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SOUTH AFRICA AND SCANDINAVIA

STATEMENT ON SOUTH AFRICA MADE AT THE MEETING OF THE FOREIGN MINISTERS OF THE NORDIC COUNTRIES OF KARLSHAMN FROM 22-23 MARCH 1991 (Unofficial translation)

The foreign ministers of the Nordic countries noted with satisfaction that progress has continued in South Africa since the last Meeting of Nordic Foreign Ministers was held. The ministers particularly welcomed President de Klerk's undertaking that he would propose the abolition of the laws on which apartheid is based in the current parliamentary session.

The ministers were pleased to observe that the South African government has now taken significant concrete steps to realize President de Klerk's promises in the form of the legislative proposals which were presented recently. The Nordic foreign ministers are looking forward to the implementation of the final decisive legislative steps towards a society which has been freed from apartheid.

It is encouraging that additional agreements have been entered into between the ANC and the South African government regarding the resumption of the release of political prisoners and the repatriation of refugees in exile. The constructive spirit which characterized the first meeting between the leaders of the ANC and Inkatha is a further encouraging feature. The ministers noted with satisfaction the ANC proposals for an all-party congress on the fundamental principles for negotiations on a democratic constitution.

At the same time, the brutal and meaningless violence which has caused thousands of deaths over a number of years and which is still continuing is a highly disturbing feature of developments in South Africa. The South African government has a special responsibility for ensuring that this violence is rapidly brought to an end. The ministers also appealed to the ANC and Inkatha leaders to continue to make every effort to ensure that talks about the South Africa of the future can take place in a peaceful and constructive atmosphere.

The ministers noted that the Nordic countries have been making joint endeavours since 1978 to contribute to the total abolition of apartheid by peaceful means.

In the Nordic programme on South Africa which the foreign ministers adopted at their meeting in Molde in September 1990, the ministers established that, in the light of developments in South Africa, they wished to continuously evaluate and consider adjustments of Nordic measures regarding South Africa.

Against this background, the foreign ministers discussed how the Nordic countries can best support and expedite the dialogue in South Africa and the process of negotiation.

The foreign ministers noted that, in the light of the developments outlined above, the time is approaching when the economic sanctions applied by the Nordic countries against South Africa must be re-examined. Actual developments in South Africa are the decisive factor in any possible relaxation of sanctions policies.

The foreign ministers agreed that the abolition of the apartheid system, which is based on legislative measures, will be a turning point in the development of South Africa which will make it possible for the Nordic countries to revoke economic sanctions, on the basis of a comprehensive political assessment of the situation.

However, the encouraging changes which are taking place in South Africa already justify additional steps on the part of the Nordic countries to promote dialogue and the process of democratization. In the current situation, the ministers are convinced that this endeavour will benefit from broader contacts between the Nordic countries and South Africa. The Nordic countries have therefore decided to abolish the special guidelines which apply for the granting of visas to South African citizens, with the exception of restrictions which are required to ensure the implementation of nationally applicable sanctions.

The ministers also confirmed their intention to support efforts in South Africa to reduce economic differences and to promote democracy, following the abolition of the apartheid system.

The Nordic foreign ministers declare their strong hope that the government of South Africa will now implement its policy of reform so that genuine and meaningful negotiations on a new, democratic constitution can start as soon as possible. It is therefore desirable that parliament fulfils President de Klerk's undertaking to abolish the apartheid laws and that the government of South Africa removes all the remaining obstacles to negotiations on a new constitution for South Africa as soon as possible.

USA, USSR AND AFRICA

JOINT STATEMENT OF THE USSR FOREIGN AFFAIRS MINISTER ALEXANDER BESSMERTNYKH AND THE USA SECRETARY OF STATE JAMES BAKER ON SOVIET-AMERICAN INTERACTION IN SETTLEMENT OF CONFLICTS IN AFRICA

We have just witnessed here in Lisbon the settlement of the Angola conflict, which was achieved through negotiations under Portuguese stewardship.

Last year's achievement of Namibian independence, the establishment of peace in Angola, and the intensification of peacemaking activities in other parts of the continent *have demonstrated that negotiations are replacing armed struggle* as the principal political trend in Africa. The future of Africa largely depends on how quickly wars can be ended and new political structures developed to resolve and prevent conflict.

The Soviet Union and the United States express satisfaction with their increasing cooperation, which is aimed at *assisting African countries in restoring peace in various regions of their continent*. The USSR and the USA stand ready to work together with the international community and especially African countries and the OAU to resolve armed conflicts through political means. In this context the U.N. has a valuable role to play in peacemaking and peacekeeping, as it has demonstrated in Africa. Our two countries are determined to play a constructive role in *ending conflicts in Africa* and will cooperate in promoting political resolution of disputes, strengthening democracy and economic development, combatting hunger and disease, and enhancing environment stability.

Lisbon
May 31, 1991

AFRICA AND REGIONAL CO-OPERATION

CHAIRMAN'S SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

by

Olusegun Obasanjo
Chairman, Africa Leadership Forum

**International Roundtable on a Conference on Security,
Stability, Development and Co-operation
in Africa (CSSDCA)**

1. In November 1990, the Africa Leadership Forum and the Secretariats of the Organization of African Unity (OAU) and the Economic Commission for Africa (ECA) jointly convened in Addis Ababa a brainstorming meeting on a Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), followed by a steering committee meeting in February 1991 devoted to the consideration of the format, mechanism and process of the proposed CSSDCA.

2. Following a generous invitation by the Development Policy Forum of the German Foundation for International Development (DSE), an international roundtable was held on 20 and 21 March 1991 in Cologne, Germany, to further discuss the concept of CSSDCA, to examine any lessons that might be drawn from the experience gained in the course of the Conference on Security and Co-operation in Europe (CSCE), briefly called the Helsinki-process, and to consider their relevance for CSSDCA. The Cologne meeting offered an opportunity to learn from the experience of a successful process, while in no way preventing Africa's prerogative to design its own programme appropriate and relevant to its situation.

3. Participants in the Cologne roundtable – senior policy-makers and personalities from Africa, Europe and North America – agreed that the conclusions reached in the initial meetings on CSSDCA represented a viable basis for an effort to redress and improve the situation prevailing in Africa and overcome the marginalisation of the continent. The ultimate purpose of such an exercise is twofold: trying – by Africans essentially on their own efforts – to resolve real and pressing problems, and to attract the support, interest and co-operation of non-African powers in the realization of Africa's aspirations.

CHARACTERISTICS AND FEATURES OF THE HELSINKI-PROCESS

4. The Helsinki-process was launched during the cold war period characterized by a direct, sharp East-West confrontation while at the same time there was a widely shared feeling of commonality and determination to tackle existing problems in Europe. All understandings reached must be seen in the light of a strong feeling of a common European heritage and common values, especially with respect to human rights. Clearly, it was an attempt by the Europeans to pursue a regional approach to the solution of existing problems by the region itself.

In the 1960s and 1970s, the continent was divided largely into two rigid ideological and military blocs, complemented by a group of neutral and non-aligned countries. During this period, informal efforts were initiated by concerned individuals – intellectuals, statesmen, politicians, businessmen – to initiate a conference on security and co-operation in Europe. It took almost 15 years until such informal efforts bore fruit.

5. The bipolar structure existing in Europe facilitated the work of the preparatory body culminating in the adoption of the Helsinki Final Act, while applying the rule of consensus for decision-making. The motivations to engage in the process were quite different for each of the major groupings, the West and the East. The negotiations during the preparatory process were conducted against the background of the prevailing nuclear deterrence. This constellation made the use of military force both undesirable and dysfunctional. To guard against the danger of accidental war caused by technical malfunctioning or political instability, both sides undertook to commit themselves to the principle of renouncing the use of force.

6. The Soviet Union and its Eastern European allies sought a consolidation of the post WW II status quo in Europe, in effect ratifying Yalta and codifying the division of Germany. Moreover, the Eastern bloc aspired to improved economic co-operation with Western Europe and, in the process, better access to Western technology and financial resources.

