political, technical and operational status of indigenous mine action in Mozambique the following pertinent trends and shortcomings were determined. (Research Consultancy, 1998:10)

#### **4.4.1. Consensus for CND's Role**

All donors and operators confirmed the view that CND is a necessary tool of the government to co-ordinate and control mine action in Mozambique. The President of the NMCC, the Foreign Minister, confirmed his interest and full support for CND and recognised its current deficiencies and structural weaknesses.

#### **4.4.2. Delayed Commencement of the Project**

The technical assistance project to the CND began later than anticipated, thus adding to the sense of frustration and lack of confidence expressed by some parties and causing the entire project's impact to be slowed. The CND expressed the belief that the project was years late in starting, as it should have come sooner after the creation of the NMCC and CND. In addition, although the project was to begin in January 1997, the technical

assistants were not fully in place until March; the equipment donated by the UNDP only arrived in part and much of it was unusable; and office staff and new equipment had to be procured before the project could begin. As a result, the budget had to be revised soon after commencement.

#### **4.4.3. *Effect and Impact***

The effect and impact of the technical assistance project were not measurable, as CND had not fully developed its structure as defined in the statutes. Therefore, no effects or impact have trickled down through the operators to the stated beneficiaries—the people of Mozambique.

#### **4.4.4. *Communication***

Communications between the CND and government, as set out in the statute, are completely unworkable [because of ministers' heavy responsibilities and programmes] with the NMCC consisting of a large number of ministers who must approve policy decisions. This has led to a lack of speedy and effective decision making on important policy matters.

Communications within the CND also needed improvement, including the production of internal regulations and a provision for staff meetings. The use of good management techniques will alleviate this problem. In addition, the frequent absence of the Executive Director, when he is called upon to fulfil government duties such as attending international conferences, impeded communications between the technical assistance project and the executive level of the CND.

The relationship between CND and donors seems to have been characterised by scepticism based on a lack of accurate information. This can only be dispelled by proven progress toward meeting the objectives set out for the technical assistance project and through collective briefings of donors.

#### **4.4.5. *Transparency***

Mine clearance activities created a great deal of competition between operators and between donors. The establishment of procedures and criteria for tendering and award of contracts might dispel some of the scepticism, rumour, and lack of confidence that an absence of information on these matters created. Further, good liaison between the Executive Director and donors/operators will also help diminish concerns.

#### **4.4.6. *Statutes***

The statutes establishing CND and defining its role required revision with the objectives of improving the policy decision-making process and the creation of regional delegations. The government and CND should revisit this because the experience is that the real co-ordination and information lies at the provincial level, and governors have a vested interest in mine action. Governors have an established structure—the provincial government—and it seems the logical place to locate CND representatives who can provide a fast channel to the provincial governor, operators, development agencies, and CND.

Despite the provisions of the project document, no tripartite meetings had taken place, and this factor itself may have lead to a lack of information for donors and others about the problems of the programme and its progress. In addition the project document made incorrect assumptions about basic capabilities and resources extant in CND.

#### 4.4.7. *Staffing Problems*

A further complication for CND was the acute shortage of qualified personnel. This is due to the fact that CND officials are remunerated for their services according to Governmental salary scales. These salaries are far below ex-pat salaries and those paid by NGOs and UN concerns. Personnel trained by UNDP officials attached to this programme seemed to be inadequate for the task and they do not have the capacity to run and operate the system. Fact is the low salaries as offered by the Mozambican Government cannot attract the right competent manpower required to operate such a system. This fact should be pointed out to potential donors.

The Collaborative Research Project (Research Consultancy, 1998:12) pointed out that although CND had been appointed by the Mozambican Government to act as the official Governmental body to co-ordinate all demining activities, the ADP (a reminiscence from ONUMOZ) remained a parallel body to CND, with the difference that it was funded by the UNDP. It was seen to be more competent than CND mainly because it had a demining capability containing field teams, operational command control as well as support systems. All this was budgeted for and financed on an annual basis through UNDP, something CND could not do due to lack of Governmental funding.

The Report also highlighted the lack of co-operation and co-ordination between CND and ADP and pointed out that a national indigenous mine action capability “(must) be managed and controlled from Governmental level, not necessarily by the Government itself.” The Report also argued that “one possibility is to transfer the political function to CND who will operate on behalf of the Mozambican Government, whilst ADP is regarded as the operational executive body under CND. A problem is foreseen with this model due to the fact that UNDP sponsors ADP and it is doubtful whether they will relinquish their control over most of the national operations capability in Mozambique.”

The Report observed that “mechanical demining is in the process of establishing itself as the only viable and cost-effective way of attacking the mine clearance problem on a global scale. The fact is that mechanical clearance still requires a manual operation behind it to ensure 99,6 clearance efficiency. The advent of mechanical clearance exposed the inefficient efforts from NGOs and hence the donor shift away from NGOs as NGOs cannot afford the capital intensive procurement of mechanical equipment”

In conclusion the Report stressed that the most critical priority in the development of an indigenous mine action capacity in Mozambique “(was) a long overdue and critical need for a detailed national level I landmine survey in order to effectively address the longer term objectives of peacebuilding and reconstruction underway in Mozambique.” (Research Consultancy, 1998:15)

In an interview with the Executive Director of CND, Mr Osorio Severiano (Interview with CND, March:1999) pointed out that during the ONUMOZ period (31<sup>st</sup> December 1992 – 31<sup>st</sup> March 1995) mine action in Mozambique focused on the distribution of emergency aid, return of refugees, resettlement of the refugee population and displaced people as well as mine action within the context of the Cease-fire Commission. The

Executive Director described the objectives of mine action during this phase “(as) ensuring the free movement of people and goods, and creating the necessary conditions for the successful conclusion of the GPA.”

In terms of the creation of an indigenous mine action capacity in Mozambique during this period, the Executive Director concluded that “(the) main aim of ONUMOZ, after the completion of its mandate, was to leave the Government elected from the election foreseen in the General Peace Accord, with the necessary instruments which would allow the effective continuity of the demining process in the country. Unfortunately, this objective, due to well known reasons, was not attained. This worsened considerably the heavy burden of responsibilities of the elected government in the ambit of peace consolidation, rehabilitation and socio-economic development of the country.” (Interview with CND, March:1999)

According to the CND Executive Director during the ONUMOZ period the following achievements were recorded regarding mine action at a total cost of approximately USDollar 59 Million.

- 6200 km of roads cleared
- 262 km of energy transport lines cleared
- 2200 ha of soil for diverse usage cleared (agriculture, animal rearing, people resettlement, etc)
- 23000 anti-personnel mines destroyed
- 271 anti-tank mines destroyed
- 20000 unexploded ordinance (UXO's)
- 26000 Small calibre ammunition rounds destroyed.

The second period, spanning for 31<sup>st</sup> March 1995 to March 1999 (Interview with CND, March:1999) was characterised by the following actions according to the Executive Director.

- a) Strengthening of the Government's role in the conduct of mine action in the country, through its transformation into a decision making and co-ordination body overseeing the whole demining process;
- b) The creation, development and co-ordination of mine-action aimed at creating a real and effective demining national capacity, through the “Mozambicanization” of mine clearance operations;
- c) Development of more effective partnerships among all actors in the mine action process.

In terms of the establishment of an indigenous mine action capacity the Executive Director remarked that “(the) country went into this initiative driven only by the need to have an instrument for the conduct of this process, so important and sensitive for the country's life, but without any experience nor reference about ideal structures. The intention at the time was to accept and learn to improve, and leading the process.”

The Executive Director of CND therefore concluded that the creation of the CND by the Government of Mozambique, in May 1995, constituted “(an) important historical landmark.” This led to major changes both in qualitative and quantitative terms in the conduct of mine action in Mozambique, according to the Executive Director.

It was confirmed by the Executive Director of CND that since the inception of mine action in 1992 to the time of the interview the “statistical balance” was as follows (Interview with CND, March:1999). Total spending on mine action during this period was estimated by the Executive Director to be US Dollar 116 million.

- 7337 km of roads cleared
- 379 km energy transmission lines cleared
- 90 km railways cleared
- 3500 ha of soil for diverse use cleared.
- 50971 antipersonnel mines destroyed
- 361 antitank mines destroyed
- 23667 unexploded ammunitions destroyed
- 417404 small calibre ammunitions destroyed.

