

Amnesty Law, Political Struggles for Legitimacy and Violence in Mozambique

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ABSTRACT¹

Two decades after the negotiated peace accord and amnesty law that ended the civil war (1976–1992) between the Frelimo government and the rebel group Renamo, an armed conflict (2013–2014) broke out between Frelimo and Renamo military forces. While in the 1990s the pacification process was locally and internationally celebrated as a successful transition from a socialist, repressive regime and civil war to peace and democratization, the transition process produced different dynamics at the state and societal levels. This article focuses on state and elite politics by analysing debates among Frelimo elites at critical junctures of the peace negotiations with Renamo, the enactment of the amnesty law and subsequent political relations between Frelimo and Renamo. The analysis reveals complex realities that defy mainstream praise for the amnesty law and the allegedly successful peacebuilding in Mozambique. It suggests that Frelimo alone passed the amnesty law to avoid accountability and to imply a public commitment to reconciliation in tandem with their attempt to recover losses incurred in the peace negotiation context. These goals fostered the marked open-endedness of the transition, whereby contested war memories were used as weapons and fierce struggles for political legitimacy involving flashes of political violence occurred well beyond the accord. The article suggests the need for some measure of accountability and a nationwide debate about the composition and role of the security and defence forces in Mozambique.

KEYWORDS: Mozambique, amnesty, elite politics, accountability, demobilization

INTRODUCTION

In 2012, Mozambique celebrated two decades of the General Peace Accord (*Acordo Geral de Paz*, or AGP), signed by the Mozambique Liberation Front (*Frente de Libertação de Moçambique*, or Frelimo) and the Mozambican National Resistance (*Resistência Nacional Moçambicana*, or Renamo) in October 1992. The AGP put an end to the postcolonial civil war (1976–1992) that pitted the Frelimo government

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against the rebel group Renamo. The AGP had the force of law and envisaged a tripartite political project: peacebuilding, reconciliation and democratization through multiparty elections, decentralization and, more broadly, the rule of law.² Yet, the Frelimo ruling elites have regarded the postcolonial civil war as illegitimate on the grounds that it was instigated by external parties with the AGP as the resulting agreement. The Frelimo party claims that Renamo was created by ex-Rhodesian secret services and the South African apartheid regime to destabilize Frelimo's socialist revolution.³ In their turn, Renamo argue that they were Frelimo dissidents who engaged in an armed rebellion to fight the authoritarian and violent nature of Frelimo's Marxist-Leninist regime and bring a pluralistic democracy to the country.⁴ Over time, these two partisan narratives did not wane, instead gaining force and crippling the tripartite project through continuous political instability and flashes of violence.⁵ Given that the amnesty law (15/92 of 14 October 1992), enacted by Frelimo alone, did not include any accountability mechanism to deal openly with the past, there is a need to examine how the amnesty might have contributed to political instability and complex struggles for rights of identity and belonging.

In 2012, tensions escalated between the Frelimo government and Renamo, evolving into what was locally variously termed 'politico-military hostilities,' 'dangerous provocations' or 'undeclared war.' I use the term 'armed conflict' as the most recent conflict consisted of military confrontations between the two armies for more than a year and required a formal negotiated agreement to attain peace. The epicentre of the armed conflict was the country's central provinces, Sofala and Manica. An uncounted number of civilians perished along with government and Renamo troops killed in combat. The conflict seriously affected local life as it halted agricultural production and forced the internal displacement of up to 5,000 people, particularly in the Gorongosa region. The free circulation of people and merchandise was constrained because National Road 1, which links the southern and central regions of the country, was the focal point of intense military combat. Parallel to military confrontations, the government and Renamo officials engaged in peace talks for almost two years, which culminated in a second peace agreement on 5 September 2014, also variously termed 'peace accord' or 'agreement for the cessation of hostilities.'

While there are competing explanations for the reemergence of the armed conflict (e.g., repeated electoral losses and newly found natural resources), I argue that the conflict invites a serious reanalysis of the implications of the amnesty law and lack of accountability in the country. This article explores how Frelimo alone passed the amnesty law to disguise a lack of public commitment to reconciliation and to avoid accountability in tandem with their attempt to recover the sovereign power they perceive they lost in the AGP context. I analyse the fears and hopes expressed by

2 Victor Igreja, 'Politics of Memory, Decentralization and Recentralization in Mozambique,' *Journal of Southern African Studies* 39 (2013): 313–335.

3 Margaret Hall, 'The Mozambican National Resistance Movement (Renamo),' *Africa* 60 (1990): 39–68; Alex Vines, *Renamo: Terrorism in Mozambique* (London: James Currey, 1991).

4 Christian Geffray, *La cause des armes au Mozambique* (Paris: Karthala, 1990); David Hoile, *Mozambique, Resistance and Freedom* (London: Mozambique Institute, 1994).

5 Victor Igreja, 'The Implications of Accumulated Grievances and Memories of Political Violence to the Process of Administrative Decentralization in Mozambique,' *Revista Estudos Politicos* 6 (2013): 181–199.

Frelimo ruling elites at critical junctures of the peace negotiations with Renamo, the political debates around the enactment of the amnesty law and subsequent political relations between Frelimo and Renamo over two decades.

After the AGP and the establishment of the national democratic parliament in 1995, the transition at the level of state and elite politics was markedly open ended. Political relations featured Frelimo and Renamo members of parliament (MPs) hurling haunting accusations of human rights violations and crimes committed in the civil war, as well as the continuing use of violence to enforce political legitimacy. For two decades, the country conducted regular multiparty elections, which, however, were disrupted by war memories, contested results and accusations of fraud and state violence. International observers such as the Carter Center have expressed concerns about the lack of transparency and fairness in the elections in Mozambique. In spite of repeated elections, the country is neither an emerging democracy nor an established democracy.⁶ It is also meaningful that the Carter Center's position on matters of democratization through free and fair elections contrasts with the position of international donors and local and international human rights organizations, which – despite the so-called 'era of the witness'⁷ or 'justice cascade'⁸ – have shown little or no interest in war-related accountability in the country.⁹

At critical junctures of the AGP negotiations, Frelimo MPs revealed a prevailing sense of loss of standing, colloquially accusing then President Joaquim Chissano of 'swallowing living frogs in front of our eyes,'¹⁰ which means showing weakness in public. One response to this sense of loss was the amnesty law and the use of war memories as weapons in an attempt to buy time and eventually push Renamo to the brink of extinction. The aim appeared to be to recreate an imagined *status quo ante* whereby the Mozambican Armed Defence Forces (*Forças Armadas de Defesa de Moçambique*, or FADAM) would again be in Frelimo's total control. Hence the need for a comprehensive analysis of the idea that the amnesty law was beneficial to peace-building and democratization. The fractures, perfidies and contradictory goals and meanings of the transition process have remained under the radar of various analysts of the amnesty law's impact.¹¹

My overall analysis contributes to ongoing debates on the merits and limits of amnesty laws in countries in transition from repressive regimes and civil wars to peace and democratization.¹² At the level of state and elite politics, an examination of the

6 Stephen Winter, 'Towards a Unified Theory of Transitional Justice,' *International Journal of Transitional Justice* 7(2) (2013): 224–244.