7. The Western countries, essentially NATO, for their part were more interested in creating counterweights/safeguards against the Soviet military might and the perceived danger of a surprise military attack, given the Soviet superiority in conventional arms and its offensive posture. The military dimension provided for the involvement of two non-European NATO powers, the United States and Canada, as full partners in the process. Furthermore, the West was anxious to promote the observation of human rights and the freedom of movement and communication with a view to improving the living conditions of the population in Eastern Europe. It also sought to keep the option of

peaceful change to existing borders open. In hindsight, the human rights dimension contributed to the undermining of the status quo and eventually proved to be a critical contributing factor in overcoming the East-West conflict.

8. These divergent interests resulted in the inclusion of three baskets in the Helsinki Act of 1975. Basket I dealt with general principles and confidence-building measures in the military field. Basket II dealt with economic co-operation, science and technology and environment and Basket III was dealing with human and cultural rights.

9. Since the adoption of the Helsinki Final Act in 1975, popular involvement, commitment and support, especially for Basket III, through NGOs and independent "watchdog" committees, such as the Helsinki Watch committees in numerous countries, proved to be invaluable and a crucial factor for the success of CSCE. A complex web of a CSCE-system has emerged over time that works altogether towards the improvement of the conditions of people in Europe. During regular review conferences progress is analyzed, deficits of implementation identified and governments obliged to account for their policies. An agreement to publish conference reports in the Western and Eastern press helped to make the various aspects of the process transparent and accountable. Thus, governments were under pressure to perform in spite of the - strictly legally speaking - non-binding character of the CSCE agreements.

10. CSCE and the ongoing integration processes in the context of the European Communities and EFTA placed the traditional notion of national sovereignty in a new perspective. Clearly, a trade-off was perceived between the yielding of a certain degree of sovereignty in exchange for some measure of control over the sovereignty of another or a group of other countries. Economic co-operation and integration in Europe, however, developed for a number of reasons in a much more dynamic and effective way among more limited groups of European countries, like the EC, and not so much among the CSCE states as a whole, although a progressive deepening of the economic integration has taken place and may still continue.

11. In November 1990, the Helsinki process entered a new stage with the adoption of the Charter of Paris and, for the first time, the - albeit cautious - creation of institutions assigned specific tasks (a small secretariat; early conflict prevention centre; and an office for free elections). After the dramatic changes in the political map of Europe in 1989/90, the Helsinki-process is henceforth facing a new challenge, as it will have to be conducted in a multi-polar and thus more heterogenous setting than before. This will put the continued application of the consensus principle to the test. In substantive terms, new dimensions have emerged, such as conflict management, peace-keeping and mediation mechanisms, environmental protection and migration. The idea of

creating an all-European parliamentary assembly is under discussion.

12. After some 15 years of informal discussions, the formal process since the adoption of the Helsinki Final Act extends now over a period of a further 15 years. In this time-frame, results were often achieved that initially had not been defined as objectives of the process. At the outset, the fundamental changes in the political system, military pact structure and the economic policies of the Eastern countries could, even in the wildest dreams, not have been anticipated.

13. It should also be noted that the – largely conference-related – costs of the CSCE process were financed entirely by Governments in accordance with an agreed scale of assessments reflecting the ability of Governments to pay in accordance with their GNP figures.

THE RELEVANCE OF THE HELSINKI-PROCESS FOR AFRICA

14. Unlike the situation existing in Africa, the Helsinki process was conceived and initiated in an atmosphere of sharp ideological divisions and military confrontation. Africa is today in socio-economic crisis, burdened by serious and frequent violations of human rights from one-party and one-man dictatorships leading to poor and ineffective governance, lack of accountability and disregard for the rule of law, ridden with denial of rights and justice to minorities leading to internal and regional conflicts, excessive expenditure on the military and widespread famine, malnourishment, environmental degradation, uncontrolled population growth and abject poverty. But Africa also now has a new opportunity for seriously addressing its problems and for self-realisation as old systems break down and a new, democratic system is enthroned, economic co-operation, integration and peaceful relations are being seriously pursued and civil society is being encouraged without distraction by ideological barriers, confrontations and wrangling positions. Africa will be able to contribute to the emerging new world order for one, indivisible world, for the greater good of humanity and for the sake and interest of Africa's economic progress and well-being.

- (a) Africans having sufficiently defined their common issues and commonalities, must also agree on what problems can be tackled by Africans themselves. Clear purposes must be stated, which however may not be the only ones that will ultimately be achieved.
- (b) The European exercise was not limited to European countries only, but included powers whose action and involvement impinged on Europe.

- (c) The essential feature and intrinsic value of the European experience lay in its conceptualization as a dynamic and open process. The pursuit of such a carefully defined process entails commitment, perseverance, dedication and patience towards a set goal through an often arduous series of negotiations and subsequent implementation.
- (d) The recognition of increasing interdependence at the expense of the traditional concept of national sovereignty, especially as regards the treatment of people and the compliance with and monitoring of human rights instruments, will lead to an acceptance of limited sovereignty with regard to certain matters.
- (e) Ideas are best developed and defined through a dual and mutually reinforcing process of individuals and non-governmental organizations on the one hand and Governments on the other hand, as a strategy to advance integration and co-operation.
- (f) The linkages between the four calabashes must be recognized and fully taken into account. In Africa, security broadly defined should go beyond the traditional definition and reflect the aspect of physical and economic security of each individual, including the access of everyone to basic necessities of life, such as food, shelter, education and health has clear linkages with development and co-operation.
- (g) African Governments must vigorously pursue concrete projects aimed at co-operation, development and integration, especially in the economic area inspired by the role model of the European community. Existing sub-regional organisations, such as SADCC, PTA and ECOWAS, have the potential but must be made more effective through initiatives in the areas of trade, banking, industry and agriculture.
- (h) Certain key principles such as territorial integrity of states, peaceful settlement of disputes, etc., should be upheld and the free movement of people and the right to asylum should be guaranteed.
- (i) There is an imperative need to build public support in the participating states and across the continent for the process, in order to ramify the principles and commitments into the minds of the people, to provide a linkage between the Governmental and non-governmental initiatives and to ensure independent, effective monitoring and regular follow-up.
- (j) The observation of the rule of consensus would ensure that all states participate on an equal footing and as equal partners. Nevertheless, this may not prevent the categorization of certain issues, some of which

require consensus while for other revised approaches could be agreed.

- (k) The creation of appropriate institutions (such as an independent African court justice or of auditors) and political bodies (eg. a parliament) with the authority to make binding decisions may help to ensure transparency and accountability.
- (l) There are no military blocs in Africa, but security problems are real and a disarmament and common defence process must be initiated for Africa, although taking a completely different shape than in Europe. African states should set up effective regional security arrangements because of the prevalence of conflicts on the continent.
- (m) Co-operation with non-Africans should be intensified especially for the purpose of stimulating an increase in capital flows and investment on the basis of mutual interest.

ELEMENTS AND PROCEDURES OF THE CSSDCA PROCESS

17. CSSDCA is a phased concept. Initially, it must be an African initiative and process, launched by African Governments as an important vehicle for greater democratization and better governance in Africa. In the second stage, CSSDCA should involve other powers outside Africa whose actions impinge on Africa. At an appropriate point, the agenda for interaction with relevant non-African states or groups of states will be defined.

18. CSSDCA should, to the extent possible make use of existing organisations and institutions in Africa, even if such bodies would have to be transformed for the purpose, and may not necessitate the creation of new entities. Any costs accruing as a result of the process should be equitably shared by all participating Governments.

19. Although CSSDCA will be a process carried by Governments, this shall not preclude the involvement of recognized NGOs, professional and business organizations as integral elements of the overall process.