#### 4.5 *Evaluation*

The issue of landmines and peacebuilding in Mozambique and the failure of ONUMOZ to effectively address this critical dimension of its stated objectives within its peacebuilding mandate has been singled out by practitioners, commentators and analysts. In evaluating the success and failure of UNOHAC in mine clearance Syngé (1997:85) concluded that UNOHAC achieved some success in helping to open up Renamo areas to humanitarian access, in facilitating contact between government and Renamo, and in building up a reliable and accurate database of humanitarian activities in Mozambique. “(but) in mine clearance it bungled badly, and in assisting the reintegration of demobilised soldiers it failed altogether.”

Syngé (1997:84) also argued however that by the end of the peace process UNOHAC was seen as an example “(of) co-ordination at its worst, requiring costly investments of time and money, frustrate action, centralise functions that are better left decentralised and politicise humanitarian action”. Syngé also pointed out that UNOHAC’s problems derived primarily from an inadequate definition of its role at the outset, compounded by political pressure for the newly created DHA to “establish its image”. “It failed to build upon the existing co-ordination of humanitarian action within Mozambique. The advantages of integrating UNOHAC within ONUMOZ were later judged to be far smaller than the disadvantages. As a political operation, ONUMOZ had little understanding of humanitarian issues. UNOHAC was caught in the middle, misunderstood by its political bosses and resented by the rest of the humanitarian community”.

In this respect Syngé (1997:85) stated that UNOHAC “(as) the local expression of DHA had considerable seniority within the UN system but (its) performance fell short of its promise”. It generated unproductive antagonism from other UN agencies and failed to win respect from the donor community upon which it vitally depended. UNDP officials privately blamed the “myopic view of the UN Secretariat” for disrupting the inherited co-ordination system, and bilateral donors openly denounced UNOHAC as unnecessary, expensive, inefficient, and plagued by bad management. According to Syngé the SRSG acknowledged the criticism that was raised against UNOHAC’s “excessive bureaucratic rules and procedure, its tendency to build overly heavy structures on central and provincial levels, and its indication to be involved in medium and long term programmes where it had no mandate”. However, the SRSG strongly defended the principle of the co-ordination of humanitarian assistance as “an essential part of any peacekeeping operation” in particular in meeting the needs of soldiers during demobilisation. (Syngé, 1997:86)

In conclusion Synge (1997:87) stated that UNOHAC “(not) only disrupted the formal co-ordination of UN agency activities but also left a tangled inheritance of projects in its wake when the phase-down proved as difficult as the phase-in. Agencies that had felt displaced now found themselves having to take on numerous activities that UNOHAC had launched but not completed. No fewer than fifty-three UNOHAC projects were passed to UNDP for continuation, including mine clearance and a series of overlapping projects for demobilised soldiers, such as business and skills development, the provincial fund, vocational training, and the provision of food and other forms of support.”

Another missed opportunity according to Synge, (1997:161) was the failure to start a comprehensive demining program until the ONUMOZ mandate was ending. “(Although) the number and location of landmines planted throughout Mozambique over nearly thirty years of conflict could only be guessed at, there was a general consensus in 1992 that mine clearance should begin along priority roads, to permit the distribution of food relief and to improve the safety of returning refugees. UNOHAC and UNDP controlled the largest budgets for this work but failed to authorise programs or projects until mid-1994, leaving the bulk of mine clearance during the ONUMOZ mandate to the actions of individual agencies. The failure of UNOHAC to provide either leadership or co-ordination in demining came to be seen as one of the greatest weaknesses of the ONUMOZ operation.”

Alden (1995:121) with specific reference to landmines contended that “(the) UN humanitarian programme was dogged by controversy. This principally manifested itself in friction between the international donor community, the NGOs, components of ONUMOZ, and UNOHAC over a range of practices and procedures which was, in the case of demining, to degenerate into public indictments and a breakdown of communication between the various parties.”

Within the framework of weak UN co-ordination Alden (1995:123) concurred “(as) such, it revealed what had been known to many close observers of the UN and, indeed, the subject of numerous internal reviews: that UN agencies are in many instances resistant to co-ordination, either due to conflicting mandates and/or confusing procedures. Equally, it could be said that some of the structural problems in ONUMOZ were no more than a reflection of the condition of the overall UN system. The mission in Mozambique, in spite of the creation of UNOHAC, did not solve but merely underscored these problems.”

In terms of mine actions during the ONUMOZ mandate, Aldo Ajello, former SRSG admitted that “major mistakes” were made. In this respect he described the ONUMOZ failure in the following terms “There are still millions of mines in the country, and people continue to be seriously endangered by them. When I was in charge of the peacekeeping mission, I must admit that I did not have time to look into this area very thoroughly. While rules and procedures were followed carefully, I am afraid that the results were not very encouraging. It took eight months to complete all the procedures and contract with a demining company. The management of the operation was given to UNOPS, which found the contract unacceptable and re-negotiated it, so the whole process started again. Fortunately, the time of implementation was shorter than foreseen. The demining process was, nevertheless, the weakest point in the mission.” (Ajello, 1997:29)

In this respect Synge (1997:77) pointed out “(that) management of the demining programme was placed under UNOHAC, which reported to DHA rather than to the SRSG. UNOHAC delayed a number of important decisions and insisted that all work should be approved by the demining subcommittee of the CCF. The persistent failure of the peace commissions to meet and the wariness of both parties about opening up roads that linked Renamo with government

areas resulted in prolonged delays in approving the projects at this level, although the money was available and the implementing agencies such as Norwegian People's Aid and Halo Trust were ready to start work."

According to Synge (1997:77) the rivalry between DHA and UNDP in New York over program jurisdiction represented "(a) classic case of UN bureaucratic entanglement" and played a major part in the confusion and failure to act in clearing landmines. UNDP in New York according to Synge was unwilling to approve projects and programmes proposed by UNOHAC, "arguing (instead) over the wording of contracts, tendering procedures, and quality control."

In terms of the development of an indigenous mine action capacity UNDHA pointed out (UNDHA, 1997:39) "(that) planning for mine action in Mozambique commenced in 1992, some four years after the beginning of programme activities in Afghanistan and one year after the UN became involved in the problem of landmines in Cambodia. DHA, which was designated UN focal point for humanitarian mine action in December 1994, was concerned with the issue but had only limited staff and other resources to help countries deal with the problem. At this point, DHA relied heavily on DPKO staff experienced in the use of landmines and saw its role primarily as a catalyst in helping countries develop appropriate expertise. Regrettably, the experience of Afghanistan appears to have been largely ignored and the wrong lessons were learned from Cambodia. In addition, the Mozambique programme suffered from a lack of consensus, particularly among the key stakeholders, on the most appropriate institutional model which needed to be developed to ensure that national authorities were in charge and able to sustain a capacity needed to deal with the long-term elements of the problem. The use of commercial companies was also a distinctive and disruptive feature which complicated the initiation of mine action activities and exacerbated tensions between stakeholders concerned with the development of a Mozambican mine action capability."

With regard to mine action during the ONUMOZ mandate, UNDHA (1997:39) argued "(that) mine action was dominated by the institutions responsible for the peace process which eroded the space needed for humanitarian mine action and complicated the identification of priorities and institutional modalities needed to give substance to the stated objective of developing a Mozambican mine action capability. In addition, the organisation and development of a humanitarian mine action programme in Mozambique suffered when it was subjected to the political machinations of the Cease-fire Commission. In addition to the fact that it took the Commission a year to approve plans for activities then deemed urgent there was a preoccupation with road networks and infrastructure such as hydroelectric plants and inadequate attention to the needs of the rural poor and others whose livelihoods were directly affected by landmines. The emphasis was on mine clearance associated with ONUMOZ mission objectives. Complications encountered in the organisation of contractual arrangements concerned with the use of commercial companies to undertake verification and clearance of major routes became a central and divisive issue. This undermined the credibility and ability of the UN to organise support for the development of a Mozambican mine action programme focused on the humanitarian implications of landmines. The many obstacles which seriously impeded the development of a long-term mine action capability in Mozambique confirms that in situations where a formal UN peacekeeping mission is deployed, humanitarian mine action should be developed in concert with, but not within, the structures of such missions. Programmes need to be developed quickly to meet humanitarian needs while simultaneously ensuring that initial action contributes to the development of an indigenous and sustainable capability."

