

B. AFRICA

MOZAMBIQUE: PRESIDENT'S ADDRESS TO MAPUTO RALLY ON PROPOSALS FOR CONSTITUTIONAL REFORM

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Radio Mozambique, Maputo, in Portuguese 0822 gmt 9 Jan 90

Excerpts from second part of speech by President Joaquim Chissano at a mass rally in Maputo (ME/0660 B/1)

...The protection and conservation of the environment is dealt with by the constitution. Our environment is fast being destroyed by erosion and Mozambique's notorious fires, among other factors. Mankind has been the main culprit of this destruction.

The question of land has now acquired a new dimension resulting from our policy and development requirements. The draft proposal reaffirms the principle of land ownership by the state, but it also enshrines the principle of land transfer and the right of land ownership by individuals and groups of individuals. So, we are reaffirming what we have stated before whereby land can be allocated to an individual who will retain it as long as he works and develops it. Now we wish to add that the allocated land belongs to the individual. This means that our country's peasants will be able to own land. Moreover, the constitution urges the need for regulations to prevent a return to situations whereby most of the land can be controlled by a minority to the detriment of those who work on it. This principle will also be upheld and strengthened.

We should adjust existing laws to the law of the land in order to uphold the principle of land ownership without affecting national interests and to prevent economic domination. There will be regulations safeguarding that principle in line with the constitution. So, when we leave this rally we should not go about implementing the principle arbitrarily. First, we should study what the law says and abide by regulations.

On education and health the draft constitutional proposal seeks to take cognisance of the new dynamism instilled in those sectors by the fifth congress. The draft proposal foresees the participation of a community and of individuals in the educational and developmental health sectors.

Seventh [as heard] The assertion of Mozambican culture. The draft proposal reaffirms and upholds culture as one of the aspects of Mozambican heritage. It proposes that the assertion of Mozambican cultural heritage should be a national goal and that it should include the free expression of traditions and values of Mozambican society and that they should be freely and democratically accepted by all. The draft proposal states that the constitution should define Portuguese as the official language. It also enshrines the important role played by vernacular languages. As a cultural tool and a means of communication, vernacular languages should have an increased role to play in relations between citizens, cultural training, and in education. It would be worthwhile to translate this (?constitution) into vernacular languages as this would enhance them.

The importance of physical education and sports, as part of the upbringing of man, is also stated in the draft proposal.

Eighth. On foreign policy, the draft proposal reaffirms the principles that have guided the state, underlining the non-aligned nature of our country. We will continue to uphold relations of friendship and solidarity that have been established in accordance with international law. We will continue to strive for a more just and equitable transformation of international economic relations.

Ninth. The state establishment. The organisation of state power - that is, the organs forming the state - is an important constitutional element. The organs should represent popular sentiments and should be established through elections. The draft constitutional proposal states that two of these organs, namely the President of the Republic and the People's Assembly, must be elected through direct elections. At present, the President of the Republic is the Frelimo Party Chairman. Deputies to the People's Assembly used to be elected indirectly because of the difficulty in holding direct elections. Direct elections involve a major organisational effort, namely holding an electoral census, creating voting centres, and strict counting of votes. We have pondered about this issue and have decided that such an effort was now indispensable in order to permit citizens to have a say in the election of their supreme leader. It will not be an easy task, but we believe it complies with the demand for strengthened democracy. This means that all franchised citizens will elect the President of the Republic. There will be a law stating who has the right to vote, but the constitution will say something about it.

We have also discussed forms of voting. In the past, we stated candidacies must not be presented solely by the party. This applies to any candidate. We will find ways of determining how each citizen should submit his candidacy and prove that he has the support of 5,000 voters.

We also propose that the President of the Republic's mandate be limited. In this way, the President of the Republic can only run for another two terms in office after his first election. This means that one can only be President for a maximum of 15 years. He cannot go over 15 years. I do not know what others would say but, if they were like me, they would say: 15 years really is a very long time! However, there are those who like to be President for 50, 70 years. They are frightened when they hear the day may come that they will no longer be President!