7 Annete Wiewiorka, *Era of the Witness* (Ithaca, NY: Cornell University Press, 2006).

8 Kathryn Sikink and Hun Joon Kim, 'The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations,' *Annual Review of Law and Social Science* 9 (2013): 269–285.

9 Carter Center, *Observing the Mozambique 2004 Elections* (2005); Victor Igreja and Elin Skaar, 'A Conflict Does Not Rot,' *Nordic Journal of Human Rights* 31 (2013): 149–175.

10 Jorge Tembe, 22 September 1992, Library of National Parliament.

11 Helena Cobban, *Amnesty after Atrocity?* (Boulder, CO: Paradigm, 2007); Jack Snyder and Leslie Vinjamuri, 'Trials and Errors: Principle and Pragmatism in Strategies of International Justice,' *International Security* 28 (2003): 5–44; Priscilla Hayner, *Unspeakable Truths* (New York: Routledge, 2001); William Long and Peter Brecke, *War and Reconciliation* (Cambridge, MA: Massachusetts Institute of Technology Press, 2003).

12 M. Cherif Bassiouni, 'Searching for Peace and Achieving Justice,' *Law and Contemporary Problems* 59 (1997): 9–28; Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon, 1998).

amnesty law in Mozambique also contributes to the analysis of a less explored dimension of political transitions, which is that procedural justice does not always translate into an increment in the quality of participation whereby former war foes subside or erase contested memories of civil war, paving the way to fostering perceptions of fairness and legitimacy regarding institutions and among political actors.¹³

Methodologically, this article draws on mixed-methods research conducted over a long time span in Mozambique. I followed several debates in the national parliament and analysed numerous official documents in the library of the national parliament and the archives of Mozambican Television (TVM) and Mozambique Radio, all located in the capital Maputo. I focused on documents and newscasts that reported on debates before, during and after the signing of the AGP in 1992. I also analysed documents on debates before and during the enactment of the amnesty law. Additionally, I analysed political debates involving Frelimo and Renamo MPs on the revision of the constitution (1996 and 2004) and the decentralization law (1996 and 2007). Between 2004 and 2010, I interviewed 10 Frelimo and Renamo MPs. In 2012, I also interviewed six demobilized soldiers. I consulted various national newspapers, television newscasts and radio programmes that reported on the new armed conflict. Finally, in mid-2013, I interviewed 11 residents of Gorongosa as the government army was escalating its operations and weaponry in the region to expand military combat.

AMNESTIES, PROCEDURAL JUSTICE AND LEGITIMACY

Debates about and studies evaluating the virtues and impacts of transitional justice mechanisms remain inconclusive.¹⁴ Some of the key questions around transitional justice have been whether truth seeking and truth telling, criminal accountability and amnesties hinder or promote peace and justice in deeply divided societies.¹⁵ Some prominent human rights campaigners and lawyers have argued that 'justice, in respect of crimes against humanity, is non-negotiable.'¹⁶

Yet, in spite of the faith placed in accountability, various scholars of transitional justice have noted that over time 'amnesties have increased in frequency.'¹⁷ Amnesty's utility has been justified on the pragmatic basis that criminal accountability can imperil the fragile peace and run counter to the wishes of victims who may not be interested or not yet prepared to revisit the memories of their horrific experiences.¹⁸ Legal experts such as John Dugard are, nevertheless, cautious in recognizing that in some situations amnesty may still offer the best prospect for peace.¹⁹ Particularly in the absence of military victories, as in Mozambique, formal amnesties

13 Tom Tyler and E. Allan Lind, 'Procedural Justice,' in *Handbook of Justice Research in Law*, ed. Joseph Sanders and V. Lee Hamilton (New York: Plenum, 2001).

14 Hugo van der Merwe, Victoria Baxter and Audrey Chapman, eds., *Assessing the Impact of Transitional Justice* (Washington, DC: US Institute of Peace Press, 2009).

15 Bruce Ackerman, *The Future of Liberal Revolution* (New Haven, CT: Yale University Press, 1992); Ruti Teitel, *Transitional Justice* (New York: Oxford University Press, 2000).

16 Geoffrey Robertson, *Crimes against Humanity*, 2nd ed. (London: Penguin, 2002), 307. See also, Bassiouni, *supra* n 12; Minow, *supra* n 12.

17 Louise Mallinder, *Amnesty, Human Rights and Political Transitions* (Oxford: Hart, 2008), 9.

18 Hayner, *supra* n 11.

19 John Dugard, 'Dealing with Crimes of a Past Regime: Is Amnesty Still an Option?' *Leiden Journal of International Law* 12 (1999): 1001–1015.

appear as ‘necessary evils,’²⁰ given that they can be a meaningful ‘first step in the process of consolidating peace, the rule of law, and democracy.’²¹

The position of scholars in favour of or against amnesty laws has indirectly reiterated the orthodox human rights accountability framework that tends to link amnesty to amnesia. This is problematic given that in several instances of major political transitions amnesty laws did not lead down the path of amnesia. In some cases, however, amnesties have postponed engagement with the past while also fuelling uncertainties and discord on what and who to remember and whether to remember too much or to selectively forget.²² In this regard, it is necessary to conduct broader analyses to determine the diverse meanings of amnesties, the ways in which amnesty laws can be enacted to fulfil untold political projects beyond the narrow goal of avoiding accountability and how amnesties can slow down major transformations in state institutions and elite politics.

The proponents and analysts of unconditional amnesties have implicitly expected that amnesties can somewhat foster participatory practices similar to procedural justice, whereby participation and voice can evolve in ways that defuse tensions between former enemies, facilitate political deliberations and negotiations and increase perceptions of the fairness and legitimacy of state institutions. The field of procedural justice was largely developed through analysis of participation in courtrooms, which suggests that when disputants in a conflict are given equal opportunities to assert their opinions and these are taken into account, participation helps generate positive perceptions of fairness in relation to procedures and by implication increases the legitimacy of the institutions of conflict resolution.²³

In contexts of major political transition, there is a perception that amnesties can function in a similar fashion. Amnesties appear as incentives for former foes to participate in the political process and freely articulate their concerns so that eventually they can accept each other and the new political system as legitimate. Following an early position on the role of amnesties, the link between amnesties, practices of procedural justice and expectations of growing legitimacy among foes is made intelligible by considering that ‘an emphasis on constitution writing invites citizens to put the past behind them and to think about how they all might contribute to a definition of the new order.’²⁴ The decision whether to put the past behind or to ruminate on it, however, is politically challenging. Additionally, recent quantitative analysis suggests that ‘amnesty alone has no significant effect on the quality of democracy or human rights measures.’²⁵ Nevertheless, an important question to explore is the diverse

20 Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (Cambridge: Cambridge University Press, 2009); Ackerman, *supra* n 15; Teitel, *supra* n 15.

21 Snyder and Vinjamuri, *supra* n 11 at 18.

22 Paloma Aguilar, ‘Justice, Politics, and Memory in the Spanish Transition,’ in *The Politics of Memory*, ed. Alexandra de Brito, Carmen Enriquez and Paloma Aguilar (Oxford: Oxford University Press, 2001); Victor Igreja, ‘Memories as Weapons: The Politics of Peace and Silence in Post-Civil War Mozambique,’ *Journal of Southern African Studies* 34 (2008): 539–556; Justin Pearce, ‘Contesting the Past in Angolan Politics,’ *Journal of Southern African Studies* 41 (2015): 103–119; Jocelyn Alexander, Joanna McGregor and Terence Ranger, *Violence and Memory* (Oxford: James Currey, 2000).

