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Some Notes on the Development of the Defense and Security Sector in Mozambique

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Translated from Portuguese

1. Introduction:¹

Mozambique is experiencing a period of extended and multidimensional transformation which was initiated by the endorsement of the Constitution in 1990 and has been decisively marked by the setting up and implementation, since October 1992, of a General Peace Agreement (Acordo Geral de Paz - AGP) that denoted the end of a prolonged internal conflict with devastating consequences for the country's society and economy. Besides having terminated military/armed hostilities,² making room for a transition towards peace, the AGP also provided the concrete context for the political transition from a one-party state to a political multi-party system within the framework of a new liberal democratic order³. Finally, and constituting a third dimension, this dynamic process was accompanied by an economic transition from a planned and centralized socialist economy towards a neo-liberal market economy within the framework of endorsing structural readjustment programs of the international financial institutions.

It is, on the other hand, also important that this process co-existed with the profound changes both at global level, with the end of the Cold War and of the bipolar international order, and above all at regional level, with the downfall of *apartheid* in South Africa and the substitution of a climate of confrontation with an environment of cooperation in southern Africa.

Obviously, this immense transformation – at external level and also internally in the military, political and economic fields – implying a profound restructuring of the State and the existing political order, equally implied important developments in its defense and security sector. This article intends to characterize and discuss, in the brief form permitted by the allocated space, the dimension and scope of these developments, pointing out what seem to be promising ways and, at the same time, trying to identify the obstacles encountered.

¹ I am grateful to Paulino Macaringue for his valuable comments and suggestions during the preparation of this article. The contents expressed therein are, of course, my responsibility.

² AGP, Protocol VI (on the cease-fire).

³ AGP, Protocols II (on the formation and registration of political parties) and III (on the election law).

2. The conceptual framework: The Reform and its Actors

With the end of the Cold War and the disappearance of an international order that was based on the rivalry between the two then existing blocks, great changes occurred in the concept of threats and in the concept of defense and security at the level of the States. Thus far, security had been identified exclusively with national unity and defense of sovereignty, political independence and territorial integrity, and had been centered on the State. Stability was maintained based on the principle of the use of force as response to challenges. Following this logic, the States associated their security with the integration into the spheres of influence of the two super-powers and at the same time tried to become stronger in military terms. However, the stronger they became the greater was the threat they represented to their neighboring countries. This resulted in an arms race that was by some described as the *security predicament* since the security of some countries directly signified the insecurity of others.⁴ In this context, the security concept was limited to the concept of pure defense. On the other hand, internal security referred to the organ that guaranteed its implementation, i.e. the State. As the State was controlled by one social group, it can be said that security referred to only this group. Overruling the freedom and rights of the citizens, often justifying their oppression, security itself frequently constituted a source of insecurity, often the principal one, for the citizens themselves (Nathan 1994: 13).

As the result of various causes and benefiting from the disappearance of the bipolar global correlation, the perception of threats and the security concept itself have undergone profound changes in at least two main directions: On the one hand, the substitution of the concept based on competitiveness between the States and the resulting struggle for military supremacy by a paradigm of common, regional, continental and global security; on the other hand, the development of an all-encompassing and holistic security concept referring to all kinds of threats and therefore more and more difficult to reduce to the more limited traditional concept of defense. In today's world it becomes clearer and clearer that the threats, if considered as everything that threatens the citizens, take on diverse and diversified forms, a large part of which of border-crossing character – especially poverty, environmental degradation and scarceness of vital resources, HIV/AIDS or international crime, among many others.

Evidently, the current development demands the introduction of a cautionary note with regard to the possibility of the evolution of a world characterized by international cooperation. In reality, there are recent events that point to the development of a unipolar international order that questions the international organs on which this cooperation is based, events that relate to the development of a new type of global terrorism of various forms, thus impeding that the more classic security solutions, namely those in military terms, be taken off the national agendas. Besides, it is obvious that the existence of the State, whatever its character, prescribes the existence of a mechanism to ensure its security. These developments do not reduce the urgency of the need to search for common security platforms, nor the extremely diversified nature of the threats, which means that security can only be achieved by means other than the

⁴ On the security predicament see Buzan 1991.

merely military, and on a platform of local, regional and global cooperation that replaces confrontation.

