

## A constitution "made in the USA"

One of the documents that circulated in Rome prior to the opening of the talks was a draft constitution for Mozambique produced for Renamo by ultra-conservative circles in the United States.

Among those behind this 16 page document are Alan Keys of the American Enterprise Institute, Michael Johns of the Heritage Foundation (perhaps the most influential of the think tanks on the American far right), and Howard Phillips and William Ball Jr of Conservative Caucus.

The main author of the draft is Bruce Fein, allegedly a specialist in constitutional and international law. He is linked to the Heritage Foundation and writes for the right wing daily, the *Washington Times*.

The text of this constitution has 13 articles, and begins with a preamble that immediately talks of establishing "a responsible government of black Africans" in tribute to "those brave and valiant people who fought against external and internal oppressors, and against the looters of Mozambique".

(There is, of course, heavy irony in such long term opponents of African liberation as the Heritage Foundation talking of "responsible black government".)

The first article in Fein's constitution demands the abolition of "secret or security police forces", describing them as "lawless" organisations which "eternally struggle against freedom" (the reference is presumably to the Mozambican security service, SNASP).

The first article also prohibits "torture or any other cruel punishment", but then immediately reintroduces the cruellest punishment of all, the death penalty, for unspecified "serious crimes".

The fourth article, dealing with "economic freedoms and property" demands the return to their original owners of all goods nationalised or expropriated by the state in the first years of Mozambican independence.

It calls for the establishment of a special court that would oversee the process of handing back "goods or the equivalent in money" to individuals who were "robbed, looted or despoiled by the marxist thieves of Frelimo".

(Most of the individuals referred to are, of course, Portuguese settlers who fled Mozambique at the time of independence, abandoning, and often sabotaging, their factories, farms and other property.)

The text gives sweeping powers to the President: among these will be "to take the necessary measures to recover goods which are in the illicit possession of political parties or their members", when this constitution is ratified.

The "Congress", the name given by Fein's draft to the Mozambican parliament, "shall pass laws decreeing the privatisation of all state-owned companies, land and other property, within a year of this constitution coming into effect".

The proposed legislature just mimics that of the United States. The "Congress" will consist of two chambers with the American names "Senate" and "House of Representatives" translated into Portuguese.

Some of Renamo's earlier sympathisers were bitterly disappointed by this document. Prof André Thomashausen, Director of the Institute of Foreign and Comparative Law at the University of South

Africa (UNISA) in Pretoria, told AIM he was "appalled" by this constitution.

Prof Thomashausen has given constitutional advice to Renamo in the past, and was shocked at the free marketeers' charter that Renamo's advisers had written.

"Whoever drafted that did a disservice to Renamo and to Mozambique", he said.

Renamo is known to have appealed to its American sympathisers in March for specialist help in diplomatic, constitutional, economic and government matters, and for US\$ 214,000 for consultancy costs.

Bribes were offered. Renamo promised to repay those who responded to the appeal with the interest from an agreement over the use of the Beira Corridor, the road and rail link between the Mozambican port of Beira and Zimbabwe. This does, however, presuppose that Renamo will come to power in Mozambique.

Renamo's supporters will also have the right to immediate membership of the "Mozambique Business Association", an organisation led by the ultra-right millionaire James Blanchard III, and by Antonio Rocha, a former Mozambican diplomat who disappeared from the Mozambican embassy in Harare at the same time that the embassy's funds did.

The Renamo appeal calls the "Mozambique Business Association" a "serious business organisation" that will give its members access to a country rich in resources that will become the future "Hong Kong of Africa".

Thus Renamo plans to sell off Mozambique to foreign business interests even before it is anywhere near gaining power.