23 Tyler and Lind, *supra* n 13.

24 Ackerman, *supra* n 15 at 70–71.

25 Tricia Olsen, Leigh Payne and Andrew Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: US Institute of Peace Press, 2010), 144.

meanings that amnesties can take and whether amnesties pave the way to amnesia. This can be done by defining levels of analysis while also taking into account the dynamics of macro- and micro-political interests when laws are made. Without ignoring the intersections of state and community levels and particular sets of partisan and economic interest groups, defining levels of analysis is meaningful in Africa given that the state apparatus required to materially and morally transform entire national populations remains a mirage.²⁶ Thus, an analysis of the performative effects of any law – in this case, amnesty laws – requires specification of context and level of analysis and a focus on stated and unstated goals as political elites negotiate the terms of political transitions.²⁷

By focusing on state and elite politics in Mozambique, this article shows that the amnesty law did not inspire political elites in ‘leaving the past alone.’²⁸ At the community level, war survivors created new cultural practices or adapted old ones to deal diversely with the legacies of the civil war, with ex-soldiers playing meaningful roles in some of the processes.²⁹ The limits at the level of state and elite politics partly derive from the fact that in democratic politics, struggles for legitimacy achieve ‘clarity and persuasive power by defining the difference between one’s own side and the other’s.’³⁰ In this way, political elites have to make use of discourses anchored in either historical continuity or discontinuity to build and consolidate persuasive power and legitimacy. These political struggles can perhaps thrive in contexts where political contenders do not have hanging over them serious accusations and rumours of involvement in gruesome violations. In such cases, creating accountability measures to openly deal with the past can dissipate the divisive and obstructive force that unresolved memories of mass political violence are known to gain over time.³¹

The majority of analyses of the legitimacy and meanings of justice and reconciliation in transitional justice have focused on perceptions at the popular level vis-à-vis new state institutions or on people’s participation and perceptions of ownership of

26 Talal Asad, *Formations of the Secular* (Stanford, CA: Stanford University Press, 2003); Victor Igreja, ‘Memories of Violence, Cultural Transformations of Cannibals and Indigenous Statebuilding in Postconflict Mozambique,’ *Comparative Studies in Society and History* 56 (2014): 774–802.

27 Boaventura de Sousa Santos, ‘The Heterogeneous State and Legal Pluralism in Mozambique,’ *Law and Society Review* 40 (2006): 39–76.

28 Hayner, supra n 11 at 195. See also, Igreja, supra n 2.

29 Nikkie Wiegink, ‘Beyond Fighting and Returning: Social Navigations of Social Combatants in Central Mozambique’ (PhD diss., University of Utrecht, 2014); Stephen Lubkemann, *Culture in Chaos* (Chicago: University of Chicago Press, 2008); Victor Igreja, ‘Negotiating Order in Postwar Mozambique,’ in *The Dynamics of Legal Pluralism in Mozambique*, ed. Helene Kyed, João Coelho, Amelia Souto and Sara Araújo (Maputo: Kapicua, 2012); Victor Igreja, ‘Cultural Disruption and the Care of Infants in Postwar Mozambique,’ in *Children and Youth on the Frontline*, ed. Jo Boyden and Joanna de Berry (Oxford: Berghahn, 2005); Victor Igreja, ‘Traditional Courts and the Struggle against State Impunity for Civil Wartime Offences in Mozambique,’ *Journal of African Law* 54 (2010): 51–73; Victor Igreja, Beatrice Dias-Lambranca and Annemiek Richters, ‘Gamba Spirits, Gender Relations, and Healing in Post-Civil War Gorongosa,’ *Journal of the Royal Anthropological Institute* 14 (2008): 350–367.

30 Jeffrey Alexander, *The Performance of Politics* (Oxford: Oxford University Press, 2010), 12.

31 Alexander, McGregor and Ranger, supra n 22; Victor Igreja, ‘Legacies of War, Healing, Justice and Social Transformation in Mozambique,’ in *Peacebuilding from a Psychosocial Perspective*, ed. Brandon Hamber and Elizabeth Gallagher (New York: Springer, 2015).

some of the phases and activities of transitions.³² In contexts of transition through amnesty and lack of accountability, political elites also become an important resource for exploring the complexities of official remembering and forgetting and building perceptions of the fairness and legitimacy of state institutions. This is so because it is often elites, not the masses, who instigate ethnic conflicts and thus bear greater responsibility in achieving some kind of resolution.³³

Despite the robust evidence that opportunities given to people to state their opinion and, more broadly, participate in processes of conflict resolution can improve and sediment people's perceptions of fairness and legitimacy in relation to authorities,³⁴ this evidence cannot be automatically applied to postcivil war contexts characterized by former foes who are expected to heal their deeply divided nations as well as compete, deliberate and collaborate in establishing new institutions in nascent democracies.³⁵ The conundrum of these processes is that competition, deliberation and collaboration involve political actors who have specific histories and the credibility of their participation or the need to increase the legitimacy of their political positions sometimes depends on selectively embracing or rejecting the past. In this context, from a political perspective of building new political institutions, 'the struggle for the past is unavoidable,'³⁶ and contested memories of violent past experiences can fuel renewed political violence.³⁷

In this regard, while it can be argued that amnesty laws invite citizens to become involved in making new laws and building new institutions,³⁸ focusing on these normative activities is not enough to grasp the diverse meanings of amnesty and its performative effects in Mozambique among state and political elites. Similarly important is an analysis that takes into account multiple temporalities, recognizing the confluence of political events and actors long before, during and after a certain occurrence, in this case the elaboration of an amnesty law.³⁹

POLITICAL VIOLENCE IN MOZAMBIQUE

Following 30 years of effective Portuguese colonization, Frelimo was created in 1962 to wage an armed struggle for independence. While Frelimo represented a united military front, it was permeated by serious internal conflicts, some of which predated colonization. At the time, the Frelimo leadership called these conflicts 'our tribal

32 Barbara Oomen, 'Justice Mechanisms and the Question of Legitimacy,' in *Building a Future on Peace and Justice*, ed. Kai Ambos, Judith Large and Marieke Wierda (New York: Springer, 2009); Eric Stover and Harvey Weinstein, eds., *My Neighbor, My Enemy* (Cambridge: Cambridge University Press, 2004); Wendy Lambourne, 'Transitional Justice and Peacebuilding after Mass Violence,' *International Journal of Transitional Justice* 3(1) (2009): 28–48.

33 Snyder and Vinjamuri, supra n 11.

34 Tyler and Lind, supra n 13.

35 Barbara Meier, Victor Igreja and Arne Steinforth, 'Power and Healing in African Politics,' in *Spirits in Politics*, ed. Barbara Meier and Arne Steinforth (Frankfurt: Campus, 2013).

