

Out-maneuvering Renamo

The motives behind Mozambique's new constitution

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STANDING on a platform in front of 5 000 people, President Joaquim Chissano was explaining his government's proposal for a new constitutional order in Mozambique, one in which its citizens would enjoy basic individual freedoms and would have the right to choose their leaders in free elections, by secret ballot and universal suffrage. Many onlookers did not seem to understand their President's insistence that sovereignty would reside in the people and no longer in the Mozambique Liberation Front (Frelimo), the party which has ruled the country for the past 16 years. Suddenly, a hush of disbelief fell over the crowd as Chissano declared:

If you do not want me to be President any longer, then I will gladly go.

The scene was a rally in Maputo, the nation's capital, a year ago as Chissano unveiled a new draft constitution which guaranteed a strict separation of powers, freedom of association, *habeus corpus* and the right to strike.

Public Debate

One year on, the proposal has become reality, bolstering President Chissano's efforts to negotiate an end to the 16-year-old war against the Mozambique National Resistance (Renamo) rebels. The proposal was submitted to a nation-wide public debate throughout the first half of 1990, was approved by the nation's legislature, then the People's Assembly, in November, and finally entered into force at zero hours on November 30. Enroute to becoming

Mozambique's fundamental law, the constitution was fortified with the establishment of a multi-party democracy, something that few Mozambicans believed possible just a year before. Today, Mozambique is at the threshold of its second revolution since Frelimo led the nation to independence from Portugal in 1975.

In just 18 months, Mozambique saw a dramatic turn-around from being a country ruled by Frelimo as a one-party state based on Marxist-Leninist principles to a democratic nation where political power must be contested at the polls. "The fundamental point is that we believe that no-one has the right to deny its citizens who want to form political parties within the law," Chissano said last July, when he announced that Frelimo's 12-man politburo

had agreed to establish a multi-party system.

The new 206-article constitution limits a President to three five-year terms. It also drops the word "People's" from the country's new official name — The Republic of Mozambique. A strict separation of the executive, judiciary and legislative branches is also promised, with the Assembly armed with veto powers over Presidential appointment of the Supreme Court president and vice president. The President also appoints the Attorney-General and his deputy and the Attorney-General's office is financially autonomous from government, answerable only to the Assembly. *Habeus corpus* has been introduced and the death penalty, which has not been used since 1986, has been abolished. The constitution also guarantees freedom of the press, although the state will retain a monopoly over television and radio.

The movement towards political reform paralleled a rapid improvement in the country's human rights record, with the Maputo government opening its security jails to the International Committee of the Red Cross in 1988 and increasing access to human rights monitors such as Amnesty International and Africa Watch. The government has begun making good on a commitment to bring long-term detainees to trial and since October 1990, has allowed the Red Cross access to detainees within six days of their detention. The Red Cross is also running courses on humanitarian treatment of prisoners for army officers at military academies in Beira and the northern provincial capital of Nampula.

Roadblock

A major roadblock to reform of the judiciary, however, is the country's severe shortage of lawyers and judges. At independence, most of the Portuguese lawyers and judges fled with the bulk of the 250 000-strong white community, leaving Mozambique with fewer than ten qualified

lawyers. Today, there are about 100 lawyers in the country, nearly all of them in the capital. The Law Faculty at the Eduardo Mondlane University, closed in 1983 by the late President Samora Machel who alleged it was too bourgeois, was opened in 1988 and will graduate its first class of between 60-70 only in 1992.

Although Chissano has credited a "new psychological environment" in Mozambique for allowing the radical political reforms, one of the principal targets of the constitutional changes was to bring an end to the war. However much some Frelimo militants detested the move to end the party's monopoly on power and effectively its commitment to socialism, Chissano's plan to end the conflict was the only one on the table. Government officials readily admitted that unless the conflict ended, Mozambique, already one of the poorest nations in the world with per capita income of US\$150, would continue its relentless glide into the abyss. The war has cost hundreds of thousands of lives and billions of dollars.

Speculation

While Prime Minister Mario Machungo, in meetings of the Frelimo Central Committee and the Assembly, boasted that the Economic Rehabilitation Programme, commonly known by its Portuguese acronym PRE, would deliver annual Gross Domestic Product (GDP) growth rates of 6%, development continued to be highly distorted, fuelled by wild currency speculation and import credits from the World Bank. Prices of food in the cities continued to rise sharply, while the crisis in the Gulf sent fuel costs soaring, with prices nearly doubling in September. For the vast majority of Mozambicans earning the minimum monthly wage of 33 000 meticals — about US\$30 at the official rate and US\$15 on the parallel market — it is becoming impossible to make ends meet. "We are tightening our belts too much and now our bodies are about to be divided in two," Maria Florinda, an Assembly deputy, said during a debate in September. "We ask the government to look for a way that will per-



"If you do not want me . . . I'll go":
Chissano addresses a rally

mit us to loosen our belts, at least by one centimetre."

The new constitution has severely undermined Renamo's claims against the Frelimo government for a multi-party system, freedom of worship and a free market economy. For that reason, in early December, the top Renamo negotiator at peace talks in Rome, External Affairs Secretary Raul Domingos, said he rejected the constitution because the rebels had not participated in its formulation.

Ceasefire

On December 1, 1990, the Renamo delegation headed by Domingos, and the Frelimo team, led by Transport Minister Armando Guebuza, signed a mini-ceasefire covering the Beira and Limpopo corridors which committed the rebels to halt attacks on the two transport routes in return for confinement of Zimbabwe's 7 000-strong contingent in Mozambique to within three kilometres of the corridors. While government officials expressed disappointment at the limited scope of the accord, the deal marked the first agreement ever reached between the two sides. The fourth round of negotiations was scheduled to resume in late January and focus on the last remaining issues dividing Renamo and Frelimo: the timing of general elections and the integration of the two warring armies. □