In the internal context and in addition to the need for citizens' participation and obedience of the laws as implied by the democratic order, this new idea of security points to a development of its object more and more centered no longer on the abstract States but on the concrete people, based on the principle that the stability of the State depends, above all, on the well-being and hence security of its citizens. This new paradigm, centered on the citizens, implies, as mentioned before, that the threats to security are no longer limited to military threats to the territorial integrity and sovereignty of the States but include now everything that puts human security at risk, mainly poverty and social injustice, oppression, disease, ecological degradation and, finally, the constitutionally established democratic order.⁵

Thus the intervention of the political and civil⁶ societies in the area of security is asked for – becomes absolutely fundamental – not only because of the needs of democratic functioning but also because of the complexity of the threats that requires the participation of means specialized to deal with them, and of organizations representing the citizens that potentially may suffer from the consequences of these threats. As a result, the necessity becomes clear to redefine a defense and security sector that traditionally had been limited and closed, in order to be able to cope with the new reality.

If so far it has been relatively easy to delineate what constituted the sector of defense and security – referring to the State's apparatus of defense and security, namely the military/armed and paramilitary forces, police and intelligence services – today, with the mentioned "extension" of the concept of security within the framework of democracy, this has become a much more complex task since the sector involves, as we have seen, not only the traditional spheres but also other sectors of both the political and civil societies.

Williams (2000: 36-38) believes there are three possible perspectives in this respect, namely: the minimalist perspective, reduced to the State's security apparatus referred to within the traditional framework; the maximalist perspective that besides these includes all actors that ensure peace and stability in the wider framework of human security, including the organs of criminal justice, the government departments that comprise politically and administratively the security organs, and also all political and civil actors that in some way democratically control them or interact with them. Finally, rejecting the first option as too limited and the second one for being too large and little operational, the author defends a third perspective which he designates as the pragmatic one and which includes besides the traditional security organs the "informal" forces (guerrilla, paramilitary and other forces) that guarantee the security of the communities.⁷

⁵ See also, among others, Nathan 1994: 17-18.

⁶ Here we use the term political society for the organized forces whose task is the political intervention, especially within the legislative framework, political parties and organizations of public interest; the term civil society describes the more diverse social organizations, including citizens' associations, professional, academic and business associations, churches, trade unions etc.

⁷ There are other classifications although all of them revolve around these essential distinctions. For instance, du Pisani (draft, 2002: 2) distinguishes the "executive part" (that we call traditional), the "consenting part" (on whose approval depends the functioning of the security sector, such as parliament, independent auditing services, judges, etc.), and the "aspiring part" (consisting of those who, although

In the present context, we shall assume this pragmatic perspective to define the security sector as integrating the armed forces, police and intelligence services alongside other paramilitary forces legally authorized to exercise their functions within the framework of defense and security, all of whom operate in an *executive* framework established by the State and directly controlled by the Government.⁸ Besides, we shall also consider as essential for the functioning of the sector in the context of democratic reform, a level that we shall call the *involving* one, consisting of the legislative-parliamentary framework, the political parties and the judicial apparatus that, besides producing the legislation, controls its implementation; and finally a *partner* sector consisting of the organizations of the so-called civil society, including the academic level, the professional and non-governmental organizations, trade unions and all forms of associations by interested and intervening citizens.

Normally, literature adopted the terminology of security sector reform to refer to the complex set of processes of legal definition and implementation of measures aiming at the transformation of the defense and security forces, as service organs, to guarantee and subject them to the State under the rule of law and to ensure the preservation of the national democratic order and the fulfillment of the functions delegated to them. However, in the case of Mozambique we believe the designation *development of the defense and security sector* to be more adequate because, although the AGP has established a set of measures leading to a genuine reform of the sector, it is necessary to take into account that its basic fundamentals had already been defined in the constitution of 1990 which provides the fundamental law of the country, and that it has been and still is necessary to enlarge and deepen the definition of these measures and implement them which agrees more with the category of development than with that of reform resulting from the adoption of a set of prescriptions.