36 Joan Resina, ed., *Disremembering the Dictatorship* (Amsterdam: Rodopi, 2000), 118.

37 Alexander, McGregor and Ranger, supra n 22.

38 Ackerman, supra n 15; Teitel, supra n 15.

39 Victor Igreja, 'Multiple Temporalities in Indigenous Justice and Healing Practices in Mozambique,' *International Journal of Transitional Justice* 6(3) (2012): 404–422.

quarrels' and proceeded to shape the anticolonial struggle.⁴⁰ Thus, the united front was built on fragile compromises, whereby the leadership established the need 'to eliminate first the thing that came from outside [colonialism] and then resolve our internal problems.'⁴¹ Lack of consensus on the priorities of the armed struggle coupled with internal struggles for control of the leadership resulted in numerous dissensions and assassinations.⁴² Nevertheless, Frelimo successfully led the anticolonial struggle (1964–1974). Particularly in the northern and central areas of Mozambique, Portuguese troops bombarded the region, killing civilians and causing internal displacement.⁴³ Both the Portuguese and Frelimo troops used civilians as human shields, and many individuals were tortured and killed by both armies on grounds of collaboration.⁴⁴ Memories of these events have continuously shaped contemporary politics, as Frelimo considers their successful anticolonial war the source of unrestrained legitimacy to rule the country. Time and again during the repressive socialist era and later during the nascent political pluralism and democracy, Frelimo MPs asserted the superiority of their moral, political and historical legitimacy over other political forces, in particular Renamo, on the grounds that 'at the level of the African continent and in other continents, the name Mozambique is intimately connected to the name of Frelimo . . . Frelimo is Mozambique and Mozambique is Frelimo.'⁴⁵

On 7 September 1974, following a coup d'état in Portugal, Frelimo and the Portuguese authorities signed the Lusaka Peace Accord. This accord gave legal legitimacy to Mozambique's independence under the sole command of Frelimo. On 25 June 1975, Mozambique celebrated its independence. However, the declaration of independence did not resolve some of the grisly conflicts that had evolved within Frelimo ranks during the anticolonial struggle. Frelimo's postcolonial project to address its 'tribal quarrels' was through the party's adoption of a modernist agenda and state nationalism – nationalism erected in opposition to existing ethnicities.⁴⁶ Additionally, Frelimo authorities associated a plethora of sociocultural and religious groups with backward forces in society and accused them of obstructing the socialist revolution. Individuals accused of being unpatriotic were tortured and killed, and others were imprisoned or deported to the so-called reeducation camps.⁴⁷ This political project alienated significant segments of the Mozambican population, some of which ended up supporting the nascent rebel movement Renamo.⁴⁸ Moreover, to

40 Marcelino dos Santos, 1 May 2003, Mozambique Radio Archive.

41 Ibid.

42 João Cabrita, *Mozambique: The Tortuous Road to Democracy* (London: Palgrave Macmillan, 2000); Barnabe Ncomo, *Uriá Simango: Um homem, uma causa* (Maputo: Novafrica, 2003).

43 Eduardo Mondlane, *The Struggle for Mozambique* (Middlesex: Penguin, 1969).

44 Yussuf Adam, 'Samora Machel e o desenvolvimento de Moçambique,' in *Samora*, ed. António Soupa (Maputo: Maguezo, 2001).

45 Raimundo Pachinuapa, 24 March 2011, Library of National Parliament.

46 Michel Cahen, 'Nationalism and Ethnicities: Lessons from Mozambique,' in *Ethnicity Kills? The Politics of War, Peace and Ethnicity in SubSaharan Africa*, ed. Einar Braathen, Morten Boas and Gjermund Saether (London: Palgrave Macmillan, 2000).

47 João Paulo Coelho, 'Da violência colonial ordenada á ordem pós-colonial violenta,' *Lusotopie* (2003): 175–193.

48 Geffray, supra n 4.

deal with the legacies of colonialism and the liberation war, the authorities developed an official accountability strategy between 1978 and 1982 that consisted of purges and public confessions of guilt by Mozambicans labelled 'the compromised' for their alleged collaboration with the repressive Portuguese colonial regime. The retributive features of this accountability process had the unintended consequence of motivating many Mozambicans to join Renamo in their war against Frelimo.⁴⁹

As a corollary of these colonial and postcolonial political struggles, the Frelimo government and Renamo engaged in a protracted civil war that was also part of the Cold War, in which peripheral countries were proxies of the West or the Soviet Bloc.⁵⁰ In this regard, Frelimo regarded Renamo as a group of armed bandits, a byproduct of the former Rhodesia and the apartheid regime in South Africa bent on destabilizing Frelimo's commitment to socialism. In turn, Renamo accused Frelimo of imposing a Marxist-Leninist dictatorship on the country. In the mid-1980s, Christian groups helped the government initiate peace negotiations with Renamo, as the impossibility of a military victory became evident.

PEACE NEGOTIATIONS, AMNESTY AND THE SLOW DEATH OF POLITICAL CONTESTATION

Following the collapse of the Soviet Union, at the end of the 1980s the Frelimo government engaged in formal regime change by adopting a democratic constitution in 1990. This facilitated peace negotiations with Renamo. Through two years of negotiation and mutual concessions, Renamo was swayed to recognize the legitimacy of state institutions under Frelimo rule and the AGP was signed in Rome on 4 October 1992.

The signatories publicly promised to embrace reconciliation and rebuild the country. The former Mozambican president stated in Rome, 'The national reconciliation is responsibility of all Mozambicans; all of us together must heal the wounds, replace hatred with understanding and solidarity, and revenge with forgiveness and tolerance.'⁵¹ The Renamo president made similar pledges: 'There are no grievances. From today onwards the rule of trust will dominate our relations. The armed fight will be replaced by political struggle and democracy.'⁵²

The peace negotiations and the AGP itself did not include provisions for an amnesty law, a truth commission or tribunals to prosecute serious human rights violations. The AGP laid out a plan for democratic elections, funding for the demobilization and socioeconomic reintegration of soldiers from both armies and the creation of a national army and police force made up of an equal number of Frelimo and Renamo ex-soldiers.⁵³

The debates in the single-party parliament that preceded the signing of the AGP offer important clues regarding the contradictions in Frelimo's stated and unstated

49 Victor Igreja, 'Frelimo's Political Ruling through Violence and Memory in Postcolonial Mozambique,' *Journal of Southern African Studies* 36 (2010): 781–799.

50 Vladimir Shubin, *The Hot 'Cold War': The USSR in Southern Africa* (Durban: University of KwaZulu-Natal Press, 2008).

51 Joaquim Chissano, AGP speech, 4 October 1992, Mozambique Radio Archives.

52 Afonso Dhlakama, AGP speech, 4 October 1992, Mozambique Radio Archives.

53 Jessica Schafer, *Soldiers at Peace: Veterans of the Civil War in Mozambique* (London: Palgrave Macmillan, 2007).

goals and their discourse and practice of reconciliation. The debates highlight the party's sense of loss in the context of the peace negotiations and their need to find ways to recover. A few days before the AGP, President Chissano briefed MPs on the peace talks, which was followed by a debate behind closed doors.