20. Following the Cologne meeting, the steering committee set up by the African Leadership Forum(ALF) and the Secretariats of OAU and ECA will engage in close consultations with African NGOs before convening the Kampala Forum in May 1991 to broaden the base and understanding. The Kampala Forum will be part of a broad mobilization process on an individual basis and will directly formulate proposals to be submitted to African Heads of State and Government in Abuja, in June 1991. This will represent the first phase of the

formal intergovernmental process. Government leaders will then have to decide about the next stages of the process. It is hoped that the then current Chairman of the OAU will receive, in this capacity and in his capacity as President of his country, a mandate to start the preparatory work, initially with the convening of a preparatory conference of plenipotentiaries. Following conclusion of their work, Foreign Ministers will have to meet and agree on the text to be submitted for consideration by heads of state. Any pending or unresolved issues will then have to be ironed out by Government leaders themselves.

21. The process should make allowances for periodic review conferences and should also provide for the involvement of independent monitoring committees and groups.

**STATEMENT TO THE KAMPALA FORUM
ON SECURITY, STABILITY, DEVELOPMENT
AND COOPERATION IN AFRICA (CSSDCA)**

by

Professor Adebayo Adedeji
United Nations Under-Secretary-General
and
Executive Secretary of ECA

1. INTRODUCTION

The Economic Commission for Africa is very much pleased to have been able to co-sponsor this meeting with the Africa Leadership Forum and the Organisation of African Unity. I want, therefore, to join General Olusegun Obasanjo, Chairman of the Africa Leadership Forum, and Dr. Salim Ahmed Salim, Secretary-General of the OAU, in expressing our profound gratitude to President Museveni and the Government and people of Uganda for hosting this meeting – the Kampala Forum on Security, Stability, Development and Cooperation in Africa (SSDCA).

May I also extend our warm welcome to Honourable Ministers and distinguished representatives of Governments – African and non-African – and to all the distinguished personalities – African as well as non-African – here assembled for accepting the invitation to this Forum. Your presence no doubt reflects the importance that you all attach to the Forum; and, it confirms also the salience of the issues involved insofar as the foundation for cooperation and development in Africa is concerned. Finally, I will like to thank the representative of the United Nations Development Programme without whose co-operation and support the holding of this Forum would not have been possible.

Almost one decade ago, in Lagos, Nigeria, the Heads of State and Government of the OAU initiated a bold endeavour which was designed to bring about the accelerated development of the African continent and the progressive integration of the African economies. They adopted the first continental blueprints in the form of the Lagos Plan of Action (LPA) and the Final Act of Lagos (FAL). If, in spite of the historic nature of the LPA as the first-ever continental programme for long-term development and socio-economic transformation, we have found it necessary to be here today to explore afresh ways and means of intensifying efforts in those same directions, it can only be because the socio-political context which led to the formulating of the LPA and FAL, and Africa's

own perception of its development into the twenty-first century, yet to become a reality, have made an initiative such as the present one increasingly mandatory if Africa is not to face a systemic collapse in the immediate future.

To appreciate the need for a new, albeit comprehensive, regional initiative, we need to ask and answer such hard questions as: why did we go wrong and how do we overcome? Or put differently, why is Africa in such a mess and where do we go from here?

II. THE INTERLOCKING NATURE OF THE AFRICAN CRISIS

The independence of the Sudan in 1956, of Ghana in 1957, of Guinea in 1958, followed by that of the majority of the West and Central African countries in 1960 heralded the dawn of a new era when the so-called dark continent enjoyed the promise of the continent of the future – bright and prosperous. This promise has regrettably eluded us during the past three decades. Since independence the lot of the African countries has been, almost without exception, that of an unending chain of crises. One African country after another has been shaken by political convulsions and violence. As I pointed out in the Convocation Lecture which I delivered on Africa and the Africans and Their Historic Challenge on the occasion of the eighth Convocation ceremony of the University of Calabar, Nigeria on 3 December 1987, political instability, cleavage and conflict have become prevalent in Africa, and perhaps the most dominant all-pervasive factor in the contemporary social history of the continent. The same conclusion was reached almost a year later in the Khartoum Declaration on the Human Dimension of Africa's Economic Recovery and Development where it was observed that:

"the political context for promoting healthy human development (in Africa) has been marred for more than two decades by instability, war, intolerance, restrictions on the freedom and human rights of individuals and groups as well as over-concentration of power with attendant restrictions on popular participation in decision-making."

The establishment of viable and integrative political order has eluded many African countries. In fact, a few have come close to being destroyed by civil wars or bad government, or both, while in some it can be argued that the very basis of effective government hardly obtains. At the same time, the economic condition of Africa, especially that of sub-Saharan Africa, has become almost universally grim, if not tragic, as many countries are threatened by a systemic economic breakdown and the economic centre no longer holds. Sadly enough, the interlocking nature of the African crisis and the development problematic which was all too obvious was generally ignored. Perhaps the first

explicit recognition came almost belatedly in the African Charter for Popular participation in Development and Transformation where it was stated:

"...the crisis currently engulfing Africa, is not only an economic crisis but also a human, legal, political and social crisis. It is a crisis of unprecedented and unacceptable proportions manifested not only in abysmal declines in economic indicators and trends, but more tragically and glaringly in the suffering, hardship and impoverishment of the vast majority of African people. At the same time, the political context of socio-economic development has been characterized, in many instances, by an over-centralization of power and impediments to the effective participation of the overwhelming majority of the people in social, political and economic development. As a result, the motivation of the majority of the African people and their organizations to contribute their best to the development process, and to the betterment of their own well-being as well as their say in national development has been severely constrained and curtailed and their collective and individual creativity has been undervalued and under-utilized."

The systematic economic breakdown in Africa, it must be understood, is principally the result of the political and social conditions of the continent – poor governance, lack of public accountability and of popular participation by the majority of the population, an increasingly narrow base of decision-making, the crisis of confidence between the governed and their governments. As Claude Ake reminded us in a paper presented at the ECA International Conference of "Africa: The Challenge of Economic Recovery and Accelerated Development" held in Abuja, Nigeria, in June 1987, "we are never going to understand the current crisis in Africa much less contain it as long as we continue to think of it as an economic crisis. What is before us is primarily a political crisis; its economic consequences are serious enough as we know only too well, but they are nonetheless incidental. Not only is the crisis entirely political in character, it is also political in origin." The economic breakdown in turn, of course, aggravates political instability in the region in a most vicious interaction between bad politics and poorly run and declining economies, and the social and psychological consequences are, to put it mildly, disastrous. There can be little doubt that, between them, i.e., the persistent political turbulence in Africa and the pervasive and persistent economic crisis, have led to political despair, and to the marginalization of the continent and the consolidation of the image of the region as a perpetual underdog of the world.

Thus, part of the reasons we have remained enmeshed in the mess in which we now find ourselves is because we have chosen to ignore at our peril the mutually reinforcing negative consequences of political and economic crises

in Africa, and because we stubbornly refused to allow our policies and programmes to be influenced by the full realization that political and economic reforms are necessarily interlocking and intertwining. The focus on narrow, economic objectives and short-term management of the African economy in the 1980s instead of the longer-term human-centred development objectives is another reason why our economies and the level of their integration are still at the stage at which they are today.

There can be no greater fallacy than that which sees a dichotomy between security and stability, on the one hand, and co-operation and development, on the other, or says that either can be kept away from the other in a watertight compartment. Development and co-operation being a multivariate process in which all elements – economic and non-economic – interact organically with each other cannot be divorced from its social, cultural and political settings. Again, as I had pointed out in my Calabar Convocation Lecture, "the operation of the law of cumulative causation in Africa has been such that political instability and the weakness of ineffectiveness of many a government have resulted in the aggravation of the continent's economic vulnerability, stagnation and decadence which, in turn, has exacerbated the dependence of its economies on exogenous factors, aggravated its economic backwardness and is resulting in severe societal strains and stresses which in some cases are close to total breakdown."

Insecurity in Africa is both at societal and individual/personal levels. Beginning with the first military coup d'état in sub-Saharan Africa in the Sudan on 17 November 1958, coups have become rather endemic on the continent of Africa. Africa has seen no fewer than a hundred coups and counter-coups in the last two decades, most of which have heralded the dawn of an unstable hegemony of governments whose number one priority and consummate focus is regime perpetuation and security rather than the security of the nation. The transformation of the entire political economy into that of despotism, with authoritarianism and kleptocracy in place of democracy, public accountability and political empowerment has not only undermined liberty and freedom of the individual, it has led to his or her marginalization in the development process. It has led to the people being actually forgotten in the scheme of things.