We propose 15 years, which is equal to three mandates. To ensure that the President of the Republic is always mentally capable, we propose 70 years as the age limit for a President. This means that a citizen who is older than 65 cannot run for President. If he is 65, he can still do it. He will then be President for five years, turn 70, and retire. Thus, someone who is over 65 cannot run for President, because if he is 70 and one day he cannot be President. He must be 65 and leave before he is older than 70.

As you know, it is commonly said that an old dog cannot learn new tricks. We are talking about changes, right? Now, let me stay on until I am 70 and you will see whether I am prepared to accept any kind of change. Let me stay in power for some 20 or 25 years, and you will see whether I come and consult with you here. No, 15 years is all. You may be young, but after 15 years in power you must leave and take a rest. You can then learn from the experiences of others. Then, if it is necessary, you can come back. However, one has to at least take a rest. Let me tell you, though, that I do not know who would like to come back after 15 years.

We have lived and gained experience. Our country was young. We had a 35 year-old Prime Minister, 29 and 30 year-old ministers. Our country was young. Those who were 70 used to say: But what does that young man know? Bring him here. Well, that was because our country was young and those who fought the struggle were young. We had to begin building the nation, and we necessarily made mistakes because we were young. We have grown. Now, we have many youths and adults who are capable of leading. They have had political and academic training, they love the people and they have the intuitive ability to lead. There are now more people to choose from and there are still many we do not even know about. This is because we were not open enough for people to come forward.

We have many adults. We will continue to set certain age limits for young people in other fields, but for the post of president we will raise the age threshold. We will be more demanding. This position requires maturity and experience. There is that age when a man begins to accord value to the lives of others, to his own life and to the lives of his relatives. He becomes both more appreciative and realistic. His feet are more firmly on the ground. He no longer lives by emotion. That age eventually arrives. It is the age when homeless people begin to think they need a home, a spouse and a family. They become more responsible. We believe that 40 is the age when a person becomes more concerned about his own life and the lives of others. For this reason, and to ensure that our presidents are not too old - we have even set the 70 years age limit - we propose that the candidate for President of the Republic must be at least 40 years old. This is what we propose. He must be at least 40 years old. We believe that, by then, he will be both adult and mature enough. He will grow, gain in strength and be at his most powerful when he is in his 50s. He will be wise in his 60s, but then he begins to fade and his behaviour becomes infantile. Those who are observant may have noticed, even in their home and with their relatives, how people behave when they reach those ages. We have seen it, and that is why we say one cannot be president before he is 40.

In addition to these proposed limitations, we are setting a number of regulations concerning the People's Assembly deputies. We have not fixed the same age limits for the deputy. Perhaps we will do that later, but they will be different age limits. Each deputy will be elected in a certain area called the electoral area. This allows each area of Mozambican territory to be represented at the People's Assembly. Elections will also be held on the basis of direct and secret voting. We also propose that there be several candidates contesting each deputy position, thus allowing citizens a wider range of options.

The constitution consecrates the role of the President of the Republic as supreme leader of the state. This explains why we have been careful to set certain requirements based on age and other criteria, ensuring that the position of supreme leader is filled by someone who is worthy. He is higher than any other state organ. In his relations with the People's Assembly, the President of the Republic addresses the assembly on the nation's major issues. In turn, the People's Assembly will make the laws determining all the fundamental issues in the life of the nation. Let me give you an example: It is the law that defines what is a crime. It is not just any person who does that before the nation. It is the law. The law also defines what sentences to apply and regulates the exercise of the rights enshrined in the constitution. The law establishes taxes and approves the state's plan and budget. The People's Assembly draws its strength from the fact that its elected deputies come from every corner of the nation. They define what is thought to be best for the nation.

The proposal for revising the constitution wants these two most important organs to collaborate in the discharge of their duties in a balanced manner, so that neither has absolute power. Thus, the president does not have absolute power. The laws approved by the People's Assembly must be promulgated by the President of the Republic. If he, as head of state, believes the People's Assembly must reconsider a number of issues, he has the right to ask the assembly to re-examine the law. But if the Assembly approves a law by a two-thirds majority, the President has to approve the law. He cannot overrule it.