During this occasion, MP Celestino Jorge complained that Renamo's demand that 'the government must dismantle the apparatus that guarantee the sovereignty namely the SISE [State Security and Information Services], police and army' was unacceptable. He asked how the government was preparing itself to face the scenario of power sharing in the security and defence forces.⁵⁴ Another MP, Jorge Tembe, who appeared startled that, among other things, the president had inexplicably stopped 'at least in public using the expression "armed bandits,"' insisted on clarification on whether the peace talks were sincere or part of an unspoken plan: 'I think that we must be clear . . . about the efforts that are expected from us while also being conscious that we are not trying to cheat ourselves because we do not trust them [Renamo].' Tembe made this assertion because while Frelimo publicly adopted soft language as the party negotiated with Renamo, among themselves and behind closed doors the Frelimo's leadership kept yelling, 'They are bandits, they are bandits, they are bandits.'⁵⁵

In response, Chissano acknowledged that the issue of sovereignty and the legitimacy of state institutions 'created huge problems since the beginning of negotiations,' while attempting to clarify the government's position by using proverbial language involving cats and dogs. He then noted, 'I am not making this comparison to call Renamo dogs.' Chissano also asserted in a vague way that 'as you can see, we accepted the creation of a unified army because it could have not been otherwise.'⁵⁶ His response suggests that he was finding ways to appease the MPs, who had also accused him of neglecting the army and argued that this could contribute to the 'disaggregation of the armed forces while the bandits are still organized.'⁵⁷ Chissano was criticized for negotiating from a 'weak position'⁵⁸ and for seemingly failing 'to guarantee the survival of our sovereignty.'⁵⁹ Given the tensions that dominated these exchanges, Chissano ended up disclosing, even if scantily, what I term the strategy of 'slow death.' The strategy consisted of buying time in the immediate post-ceasefire period by helping Renamo 'get rid of fear' of participating in the peace process and only later eliminating political contestation by driving Renamo into extinction. To justify his strategy, Chissano reverted to memories of earlier temporalities in which Frelimo had faced serious desertions:

These people [Renamo] need to get rid of fear; once the fear in political terms is removed I don't know if they will all continue to be members of Renamo. Even we in Frelimo did not manage to keep everyone within Frelimo. When the war is over, Renamo will leave the weapons and will start thinking, I would

54 Celestino Jorge, 22 September 1992, Library of National Parliament.

55 Jorge Tembe, 22 September 1992, Library of National Parliament.

56 Joaquim Chissano, 22 September 1992, Library of National Parliament.

57 Sergio Vieira, 22 September 1992, Library of National Parliament.

58 Ibid.

59 Job Chambal, 22 September 1992, Library of National Parliament.

not be surprised if one day Dhlakama himself would say 'ah, I was lost; to rule a country is not a joke.' Actually, one of them [Renamo member] already spoke to me in these terms.⁶⁰

To help Renamo overcoming their putative fears, Chissano openly supported the proposal for an amnesty law. To sustain his vision of Renamo's slow death, Chissano grew more assertive by affirming, 'In my opinion, after the ceasefire, this Renamo will not be the same Renamo, I doubt that all of them will continue there, I would not say that they will move into Frelimo.' Insisting that it was only a matter of time, Chissano noted, 'It can happen that there will be divisions then one fraction refuses to obey the decisions, but in this case it will be another group, it will no longer be this Renamo.'⁶¹ Thus, Chissano backed the position of former Minister of Interior Manuel António, who had pledged to use memories as weapons to corrode Renamo: 'Even if one day they [Renamo] come to meet with us, this denomination [bandits] will not cease from existing because they are bandits.'⁶²

These exchanges behind closed doors reveal that underneath the tripartite goals the amnesty law was expected to enhance, there was a different mindset in operation, concerned with strategies for maintaining power while driving Renamo into decay. In this political equation, any measure of accountability would only create unnecessary complications, particularly as the notion that only Renamo, with the support of Ian Smith and Pieter Botha's regime, was responsible for serious human rights violations in Mozambique was well established in world politics. Thus, for Frelimo the AGP and amnesty law were temporary transitional arrangements that were not intended to establish the foundations of a new state and society, whereas for Renamo democratic politics was also a complex struggle for belonging and identity.

Ten days after signing the peace accord, Frelimo passed an amnesty law for crimes committed during the war.⁶³ The process of elaborating and passing the law in October 1992 further confirmed the appeals made by MP Manuel António. Following Frelimo's official narrative about the sole responsibility of Renamo in the civil war, the government and some MPs initially argued that the amnesty law was only necessary for Renamo war criminals.

However, other Frelimo MPs appealed for less ideological fixations on the war's origins and the alleged culprits of war crimes. For instance, the influential MP Sergio Vieira argued that

there is a need of an amnesty; an amnesty which is not only for the crimes committed by Renamo. There were also incorrect acts practiced by others that are not from Renamo, including by agents of the state. We need an amnesty that covers all the acts of the state, of the state agents that violated the law, acts that violated the law, possibly illegal executions. We need an amnesty that also covers this, not only the criminal acts of Renamo.⁶⁴

60 Joaquim Chissano, 22 September 1992, Library of National Parliament.

61 Ibid.

62 Manuel António, 22 September 1992, Library of National Parliament.

63 Igreja and Skaar, *supra* n 9.

64 Sergio Vieira, 22 September 1992, Library of National Parliament.

Following this reasoning, another Frelimo MP, Castro Qualquer, stated while conveying a sense of distress,

I heard about the coverage of this amnesty law but I have some fears . . . I remember that we did, in some cases justice, because the conditions compelled us, this is the case of kidnappings, let's say in this way, of elements that used to collaborate and there was justice in situ. There are military commanders, there are authorities involved in these cases, these cases exist, some people are known and it is possible that the relatives will, somehow, ask for justice. These colleagues that kept doing these actions in defence . . . because the situation compelled, are they covered or not by this amnesty or another one, are these within the military crimes? I think that if justice was done in this way he was not committing a military crime.

Qualquer concluded that if Frelimo leaders insisted on an amnesty law only for Renamo, there would be a need to create another amnesty law for Frelimo members and that the second amnesty law 'must be urgent.'⁶⁵ The impossibility of denying Frelimo's criminal record swayed Chissano and his entourage of state criminologists and jurists to accept an amnesty law that covered both Frelimo and Renamo personnel. Chissano also conveyed the need to properly manage the cooccurrence of multiple temporalities and violent events. He stated that 'the war started long time ago, 1975 . . . but all the involved causes are prior to 75, and then how to qualify everything that is a cause and effect, etc. We would have to take a lot of time.'⁶⁶

Following the amnesty law, it could be expected that memories of war crimes and accusations of criminal activity during the war would become the stuff of 'social amnesia.'⁶⁷ As one MP stated, the amnesty law 'erases the past so that we can move a step ahead.'⁶⁸ From this perspective, as Ruti Teitel also argues, 'amnesty appears to play a part in advancing the political transformation.'⁶⁹ Yet, the plans made by Frelimo political elites behind closed doors underline the existence of diverse meanings and contradictory goals of amnesty in Mozambique and suggest aims other than major political transformation. The amnesty law postponed the resolution of serious grievances between Frelimo and Renamo while also buying time to implement the strategy of slow death, which was part of attempts at 'transformative preservation' through the continuing influence of past beliefs and practices in the present.⁷⁰ Of particular interest was a return to an imagined *status quo ante* of Frelimo's sole control of the security and defence forces.