We have seen in the last two decades in Africa a blatant disregard for the protection and promotion of the human rights of the individual such as it has never before been experienced anywhere on the continent, as well as the growing marginalization of individual citizens in governance of national affairs. We have seen the ironic tragedy of many African Governments that would expect the same citizenry that is suppressed, tramped upon, violated, coerced and brutalized, and even jailed for mere expressions of dissent, to be the very mentors and fulcrum of the processes of change and transformation. An

increasingly large number of Africans have been turned into refugees or displaced persons by the political turmoil on the continent or held hostage to externally dictated programmes of adjustment. Primarily as a result of lack of security and stability in Africa, we now have the rather dubious distinction of being the continent with the largest population of refugees in the world.

III. THE ROLE OF EXTERNAL FACTORS IN THE LACK OF SECURITY AND STABILITY IN AFRICA

No serious discussion of the problems of security and stability of Africa will be complete without an assessment of the influence of the external factors. The history of African countries has been replete with important instances of perverse external involvement of Africa as a pawn in ideological battles and super-power rivalry, and involuntary and unequal linkages to the international economic and financial system, with all the insecurity and instability that they entailed for the region.

Whether or not and to what degree the African countries are still being subjected to neo-colonialist manipulation will continue to be debated. What is clearly undeniable is that some of Africa's contemporary problems of insecurity and instability are directly traceable to colonialism.

The balkanization of Africa – a prime example of our colonialist legacy – has been a perennial source of instability. By splitting and locating one ethnic group across the borders of two or more countries, balkanization supplied the *raison d'être* of some of the unending border disputes and wars which have plagued and are still plaguing the African countries today. As it is, some of these disputes or wars have endured or intensified, as the case may be, undermining the very basis for intra-African economic co-operation and integration.

Our economic structure of mono-cultural production and our reliance on the export of one or two primary commodity exports is another of our unenviable colonial inheritances and pre-dispositional sources of instability. The colonial economic legacy of extreme openness and excessive dependence renders Africa particularly vulnerable to external shocks. It is part of the reason the increasingly unfavourable international economic climate – resulting from the volatility and collapse of commodity prices, exchange rate fluctuations, high interest rates and increased protectionism, together with the worsening terms of trade – has constituted such a serious constraint on Africa's development and transformation, and such a source of insecurity to Africa's primary producers.

Imported ideological and political differences have occasionally been a source of intra-African disputes and conflicts in neighbouring African countries. For instance, ideological cleavages between avowed Marxists and non-Marxists, and between proponents and opponents of communism, have ostensibly been responsible in part for some of the internal conflicts in Africa and for external involvement in the "proxy" or "surrogate" internal civil wars fought in recent times or in the not too distant past in some parts of central, eastern and southern parts of the continent. In this regard, one of the positive developments from the new political configurations in the world, characterized by increasing ideological homogeneity and a thaw in the cold war and in super-power rivalry, will be, over the long run, the attenuation of ideology as a source of conflict within and among African countries.

Other manifestations of the external factors in the security problems and the instability of the African region have included direct interference in the internal affairs of some African countries, military interventions, mercenary invasion and other acts of destabilization. Too often, leaders who have lost the confidence of their people are sustained in office in Africa by outside forces, including military forces, while the same forces have been known to be the real ousters of leaders who, though locally popular, fail to toe the line or offend the interests and sensibilities of metropolitan powers.

South Africa's export of violence and its deliberate destruction of the economy and lives in neighbouring States in order to defend the apartheid system and ensure its continuation has been a dominant source of insecurity and instability in the entire Eastern and Southern African sub-region. The countries that have been most seriously affected by the debilitating impact of acts of destabilization, aggression and subversion by the Government of South Africa are the nine countries of SADC which incurred not only human costs but also prohibitive costs in terms of war damage, extra defence spending, higher transport and energy costs, relief and survival support to the large and growing number of refugees and displaced persons, and losses of output and exports resulting from boycotts and embargoes. The effects of South Africa's regional strategy for ensuring the continuation of apartheid did in fact pervade all aspects of life in neighbouring countries – lives and economic infrastructure destroyed or damaged, and seeds of future disruption sown in the ravaging of health and education facilities. The Government of South Africa brazenly supported and actively participated in open warfare in countries such as Mozambique and Angola, and waged economic war against others. How much more could life have been made insecure and unstable for the affected countries, particularly when account is taken of the very long time that would be needed to recoup accrued losses and regain the capacity already destroyed?

There are important non-political sources of instability and insecurity, however. The extent that the orthodox Structural Adjustment Programmes (SAPs) have given rise to general disaffection, protests and riots on the continent is, for example, illustrative of the impact of foreign-imposed economic policies on national stability. In addition, the increasing role of foreign experts and advisers, directly and indirectly, in national economic decision-making in Africa is a potent source of policy discontinuity on account of which the management of the economy has greatly suffered. It is not hard to imagine where the African economy would be today with respect to income distribution and general economic welfare had we not been derailed from relentlessly and vigorously pursuing the Monrovia Strategy, the LPA and FAL through the publication of the Agenda for Action even before the ink had dried on the paper on which the LPA was written. It is also not difficult to imagine what would have happened to our social and economic milieu since 1985 if the goals of policy reforms for recovery, as enshrined in Action Plan for Political and Economic Reform (APPER), had not been hijacked by the orthodox SAPs that were principally concerned with the symptoms rather than with the root causes of our underdevelopment.

The perverse influences of external factors are not however the only significant sources of insecurity and instability in the African countries. The African elites are themselves part of the problem of Africa. They bear a large responsibility for some of the problems of insecurity and instability that confront the African countries. As an example, many political elites often seek to perpetuate themselves in power, and any challenge by the people to their rule, no matter how principled, is perceived as treason. Mansour Khalid recently wrote in a devastating account of the failure of the Sudanese elite – their selfishness, egotism, self-centredness, a tendency to distance themselves from the societies that have given them birth and their anxiety to be assimilated into the elites of Europe. What he said about the Sudanese elite applies *mutatis mutandis* to the elites of all other African countries – self-seeking, opportunistic, sycophantic and lacking in much commitment to Africa. But for the African elites, the continent would not have remained the despised appendage of the receding apron strings of the very metropolitan powers that once ruled over it, free to be manipulated at will. Lack of public accountability by the African elite has been a major source of dissatisfaction and disaffection among the citizenry Africa and, in turn, one of the provocations to violent demonstrations. By recklessly exploiting ethnic, religious and other social differences for personal gains and political ends, many African elites have exacerbated the divide and rule game and created growing tensions in many African countries. In relation to the rest of the society, it is always a zero-sum game in which the gain for the individual elite becomes the loss to the nation.

IV. THE WAY FORWARD

But if such is the severity of the mess in which Africa has found itself with respect to insecurity and instability, what, if I may ask, is the way forward in Africa? It should by now be obvious that very little progress, if any, can be made with economic development and with the economic integration and co-operation on the continent of Africa without security and stability. Both are umbilically linked, and there cannot be one without the other.

Without security, defined broadly to mean economic, political and social security at national, sub-regional and regional levels, there can be no stability in the African region; and, without stability, there can be little prospects for economic integration and co-operation, or for socio-economic transformation of the African economies. Economic, political and social security are part of the enabling environment that will bring about a high degree of involvement and commitment in development on the part of the entire population.