3. The reform and its actors in the democratic ordainment in Mozambique

The current Mozambican democratic ordainment is ruled by the Constitution of the Republic, endorsed in 1990, according to which the President of the Republic is the chief commander of the defense and security forces (Art. 117, §4), nominating and exonerating the Commander of the General Staff of the Armed Forces, the Police Commander and, in general, all superior officials of the defense and security forces (Art. 122, §e).⁹ Besides, he presides over the National Defense and Security Council, consulting organ to assist the presidential decisions and coordinator of all activities within the framework of defense and security, namely with regard to national

without mandate, seek to influence the security sector, such as civil society, NGOs, academics and journalists, among others).

⁸ Normally, literature distinguishes the military and militarized forces from the civil tutelage organs (ministries and State departments), in which case the latter would be better classified in what we named here the *involving* sector. However, we believe it better to integrate them at the *executive* level, both because it has been established that they have a central role in the definition of policies and because society considers them in a unitarian way.

⁹ Although not mentioned in the Constitution of 1990 because at the time it had not yet been established (it was created by law n° 20/91, of 21 August 1991, substituting the National Service of People's Security - Serviço Nacional de Segurança Popular SNASP), the President of the Republic's powers obviously also include the nomination of the Director General of the Intelligence and Security Services of the State (Serviço de Informações e Segurança do Estado - SISE), as established in the AGP, Protocol IV (V, 2).

sovereignty, territorial integrity, defense of the democratically instituted powers and security of the Mozambican nation (Art. 122, §d, Art. 158, §1 e §2, Art. 159, §d).

The executive level is concentrated on the Council of Ministers, the governing body, guaranteeing the functioning of the ministries, including those with tutelage over the organs of defense and security, and the implementation of the defined policies, reporting to the President of the Republic and the Parliament (Art. 151).¹⁰

The security sector in Mozambique consists of three sub-sectors on the executive level: Defense, comprising the Armed Defense Forces of Mozambique (FADM), under the tutelage of the Ministry of National Defense; Public Order, generally speaking consisting of the Police Forces of the Republic of Mozambique (PRM) and including criminal investigation, special units and other agencies of public order, under the tutelage of the Ministry of the Interior; and State Security, consisting of the Intelligence and Security Services of the State (SISE), depending directly on the Presidency of the Republic.

The FADM came into existence in the context of the General Peace Agreement (AGP, Protocol IV), resulting from the extinction of the old Armed Forces of Mozambique (FAM) and the military forces of Renamo. From the date of the General Peace Agreement up to the year 1997, its structure was guided by the agreement until later legislation began to be published and applied.

The police, PRM, was founded by law no. 19/92, approved by the Parliament.¹¹ According to this, the PRM work as public organ and paramilitary force, integrated into the Ministry of the Interior (Art. 1), aiming at guaranteeing public order and tranquility, respect for the rule of law and strict observance of the citizens' fundamental rights and liberty (Art. 2).

Finally, the Intelligence and Security Service of the State (SISE) was founded by law n° 20/91, of 21 August 1991, replacing the old National Service of People's Security (Serviço Nacional de Segurança Popular - SNASP). Its assignments are defined in the AGP (Protocols IV, V), which indicates that SISE will execute its functions in accordance with internationally acknowledged democratic principles, will respect the civil and political rights of the citizens, will be guided by the interests of the State and the general well-being, free of party or ideological considerations, and will confine its activities to producing information requested by the President of the Republic.

With regard to what we called the *involving* level, it is the task of the Parliament of the Republic, the highest legislative organ of the Republic of Mozambique according to the Constitution (Art. 133, §1), to define and legislate the defense and security policies after hearing the National Defense and Security Council (Art. 135, §i), as well as to attest to their implementation.

In accordance with the Constitution, the Defense and Security Sector is subordinated to the national defense and security policies and owes loyalty to the Constitution and the

¹⁰ The meetings of the Council of Ministers that deal with matters of defense and security are presided by the President of the Republic as Head of Government.

¹¹ *Boletim da República*, Iª Série, n° 53, 31 December 1992.