As stated above, the AGP contained provisions for ex-soldiers either to opt for demobilization or to integrate in the new unified army and police force.⁷¹ A number of ex-combatants from Frelimo and Renamo were demobilized and reintegrated into

65 Castro Qualquer, 10 October 1992, Library of National Parliament.

66 Joaquim Chissano, 13 October 1992, Library of National Parliament.

67 David Crocker, 'Transitional Justice and International Civil Society,' *Constellations* 5 (1998): 496.

68 Sergio Vieira, 10 October 1992, Library of National Parliament.

69 Teitel, *supra* n 15 at 23.

70 M. Anne Pitcher, *Transforming Mozambique* (Cambridge: Cambridge University Press, 2002), 6.

71 Schafer, *supra* n 53.

civilian life, and other combatants joined the new army. A contingent of Renamo soldiers was not demobilized and should have been integrated into the Mozambican police; however, this goal was never attained. Recently, former President Chissano revealed that Renamo had not been comprehensively disarmed because of 'excess of zeal for reconciliation and to maintain peace.'⁷² This assertion is only partly accurate given that in the past 20 years, the Frelimo party strategically used the existence of Renamo soldiers to portray Renamo as a subversive organization with bellicose appetites and to further discredit them as viable electoral contenders and political interlocutors. As the strategy of demeaning Renamo seemed to work over time, the Frelimo leadership did not initiate serious public conversations to resolve the existence of two armies. It is likely that the government also envisaged that these residual forces would return to farm life, ageing and dying over time.

The Renamo military wing were stationed in the former war zones of Mozambique central. While loyal to the Renamo leadership, these soldiers remained dormant. Instead, the focal point of serious conflicts was the national parliament, where both parties used memories as weapons that fuelled imaginaries of violence and sedimented a perception of an unending political transition among political elites. The other focal point was the Ministry of Defence through which the Frelimo ruling elites sought to recover full control of FADAM.

MEMORIES AS WEAPONS AND MUTUAL DENIAL OF LEGITIMACY

The new democratic parliament that followed the first multiparty elections in 1994 demonstrated that both sides had serious grievances that the passage of time and constant interactions and access to voice to express their concerns in parliament did little to dissipate. For instance, in 1996 the parliament was debating constitutional reform that could pave the way for the new law of democratic decentralization. Frelimo and Renamo MPs made several accusations of perpetration of war crimes, and one former influential Renamo MP, Jafar Gulamo, asserted that the Frelimo party was showing 'the true face of communist, absolutist and centralizing power which has been exhibiting over a length period of unruly.'⁷³ In response, MP Sergio Vieira argued that

in Mozambique we have one state, we have institutions which not only have constitutional legitimacy but also democratic legitimacy. It is not very correct that all the time Mozambicans raise questions about the legitimacy of their own state and of its institutions . . . The huge effort of national reconciliation and what the AGP expressed was the recognition of the legitimacy of the institutions that we Mozambicans, no matter how much we disagreed to the extent that we killed one another, we accepted and we said, 'from now on we work together.' We cannot on continuous bases question the legitimacy. This puts in question the existence of the nation itself.⁷⁴

72 *O País*, Maputo 14 March 2014. Author's translation.

73 Jafar Gulamo, 17 February 1997, Library of the National Parliament.

74 Sergio Vieira, 17 February 1997, Library of the National Parliament.

In this statement, Vieira hit upon the legitimacy problem lingering in the multi-party parliament since its inception and highlighted the differences between a legal or formal agreement and political practice. For these two dimensions to be somewhat consistent, Frelimo and Renamo should have treated each other as equals, and not only because of what the AGP stipulated. Principally because during the debates concerning the amnesty law, Frelimo alone had concluded that those individuals who committed crimes while in the government defence forces or Renamo rebel movement were all equally exempted from criminal prosecution for the sake of reconciliation.

Yet, for Frelimo the idea of equality in the everyday of 'elite habituation'⁷⁵ to democratic practices was unacceptable for historical and present-day reasons. Historically, Frelimo has its roots in the liberation movement and won independence from Portugal. Therefore, as in various postcolonial countries in Africa, 'the ownership of the state – and of the nation – is thus firmly held by the power-holders of the former liberation movement.'⁷⁶ Such notions of ownership and essentialist perspectives on nation building are problematic given that

for democracy to exist, no social agent should be able to claim any mastery of the foundation of society. This signifies that the relation between social agents becomes more democratic only as far as they accept the particularity and the limitation of their claims.⁷⁷

In terms of present temporalities, Frelimo deemed equality with Renamo unacceptable because in spite of serious allegations of fraud, they continuously won rounds of multiparty elections. Thus, a Frelimo key official and former minister of state administration told me, 'In a democracy, the minority parties have to submit themselves to the wishes and plans of the majority party.'⁷⁸

As a follow-up to the debates about political legitimacy and the serious difficulties confronting Frelimo and Renamo MPs in establishing reconciliatory relations, MP Jafar Gulamo clarified his party's position on the lingering crisis of legitimacy:

The legitimacy of the state is forged through the way in which the institutions move on accepting or refusing the people . . . The General Peace Agreement initiated a process of reconciliation, but it only started a process of reconciliation . . . The process of pacification and democratization is not terminated . . . this is a focal point of permanent tension. The Mozambican state is not owned by anybody, for this reason there is a need to respect the multiparty system and democracy that we want to install.⁷⁹

75 Carrie Manning, 'Conflict Management and Elite Habituation in Postwar Democracy,' *Comparative Politics* 35 (2002): 63–84.

76 Sara Dorman, 'Post-Liberation Politics in Africa,' *Third World Quarterly* 27 (2006): 1097. See also, Pachinuapa, *supra* n 45.

77 Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2005), 21.

78 Personal interview, Alfredo Gamito, Maputo, Mozambique, 20 April 2007.

79 VI Ordinary Session, 17 February 1997, Library of the National Parliament.

In a way, it could be argued that these types of verbal transactions indexed the growing flourishing democracy through free expression and debate of ideas. In fact, following these fervent debates and repeated multiparty elections, some foreign analysts of the Mozambican peace and democratization processes hastily concluded that the country had attained the consolidation phase.⁸⁰ The problem was not the form but the content of the debates, whereby both parties considered abhorrent the idea of mutual attribution of legitimacy and the right to be in the parliament deciding on the country's future. It has been suggested in debates about tolerance and intolerance in modern life that 'enmity, hostility, and antagonism are the necessary preconditions of toleration, but it is difficult to see why we should tolerate things which we find repellent or abhorrent.'⁸¹

These difficulties are seemingly more acute in countries emerging from or in the process of diving into new armed conflicts. Over time, there was little change in the pattern of relations between high-ranking Frelimo and Renamo officials. Proposals to introduce new legislation were often mutually rejected on the basis that the proponent did not have the legitimacy to promote changes in the country. For instance, a key Frelimo MP asserted in parliament that 'Renamo will never create a government in this country because it is a terrorist party that killed people in the country . . . The history of Renamo is linked to apartheid, to the racists . . . You belong to the racists that created you.'⁸² In their turn, Renamo MPs have, for instance, accused important Frelimo MPs of violations, asserting that

many Mozambicans died in the prisons of SNASP [security services] ordered by you [Sergio Vieira] . . . Mozambicans will never forget this . . . some deputies such as Sergio Vieira cruelly assassinated in the open fields like the case of Zambezia.⁸³

In this regard, the Frelimo government only managed to change and pass laws because of their consecutive electoral victories that gave them majorities in parliament. These electoral victories have reinforced their disregard for the Renamo party and MPs as political interlocutors.