UNDHA (1997:40) also evaluated the role of the donor community during the ONUMOZ period and concluded that donors in Mozambique were well organised and had a major say in the way the peace process evolved. "The donor community was not a monolithic group on the issue of landmines but quickly arrived at the conclusion that the UN was inept and was not using

donor funds in an expeditious manner. A consultative and constructive relationship between the UN, which was in general agreement with the government, and the donors on the issue of landmines never emerged. This seriously undermined various attempts, during the ONUMOZ period, to initiate the development of a Mozambican capability. Donors were adamantly against a traditional ministerial-style model which their governments were funding in Cambodia but for more than a year DHA pushed for such an institutional arrangement. When no consensus emerged by ONUMOZ's departure at the end of 1994 the issue lapsed. This in effect meant that there was no central co-ordination or regulatory mechanism and the government had no say in the evolution of mine action activities in Mozambique. This institutional vacuum continued to exist in Mozambique until 1997 when the National Mine Clearance Commission, established in 1995, finally began to receive some technical assistance from the UN with the support of a few donors."

UNDHA (1997:16) consequently concluded (that) there were no formal arrangements to allow for a structured dialogue with donors which, in the eyes of many, was a major factor in the inability of UNOHAC to mobilise broad-based support for a programme which was dependent on political and financial support for its development and continuity. The donor community in Mozambique also had fairly clear points of view on broad issues of policy and, at times, narrow issues of national self interest."

With regard to the role of UNOHAC during the ONUMOZ period, UNDHA (1997:17) concluded that given the many high priority issues which needed to be addressed to keep the peace process on track it was not easy to secure interest in, and support for, activities which extended beyond the ONUMOZ timeframe. "UNOHAC should have pursued a more constructive and structured dialogue with donors who were generally of the impression that clearing minefields wherever they were located was the central priority. There was inadequate attention to the issue of building a sustainable capacity, which would ensure that activities were undertaken in a prioritised and cost-effective manner. This would have necessitated, for example, a country-wide survey and centralised data-base which would have helped identify which communities were most severely affected and needed the most urgent attention. Support for the development of skills essential for the co-ordination of a national programme should also have received priority attention."

In conclusion UNDHA (1997:31) observed that the many difficulties encountered in the development of a Mozambican mine action capability "(can) in part be attributed to the erroneous perception that an indigenous capacity is first and foremost a mine clearance capability. The shape and content of institutional arrangements will vary but it is clearly important that national authorities, who are ultimately responsible for the problem of landmines, must be helped to acquire the expertise and other requirements necessary to manage and sustain a nation-wide programme. National mine action bodies, which do not automatically need to be part of a government ministry, must be assisted in a way which will allow them to oversee, regulate and co-ordinate all mine action work undertaken in their country. In this connection, it is important that none of the major stakeholders, including in particular government authorities, donors and the UN, are wedded to a particular institutional framework. Institutional mechanisms must respond to actual requirements and address the issue of sustainability."

## CHAPTER FIVE

### *CONCLUSION*

#### **5.1. Introduction**

Underlying the purpose of this study was the optimism expressed by world leaders during the third ever 1992 United Nations Security Council Summit, following the paralysing impact of the Cold War, about the future role of the United Nations as the organ with the primary responsibility for the maintenance of international peace and security.

It was against this background that the UN Security Council invited the newly appointed UN Secretary General, Boutros Boutros-Ghali, to prepare an analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the UN Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peacekeeping.

The publication by UN Secretary General, Dr. Boutros Boutros-Ghali of his seminal paper, *An Agenda for Peace* (1992) placed the concept of post-conflict peacebuilding prominently in the UN's peace and security regime of preventive diplomacy, peace enforcement, peacemaking and peacekeeping in addressing the dynamic, changing context of post-Cold War international conflict.

In defining the conceptual foundations of post-conflict peacebuilding as the development of the social, political and economic infrastructure in a war torn environment in order to prevent future violence and consolidate peace the UNSG specifically identified the existence of landmines as a threat to the process of peacebuilding.

The study therefore elected to focus on the United Nations peacekeeping operation in Mozambique as the ONUMOZ intervention (1992-1995) provides an important case study of how the concept of peacebuilding with specific reference to the role of landmines in the process was interpreted and operationalised by the United Nations in Mozambique.

In this context Mozambique was also viewed as a case study for dramatic shifts in recent decades in the use of landmines as an offensive weapon against civilians and their uncontrolled proliferation in intra-state conflicts, when the strategy was to disrupt the enemy and destroy people's means of live-hoods. Moreover, the study identified Mozambique as a prime example where landmines constituted an enormous burden on post-conflict peacebuilding in a war-devastated society in an underdeveloped country. The study also discerned a trend in that Mozambique with a weak or collapsed social and economic infrastructure had one of the toughest and most extensive landmine problems, posing a severe threat to post-conflict peacebuilding and human security.

Central to this impact of landmines on peacebuilding the study consequently focused on the Mine Ban Treaty and the implications for Mozambique as a State Party to the Treaty which provided a framework for the development of an indigenous capacity in order to effectively address the full spectrum of mine action activities in Mozambique over the long term in pursuit of the principles of post-conflict peacebuilding.

In terms of the significance of the study, it derived its purpose from the call of the UNSG Kofi Anan as articulated in his 1998 report on the Causes of Conflict and Promotion of Durable Peace and Sustainable Development in Africa wherein he stressed the importance of re-examining the

UN peacekeeping experience in Africa and extracting lessons that can guide future UN operations. The UNSG specifically cited the UN operation in Mozambique and its successes, which testified to the contribution the UN can make as an “impartial and legitimate actor for peace” in confronting conflict in Africa. This notion is also central to the view held by Chachua and Malan in *Anomalies and Acquiescence: The Mozambican Peace Process Revisited* which concluded that while analysis of the ONUMOZ operation may seem rather irrelevant in the light of new and “more exciting” developments in the realm of international peace operations, there are significant lessons to be learned by revisiting concluded operations – especially when the implications of such interventions for longer term peacebuilding become apparent.

The theoretical relevance of the study is the analysis of the term peacebuilding, which since its inception has emerged as a mostly undefined concept, which remains in its semantic and etymological adolescence including its underlying assumptions.

The practical value of the study therefore relates to the application of the peacebuilding concept as a conflict resolution instrument in the UN’s peace and security regime, with specific reference to landmines as a threat to post-conflict peacebuilding in Mozambique. Accepting that each new peace operation bears little resemblance to its predecessor in terms of demands and dynamics what was learned in Mozambique could however be applied to some extent to future UN peace missions.

## 5.2. *The Concept of Peacebuilding.*

The study concluded that in the post Cold War period UN peace operations evolved rapidly and in an ad-hoc fashion, from classical peacekeeping to complex multidimensional interventions.

During this period the study observed that the rapid pace and unpredictable nature of these developments confused scholarly attempts to clearly explain unambiguous concepts for the new type of operations.

Consequently, confusion had been created about the terminology and definitions used, which resulted in different countries and organisations attaching different meanings to the various terms and definitions, which emerged. Moreover, terms such as “peacekeeping operations”, “peace operations”, “wider peacekeeping operations”, “peace support operations”, “peace missions” and “multifunctional peace operations” had been used interchangeably to define the overarching spectrum of activities related to UN involvement in preventing or settling international disputes in terms of Chapters VI, VII and VIII of the UN Charter.

The radically altered post-Cold War security environment also resulted in the mutation and expansion of the UN’s agenda for peace and security to include the newly defined concept of post-conflict peacebuilding described by UNSG Boutros Boutros Gali as the construction of a new environment and the counterpart of preventive diplomacy, aimed at the prevention of a recurrence of conflict. Noting that peacebuilding was the least established function in terms of the UN’s peace and security regime the study observed that the conceptual foundations of the term had given rise to sketchy and holistic approaches in describing UN operations which sought to build a political, social and economic infrastructure in societies destroyed by civil war.

As in the case of peacekeeping, the conceptual foundation of peacebuilding demanded further development, description and terminology. The study however concluded that despite the widespread acceptance in political and academic circles of the concept, peacebuilding emerged as a less than clear concept and has remained so ever since, with various role-players producing personal and institutional variations and models. In the process no clear semantic distinction

has been made between terminology in the literature such as “nation-building”, “institution building”, “national reconstruction”, “civic reconstruction”, “national recovery”, “post-conflict transition” and “post-conflict reconstruction and development”, which are being used synonymously to describe the overarching spectrum of activities related to peacebuilding. However, despite this blurred nature, peacebuilding as a concept is conceived as an integral part of UN efforts to promote peace which linked the organisations more traditional conflict resolution and management instruments of preventive diplomacy, peacemaking and peacekeeping.