This presidential system conforms to what, in practice, has been done in our country. However, there were no precise mechanisms. We did it on the basis of a tacit understanding. This is a system which accords with our tradition in general and, in particular, with the need for a strong, though not unlimited, authority. This authority must therefore have limits. The country's situation requires this type of leadership. The President heads the government. He presides over the promulgation of the government's major policies.

The Prime Minister assists the President in his daily duties. The Prime Minister has a mandate from the President to ensure the functioning of the government apparatus. Thus, he has authority over the members of government. The People's Assembly must follow the functioning of the government. To that end, we propose that, after the general elections, the government submit a programme proposal to the People's Assembly for approval. In this way, we want to ensure that the People's Assembly and the Council of Ministers work closely to resolve the people's problems. The People's Assembly also has legal competence and authority to speak about major national issues. It has the important power of controlling whether a law or a decision is constitutional or otherwise. In addition, it controls issues connected with the delimitation of the territory, territorial division, electoral law, referendum systems and the guarantees enjoyed by the citizens, among other things.

We have analysed the important issue of the People's Supreme Court - People's Assembly relationship. Given its nature, the People's Supreme Court must function independently. However, its importance is such that the

People's Assembly must not be excluded from the process of appointing the Supreme Court's senior staff. For this reason, we propose that the People's Assembly confirm the presidential appointment of the People's Supreme Court chairman and deputy chairman. In this way, the composition of this organ's staff enjoys the support of the people's representatives, because its appointment involves the President of the Republic and the People's Assembly, both elected after universal voting. In this way, the Supreme Court's senior staff emerges with undeniably greater authority and legitimacy. We have reflected on this issue and seen the need for the People's Assembly to function with greater continuity, thus ensuring improved legislative work that more clearly reflects the people's sentiments. However, we have also found that the country's situation continues to require that this organ be able to convene at short notice, to adopt laws, and to make other decisions in emergency conditions. For that reason, the People's Assembly Standing Commission will be assigned those duties when the People's Assembly goes into recess.

However, those Standing Commission duties have been limited. It was decided that certain issues, for example defining nationality, electoral law and the creation of new taxes, can only be determined by a People's Assembly plenum. So far, we have only discussed the central organs. As a rule, they decide on every general national issue. Let me give you a few examples: The exercise of sovereignty, national defence, currency issues and diplomatic relations. Ours is a unitary state, meaning we have one single central authority in the whole country. This allows the whole nation to focus its efforts on the same goals, to share successes and difficulties and to be united towards building general progress. This does not mean that state organisation shuns ways and mechanisms for resolving specific problems at the local level. The constitution also defines mechanisms for resolving that type of problem. Local organs must ensure that citizens participate in the resolution of problems of direct concern to a certain community, namely some village or town. According to our traditions, those organs consist of assemblies and executive organs. We must analyse the functioning of those assemblies and determine the shape of the executive organs at each level. We will leave this issue to the law. In other words, our legal system will draw up and establish a law in conformity with the constitution, which will then be approved by the People's Assembly.

I am now going to touch on an issue of great interest. I call on those who were dozing off to wake up! I am going to discuss an important issue that must also be discussed in an analytical, thoughtful and knowledgeable manner. Throughout history, people have tried to adopt political and social organisation systems ensuring the citizens' increasing participation in their countries' decision-making and management processes. In the lives of nations, organising people into political parties has been one of the signs of this search for mechanisms of democratic participation.

Today, there is much talk about one-party and multi-party systems. Some say that political systems allowing more than one party are superior to one-party political systems. Whether it is one-party or multi-party, either system presents advantages and disadvantages within the context of each

country's specific conditions. Neither system can be automatically implemented. The main thing is that we know how to analyse the consequences of choosing either system. That choice must guarantee greater democracy and strengthen national identity and unity. We must guarantee the principle that sovereignty rests upon the people. It is true that, by selecting one of various national policy concepts, a multi-party system grants its citizens the possibility of making choices. This concept is represented by groups. The multi-party system allows different stands on various issues of national interest and this occurs within a climate of open, although not always honest, debate. Unfortunately, that system does not always act honestly.