In the absence of serious negotiations, trade-offs and compromises, Renamo MPs made a leap forward from memory wars to express their intentions of returning to war as a possible solution for the 15 years of democratic stagnation. The MPs aired these frustrations in the context of the parliamentary debates on the law of decentralization of local municipalities, which Frelimo wanted to change to recentralize some aspects of the law in 2007.⁸⁴ On the occasion, a Renamo MP argued that Frelimo's plans to recentralize the decentralization law 'is a behavior of a party that wants

80 Manning, *supra* n 75.

81 Susan Mendus, 'My Brother's Keeper: The Politics of Intolerance,' in *The Politics of Toleration*, ed. Susan Mendus (Edinburgh: Edinburgh University Press, 1999), 3.

82 Carlos Cilia, 30 March 2004, Library of National Parliament.

83 José Manteigas, 30 March 2004, Library of National Parliament.

84 Igreja, *supra* n 5.

war.⁸⁵ Former Renamo MP Luis Boavida was even more assertive about the actions needed to counter what Renamo regards as Frelimo's illegitimate power:

Based on what Frelimo is saying here, I want to encourage our president Afonso Dlhakama so that he can really organize us, organize our warriors . . . President Dlhakama should really organize our former combatants to deal with these *brincadeiras* [jokes] . . . mister president Dlhakama has more than enough motives to organize the former warriors to halt this thing.⁸⁶

For Frelimo MPs, these types of threats only confirm that 'Renamo was never and will never be democratic; Renamo is in fact a subversive organization.'⁸⁷

This sense of unending political transition is also anchored in the fact that, as Chantal Mouffe suggests in her analysis of identity politics in democratic societies, 'the moment of rule is indissociable from the very struggle about the definition of the people, about the constitution of its identity.'⁸⁸ High-ranking Frelimo officials' pleas to always remember that Renamo are 'bandits' constituted a permanent indictment of Renamo as pariahs; hence their putative moral and political inappropriateness to possess the Mozambican ruling elites' identity.

The long duration of these accusations has only been possible because of lack of war-related accountability measures that could have opened up debate regarding the responsibility of both Frelimo and Renamo and other groups and individuals in society. Two years after Boavida's threats, in 2009 the Renamo leader abandoned Maputo to install himself in the northern province of Nampula. It is believed that from there he initiated the mobilization and reorganization of his ex-soldiers.

UNDOING THE LEGITIMACY OF THE DEFENCE FORCES AND POLITICAL VIOLENCE OVER TIME

Frelimo under Chissano created the public perception that the amnesty law was about reconciliation, while behind the smokescreen it was about selective forgetting and use of memories as weapons to dismiss Renamo to the point of fading away over time. Renamo suffered major setbacks but did not evaporate. After nearly two decades, Renamo's inner circle by and large remained loyal to the leader Afonso Dlhakama and the party, FADAM was still composed of former Renamo officials and Chissano somehow kept animating soft talks with the Renamo leader.

In 2004, Armando Guebuza succeeded Chissano and attempted to break from him by vowing to fight against the *deixa andar* (laissez-faire) attitude in government. This was a critique of Chissano's failed strategy of slow death. Subsequent significant electoral victories with Guebuza in command reinforced the view among 'the radical sectors of the ruling party that there was nothing more to negotiate with Renamo.'⁸⁹ The Frelimo government through the Ministry of Defence initiated a process of

85 Manuel Lole, 22 March 2007, Library of National Parliament.

86 Luis Boavida, 22 March 2007, Library of National Parliament.

87 Alfredo Gamito, 12 April 2007, Library of National Parliament.

88 Mouffe, *supra* n 77 at 56.

89 Lourenço do Rosário, in *SAVANA*, 26 October 2012. Author's translation.

compulsory retirement of ex-Renamo high-ranking military personnel from FADAM without negotiations or consultations with Renamo.

On the occasion of the 14th anniversary of the AGP in 2006, Renamo leader Dlhakama was quoted by Mozambican Radio as urging the Frelimo government to halt the systematic exclusion of ex-Renamo soldiers from the army:

Every time that I warn Frelimo to reverse the course of action, they say that I am bellicose. I advise again that in case Frelimo does not halt, I, Dlhakama, will consider the possibility of regrouping our men to defend ourselves.⁹⁰

During an interview, an army official told me, 'For the past three years many of my colleagues and I that originated from Renamo were ordered by the Ministry of Defence to wait at home for new orders.'⁹¹ Other former soldiers broke the silence by giving interviews to the media. They presented Ministry of Defence documents regarding their compulsory retirement while telling the journalists, 'We are seeking tired! The central question is the exclusion of the ex-Renamo warriors and once again the constitution of the FADAM on partisan basis.' The soldiers asserted, 'We are returning to the model of defence forces that existed prior to the signing of the AGP.' They concluded by stating that the Frelimo government 'is moving back to the same reasons that took us to the civil war.'⁹² The Frelimo leadership dismissed such complaints by alleging that 'the AGP expired validity when the first democratic government assumed power in 1995.'⁹³

As a corollary of the serious political crisis, an influential local newspaper, using official documents, presented reasons for the war that related to the policies of Guebuza and the Frelimo party. In a bold title, the newspaper wrote, 'The "cleansing" that drove the country to war: The Mozambican army just remained with three generals that came from Renamo.'⁹⁴ The newspaper provided evidence that the government had initiated a pattern of exclusion targeting mainly former Renamo officials. For instance, 'from the current thirty-nine generals in the FADAM, only three came from Renamo while thirty-five came from the ex-Frelimo army.'⁹⁵ The conflicts that have shaped relations between Frelimo and Renamo and the fact that the majority of these conflicts were fuelled by unresolved memories of the civil war contradicts the idea that amnesty laws contribute to peacebuilding and the legitimacy of state institutions and political actors.⁹⁶

Before the new armed conflict, episodes of violence occurred around elections. The literature on political violence suggests the existence of a category of political violence termed electoral violence.⁹⁷ Among the various factors identified by experts

90 Radio interview, 4 October 2006, Mozambique Radio Archives.

91 Personal interview, army official, Maputo, Mozambique, 18 July 2012.

92 In CANALMOZ, 14 November 2012.

93 Teodato Hanguana, in *DOMINGO*, 1 December 2013.

94 In *SAVANA*, 16 May 2014, 2.

95 Ibid.

96 Cobban, supra n 11; Hayner, supra n 11; Snyder and Vinjamuri, supra n 11; Long and Brecke, supra n 11; Ackerman, supra n 15; Dugard, supra n 19.