Nation (Art. 60, §1). This policy was approved by law n° 17/97,¹² as a set of principles, objectives and guidelines that aim at defending national independence, preserving the country's sovereignty and integrity, and guaranteeing the normal functioning of the institutions and the security of the citizens.

4. Progress and obstacles in the democratic reform of the security sector

One of the essential criteria in the discussion of the performance of the defense and security sector is undoubtedly to be found, on the one hand, on the level of elaboration and adoption of the relevant legislation as this establishes the legal bases and ways for the integration of the sector in the democratic context defined by the Constitution and thus in a system of obedience to the law. The coherent body of laws establishes the integration of the defense and security sector in the structure of the State. On the other hand, it is also fundamental to verify the strength with which this legislation is objectively implemented because it is at this level that one can verify that the reform is effectively taking place. Obviously, these two steps depend on the security sector itself, inserted in what we called the executive level; but also on the involving level which is fundamental in the elaboration of the laws and in the monitoring of their implementation; and finally, on the partner level in the sense that the participation of the civil society and of the citizens in general is a guarantee of openness and transparency of the reform process.

The coming into effect of the Constitution in 1990 was undeniable progress in the sense of the current national democratic order. The defense and security sector became subordinate to the national defense and security policy and owes loyalty to the Constitution and to the Nation, contrary to the first Constitution of the Republic, dating from the year 1975, which proclaimed for the security forces the role of executor of the political line defined by Frelimo.¹³ This development tendency was later on consolidated by the AGP. However, five years passed between the AGP and the adoption of the defense and security policies, in other words a long period was necessary before what had been defined as a mere principle could effectively begin to correspond to the legal reality. The modest evolution verified in that period, with regard to the specific definition of the scope and missions of the defense and security forces, was due to various reasons.

One of the main reasons was undoubtedly the lack of necessary resources to proceed with the vast transformations required within the framework of the reform, namely with regard to the formation and equipment of the three sectors at executive level. This situation was directly linked to the context of the period of the General Peace Agreement where, on the one hand, the Mozambican State that itself was undergoing a profound restructuring as a consequence of the political transformations and the agreements with the international financial organizations had little possibility to give

¹² See *Boletim da República*, Iª Série, n° 40, 7 October 1997.

¹³ The Constitution of the Republic of Mozambique, 1975, in its Article 54 affirms that "it is the responsibility of the Council of Ministers to execute the internal and external policies of the State, within the political lines of Frelimo, leading force of the State and society". See also Government of the Republic of Mozambique, Decree n° 1/75, of 27 July, which in Article 3 affirms that "the Ministry of National Defense executes the political line defined by Frelimo...", thus making it clear that at that time the regime of the country followed what might be called the ideological model or one-party model, contrary to the liberal democratic model.

priority to the defense and security sector. In addition to that, having just emerged from the situation of war with a clearly negative image, identified with violence and corruption,¹⁴ the sector did not merit priority attention both in the eyes of the international community and of the Mozambican society, anxious to share the dividends of peace, in the context of the struggle for national reconstruction, aimed at the economic and social sectors, and at the edification of the new democratic political structure. Clearly, the attention given to the security sector at that time was more related to the creation of conditions to impede a return to war than to its effective transformation.

Evidently, there are also other reasons that help to explain the modest evolution witnessed in that period. On the one hand, the profound changes demanded by the new democratic structure would have met with foreseeable resistance from a sector traditionally as closed as the sector of defense and security, little inclined to outside interferences.¹⁵ On the other hand, the intervention of what we called the involving and partner levels, in the sense of forcing the changes, was equally modest. With regard to the Parliament, its “productivity” was affected by the lacking clarity about its role at the time, the contraction of relations between the political forces of which it is composed, and also due to technical difficulties of its deputies, above all at the level of the Commission of Defense and Public Order, not permitting them great initiatives in the legislative domain. Finally, the civil society did not exercise great pressure to advance the process as it was itself in the process of restructuring, with new associations and interest groups emerging that were preoccupied with other priority areas of intervention, namely political and civic participation, upsurge of poverty and social and economic imbalances, and human rights and crime, among others.¹⁶

It is also necessary to take into account that the differentiated character of the organs that form the defense and security sector and the respective missions and roles to fulfill as well as the different pressures exercised on each one of them, reflecting the expectations of the Mozambican society, dictated developments that, too, were differentiated.