Underlying the assumptions of peacebuilding, the study concluded that the increased recognition of the importance of human security over state security impacted profoundly on the UN’s responsibility and vision for maintaining international peace and security. In fact, the humanitarian dimension now underpins the full spectrum of UN responses to international conflict.

In terms of the interrelationship between the various elements of a UN peace mission the study concluded that these elements cannot be interpreted to be entirely separate activities, and that they do not always follow each other in a chronological order. Although it would seem logical for a peace process to proceed through the sequential stages of “preventive diplomacy”, “peacemaking”, “peacekeeping”, and “peacebuilding”, the Mozambican experience has shown that this was rarely the case. These activities were therefore interpreted as instruments in the process of conflict prevention, management and resolution and their application could overlap theoretically to the point where they all run concurrently at a given point in time in order to take advantage of their natural linkages and to become mutually reinforcing. Conversely, peacebuilding is the fourth phase in the UN strategy for conflict resolution and becomes relevant when preventive diplomacy fails to resolve conflict and after peacemaking and peacekeeping have established a framework for a negotiated settlement and reduced the levels of violence.

In analysing the interrelationship between peacekeeping and peacebuilding or more specifically, the transition period between peacekeeping and peacebuilding (also referred to as the “Twilight Zone”), the study concluded that this represents the “peacebuilding dilemma” in which the UN involvement provided by a peacekeeping operation was no longer in place whereas critical assistance was still needed in order to consolidate the results of the peace operation and to prevent conflict from re-emerging. In this respect the linkage between the establishment of an indigenous capacity to advance the principles of post-conflict peacebuilding became self-evident.

This linkage also pointed to the interdependent quality of peacebuilding as a concept of political civic action and, in terms of its practical application, the issues of policy formulation, management and co-ordination were interpreted as critical to its success. This interdependent quality can however also be extended to become mutually supportive links between peacemaking and peacebuilding. This is specifically the case when peacemaking creates the mandate for post-conflict peacebuilding and define actions and strategies that restore a country to peace. On the other hand, peacebuilding can contribute by enhancing the peacemaking and peacekeeping processes. This interdependency is further strengthened by the fact that peacebuilding depends on peacekeeping especially in relation to the logistical and organisational expertise of peacekeeping forces.

Recalling Haugerudbraaten’s (1998: 23-24) two distinct concepts of short-and-long term peacebuilding the study concluded that peacebuilding is a multifaceted, comprehensive undertaking with wide parameters but governed by specific criteria and needs aimed at consolidating peace to a point where it becomes self-sustaining. Within these parameters it is of critical importance to distinguish between the objectives of short-term and long-term peacebuilding. The short-term objectives of peacebuilding therefore included all measures, which are immediately relevant for consolidating what had been achieved during the peacekeeping phase. Subsequently, long-term

peacebuilding is viewed as a long lasting process of (re)-building a nation with emphasis on the development of indigenous capacities and structures towards this end. Short-term peacebuilding measures within this perspective should as a consequence lay the groundwork for long-term peacebuilding, which is the responsibility of the country in question, the UN and the international community.

Reflecting on the linkage between peacebuilding and development as articulated by Alden (1996:55) and Whaley and Piazza-Georgia (1997:69) the study identified the evolutionary quality of post-conflict peacebuilding as described by Boutros Boutros-Ghali “(as) action to identify and support structures, which tend to strengthen and solidify peace”. In this equation the UN and the international community substitutes for the normal efforts a state makes during peacetime taking into consideration that the transition from conflict is characterised by weak governance structures, few human or financial resources, collapsed infrastructure and economies, large numbers of combatants without skills and critical needs for external humanitarian assistance. These peacebuilding activities may include emergency relief, economic rehabilitation, infrastructure reconstruction, mine action, demobilization and reintegration of soldiers and refugees, custody and destruction of weapons, monitoring elections, advancing human rights, reforming governmental institutions and promoting participation in political processes. These are crucial components of an attempt to address the effects of war and restore the semblance of normal life that long-term peacebuilding requires.

The concept of peacebuilding as the “construction of a new environment” in terms of the economic, social, cultural and humanitarian dimensions represents the revolutionary quality of peacebuilding. The study therefore concluded that this revolutionary dimension and long-term peacebuilding are synonymous, aimed at transforming a war torn society to institutions, society and an economy based upon, and furthering the premises of peace.

In addition to the evolutionary and revolutionary qualities of peacebuilding the study identified the preventive quality of peacebuilding as central to the objectives of long-term peacebuilding. In this equation the culminating purpose of peacebuilding activities underpinned the definition that they are to insure against and to prevent a “relapse into conflict” as defined by Boutros Gali. Accepting that all societies reflect degrees of conflict the premise of the preventive quality of peacebuilding is thus building the capacity to address the long-term, root causes of violent conflict.

### **5.3. *Peacebuilding and Landmines in Mozambique.***

The study concluded that the non-polar, post-Cold War period presented a series of problems and difficulties which had not been properly anticipated by the UN as it entered an era of activism that witnessed a rapid expansion of peacekeeping operations around the globe in the early 1990's. One of these problems had been the high number of civilian landmine casualties documented in intra-state conflicts where many victims were wounded or killed during periods when no fighting was taking place or in the aftermath of hostilities. This phenomenon, coupled with the threat of landmines to post-conflict reconstruction underpinned the qualitative change in peacebuilding as articulated by UNSG Boutros Boutros Ghali in *An Agenda for Peace*. The study therefore interpreted the linkage by Boutros Boutros Ghali between landmines and peacebuilding as visionary and valid especially in light of the devastating impact of landmines on societies transitioning from conflict.

From this perspective the study identified Mozambique as a prime example of an impoverished, war-ravaged country emerging from years of violent conflict and in critical need to address the indiscriminate impact of landmines on human security, and as a costly obstruction to

peacebuilding and the regeneration of social and economic development. The linkage between peacebuilding and landmines was also magnified by the study with the identification of four interconnected linkages, underpinning the positive correlation between peacebuilding and landmines in post-conflict Mozambique, and conceptualised by Boutros-Boutros Ghali "(as) the development of the social, political and economic infrastructure in a war torn environment in order to prevent future violence and consolidate peace". This is further linked to Boutros-Boutros Ghali's assessment that landmines should be interpreted in the terms of reference of peacekeeping operations which "(is) crucially important when peacebuilding is underway".

The first linkage in order to give the civilian population hope that a "normal" life is possible refers to the cessation of hostilities and after a peace agreement had been instituted. It is during this phase of transition that landmines posed a direct and immediate threat to human security when population movements increased as displaced Mozambicans returned home and the pressure to make a living in known or suspected mined areas mounted. This was exacerbated by the need for humanitarian relief.

The second linkage reflected the revival of economic and agricultural activity where the absence of war had to be accompanied by the semblance of a normal life, characterised by meaningful employment, the availability of goods and services and the restoration of normal community services including schools, electricity and water supply and medical services.

The third linkage involved the complications created by landmines for the electoral process where maximising participation became a key to future acceptance of the government and political stability.

The fourth linkage entailed the ability of the government to extend its presence in the country, including war-torn areas. In this scenario landmines could impede the delivery of government services and act as physical obstacles to unity and reconstruction. Mobility therefore became a *sine qua non* for post-conflict peacebuilding.

However in terms of the application of the newly established concept of peacebuilding in Mozambique the study concluded that although *An Agenda for Peace* formulated a broad spectrum of responses to conflict situations, these concepts were not integrated into a coherent, inter-related hierarchy of responses that would function effectively at specific points along the UN's peace and security regime. Nor had an appropriate division of labour based on relative advantage been articulated for the various government and inter-government role-players to affect the qualitative changes in conflict resolution and management. This was underscored by Malan (1998:1) in *Peacekeeping in Africa-Trends and Responses* in which he concurred that the former UNSG "played a key, though obviously unintentional role in the "prostitution" of peacekeeping, through the publication of his *An Agenda for Peace* in 1992. In all fairness Boutros-Boutros Ghali did attempt to distinguish between a new array of "conflict management tools" supposedly available to the international community, including "preventive diplomacy", "peacemaking", "peacekeeping", "peace enforcement" and "peacebuilding". However, most of these "tools" did not come with clear instruction manuals, and most actors remained comfortable with the principles and practices established during half a century of UN peacekeeping".

A key factor therefore in generating an effective response with regard to the linkage between peacebuilding and landmines was the way in which the UN operationalised or applied the concept as defined by Boutros-Boutros Ghali. In this context the study observed that when the UN became involved in Mozambique institutional arrangements for the coordination of humanitarian assistance and strategies on landmines within the UN system were weakly developed and clouded by the perception that landmines were primarily a "military problem".