Education, skills, technology, capital, level of remuneration, etc., are no doubt important in motivating an individual to want to give his best to achieve the highest level of productivity possible. But, as I said in my Calabar Convocation Lecture, there must, in addition, be an enabling environment in terms of political freedom – freedom of speech, of thoughts, and of association, freedom from economic and personal insecurity and freedom from arbitrary arrest must be supreme in such a society. Individuals must be able to express new ideas, to articulate new thinking without being molested. It is in such a political environment that a high level of productivity can be generated. It is in such a society that the values of self-reliance can be developed. It is in such a society that a consensus of values, based on the common characteristics of toughness, determination, resilient inner strength, steadfastness in duty, respect of the law, etc., will evolve and grow. In other words, there must be the democratization of the development process in such a society and adequate and effective political accountability.

But development, democracy and co-operation cannot flourish in societies that are constantly in a state of war and crisis-ridden and subject to political and social intolerance, ethnic and religious unrest, and secessionists activities. Nor are inter-State conflicts and border disputes conducive to effective co-operation.

Important as it may be, it will not be sufficient for us to simply agree at this Forum that political pluralism and protection of basic human rights are essential ingredients for fostering national, sub-regional and regional security and stability, or that security and stability are in turn some of the essential and most crucial ingredients and foundation for co-operation and development. We need to do much more. We need to formalize the ideals of a self-reinforcing

linkage between political, economic, social, cultural and psychological development and the evolution of the politics and policies based on consensus and consent, conviction and commitment, and compassion and accountability into a grand process. We need to formulate the essential properties of the design of the very process that will keep in constant focus the essence of the inter-linkages we have been able to identify.

Africa's history has been replete with struggles against man's inhumanity, against injustice – struggles against slavery, against colonialism and, against racial discrimination and apartheid are shining examples. But the time is long overdue to add a new dimension to the struggle. We must now turn our struggle into the struggle for personal freedom, justice and democracy for our people. Let us turn it into the struggle for human rights and dignity for our people. And, above all, let it be the struggle for the political and economic empowerment of our people. It is only by so doing that we will usher in the second liberation of Africa and unleash the energies of our people. We must put in place a national security system which enables each of our countries to achieve its national objectives while at the same time it provides a very high degree of guarantee, through political, economic, psycho-social and military actions, personal security, personal freedoms and human rights to all its citizens without any type of discrimination on account of race, sex, religion, or cultural or ethnic origin and differentiation.

Africa needs to evolve its own system of security, a new order of stability, and a new democratic order that will redefine and shape the region's political, cultural, economic and social agenda, and, by so doing, lay the groundwork for development and co-operation on the continent for generations to come, and in respect of the region's relations with the rest of the world. The comprehensive new order must not only embody a common set of values and notions of justice, equity and freedom but it must, by providing a set of principles and a common code of conduct to which all African countries will subscribe, encompass a defined process and a given framework in which the issues of security, stability, development and co-operation are explicitly linked. But, above all, Africa needs to put itself in a position where it will be able to set its agenda by itself rather than have it set by other countries or power centres.

The nature, content and scope and complexity of the historic challenge that faces Africa and the Africans is such that our resolve will be measured not by our rhetoric but by how urgently, vigorously and persistently the challenge is addressed on the part of all and sundry, and whether or not we do so with all the might and resources at our disposal. Although any security, stability, development and co-operation process for Africa, to be viable and durable, must proceed in the end as an intergovernmental process, it is important that it is seen and viewed right from the beginning as a collective process in which there is

room for the elites to participate in their individual capacities, both in bringing pressure to bear on governments – African and non-African – to participate in the process, and in giving impetus to the process through general advocacy and the promotion of public enlightenment and education.

The new vision for Africa must be one wherein the new concepts of the State are defined in terms of the rights and obligations of the State to its citizens, where institutions and the rule of law take precedence over personalism, where leaders and not rulers are what will be in hot demand, where the State has more to offer than its hollow shell of sovereignty, where the governed and their governments are moving hand-in-hand in the promotion of the common good, where it is the will of the people rather than the wishes of one person or a group of persons, however powerful, that prevails, and, where the gravest threat and indeed the only threat to the State and state security would be perceived as the poverty and indignity and deprivation of its citizenry. So perceived, the issue of one African country having to give up part of its existing sovereignty in order to gain greater sovereignty in freedom and unity with other African countries becomes more comprehensible, and reductions in military expenditures become part of the peace dividends to be reaped from promotion of social and political stability. But above all, the solidarity and spirit of Pan-Africanism, which made the struggle for the independence of one country the struggle of all countries of Africa, would have been recaptured, and we can then all see in the need for economic development, co-operation and integration of Africa a common cause for action.

Whatever we do, we must ensure that the Kampala Forum marks a new beginning for Africa, the birth of a new Africa in which a new era of democratization of the development process, the political and economic empowerment of the people, public accountability and economic and social justice will become internalized at each national level. We must resolve, through the seminal document that will emerge from the Kampala Forum, to give hope to the hopeless in Africa, and to send forth the unequivocal and unambiguous signal that Africa is ready for change from being a citadel of political instability and social conflict and unrest into one of stability, democracy, social cohesion, national unity and regional integration, ready to initiate and organize the process that will enable it, using its own concepts, policies and instruments for socio-economic engineering, attain self-reliant and self-sustaining development, and ready to will for itself a new future that will release, galvanize and recharge the energies of its teeming masses. This is the only path of honour and dignity and hope for our peoples. It is a sacred duty that we owe to mother Africa.

What is the specific agenda that will make all this possible? This is the question that we must now attempt to answer in the concluding part of this address.

V. POLICY AGENDA FOR SECURITY AND STABILITY IN THE 1990s

The question of what the policy agenda should be for security and stability on the continent in the 1990s is extremely complex and admittedly easier posed than answered. But, in groping for an answer or for a series of answers, our onerous task of drawing up a policy agenda, I believe, is considerably eased and assisted by some of the positive and spectacular political developments on the continent in 1990 and 1991, especially with respect to people-driven democratic changes.

The wind of change that is blowing across the continent in the quest for basic rights, individual freedom and democratic participation in social, political and economic development is a significant feature of 1990 which began with the adoption in Arusha, Tanzania, of the African Charter for Popular Participation in Development and Transformation by an ECA-sponsored International Conference. In line with the call in the African Charter for the broadening of the social base of power and decision-making, and for the creation of a new partnership between the people and the governments in the common interests of society and accelerated socio-economic development, the African Governments have themselves started yielding space to the people. Let us hope that the process will continue and indeed accelerate and gather momentum into the gale force that it promises to be.

The second positive development is the ongoing dialogue in the Republic of South Africa to dismantle apartheid and install a truly democratic system of government. Although the progress has been slow, there is hope that the process which was begun last year is already irreversible, and that a genuinely democratic majority-ruled Republic of South Africa will soon emerge and be properly integrated into the African geo-political economy rather than remain a source of destabilization and instability as it had been in the past in the Eastern and Southern African sub-region.

In what follows, I have decided to touch only briefly on some of the salient issues in the policy agenda for security and stability in Africa in the 1990s. My focus on the agenda is essentially at three levels - national, sub-regional and regional:

Promoting human rights to accelerate popular participation

Promotion and protection of human rights and basic freedoms are essential to fostering genuine popular participation. As a first step, governments should incorporate provisions relating to fundamental human rights and basic freedoms

in their national constitutions or comparable legal codes. Subsequently, national institutions should be established to monitor compliance of governments to the human rights provisions.

At the continental level, the African Commission on Human and People's Rights should undertake annual assessment of human rights record of African countries and publish its findings.

Promoting ethnic equity and social justice

Promotion of economic equity and social justice are essential elements for fostering stability. The specific ways for achieving the goals of economic equity and social justice may vary from country to country. But basically, there should be created institutions, such as social opportunities commissions, that will monitor and report annually on access to education, health, housing and other welfare facilities. In particular, specific programmes for poverty eradication should be designed and implemented by African countries.

Promoting public accountability

Public accountability is vital to sustained confidence in governance of public affairs, itself an essential requirement for political stability.

African countries should strive to establish or strengthen, as appropriate, institutions that promote public accountability. These may take the form of an ombudsman or a code of conduct bureau as well as audit boards.

These bodies should be given protection from arbitrary executive or legislative interventions through guaranteed tenure of office, salaries and pensions for those who administer them.