Thus, during the implementation of the AGP, the armed forces were exposed to greater visibility, be that because the country was emerging from a war in which the military had assumed a role of central protagonist, or be it that as room for the integration of the old contending forces they were the principal domain where success or failure of the peace process was acted out. In this context, the FADM suffered from the negative effects of the delay in establishing a legislative framework that would define their role and mission. Still rather associated to the old Armed Forces of Mozambique (FAM) of the previous regime, that had already lost the capital of popular support gained at the time when they were identified with the fight for the country’s independence, the FADM experienced great difficulties in their own constitution, namely the recruitment of a sufficient number of volunteers to constitute the contingent of 30,000 men as prescribed by the AGP. In addition, the period of the implementation of the AGP was

¹⁴ If not as instigator of this violence, at least involved in it. See in this context, Borges Coelho & Macaríngue, 2002: 59-61.

¹⁵ In fact, the disjoining of the defense and security forces from the parties has shown itself to be a more complex dynamic process than might have seemed, involving the disconnection in the minds of their actors.

¹⁶ Obviously, many of these areas relate more or less indirectly to the evolutions in the security sector.

marked by the disparity in the international assistance received, which, although benefiting, did not function in the sense of strengthening its cohesion.¹⁷ This lack of cohesion was also reinforced by the fact that the AGP had imposed, during some time, a bicephalic direction of the FADM, deriving in equal parts from the old governmental and Renamo forces, that lasted longer than foreseen. These difficulties, together with the lack of resources, led to the fact that during those first years little evolution was verified in the consolidation of the structure of the FADM.

However, the positive role of the Ministry of Defense as organ of tutelage also needs to be taken into account, at least at two levels.¹⁸ On the one hand, in the effort to expand the debate about the profile of the new armed forces and their mission, with the civil society as well as with partners of the international community. On the other hand, in the legislative initiative, proposing to the Parliament, through the Council of Ministers, material for the security sector in general and defense in particular.

With regard to the first aspect, for instance the Meeting of the Military Club between armed forces and civil society in 1995 has to be mentioned, also the international conference in 1996 about the role of the military in democratization, and the seminar with the Center for Civil-Military Relations of Monterrey, held in 1999. But it is more with regard to the legislative initiative that the role of the Ministry of Defense was felt, namely with the bill for the law on defense and security policy and the subsequent law on national defense, in addition to diverse legislation relating to mandatory military service.¹⁹ Equally, there were the efforts to elaborate a strategic plan for institutional development and a white book on national defense.

On the other hand, once the process of transition was completed with the implementation of the Peace Agreement, the protagonism of the FADM rapidly decreased and Public Order became the center of attention, due to matters such as the increase of crime, questions of human rights and others. To the eyes of society, the visible face of security was personified in the PRM. Meanwhile, and perhaps due its nature, the organ of intelligence and security of the State maintained a discreet visibility during the process, occasionally interrupted by interpellations by the political opposition.²⁰

Public Order, embodied in the Police Forces of the Republic of Mozambique (PRM), under the tutelage of the Ministry of the Interior, follows a course which is distinct from the FADM. During the peace negotiations, when the armed forces were the center of attention, questions of the police force had a more secondary role. For instance, there are no detailed predispositions about profile and mission of the police force, equivalent to those existing for the military forces, in Protocol IV of the AGP. However, the

¹⁷ Structuring the new armed forces was assisted by a troika of countries, namely the United Kingdom, Portugal and France. The United Kingdom trained infantry instructors, Portugal three battalions of special forces, some naval forces and administration and logistics personnel, and France trained military engineers. See Borges Coelho & Macarique, 2002: 63-64.

¹⁸ Only very recently the organizational structure of the FADM was concluded, placing them unequivocally under the political and administrative dependency of the Ministry of Defense, i.e. in the executive department.

