

# Mozambique's new draft Constitution reduces Frelimo's power

MOZAMBIQUE'S Frelimo Party is voluntarily giving up its "leading role" over state and society that has been enshrined in the country's constitution ever since independence in 1975.

A new draft constitution, unveiled by President Joaquim Chissano at a Maputo rally on 9 January, radically changes many of the key concepts that have guided the country for a decade and a half. The draft at no stage mentions a "leading role", either for the Party or for the working class. Indeed, Frelimo itself is scarcely mentioned (apart from historical references) in the draft.

Perhaps the most significant change lies in the method proposed for electing the country's president. Under the existing constitution, it is very simple: the President of Frelimo is automatically the head of state.

But the new draft abolishes Frelimo's automatic right to choose the head of state. Instead, any Mozambican citizen aged between 40 and 65 can run for the job of President of the Republic provided he/she has at least 5,000 proposers, at least 200 of whom must come from each of the country's eleven provinces.

The elections both for the President, and for the country's parliament, the People's Assembly, will be by direct universal suffrage and secret ballot. This replaces the clumsy pyramid structure of electoral colleges by which the parliament has been elected to date. Citizens will also have a choice: it will no longer be a matter of saying yes or no to candidates proposed by Frelimo.

The draft says nothing about political parties, and is carefully worded so that its provisions are adequate both for a single party and a multi-party system. But Chissano made it very clear that he was in favour of retaining the current one party system, and working for a plurality of viewpoints within that system. His argu-

## International

Fifteen years after Independence, Frelimo relaxes a rigid system that gave the Party monopoly of power. But just how far-reaching is this cautious gesture? Paul Fauvet writes.



President Chissano flanked by Senor Minister Dr Joshua Nkomo and President Mugabe at the December 1989 united Zanu(PF) Congress.

Photo credit: Min. of Information Photographic Section.

ment is that Mozambique is still at the stage of building the nation, and that allowing the formation of various parties could threaten national unity, since there would be a danger of parties forming along regional or religious lines.

It is this possible splintering of the country that worries the Frelimo leadership, and not the prospect of any electoral confrontation with the South African-backed rebels of the "Mozambique National Resistance". Loathed and feared as they are in most of the country, it is highly unlikely that the MNR could ever be legitimised as a political party; even if it were, no one imagines that it could win many votes.

However, Chissano has insisted that the question of a multi-party system be thoroughly discussed in the nationwide debate on the constitution that will now follow. For several months the draft will be discussed at meetings all over Mozambique. This process could result in significant amendments before the constitution is finally voted on by the People's Assembly.

Much of the draft is concerned with the rights and freedoms of citizens, and these clauses mark a significant expan-

sion of tolerance and democracy, and a corresponding reduction in the power of the state. A "right to life" is established, thus abolishing the death penalty, and the draft specifically outlaws torture and all forms of cruel and degrading treatment. There is a right to privacy, and no phone-tapping or interception of mail can be carried out without specific legal authorisation.

The judiciary is to be independent, and suspects will be presumed innocent until proven otherwise: the burden of proof lies with the prosecution. There is a right to legal defence, and the state must guarantee legal aid so that no one is prejudiced through being too poor to pay for a lawyer.

Citizens may also take the state to court to seek compensation for unlawful arrest or any other abuse of power.

Freedom of religion is guaranteed (including the right of religious bodies to own property), as is the freedom of opinion, of assembly and of association.

This concern for democracy is not the result of a hasty glance at events in

Eastern Europe, nor of pressure from the West, but is a home-grown phenomenon. Concern over the abuse of state power can be traced back to the "offensive for legality" launched by the late President Samora Machel in November 1981. In an extraordinarily courageous speech, Machel then denounced his own armed forces, police and security apparatus for arbitrarily detaining, beating and torturing citizens. Machel roundly declared that Mozambique did not need a secret police, but a genuinely popular security service that relied on close links with the people in order to combat South African subversion.

These are the roots of the new constitution, the democratic concerns of which owe nothing to Margaret Thatcher or George Bush, however much the smug Western media may present it as Mozambique "seeing the light."