In this respect the study observed that notwithstanding the fact that prior to the GPA, the UN, conflicting parties to the agreement, the donor community and NGOs were well aware of the extent of the landmine problem in Mozambique, the issue did not figure prominently at the peace negotiations in Rome. The problem was only loosely defined and no compliance measures or a clauses specifically related to landmines were incorporated in the GPA. While the UN emphasised the importance of an integrated approach to the peacebuilding mission there were no representatives from the UN humanitarian arena involved in the lead-up to the Rome Accords and no substantial preparatory work on the issue of landmines was undertaken prior to the arrival of ONUMOZ personnel in Mozambique.

As a consequence the study concluded that peacebuilding elements should be explicitly and clearly referred to in peace agreements and in the mandates of peacekeeping operations. Such mandates should set clear targets and time frames for peacebuilding activities. The roles of the different actors in peacebuilding should also be explicitly referred to, including the possible "dual role" for peacekeepers.

Conscious of the need for rapid action and the one-year timeframe of the ONUMOZ mission, a preliminary UN mine action plan was available by January 1993 just two months after the signing of the Peace Accords in Rome. The plan referred to the need for a Mozambican indigenous capacity, which could address the long-term implications of the problem but focussed instead on operational activities needed to meet immediate peacekeeping mission objectives.

The plan, and the initiation of the proposed mine action programme however encountered significant difficulties. The overall approach was challenged by different sets of stakeholders and was eventually abandoned. In addition, the study found that the plan compiled by a UNDPKO specialist lacked a strategy and the expertise needed to meet the stated objective of developing an indigenous capacity. A thorough national landmine assessment, which would have given planners and others a better appreciation of the extent of the landmine problem, and ways and means of addressing it, was not undertaken. This can, in part, be explained by the sense of urgency surrounding the ONUMOZ mission and the goal of maintaining the momentum for peace and the fear that repatriation and greater mobility within the country as political tensions subsided would result in high numbers of landmine accidents.

This inter alia highlighted the critical relationship between peacebuilding and information and the study concluded that comprehensive information and thorough analysis are indispensable for the correct assessment of peacebuilding requirements, especially in relation to landmines and its impact on human security and post-conflict peacebuilding. In the case of Mozambique no national comprehensive assessment (level I and II surveys) had been undertaken. In addition, the 1994 HALO Trust Landmine Survey undertaken during the ONUMOZ mandate was viewed by the study as cursory in nature with a narrow focus, compounded by the absence of minefield maps. It also appeared that the pre-planning assessment mission before the ONUMOZ operation tended to consist of a small team of military munitions experts making a brief visit to a country they were not familiar with arriving at a very approximate figure on the estimated number of mines in the whole country and only indicating the geographic areas severely affected and the type of infrastructure and facilities which were mined. The assessment also referred to the implications of mines for troop deployment and mobility of the population. This type of information may be useful if the mine problem was interpreted as a mathematical equation, but of limited value when trying to determine who was most vulnerable, what factors should influence the prioritisation process for minefield mapping and clearance, and the most appropriate and effective means of reducing vulnerability in mine-affected areas taking into account available resources and constraints in launching mine action activities.

The study found that the launching of a mine action programme within the ambit of the UN Security Council-mandated peacebuilding mission in Mozambique was complex and problematical. The mission had to be implemented quickly and in a very short timeframe. The emphasis was on political objectives – demobilisation, formation of a newly constituted army, elections and inauguration of a new political era – which were central to securing the peace. In this situation the development of a humanitarian mine action programme was of secondary concern. The overwhelming focus was on operational mine clearance and inadequate attention was given to building an indigenous capacity and to issues of continuity and sustainability. This problem was further compounded in Mozambique when stated objectives indicated that the goal was the development of an indigenous humanitarian mine action capability but appropriate support was not provided and there was no appreciation of the requirements and timeframe needed to develop such a capacity in a war-torn environment.

In Mozambique, the study observed that the UN was slow, bureaucratic, reactive, divided within itself, and unable to provide the leadership and vision essential for the rapid initiation of mine action activities. UN arrangements were also interpreted as dysfunctional which undermined the development of an indigenous capacity when it tried to combine activities geared to meeting the operational requirements of the peacekeeping mission and the development of long-term humanitarian mine action programmes.

The study consequently concluded that even in the best of circumstances it is unrealistic to assume that a mine action capacity can be generated to meet both immediate peacekeeping objectives and to form the basis for a long-term indigenous capacity. The objectives are, however compatible, but the required vision, modalities, and timeframes are different. It is the view of the study that the UN must take quick and early action to help national and local authorities address the humanitarian implications of landmines. The realisation of this objective cannot be considered of lesser value than the organisation of mine action activities focused on addressing peacekeeping operational needs. It is equally important that any activity or capacity which is generated under the auspices of a UN mission form part of a coherent plan focussed on enabling national authority to meet long-term peacebuilding responsibilities.

As the study documented the UN was inadequately equipped to provide leadership to the conflicting parties and international stakeholders and to ensure that avoidable problems did not occur. In addition to problems associated with internal confusion on roles and responsibilities and parallel reporting structures, UN support had in too many instances been characterised by slow mobilisation, a reactive approach, and personnel and recruitment policies that were inappropriate to crisis situations. This was compounded by procurement and personnel recruitment rules that were cumbersome and costly. The absence of accountability mechanisms was another factor in the slow UN implementation of decisions to proceed in accordance with agreed plans.

In Mozambique, UN mechanisms which should have supported the rapid initiation of on-the-ground mine action activities proved inadequate and were seen to have hindered rather than helped. The reasons for poor UN performance in Mozambique included a too narrow definition of the landmine crisis and what constituted an indigenous capacity. The UN had also been retarded by the lack of clarity on which parts of the system were responsible for specific tasks and the unwillingness of certain UN agencies to be co-ordinated or to work within an agreed chain of command.

The study recorded that at the time of the departure of ONUMOZ at the end of 1994, the UN and the donor community had still not reached agreement on future institutional arrangements and how Mozambican authorities would be empowered to deal with the landmine problem. By then, a pragmatic arrangement had emerged whereby Norwegian People's Aid operated in the north of Mozambique, HALO Trust in the centre, and the UN-supported Accelerated Demining Project

(ADP) in the south. In May 1995, the newly-elected Mozambique government established a National Mine Clearance Commission (NMCC) within the Ministry of Foreign Affairs and Co-operation, mandated to undertake regulatory and co-ordination functions. Its executive arm the Mozambican National Demining Commission (CND) had since then been responsible for management functions such as planning, licensing, priority-setting, data collection and analysis, and oversight of all operational activities undertaken by the UN, NGO's or commercial agencies. The interview with the executive director of CND confirmed that CND remained a weak indigenous capacity, unable to effectively co-ordinate and support the full spectrum of mine action activities in Mozambique.

In this regard the study concluded that the Mozambican indigenisation programme underscored the importance of the UN mobilising support among the key stakeholders for the overall philosophy and direction of the programme and the institutional arrangements necessary to meet immediate and long-term objectives. Notwithstanding the achievements of individual mine action agencies in Mozambique, there were obvious disadvantages in not having a strong central co-ordination and planning mechanism. The Mozambique experience also illustrated the importance of early action to capacitate national authorities, who are ultimately responsible for dealing with the long-term consequences of landmines.

Of equal importance was an exit strategy at the conclusion of the peacekeeping mandate, which should have included specific recommendations with regard to post-conflict peacebuilding measures, including the role of the UN and World Bank in addressing the longer term needs in terms of post conflict peacebuilding and reconstruction.

The study also observed that in the early phases of UN involvement in mine action programmes in Mozambique, approaches and perspectives were elaborated in an ad hoc manner. In the case of the peacekeeping mission in Mozambique a clash of interests (immediate versus capacity building objectives) served to thwart an effective and timely UN response. Access to, and availability of, different sources of funding also had a profound impact on the way in which priorities were defined and activities supported. The drive to quickly generate mine clearance activities – although this invariably took much longer than anticipated – and the perspective that the initiation phase was tied to the timeframe of the peacekeeping mandate had serious implications for both the organisation of institutional arrangements and the realisation of capacity- building objectives. In addition, the UN repeatedly illustrated that it was unable to deal with its bureaucracy and that it lacked the management structure and expertise which would have enabled it to move quickly and decisively, particularly when problems demanded prompt remedial action.