Limitation to tenure of political leaders

Frequently, political leaders in Africa have tended to remain in office for a prolonged period of time or for life. This has not only resulted in the stifling of innovation in management of national affairs, it has also made it possible for leaders to act without commitments to the basic values of public accountability, thus breeding corruption and gross abuse of power.

African countries should, therefore, enshrine provisions in their national constitutions that explicitly prohibit political leaders from remaining in office for

more than a fixed term. In addition, rotation of top political offices – the presidency or prime ministership or Head of State as the case may be – should be considered in situations where regional or ethnic balance is crucial.

Regaining sovereignty over conflict resolution and management

The growing tendency towards referring disputes within or among African countries to extra-African powers for resolution has to be curtailed. Institutions for adjudication and arbitration in intra- and inter-State conflicts should be established or strengthened, as appropriate, at the national and regional levels respectively. The organs of the OAU established for arbitration and mediation should be revived to provide the regional umbrella under which sub-regional institutions such as the Economic Community of West African States (ECOWAS), the Preferential Trade Area for Eastern and Southern Africa (PTA), the Southern African Co-ordinating Conference (SADCC), the Arab Maghreb Union (AMU), the Economic Community of the Great Lake Countries (CEPGL), and the Economic Community of Central African States (ECCAS), will serve as the decentralized centres for conflict resolution and management in their respective sub-regions. With respect to intra-State conflicts, Africa's traditional media for conflict resolution should always be explored and exploited fully in its various forms and early enough, especially the cultural norms of respect for the mediation roles of elders in traditional African societies.

Establishing peace-keeping mechanisms

A major lacuna in existing sub-regional and continent-wide political institutions is the lack of viable peace-keeping arrangements, a situation that has led to exacerbation of several intra-State and inter-State African conflicts. To redress the situation where many conflicts in Africa have degenerated to brutal savagery, it will be important to devise creative and cost-effective arrangements for peace-keeping in Africa in order to give mediation and conciliation a good chance.

Peace-keeping arrangements can be designed both within sub-regional and continent-wide frameworks. To this end, there should be a defined body of rules for peace-keeping to be codified under the auspices of the OAU which itself should have a key role in peace-keeping processes on the continent, with adequate flexibility and initiative for sub-regional arrangements.

Confidence-building measures

Confidence-building measures that will reduce suspicion among African countries will need to be promoted. One such measure should be a collective non-aggression pact among all African countries. This will not only prevent the possible use of the territory of one African country for launching attacks on another African territory by a foreign power, it will eliminate also the quick resort to the use of force at the slightest provocation or indication of disagreement among African countries.

Seeking active partnership with the rest of the world

In an increasingly interdependent world, Africa should seek the support and co-operation of other regions and countries to promote its goals of security, stability, development and co-operation. But the partnership has to be based on equality and mutual respect. In this context, it is essential for the rest of the world to respect Africa's agenda and Africa's priorities, perceptions, goals and strategies and not try to supplant them or foist its own designs on Africa. This implies that unbridled interference in the political and economic management of African countries from outside the region would have to be terminated. It means that indigenous democratic processes and cultures must genuinely be given a chance to develop and triumph, and that African initiatives will be supported fully without the temptation to impose political conditionalities from without.

MOZAMBIQUE

CONSTITUTION OF THE REPUBLIC OF MOZAMBIQUE

(This is the full text of the Constitution
adopted by the Mozambican parliament in November 1990.
The English translation is by AIM)

PREAMBLE

At zero hours on 25 June 1975, the Central Committee of the Mozambique Liberation Front (FRELIMO) solemnly proclaimed the total and complete independence of Mozambique and its Constitution as the People's Republic of Mozambique.

This was the culmination of a centuries long process of resistance to colonial rule. It was the unforgettable victory of the armed national liberation struggle, led by FRELIMO, which brought together all the patriotic sectors of Mozambican society in the same ideals of freedom, unity, justice and progress.

The Constitution then proclaimed attributed a determinant role to FRELIMO as the legitimate representative of the Mozambican people. Under its leadership, the uplifting process of the exercise of state power as an expression of the people's will was begun.

The state that we have created has made it possible for the Mozambican people to deepen democracy and, for the first time in their history, to exercise political power and organise and direct social and economic life at a national level.

The way in which state institutions have functioned and the democratic practice of citizens impose new definitions and developments.

After 15 years of independence, the Mozambican people, using their inalienable right to sovereignty, determined to consolidate the nation's unity and to respect the dignity of Mozambicans, adopts and proclaims this Constitution, which shall be the basic law for all political and social organisations in the Republic of Mozambique.

The fundamental rights and freedoms enshrined in the Constitution are gains of the Mozambican people in their struggle to build a society of social justice, where the equality of citizens and the imperatives of the law are the pillars of democracy.

We, the Mozambican people, determined to deepen the arrangement of political life in our country, in a spirit of responsibility and pluralism of opinion, are decided to organise society in such a way that the will of the citizens may be the greatest value of our sovereignty.

PART 1
BASIC PRINCIPLES
CHAPTER 1
THE REPUBLIC

Article 1

The Republic of Mozambique is an independent sovereign, unitary and democratic state of social justice.

Article 2

1. Sovereignty is vested in the people.
2. The Mozambican people shall exercise their sovereignty in the manner provided for in the Constitution.

Article 3

1. The territory of the Republic of Mozambique is a single whole, indivisible and inalienable, comprising the entire land surface, territorial waters and air space delimited by the national boundaries.
2. The breadth, limits and legal order of Mozambique's territorial waters, the exclusive economic zone, the contiguous zone and seabed rights shall be fixed by law.

Article 4

1. The territory of the Republic of Mozambique shall be subdivided into provinces, districts, administrative posts and localities.
2. Urban zones shall be classified as either cities or towns.
3. The definition of administrative divisions, the creation of any new units, as well as the power to decide on politico-administrative organisation shall be fixed by law.

Article 5

1. In the Republic of Mozambique, Portuguese shall be the official language.
2. The State shall esteem national languages and promote their development and increasing use as spoken languages and in the education of citizens.

Article 6

The fundamental aims of the Republic of Mozambique shall be:

- a) The defence of independence and sovereignty;
- b) The consolidation of national unity;
- c) The building of a society of social justice, and the achievement of material and spiritual well-being for its citizens;
- d) The defence and promotion of human rights and of the equality of citizens before the law;
- e) The strengthening of democracy, of freedom and of societal and individual stability;
- f) The development of the economy, and scientific and technological progress;
- g) The affirmation of the Mozambican personality, of its traditions and other social and cultural values;
- h) The establishment and development of relations of friendship and cooperation with other people and states.

Article 7

1. The Republic of Mozambique shall uphold the values of the heroic struggle and centuries of resistance by the Mozambican people against foreign rule.
2. In the building of the Mozambican nation, in the strengthening of national unity, and in the promotion of the democratic participation of citizens, the State shall retain as a national heritage the decisive role played by the Mozambique Liberation Front (FRELIMO) in the victory over colonialism and in the winning of national independence.

Article 8

1. The Republic of Mozambique shall acknowledge and esteem the sacrifices made by those who gave their lives to the national liberation struggle and to the defence of the country's sovereignty.
2. The state shall guarantee the special care and protection of those who suffered permanent injury in the national liberation struggle, in the defence of independence, sovereignty and territorial integrity, as well as the orphans and other dependants of those who died in this cause.

Article 9

1. The Republic of Mozambique shall be a lay state.
2. The activity of religious institutions shall be subject to law.
3. The State shall respect the activities of religious denominations in order to promote a *climate of social understanding and tolerance*, and to strengthen national unity.

Article 10

The symbols of the Republic of Mozambique shall be the national flag, emblem and anthem.