The existence of several parties also permits strengthened control of opinions about the government. However, this is not always done honestly, because you are in the opposition and the goal is to destroy the one in power. The goal is not to resolve the people's problems. Even if government is doing well, you will say it is doing badly so that it will fall. Nonetheless, it has to be said that sometimes there is honesty and opinions are sounded out. This is basically the reason why some say that a multi-party system has greater democratic potential than a one-party system. However, the important thing is not just to have the possibility of choosing one of various proposals put forward by different parties. It is important to know whether these advantages of pluralism can only be achieved through a multi-party system.

To me, what is important is the people. The people must be organised in such a way that they can define and decide on the path that best serves the country's interests at each stage of its development. This is what is important. Given our country's specific conditions, we must bear in the mind the consequences of adopting a multi-party system. We are still at a stage where the consolidation of national unity remains a fundamental task for all our people. Under these circumstances, the existence of various parties may hinder the implementation of these strategic and vitally important policies. There are still many divisive factors among us that can easily be used for securing alliances and votes. Our country is still faced with serious shortcomings. It is imperative that we know how to combine individual efforts in order to overcome these shortcomings and create better living conditions.

The existence of various parties can hinder one's aim to resolve the serious problems faced by the people, as the struggle for power would distract our attention. The main goal thus becomes the struggle for power, rather than the solution of popular and social and economic development problems. One day, we will probably be able to reach the stage whereby politicians spend their time talking while a functional machine solves problems. There could also be a time when one would not need to pay attention to what the political parties say, as politicians struggle for power, as in those countries which go without government sometimes for a year, and where governments only last a month to be replaced by another government. Yet life goes on in those countries. We doubt whether we will reach that stage in the People's Republic of Mozambique. In Mozambique we must not concentrate our attention on the struggle for power, but instead on ways to solve problems. In this struggle for power, politicians will use

the less privileged layers of society for their own ends. Politicians will take advantage of a lack of political awareness, immaturity and illiteracy, and once they gain power they will do worse than those who were in power. And so, everything returns to square one. The people won't even take part, except for voting, and then they will be ignored.

We are an under-developed country, which means that we must prevent the loss of human resources because each party will require its own cadres. We should also avoid squandering material and financial resources such as fuel, automobiles, spare parts, stationery, T-shirts, newspapers, stickers and flags. We have a few flags around here, but if there were four or five parties we would need extra flags. The more political parties there are, the more material resources are required. Multi-party democracy is expensive. So, we must avoid squandering human, material and financial resources, and use them in development tasks. We are a society with major difficulties in which the majority are unable to read or write. This hinders communications between us, making us vulnerable to unscrupulous individuals who could use illiteracy, ignorance, famine and nakedness to manipulate society with misleading promises. The search for forms of democracy, which have not yet been tested under our concrete conditions, could lead to the adoption of rigid models which, instead of accelerating development and increasing democracy and citizens' freedom, would create anarchy in the country and deceive the working people.

We defend the idea that every citizen must be given the chance to express his ideas. However, the possibility of expressing different ideas is meaningful within a process which permits the unification of efforts and the consolidation of the country's independence as well as the people's sovereignty. Our history shows us that Frelimo and our party were able to create conditions to strengthen the exercise of democracy in our country. We ought to look beyond individual difficulties in an unemotional manner in order to assess our realities and choose the best way to serve the country.