¹⁹ On mandatory military service, see Malache 2002.

²⁰ It is necessary to point out that, contrary to what concerns the armed forces, the AGP is almost omissive with regard to the police and intelligence and security of the State, as there had been no explicit consensus.

changes that occurred at that time placed serious problems of definition and reform also in this field.

Although benefiting from a law for its creation, its functions are referred to only vaguely in the Constitution of 1990, as well as in law n° 17/97 on defense and security.²¹ On the other hand, so far no bill of law has been approved (apparently not even proposed) on public order, as prescribed by law n° 17/97 and as has been done for the armed forces with law 18/97.

At the time of transition, the perspectives for the PRM were either to change their entire contingent to favor the installation of a non-compromising spirit in terms of ideology and party politics, or to search for a more cosmetic solution by means of “changing the uniforms”. Both perspectives were unrealistic, because demobilizing the police contingent constituted a risk and because the second one did not serve the intended purposes. Thus the line of “refreshening” was followed, with the tonic placed in the induction of a change of attitude and in the training of the staff with a view to profoundly changing the relationship between police agents and citizens. The efforts placed in training are visible in the schools for basic and intermediate training (sergeants) and in the foundation of the Superior Police Academy (ACIPOL). However, there are still profound problems with regard to capacities in criminal investigation, the imprecision and inefficiency of coordination with the judicial level, that become manifest in great public “cases” causing social uneasiness,²² allegations of close relationships with big corruption, etc., undoubtedly affecting the public image of the PRM.

Recently, the announcement of the adoption of a strategic plan based on a profound internal reorganization, continuing the efforts in the training of agents, improving the relationship with the citizens and the resulting effort to improve the image of the PRM constituted indubitable progress. But the approval of a bill of law on public order is still necessary which, similar to that of law n° 18/97 for the armed forces, permits the integration of legislative measures which otherwise would remain dispersed and fragmentary.

Evidently, this effort of the defense and security organs in the sense of a true reform implies a Parliament, and above all a parliamentary commission for defense and public order, that are more efficient in their role, a judicial sector that is more intervening, and a civil society that is more present, all this depending on the respective maturing process and on a larger spirit of openness of the defense and security forces.

5. Conclusions

Mozambique represents a clear case of transition from a one-party model to a liberal democratic one with regard to the insertion and operation of its defense and security sector. The dynamics of this transition have been facilitated by various factors, namely

²¹ See Article 153 of the Constitution of 1990, attributing to the Council of Ministers the competence to ensure public order and guarantee the rights and freedom of the citizens.

²² Namely in the brutal police intervention in Montepuez, or in the weak performance by the criminal investigation in the cases Cardoso and Siba-Siba.

the Constitution of 1990, that delineated the general lines of this transition, the General Peace Agreement that enlarged them and made their implementation possible, the cooperation of a civil society that is still fragile and being structured but yet more and more intervening, and still the international and above all regional context, clearly exercising pressure in the sense of reforms. This factor is particularly positive as it permits to consolidate, at the level of the entire region of southern Africa, a true culture of reforms, at the level of cooperation as well as at the national level of the various countries concerned.

However, the case of Mozambique clearly shows that the reforms are not merely prescriptions to be adopted and followed, but on the contrary depend on innumerable factors, positive and negative, that when resolved permit a consolidation of progress, and when still to be resolved may threaten or even revert victories already won.

In principle, the organs of the defense and security sector already operate in accordance with the international and national laws, in an environment of democratic maturing and of a clearer definition of the division of power. However, one still notes a legislative deficit with regard to its involvement. Namely, so far there are no specific bills of law for public order and intelligence and security of the State. Although the legislative mechanisms for the control of the organs of the defense and security sector by civil authorities have already been established, monitoring their activities seems to be efficient only at the executive or governmental level. It is necessary to widen this through the reinforcement of the legislative role and monitoring of the Parliament, the improvement of the judicial sector and an increasing involvement of the civil society by considering their expectations and producing a greater openness and transparency about the performance of the sector, so that defense and security can correspond clearly to what is defined in the Constitution and can make the Mozambican citizens feel effectively defended and secure.

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