CHAPTER 2 NATIONALITY SECTION 1 NATIONALITY BY ORIGIN

Article 11

1. The following are Mozambicans, as long as they were born in Mozambique:
 - (a) The children of a father or a mother who was born in Mozambique;
 - (b) Children whose parents are unknown, stateless or of unknown nationality;

- (c) Those who were domiciled in Mozambique at the time of independence;
 - (d) Those who established their domicile in Mozambique within 90 days of the proclamation of independence;
 - (e) Those to whom the President of the Republic has previously granted nationality by origin.
2. Persons referred to in 1.(c) above, insofar as they are children of a foreign father and a foreign mother, do not have Mozambican nationality, if, within 90 days of the proclamation of independence, they declared for themselves, if over 18 years of age, or through their parents or guardian, if younger than this, that they did not wish to be Mozambican.

Article 12

- 1. Persons born in Mozambique after the proclamation of independence are Mozambican nationals.
- 2. This rule shall not apply to children of a foreign father and a foreign mother, if either of them is in Mozambique in the employ of the government of his or her country.
- 3. The persons referred to in (1) above, if born of foreign parents, shall only have Mozambican nationality if they declare, for themselves if over 18 years of age, or through their parents or guardians if younger than this, that they wish to be Mozambican.
- 4. The time limit for the declaration referred to in the previous paragraph is 90 days, to be counted from the date of birth where the declaration is made by a parent or guardian, or the eighteenth birthday where the declaration is made personally.

Article 13

Persons not covered by other legal provisions who took part in the national liberation struggle and who have declared that they wish to be Mozambican, and have expressly renounced any other nationality, are Mozambicans.

Article 14

The children of a Mozambican mother or father who took part in the national liberation struggle, even if born abroad before the proclamation of independence, are Mozambicans.

Article 15

Persons who, although satisfying the prerequisites for nationality by origin, did not acquire such nationality due to a choice made by their parents or guardian, are Mozambicans provided they personally declare, within a year of reaching the age of 18, that they wish to be Mozambican.

Article 16

Those persons not covered by previous articles who had been living in Mozambique for at least 20 years prior to the date of independence are Mozambicans, provided that they declared, within 90 days of the proclamation of independence, that they wished to be Mozambican.

Article 17

Those persons not covered by previous articles who were less than 40 years old at the time of independence, and who were domiciled in Mozambique for a period of time longer than half their life, are Mozambicans, provided that they declared, within 90 days of the proclamation of independence, on their own behalf if they were older than 18, or through their parents or guardians if younger, that they wished to be Mozambican.

Article 18

The children of a Mozambican mother or father working for the Mozambican state outside the country are Mozambicans, even if born abroad.

Article 19

Even if born outside the country, the children of a Mozambican mother or father are Mozambicans provided that they expressly renounce, on their own behalf if they are older than 18, or through their parents or guardians if younger, any other nationality to which they may be entitled.

Article 20

Persons to whom the President has already granted nationality by origin for relevant services to the cause of national liberation are Mozambicans.

SECTION 2 NATURALISATION

Article 21

A foreign woman who has married a Mozambican citizen acquires Mozambican nationality if she meets all of the following conditions:

- a) that she renounces her previous nationality;
- b) that she declares that she wishes to acquire Mozambican nationality;
- c) that she establishes domicile in Mozambique; and
- d) that she meets the other requirements set by law.

Article 22

Mozambican nationality may be granted by naturalisation to foreigners who, at the time of their request, meet all the following conditions:

- a) that they renounce their previous nationality;
- b) that they have lived habitually and regularly in Mozambique for at least ten years;
- c) that they are over 18 years old;
- d) that they meet the other requirements set by law.

Article 23

Mozambican nationality may be granted by act of naturalisation to the unmarried children, under 18 years of age, of a naturalised citizen.

SECTION 3 LOSS OF NATIONALITY

Article 24

Mozambican nationality shall be lost by any person who:

- a) voluntarily acquires a foreign nationality;
- b) without authorization from the Government, agrees to provide services to a foreign state which may violate the higher interests of the nation or the sovereignty of the State;
- c) being also a citizen of another state, duly declares, that he or she does not wish to be Mozambican, or, having attained the age of majority, behaves in fact as a foreign national;
- d) having as a minor obtained Mozambican nationality by virtue of a parent's or guardian's declaration, renounces, in accordance with the requisite procedures, and within one year of reaching the age of majority, his or her Mozambican nationality, provided he or she can demonstrate possession of another nationality;
- e) expressly renounces Mozambican nationality.

SECTION 4 REACQUISITION OF NATIONALITY

Article 25

1. Mozambican nationality may be granted to persons who have first lost and now reclaim such nationality, if they meet all the following conditions:
 - (a) that they renounce their previous nationality;
 - (b) that they establish domicile in Mozambique;
 - (c) that they meet the other requirements set by law.

2. Such reacquisition of nationality shall restore the legal status obtaining prior to the loss of nationality.

Article 26

1. A Mozambican woman who has lost her nationality through marriage may reclaim it:
 - (a) if she has not acquired any other nationality by furnishing ordinary proof of this;
 - (b) if she has acquired another nationality, by the express renunciation thereof.
2. Such reacquisition of nationality shall restore the legal status obtaining prior to the loss of nationality.

SECTION 5 MISCELLANEOUS PROVISIONS

Article 27

No other nationality of persons who are Mozambican nationals under the terms of Mozambican law shall be recognised or have any legal effect in the Republic of Mozambique.

Article 28

The registration and proof of acquisition, loss and reacquisition of Mozambican nationality shall be regulated by law.

Article 29

1. Naturalised citizens shall not be eligible for access to a career in the diplomatic service or the armed forces or any such equivalent.
2. The law shall define conditions under which naturalised Mozambican citizens and foreigners may exercise public functions or private functions of public

interest.

CHAPTER 3
PARTICIPATION IN THE POLITICAL LIFE OF THE STATE

Article 30

The Mozambican people shall exercise political power through elections of their representatives by universal, direct, secret and periodic suffrage, through referenda on major national issues, and through permanent democratic participation by citizens in the affairs of the nation.

Article 31

1. Parties are expressions of political pluralism. They shall compete to form and proclaim the will of the people, and shall work as fundamental instruments for the democratic participation of citizens in the government of the country.
2. The internal structure and the operation of political parties must be democratic.

Article 32

1. In profound respect for national unity, political parties shall be bound by the principles enshrined in the Constitution and in the law.
2. The formation and operations of political parties are subject to the following conditions. Political parties shall:
 - (a) be national in scope;
 - (b) defend national interests;
 - (c) contribute to the formation of public opinion particularly on major national issues;
 - (d) strengthen the patriotic spirit of citizens and the consolidation of the Mozambican nation.
3. Parties shall contribute through the political and civic education of citizens, towards peace and stability in the country.

4. The formation, structure and operation of parties shall be regulated by law.

Article 33

Political parties shall be prohibited from advocating or resorting to violence in order to change the political and social order of the country.

Article 34

1. Social organisations, as associations of citizens having joint interests and affinities, play an important role in promoting democracy and in the participation of citizens in political life.
2. Social organisations contribute to achieving the rights and freedoms of citizens, as well as towards raising individual and collective consciousness in the fulfilment of civic duties.

CHAPTER 4 ECONOMIC AND SOCIAL ORGANISATION

Article 35

1. Natural resources located in the soil and sub-soil, in interior waters, in territorial waters, on the continental shelf, and in the exclusive economic zone shall be property vested in the state.
2. The public domain of the State shall also include:
 - (a) the maritime zone;
 - (b) the airspace;
 - (c) archaeological heritage;
 - (d) nature conservancy zones;
 - (e) hydraulic power resources;
 - (f) energy resources;
 - (g) other goods and assets classified as such by law.

Article 36

The State shall promote knowledge, surveys and evaluation of natural resources, and shall determine the conditions under which they may be used and developed, in the national interest.

Article 37

The State shall promote efforts to guarantee the ecological balance, and the conservation and preservation of the environment, seeking to improve the quality of life for citizens.

Article 38

State economic policy shall be directed towards laying the fundamental bases for development, improving the living conditions of the people, strengthening the sovereignty of the State, and consolidating national unity, through the participation of citizens and the efficient use of human and material resources.