97 Dorina Bekoe, *Trends in Electoral Violence in Sub-Saharan Africa* (Washington, DC: US Institute of Peace Press, 2010).

as triggering electoral violence, missing is the role played by amnesties and memories of unresolved wartime conflicts in postwar and democratizing societies.⁹⁸ While electoral violence in Mozambique has been occurring since the first democratic elections in 1994, the worst occurred in 2000 in Montepuez (northern district of Mozambique) when a group of around a hundred people were suffocated to death in a tiny prison cell after protesting alongside Renamo contesting the election results. Although acts of violence have occurred in different periods, there is a pattern to these killings: they were not unavoidable.⁹⁹ The killings were perpetrated by state officials; they occurred in regions identified as Renamo strongholds; the victims died in extreme circumstances; and prison cells were used as spaces for deadly settling of accounts.¹⁰⁰

Despite the lack of trust between the parties, continuous mutual accusations of wartime crimes and periods of electoral violence targeting mainly Renamo supporters, Renamo did not fade away as Frelimo had envisaged. Instead, tensions escalated and serious threats of renewed military violence became a real possibility. When I visited Gorongosa in July 2013, I witnessed the escalation of government troops in the region. In interviews with various local interlocutors, I was told of new recruits joining the Renamo armed forces in the region. Eventually the flaring of tensions evolved into armed conflict in October 2013, when government military forces attacked Dlhakama's military base in Gorongosa. Dlhakama and his forces escaped the assault, but one Renamo MP, Armino Milaco, was fatally wounded. Following this military assault, the Renamo leader remained in an undisclosed location and former Renamo spokesperson Fernando Mazanga publicly affirmed that 'the military strikes by the Mozambican Armed Defence Forces marked the end of democracy in Mozambique and ended the Roma accord.'¹⁰¹ This statement seemed to ignore that for Frelimo the AGP had already expired in 1995.

In light of growing political instability and demands by public figures for talks between Frelimo and Renamo, in 2012 the Frelimo government accepted new talks with Renamo. As the peace talks unfolded, the government increased the military effectives in the centre of the country and combat escalated. In a remarkable volte-face, the government appeared in the national media in the person of its chief negotiator and minister of agriculture, José Pacheco, to admit that Renamo's demands are 'just, pertinent and important for the wellbeing of democracy and culture of peace in Mozambique.'¹⁰²

This public admission by a government official enhanced the political legitimacy of the armed conflict. The government also accepted Renamo's demand to change the electoral law. By waiting 20 years and for the eruption of another armed conflict that killed civilians and soldiers on both sides to consider Renamo a valid interlocutor and blatantly accept Renamo's long-term demands for changes at state level, the

98 Kristine Hoglund, 'Electoral Violence in Conflict-Ridden Societies,' *Terrorism and Political Violence* 21 (2009): 412–427.

99 Joseph Hanlon, 'Violence in Mozambique: In Whose Interests?' *Review of African Political Economy* 27 (2000): 593–597.

100 Electoral violence also occurred in Inhaminga, Maringue, Búzi, Muanza, Marromeu and Mongicual.

101 In *O País*, 22 October 2013. Author's translation.

102 Intervention on Mozambican Television, 18 July 2013. Author's translation.

Frelimo party expresses in this way a typical form of political culture prevailing in Africa.

FINAL REMARKS

Since the AGP, the transition from a repressive, socialist regime and civil war to peace and democratization has remained markedly open-ended, which means that both Frelimo and Renamo remained stuck in the temporalities and grisly events of the previous regime and civil war. Both parties continuously used memories as weapons, promoting a climate of political instability. Lethal violence was used to enforce political legitimacy. In this regard, at the state and elite politics level, the amnesty law in Mozambique fell short of creating a political environment conducive to a process of democratic participation that could consolidate a new political space where former war foes would repress (or even forget) memories of political violence and work together, expressing mutual tolerance and respect and striving for reconciliation. Ultimately, participation and voice was expected to increase perceptions of fairness and legitimacy concerning the nascent democratic state institutions and between the political actors themselves.¹⁰³

The continuous obstructive role of contested memories of war violence and struggles for political belonging and identity is testament to the failure of mainstream transitional justice specialists to grasp the limits and contradictions of the amnesty law and lack of accountability in Mozambique. The shortcomings partly derive from the analysts' conceptual disregard of multiple temporalities that often feature in major violent transitions, the diverse meanings and contradictory goals of amnesties, memories of political violence and conflicting perceptions of political power and legitimacy. Comprehensive analysis of mass political transitions requires serious consideration of events and processes before, during and after the approval, in this case, of amnesty laws. The performative effects of laws are rendered visible by heuristically defining levels of analysis. This is acutely the case in Mozambique and more broadly in Africa, where the construction of the modern state remains mostly an ambitious project, so that the rationale for elaborating certain laws and the effects of these laws has to be continuously demonstrated, rather than assumed, in a context of myriad political, cultural and historical factors.¹⁰⁴

In this regard, while amnesties look familiar, they do not mean the same thing to everyone everywhere; there are differences that are not confined to the diverse forms of impunity that the law establishes.¹⁰⁵ Equally important is the range of surface and core motivations that come into play in the manufacturing of such laws. Thus, just relying on statistical analysis of numbers of amnesties while controlling for myriad factors in a given period worldwide¹⁰⁶ only reveals little of what really matters in specific instances of amnesties. In Mozambique, while the Frelimo party on the surface animated notions of links between amnesty and the tripartite goals, underneath the

103 Ackerman, *supra* n 15; Cobban, *supra* n 11; Dugard, *supra* n 19; Hayner, *supra* n 11; Snyder and Vinjamuri, *supra* n 11. See also, Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004).

104 Pitcher, *supra* n 70; Manning, *supra* n 75. See also, Dorman, *supra* n 76.

105 Mallinder, *supra* n 17; Freeman, *supra* n 20.

106 Olsen, Payne and Reiter, *supra* n 25; Snyder and Vinjamuri, *supra* n 11.

fears and hopes expressed by Chissano and Frelimo MPs revealed how the amnesty created the context for struggles for maintaining power and renewing legitimacy that the legal text *per se* occluded. We grasp Frelimo's publicly untold goals by analysing the instances when the party members were debating among themselves their own desires and world visions over who belongs, who does not fit in and the necessary sacrifices for managing a putative untainted and monolithic identity. Hence the need to focus on the macro- and micro-dynamics of manufacturing amnesty laws beyond the notion of amnesty law as a legal document. This also means that contra certain approaches in transitional justice, which tend to conceive of transitions as seemingly transparent periods given their sole focus on the tangibility of legal texts, the Mozambican case shows how obscure and deceiving instances of major political transitions are. Thus, there is a need to analyse the moments when amnesty laws are being made to access other meaningful facets of political transitions.

Following almost two years of armed conflict, in September 2014, the new peace accord was signed in Maputo. In spite of the accord, there are still serious impasses vis-à-vis the procedures to integrate Renamo soldiers into FADAM, the valorization of those compulsorily sent into retirement and the crucial issue of leadership parity of Frelimo and Renamo military personnel in the security and defence forces. At the occasion of the new peace accord, new vows for reconciliation, inclusion and democratization were made as one more amnesty law (17/2014) was approved, this time by both Frelimo and Renamo MPs. Yet, again, in spite of the 'increased effectiveness and sophistication of the international human rights movement',¹⁰⁷ none of the warring parties, multilateral government donors and human rights groups expressed the need for some kind of accountability along the lines of transitional justice mechanisms. What I infer, however, from this and previous analysis is that some measure of accountability is necessary. Particularly as corollary of the September 2014 peace agreement and the larger project of state democratization and recognition of diverse political memories,¹⁰⁸ a nationwide programme is needed to determine degrees of responsibility for serious human rights violations and crimes and, more specifically, regarding the composition and role of security and defence forces in the country.

107 Freeman, *supra* n 20 at 28.

108 Victor Igreja, 'Mozambique,' in *Encyclopedia of Transitional Justice*, ed. Lavinia Stan and Nadya Nedelsky (Cambridge: Cambridge University Press, 2013).