The study therefore concluded that a different timeframe and approach must be envisaged by the UN if they want a national authority to acquire the skills and resources which are central to the effective management and sustainability of a nation-wide programme. This assumption that the national authority in Mozambique was somehow able to absorb and sustain programmes launched during the relatively short life span of the peacekeeping mission indicated either a lack of understanding of what constituted an indigenous capability or a disregard for what actually happened after the UN had concluded their peacekeeping mandate.

#### **5.4. *Evolution of UN Policy on Landmines***

Following the identification of the conceptual foundation of post-conflict peacebuilding and the role of landmines as a threat to this process by UNSG Boutros Boutros – Ghali in *An Agenda for Peace* (1992) the UNGA adopted its first Resolution on Assistance in Landmine Clearance in October 1993. The study therefore concluded that the issue of landmines in Mozambique and specifically the ONUMOZ mandate (1992-1995) had a direct and indirect influence on the evo-

lution of overall UN policy with respect to landmines. In its Resolution A/48/LS of 19 October 1993 the UNGA expressed grave concern for the serious humanitarian, social, economic and ecological disruption caused by the failure to remove landmines and confirmed that landmines constitute an obstacle to reconstruction and economic development as well as to the restoration of normal social conditions. In this respect the Resolution acknowledged "(that) there is scope for the United Nation to strengthen its contribution to the solution of problems relating to mine clearance".

The UNGA Resolution also stressed the importance of co-ordination by the United Nations of activities, including those by regional organisations, related to mine clearance, in particular those activities relating to information and training with a view to improving the "effectiveness of activities in the field," and invited all relevant programmes and bodies, multilateral or national, to include, in a co-ordinated manner, activities related to mine clearance in their humanitarian, social and economic assistance initiatives.

The Resolution also requested the Secretary General to submit to the UNGA before its forty-ninth session, a comprehensive report on the problems caused by the increasing presence of mines and other unexploded devices resulting from armed conflicts and on the manner in which the United Nations contribution to the solution of problems relating to mine clearance could be strengthened.

It also requested the Secretary General to include in his report consideration of the financial aspects of activities related to mine clearance and, in this context, of the advisability of establishing a Voluntary Trust Fund to finance, in particular, information and training programmes relating to mine clearance and to facilitate the launching of mine-clearance operations;

In April 1992 the UNDHA was formally established and during August 1992 the UN acquired the assistance of a mine-specialist who co-operated with UNDPKO and provided advice to UNDHA, which became increasingly involved in the humanitarian implications of landmines. In December 1994 the UNSG designated UNDHA as the focal point for mine action within the UN system.

Through its Mine Clearance Policy Unit, UNDHA developed an integrated approach towards co-ordinating the capacities of the various departments, programmes and associations within the United Nations system, as well as those of non-governmental organisations and the private sector, in addressing the landmine problem. At the same time, UNDHA recognised that the ultimate responsibility for landmine problems lay with the affected country.

The Department of Humanitarian Affairs (DHA) was mandated to develop working arrangements with all parties in order to outline the role each agency would play in providing assistance in mine action. In executing the mandate, the following principles were considered by UNDHA:

- (a) Action to address the mine problem had to begin as early as possible. Such action was seen to include data gathering and socio-economic impact studies, which would result in advocacy work, mine awareness and medical programmes as soon as possible, often before the peace process itself had started;
- (b) The peace process, in turn, was to acknowledge and address the mine issue by setting out the political and infra-structural framework needed to begin a mine-action programme once the situation allowed it;

- (c) A mine-action plan was to address more than the need for eradication. It was to include three key elements: mine awareness, mine clearance and victim assistance. Mine awareness was to encompass information gathering and social research about the impact and meaning of landmine contamination, mass information and dissemination campaigns and grass-roots activities aimed at promoting general awareness, as well as more specific risk-reduction and safe practices education. Mine clearance was to foster conformity with agreed international standards and locally determined priorities. Priority setting was to be a broad and well-informed consultative process involving the results of targeted data gathering and socio-economic impact research initiated under the plan, together with the participation of key stakeholders from the central political level, regional authorities and grass-roots communities. Even in areas where mine clearance could not be undertaken because of security or other considerations, efforts needed to be made to carry out risk reduction and to assist the injured. Where possible, information essential to the conduct of mine clearance was to be gathered and plans were to be made to begin demining as soon as the situation permitted. There was to be an ongoing evaluation of all programme activities, and an analytical capability was to be established to make sense of programme information generated, especially that relating to the social impact of mines in the country. The plan was also to address the needs of landmine survivors, including their medical, social and economic rehabilitation and reintegration. Lastly, the plan was to be undertaken with a view to establishing a national capacity to respond to the multi-faceted challenges presented by landmines and unexploded ordnance. For programmes to be sustainable and appropriate in the long term, local people had to be swiftly empowered to take charge of the management and development of the programmes.
- (d) The principle of comparative advantage was to apply, and those most capable and readily available were to be given responsibility to undertake various elements of the plan;
- (e) Finally, UNDHA recognised that even the best integrated mine-action plans alone would not solve the problem, and that it was equally important to pursue efforts to prohibit landmines totally and to stigmatise their use internationally.

In October 1997 the UN focal point for mine action was transferred by the UNSG to the Department of Peacekeeping Operations and DPKO was made responsible for mine clearance and mine awareness related to UN peacekeeping missions. This role was reconfirmed by the Security Council in its presidential statement on demining in 1996, which said that operational demining should be an important element and an integral part of peacekeeping mandates. The Department of Peacekeeping Operations was therefor mandated to provide technical support to mine-clearance and surveying operations conducted during peacekeeping missions. It also advised the Department of Humanitarian Affairs on technical issues such as the provision of equipment to demining operations. It worked closely with the UNDHA to ensure the smooth transition from peacekeeping demining operations to long-term humanitarian programmes, from mine clearance in support of the implementation of a peacekeeping mission to programmes involving the development of long-term national capacity to support a viable, appropriate and well-targeted national mine-action plan that met the needs of a nation over several decades.

The UNGA, in November 1998 endorsed a policy paper "Mine Action and Effective Co-ordination: The United Nations Policy" prepared by the UN secretariat in terms of the UN role in mine action and the responsibilities of the various parts of the UN system to this end. These structures and activities are for the purpose of the study summarised as follows:

- **United Nations Mine Action Service (UNMAS)** in the UN Department of Peacekeeping Operations is the focal point within the UN system for all mine-related activities. Among the functions UNMAS performs in consultation with other parts of the system are: establishing priorities for assessment missions; co-ordinating the mobilisation of resources; developing and promoting safety standards with UNICEF and WHO; collecting, analysing and disseminating mine related information; advocating a global ban on landmines; and managing the UN Voluntary Trust Fund for Assistance in Mine Clearance.
- **Department for Disarmament Affairs (DDA)** supports the role of the United Nations Secretary General in relation to the Ottawa Convention, particularly in the areas of transparency measures and in facilitation and clarification of compliance.
- **Office for the Co-ordination of Humanitarian Affairs (OCHA)** UNMAS and OCHA efforts complement one another in advocating a global ban and on resource mobilisation. OCHA manages the Central Emergency Revolving Fund, which supports rapid response to humanitarian emergencies, and the Consolidated Appeals Process, which supports system-wide requirements for humanitarian intervention.
- **Office of the United Nations High Commissioner for Refugees (UNHCR)** ensures that the needs of refugees and other populations of concern to UNHCR are met. UNHCR attaches special importance to its work with UNICEF on mine awareness programmes, and with the World Food Programme on the safe delivery of food.
- **United Nations Children's Fund (UNICEF)** works with a wide range of partners within and outside the UN system, such as the International Committee of the Red Cross on mine awareness, rehabilitation of landmine victims, and advocacy.
- **United Nations Development Programme (UNDP)** addresses the socio-economic consequences of landmine contamination and helps build national and local capacity to overcome landmine-related obstacles to normal economic activity, reconstruction and development. Where landmines are not only a humanitarian emergency, UNDP develops integrated, sustainable mine action programmes at the local and national level, working closely with UNMAS.
- **United Nations Office for Project Services (UNOPS)** is the principal service provider within the UN system for integrated mine action and capacity building programmes. In order to speed up response in support of mine action programmes, UNOPS established a Mine Action Unit (MAU) in March 1998 to provide technical, managerial, legal, contracting and purchasing expertise needed for all phases of mine action projects. In addition to supporting country programmes, UNOPS works with UNMAS, UNDP and the Survey Action Centre on the Global Landmine Survey project.
- **World Food Programme (WFP)** is particularly concerned with clearance of landmines from access roads for speedy and cost-effective delivery of food assistance in mine-affected areas; clearance of land for safe return of displaced populations; and clearance of agricultural land for local food production.