These are my own views. We haven't included them in the draft proposal, but they should be debated. During the debate on the revision of the constitution, we will all have the opportunity to air our views. The result will be the general consensus which will be included in the constitution. We avoided including those views in the draft proposal, because we want them to be the result of a mature decision reached in a free and conscientious debate. In airing our views, we haven't hidden the advantages and disadvantages of any given system. What we want to say is that we ought to look carefully at the situation in our country. Let us not look too much at Europe. Let us rather look at Africa... where nations began with many parties and a few years later had to choose a one-party system, or no party at all because the armed forces were in power. Kenya, Tanzania, Zambia and Malawi had various parties, and today they only have one party. This was achieved through different processes. Zaire and the Congo had many parties, and the military gained power and only later established one party. Gabon had many parties, but a new President banned them to prevent division brought about by political parties fighting on a tribal basis. He then created only one party. The case of Cote d'Ivoire - well, I could go on

forever because there are many cases. For instance, Ghana. Nigeria has many parties, and today they are talking about having only two parties. But how many times has Nigeria been ruled by military regimes, with no political parties? We must learn from this African experience.

Once again, if there is anybody dozing off, they should wake up now. I now want to talk about the strike, within the framework of the constitution. The right to strike is enshrined in the draft proposal on the revision of the constitution. Thus, our constitution will enshrine an important aspect which characterises the workers' struggle for the defence of their legitimate interests. Strikes will become an instrument which workers may use to defend the rights and privileges conferred on them by the law. This is a victory of all the Mozambican people in their struggle for social justice and progress. However, as a powerful instrument, strikes must not be used against the people or the country. Strikes are an instrument for democracy not to be used against the freedom of citizens or national interests. I have already stated that the current wave of strikes has been against the freedom of citizens who wanted to work. Their colleagues prevented them from reporting to work. So, the constitution also urges the need to draft a law defining the ways and conditions in which the right to strike could be used. However, the absence of such a law excuses neither us nor those who engage in wild strikes. There is an international procedure on strikes. Our trade unions are aware of it and our workers should know about it. An enterprise cannot just take strike action. A strike occurs when there is an impasse in negotiations. It is difficult to accept that there has been an impasse in our country, since not all channels were used. We have channels like ministers, government, the Council of Ministers, the People's Assembly and its commissions, the OTM, [Mozambique Workers Organisation] as well as the President of the Republic.

Therefore, I have proposed that the right to strike be enshrined in the constitution. There is also the need to draft a law defining the ways and conditions in which that right could be used. It is necessary to have very clear regulations ensuring that the right to strike should be used to serve workers. The right to strike should not be used against the interests of the people, or without first taking into account the specific conditions the country is facing. The right to strike should not be used in a manner that is detrimental to the individual rights and freedoms of workers. This right ought to be used in a constructive manner to solve labour disputes, and workers should use it in a responsible manner while being aware of the likely consequences of a strike. Strikes should not be a clandestine action, taken without the knowledge of all involved parties - namely workers and employers. As a workers' organisation, trade unions should clearly assume the interests of workers. The resort to strike should only be used once all means to solve a dispute have been exhausted.

In laying down guidelines on the right to strike, we are going to follow the practices of countries with different political systems. The state will define rules to be observed. As I said, it is unfair to prevent people from working when the decision to strike was made by only a few. In a number of countries, the rule is that strike action can only be taken by a workers' assembly. Even workers' demands must be backed by

at least two-thirds of the members of an assembly so that the prevailing view is not that of a handful of usually well-off elements with minor interests. These elements often hinder the possibility of rehabilitating an enterprise to make it viable and thus provide better working conditions. They use workers to undermine everything. The law will restrict the use of strike action by sectors either with special responsibilities in ensuring sovereignty, public order and social stability, or which, when not working, will seriously affect the general interests of citizens. The use of strikes is an action which shows a high degree of democratic responsibility and civic awareness. It's unacceptable to use violence to ensure the right to strike. Likewise, the state must use moderation to avoid the use of violence in order to prevent a legitimate strike. That is why I praise our police force, who had to intervene during the current wave of strikes to ensure public order and the interests of citizens. The police force saw to it that citizens were not seriously affected by violence, although some of them were affected. We praise the spirit of co-operation between the forces of order and those citizens, strikers or otherwise. . . [to be continued].