- **Food and Agriculture Organisation (FAO)** contributes to mine action as it relates to humanitarian relief and rehabilitation efforts. FAO also helps define criteria for determining priority sites for mine clearance.
- **The World Bank** works closely with all UN departments and agencies. The Bank shares with UNDP, in particular, a perspective which views mine pollution as a development problem with long-term consequences requiring long-term solutions. With UNDP, the Bank convenes donor groups in reconstruction situations, mobilises resources and focuses long-term attention on mine action.

### 5.5. *The Mine Ban Treaty and Beyond.*

The First Meeting of States Parties to the Mine Ban Treaty took place in Mozambique 3-7 May 1999. In adopting the Maputo Declaration States Parties reaffirmed their commitment to the eradication of anti-personnel mines and agreed to hold the next meeting of State Parties in Geneva from 11 – 15 September 2000 and decided on an intersessional mechanism to address the key issues of victim assistance, mine clearance and the general status and operation of the Convention.

The Meeting in Maputo was attended by 43 States Parties and 64 non-State Parties. The main objectives of the Meeting in Maputo included the adoption of:

- The Maputo Declaration;
- Reporting formats for Article 7;
- President of the Meeting's Paper on the circulation of Article 7 Reports, and;
- President's Paper on Intersessional Work.

The Meeting was opened by President Joaquim Chissano of Mozambique. In his address President Chissano stressed the importance of the Mine Ban Treaty as a tool for co-operation on mine action. He summarised the impact landmines had on the daily lives of Mozambicans and stressed the importance of providing assistance to the victims of landmines. He indicated that Mozambique in co-operation with various countries had drawn up a national assistance strategy for landmine victims and expressed the hope that Mozambique will be free of landmines by the year 2009.

The Mine Ban Treaty is now binding international law and Mozambique as a State Party is required to report to the UNSG on its implementation measures by 1 September 1999 (Article 7), to destroy all its stockpiles by 1 March 2003 (Article 4) and to destroy mines in the ground in territory under its jurisdiction and control by 1 March 2009 (Article 5). Mozambique, during the first Meeting of the States Parties, did not submit a request for an extension of the 10-year period provided for the destruction of landmines in mined areas (Article 5).

The Treaty did not establish an independent monitoring mechanism. In an effort to promote transparency, however, it requires each State Party to send an annual report to the Secretary General of the United Nations which must include the following information (So far Mozambique has not yet submitted the required report in terms of Article 7 of the Treaty).

- the total number and the types of anti-personnel mines it has stockpiled;
- the progress made in its mine-destruction programmes, including the total number and the types of mines destroyed;

- the total number and the types of mines kept for training purposes;
- the technical characteristics of each type of mine it has produced in the past;
- the location of all mined areas under its jurisdiction or control; details of the type, quantity and age of the mines laid there (to the extent known); and steps taken to warn the civilian population;
- the national measures, such as legislation or administrative regulations, taken to prevent and suppress violations of the Treaty;
- the status of programmes for the conversion or decommissioning of anti-personnel mine production facilities.

The study concluded that the Mine Ban Treaty and the rights and obligations, afforded to Mozambique as a State Party under its 22 articles, provided an appropriate implementation framework to address the long-term solution of landmine contamination in Mozambique.

In terms of the clauses of the Treaty prohibiting the use, stockpile, development and transfer of anti-personnel mines the study concluded that Mozambique would have to take a number of regulatory steps at the national level. Specifically, it must adopt appropriate legal, administrative and other measures to prevent and punish any prohibited activity by persons or on territory under its jurisdiction or control. Depending on the national law or procedures, this may require the adoption of specific criminal legislation.

In addition, implementing the Treaty's provisions will entail the adoption of administrative measures to make sure that the relevant changes in military doctrine and operating procedures are made.

The successful completion of the removal of landmines within a 10-year timeframe (a near impossible task) depends much on the establishment of an effective indigenous capacity in Mozambique.

In this respect a new mine action co-ordination body has been established in Mozambique. New legislation, approved by the Council of Ministers in June 1999, changed the status of the *Comissao Nacional de Desminagem* (CND) to the *Instituto Nacional de Desminagem* (IND). Under the new legislation, the IND changes from a government commission to a semi-government "institute" and has greater financial and administrative autonomy. The IND has also been tasked to ensure that mine action is integrated into Mozambique's wider reconstruction and development plan, and according to Elliot (2000: 102) "(is) better placed to achieve its objectives."

Under the new legislation, the IND has greater financial and administrative autonomy. Although still under the auspices of the Ministry of Foreign Affairs and Co-operation, the IND has more freedom in decision-making. The Institute will restructure existing management and administrative system. This expansion should reduce the likelihood of the UND encountering similar problems to that of its predecessor with regard to workload and inefficient co-ordination at sub-national levels.

According to Elliot (2000: 102) the future success of the de-mining industry is widely regarded as dependent upon two interrelated factors:

- The donor community's acceptance and support of the IND is vital for the newly formed institution's credibility and financial viability.
- In turn, the IND's ability to provide a greater degree of transparency and accordingly, while improving national mine clearance, co-ordination is crucial to its credibility with the donors.

Another positive development has been the initiative by the Canadian International Demining Centre (CIDC) to conduct a national landmine survey in Mozambique in early 2000. The survey will also include an assessment of the socio-economic impact of landmines on communities. This should greatly facilitate the integration of mine action priorities with development priorities in agriculture, health care, education and infrastructural development, which will support the objectives of long-term peacebuilding.

## **5.6. Research Methods**

The study sought, through the employment of a full spectrum of data sources, including documentary sources as well as direct and indirect observations to analyse and interpret the central theoretical thesis namely the application of the concept of post-conflict peacebuilding in Mozambique with specific reference to the role of landmines in the process. In evaluating the role of the UN in this equation the case study further aspired to improve efficacy by analysing a key concept in the discipline of international conflict resolution in order to improve understanding of the dynamics and application of the concept.

Towards this objective the study concluded that the UN's multidimensional peace operation in Mozambique was successful from a macro perspective in terms of the cumulative application of the concepts of peacemaking, peacekeeping, humanitarian assistance and peacebuilding. Mozambique's peace process has subsequently been selected as a model peacekeeping operation, which could be adopted to post-conflict interventions elsewhere.

While the humanitarian, electoral and, to some extent, the political success of ONUMOZ cannot be contested, the neglect of peacebuilding in relation to landmines could serve as a basis for possible lessons learned in future wider peacekeeping in Africa under UN auspices.

In this respect the study identified Angola, one of the severest landmine contaminated countries in the world, as a possible future case study once the country returns to a situation where there is peace to keep under UN supervision. However, Dennis Jett (1997:2) provided a cynical perspective on this proposition when he stated as follows:

"The achievements in Mozambique are real, but many materialised despite, not because of the UN's supervision of the peace process. There were elements in ONUMOZ, which would be difficult to replicate elsewhere and are therefore not all that instructive. There are other aspects of ONUMOZ which should be repeated in places like Angola, but will not be because the self-protective UN bureaucracy rarely learns from its own mistakes."

The study was therefore compelled to concur. A cursory analysis of the Angolan situation confirms that the experience of trying to initiate a mine action programme with the over-arching goal of creating a sustainable indigenous capacity within the context of a peacebuilding mission was no less fraught in Angola than elsewhere. In contrast to Mozambique, planning did com-

mence before the signing of the Lusaka Accord in November 1994. There was also a reasonable understanding of how mines would impede peace, humanitarian assistance and rehabilitation activities, and there was a commitment from the beginning to help Angolan authorities develop the capabilities necessary to deal with the problem on a long-term basis.

However, initial plans which stressed the importance of a unified approach and direction to address both immediate and long-term needs soon foundered in interminable bureaucratic infighting as "UNAVEM objectives" were seen to take precedence over action needed to develop a long-term capability. In this context the study observed that the Angolan programme had operated on different tracks, that divergent perspectives drove activities in different directions, that there was little appreciation of the role the UN needed to play and even less understanding of what is involved in the development of indigenous capabilities. For the most part, mines were perceived as a military problem and the answer was seen as clearance by commercial contractors to meet UNAVEM operational needs and training of "deminers" to attend to other clearance priorities. To compound the matter the ICBL has monitored increased deployment of landmines by the government and the MPLA in contravention of the Mine Ban Treaty to which Angola is a signatory. (December 1999)

The aforementioned necessitated Dennis Jett American ambassador to Mozambique during ONUMOZ to point out in an article in the New York Times (2000: May) "The UN's Peacekeeping Failures are Built in and Intractable" that in April 1995, after the UN's failures in Somalia and Angola a "Lessons Learned Unit" was established to determine why peacekeeping efforts failed. This office of eight people is currently collecting and analysing information on a peacekeeping operation in Yugoslavia, which ended in 1995, and in Angola, which ended in 1997. "Apparently, the lessons of failure come slowly", according to Jett.

However, the study concluded that the surge in peacekeeping operations, which occurred in the early 1990s, will not necessarily be the norm in the future. The international community has become increasingly selective in mandating peacekeeping and peacebuilding operations. It is also wary of making commitments involving personnel and huge amount of expenditure in situations where "military solutions" are still deemed an option by parties competing for power. Thus, the context in which the UN provided assistance in the future will, most likely, be significantly different to the parameters which shaped the planning and initiation of a UN mine action programme in Mozambique. This could especially be the case if the UN considered lessons learned in adapting their methodology and strategies accordingly.

The credibility, relevance and nature of the sources employed were viewed by the study to have contributed to the reliability and validity of the findings of the research. However, two difficulties were experienced in terms of the way in which the research had been planned, structured and executed.

First, the vast and detailed nature of quality data on ONUMOZ and analysis of previous research on the Mozambican peace process, including the deconstruction of the Rome Peace Accord as well as the Mine Ban Treaty in order to provide sufficient and relevant grounds for the conclusion proved to be an extremely time consuming process. This was especially the case with regard to UN documentation and the Ottawa process.

Second, the personal involvement of the author in the Mozambican peace and reconciliation processes and interaction with the full spectrum of stakeholders, including the conflicting parties, NGOs, the international community and the UN, brought to the fore the dilemma of objectivity, which necessitated the author during the research design phase, to consider the factors which could manifest themselves as bias and impact negatively on making valid inferences. From an academic perspective the author therefore had to remain vigilant to exclude the selec-

tion of those views and arguments that supported the author's personal views or implicit prejudices. The author however noted that concepts with dual meanings had been used in the study in an individualistic way based on the personal involvement of the author on the issue under consideration.

Thirdly, the collaborative research project and the personal involvement of the author in South Africa's bilateral assistance to Mozambique in mine action in relation to post-conflict reconstruction provided a tangible and measurable dimension in terms of policy formulation and academic research. In this regard the collaborative research project contributed to the transformation of the CND to the IND in pursuit of the establishment of a truly indigenous capacity to address the long-term impact of landmines on Mozambique.

Conversely, the research methods reflected a broad range of issues related to the focal point of the study, which could warrant further academic scrutiny and analysis. These inter alia included, but are not limited to, the following topics.

- In terms of the principles of non-interference and impartiality the study observed that peacebuilding should not be conceived by the internal actors as interference and that every effort should be made by the UN to secure the consent, support and active participation in enabling national authorities to acquire the skills and international mechanisms, which allow them to determine policy, to develop annual plans and mobilise resources, to co-ordinate and regulate all mine action activities, and to ensure that priorities are met in the most rational and cost-effective manner. In the interview with the Mozambican Foreign Minister, Dr. L. Simao pointed out that the UNSC established ONUMOZ in exercise of its powers granted under Chapter VI of the UN Charter, which obliged the UN to operate with the consent of the parties. The Foreign Minister reiterated that the Mozambican experience with ONUMOZ underlined the need for the UN to bear in mind that peacekeeping forces operate on the basis of consent by the parties concerned. Therefore, they must always act with impartiality and in accordance with their mandates. Furthermore, they must respect and abide by the principles of independence, sovereignty, territorial integrity and non-interference. Given the sacrosanct nature of the principles of non-interference, ONUMOZ seemed to have clashed with the general authority of the government, creating a legally questionable precedent in terms of interventionism. In this context, the roles and obligations of the parties to a conflict needs further academic scrutiny and analysis.
- From a lessons learned perspective, the study concluded that disarmament and control of arms and the demobilisation and reintegration of former combatants are central to effective conflict resolution, peace operations and long-term peacebuilding. Mozambique is therefore a case study for demonstrating that weak disarmament components to peace agreements and subsequent neglect by the UN of safety and security issues impact negatively on long-term peacebuilding and security concerns.
- The role of the SRSG within a UN mandated peacekeeping operation needs further clarification, especially in relation to overall leadership and co-ordination of peacebuilding in terms of funding, the donor community, NGOs, the UNSC, UN Headquarters and UN agencies and regional organisations. The question of a division of responsibilities between the UNGA and UNSC with regard to peacebuilding and its funding also needs to be examined.
- The achievement of the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction had been hailed by UN Secretary General Kofi Anan as "a landmark step in the history of disarmament" and

“a historic victory for the weak and vulnerable of our world.” Developed and negotiated in just one year’s time, signed by 122 nations in Ottawa, Canada, in December 1997, it has been considered a remarkable achievement by most observers, setting a new norm in international humanitarian law by banning completely a weapon already in widespread use. Seventy-one nations, including Mozambique, have ratified the Mine Ban Treaty as of 31 March 1999. This is believed to be the fastest entry into force of any major international treaty. The exceptional pace of ratification had been due largely to the campaign of the ICBL and efforts by the International Committee of the Red Cross (ICRC) and UNICEF. The ICBL was awarded the 1997 Nobel Prize for its efforts to focus the international response on the extreme socio-economic and humanitarian impact associated with the indiscriminate use of landmines. The roles of NGOs and the UN in this process deserve further academic analysis and interpretation.

- The study observed that the UN lacked the capacity and resources to perform well all the peace-and security tasks that it has come to assume in recent years. An appropriate division of responsibilities between the UN and other international actors in the sphere of preventive actions, peacemaking, peacekeeping, enforcement action and peacebuilding must therefore be developed to enable a more effective and comprehensive international response to conflict situations around the world. Such a division of labour could take advantage of the different capabilities and interests of regional organisations, national governments and non-governmental organisations in order to identify areas of comparative advantage and build around that a system of complementarity. In this context, the role of regional organisations for assuming greater responsibility for peace and security in terms of Chapter VIII of the UN Charter should be analysed taking into consideration their general lack of relevant tradition, financial resources, political prestige and credibility, impartiality, and operational capacity. This places a particular responsibility on the UN, the major powers, traditional peacekeeping countries, and other bilateral and multilateral donors to work in a more concerted way to help build the capacities of regional organisations. The study observed that the areas of comparative advantage for regional organisations would seem to be preventive action, peacemaking and confidence-building at the regional and sub-regional levels with a gradual expansion of peacekeeping capabilities
- With reference to NGOs the study observed that the emergence of independent actors from civil society can complement official efforts towards peacebuilding. On account of their informal and flexible character the study concluded that NGOs are not a monolithic group and in Mozambique had been at the forefront in raising consciousness and defining what needed to be done. The role of NGOs in post-conflict peacebuilding therefore deserves further academic focus.

Finally, the study observed that the successes of UN peacebuilding of the early 1990s have made way for unprecedented criticism and pessimism with regard to the UN’s peace and security role in the next century. This sentiment was best described by Michael Ignatieff in a New York Times article “A Bungling UN is Undermining Itself” (2000: May). “The UN seems only to survive by forgetting. By forgetting it manages to repress a legacy of shame. Institutional amnesia locks the United Nations system into a fatal compulsion to repeat. An incorrigible moral narcissism about its own good intentions makes it unable to recognise that its central ideal and instrument – peacekeeping – is so flawed that it must be abandoned altogether. The largest lesson of all is that peacekeeping is destroying the United Nations itself. If it still values its own survival it must abandon an ideal it has so comprehensively betrayed.”

The study was constantly reminded however that the UN is not a world government but an association of sovereign states and, as such, the effectiveness of the organisation depends largely on the role that the constituent governments entrust to it. In this regard, the UN cannot operate solely on the basis of ideals and principles divorced from the realities of the world. It is within this imperfect context that the UN must formulate a credible peace and security agenda for the next century taking into account that its failures are merely the sum of our collective failings.

The UN and the international community need therefore to invest in preventive action going well beyond the traditional notion of preventive diplomacy and preventive deployment to encompass a broad spectrum of political, economic, social and humanitarian measures aimed at averting or de-escalating the development of conflict. This could form the basis of the conceptual foundations of long-term peacebuilding.

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