Article 39

1. The Republic of Mozambique shall treat agriculture as the basis for national development.
2. The State shall guarantee and promote rural development in order to satisfy the growing and diverse needs of the people, and for the economic and social progress of the country.

Article 40

The Republic of Mozambique shall treat industry as a dynamising factor for the national economy.

Article 41

1. The economic order of the Republic of Mozambique shall be based on the value of labour, on market forces, on the initiatives of economic agents, on the contributions by all types of ownership, and on the role of the State in regulating and promoting economic and social growth and development, in order to satisfy the basic needs of the people, and to promote social well-being.
2. The national economy shall consist of the following types of ownership, which shall complement each other:
 - (a) State ownership;
 - (b) cooperative ownership;
 - (c) joint ownership;
 - (d) private ownership.
3. The State shall ensure that economic activities conform with the interests provided for in the Constitution and in the law.

Article 42

1. In satisfying the basic needs of the people, the family farming sector plays a fundamental role.
2. The State shall support and provide incentives for family sector production, and shall encourage peasants as well as individual labourers to organise themselves into more advanced forms of production.

Article 43

The State shall promote and support the active participation of the national business sector in the development and consolidation of the country's economy.

Article 44

The State shall recognise the contribution made by small scale production to the national economy and shall support its development as a way of making good use

of the capacities and creativity of the people.

Article 45

1. Foreign investment shall operate within the framework of state economic policy.
2. Foreign ventures shall be permitted in all economic sectors, except those that are exclusively reserved for State ownership or development by the State.

Article 46

1. All property in land shall vest in the State.
2. Land may not be sold, or mortgaged, encumbered or otherwise alienated.
3. As a universal means for the creation of wealth and of social well-being, the use and enjoyment of land shall be the right of all the Mozambican people.

Article 47

1. The State shall determine the conditions under which land may be used and enjoyed.
2. The right to use land shall be granted to individual or collective persons, taking into account its social purpose.
3. The terms for the establishment of rights in respect of land shall be governed by law and shall prioritise direct users and producers. The law shall not permit such rights to be used to favour situations of economic domination or privilege to the detriment of the majority of citizens.

Article 48

In granting titles for the use of land, the State shall recognise and protect rights acquired through inheritance or occupation, unless there is a legal reservation, or the land has been legally granted to another person or entity.

Article 49

1. The State shall promote and coordinate economic activity, acting directly or indirectly to resolve the basic problems of the people and to reduce social and regional inequalities.
2. State investment shall play a dynamising role in promoting development.

Article 50

Taxes shall be imposed and altered by law, and shall be set according to criteria of social justice.

Article 51

1. Labour shall merit respect and protection, and it shall be the driving force of development.
2. The State shall promote the just distribution of the proceeds of labour.

Article 52

1. The Republic of Mozambique shall promote an educational strategy that aims at national unity, at wiping out illiteracy, at mastering science and technology, and at providing citizens with moral and civic values.
2. The State shall organise and develop education through a national educational system.
3. Education provided by collective and other bodies shall operate in accordance with the law, and shall be subject to state supervision.

Article 53

1. The State shall promote the development of national culture and identity, and shall guarantee free expression of the traditions and values of Mozambican society.

2. *The State shall make Mozambican culture known internationally, and shall take action to enable the Mozambican people to benefit from the cultural achievements of other peoples.*

Article 54

1. *Medical and health care for citizens shall be organised through a national health service which shall benefit all Mozambicans.*
2. *To achieve the goals of the national health system, the law shall establish the way in which medical and health care is delivered.*
3. *The State shall promote the participation of citizens and institutions in order to raise the level of public health care.*

Article 55

1. *The family is the basic unit of society.*
2. *The State shall recognise and protect, in accordance with the law, marriage as the institution that secures the values of the family.*
3. *In the context of developing social relations based on respect of human dignity, the State shall guarantee the principle that marriage is based on free consent.*

Article 56

1. *Motherhood shall be afforded respect and protection.*
2. *The family shall be responsible for raising children in a harmonious manner, and shall teach the new generations moral and social values.*
3. *The family and the State shall ensure an all round education of children, bringing them up in the values of national unity, love for the motherland, human equality, respect and social solidarity.*

4. Children may not be discriminated against on grounds of their birth, nor may they be subjected to ill treatment.
5. State and society shall protect orphans and abandoned children.

Article 57

1. The State shall promote and support the emancipation of women, and shall act to increase the role of women in society.
2. The State shall recognise and hold in high esteem the participation of Mozambican women in the national liberation process.
3. The State shall encourage and hold in high esteem the participation of women in the defence of the motherland, and in all spheres of the country's political, economic, social and cultural activity.

Article 58

1. Young people, bravely upholding the patriotic traditions of the Mozambican people, played a decisive role in the national liberation struggle, and constitute a force for the renewal of Mozambican society.
2. State policy shall be directed particularly towards ensuring the harmonious development of the character of young people, to helping them acquire a taste for free and creative work, to developing their sense of serving the community, and to providing appropriate conditions for their entering into active life.
3. The State shall promote, support and encourage young people's initiatives in consolidating national unity, and in the reconstruction, development and defence of the country.

CHAPTER 5
NATIONAL DEFENCE

Article 59

The State's defence and security policy shall seek to defend national independence, preserve the country's sovereignty and integrity, and guarantee the normal functioning of institutions and the security of citizens against any armed aggression.

Article 60

1. The defence and security forces shall be subordinate to national defence and security policy, and owe allegiance to the Constitution and to the Nation.
2. The oath taken by members of the defence and security forces shall establish their duty to respect the Constitution.

Article 61

Citizens shall be encouraged to join civil defence units, particularly for the protection of economic, social and production infrastructures.

CHAPTER 6
FOREIGN POLICY

Article 62

1. The Republic of Mozambique, as a non-aligned country, shall establish relations of friendship and cooperation with other states on the basis of principles of mutual respect for sovereignty and territorial integrity, equality, non-interference in internal matters and reciprocity of benefits.
2. The Republic of Mozambique shall accept, observe and apply the principles of the United Nations Charter, and of the Charter of the Organisation of African Unity.

Article 63

1. The Republic of Mozambique shall be in solidarity with the struggle for the unity of the peoples and states of Africa in respect of their freedom, dignity, and right to economic and social progress.
2. The Republic of Mozambique shall seek to strengthen relations with countries undertaking the consolidation of their national independence and the recovery of the use and control of their natural resources for their respective peoples.
3. The Republic of Mozambique shall join with all states struggling for the establishment of a just and equitable international economic order.

Article 64

1. The Republic of Mozambique shall support and be in solidarity with the struggles of peoples for their national liberation.
2. The Republic of Mozambique shall grant asylum to foreigners persecuted because of their fight for peace, democracy, national and social liberation, and for the defence of human rights.

Article 65

1. The Republic of Mozambique shall pursue a policy of peace, and shall only resort to force in the case of legitimate defence.
2. The Republic of Mozambique shall support the primacy of a negotiated solution to conflicts.
3. The Republic of Mozambique shall support the principle of general and universal disarmament of all states.
4. The Republic of Mozambique shall advocate the transformation of the Indian Ocean into a nuclear-free zone of peace.

PART 2
FUNDAMENTAL RIGHTS, DUTIES AND FREEDOMS

CHAPTER 1
GENERAL PRINCIPLES

Article 66

All citizens are equal before the law. They shall enjoy the same rights, and shall be subject to the same duties regardless of colour, race, sex, ethnic origin, place of birth, religion, education level, social position, the legal status of their parents, or their profession.

Article 67

Men and women shall be equal before the law in all spheres of political, economic, social and cultural life.

Article 68

Disabled citizens shall enjoy fully the rights enshrined in the Constitution, and shall be subject to the same duties, except those rights and duties which their disability prevents them from undertaking.

Article 69

All acts intended to undermine national unity, to disturb social harmony, or to create divisions or situations of privilege or discrimination based on colour, race, sex, ethnic origin, place of birth, religion, educational level, social position, physical or mental ability, the legal status of one's parents, or profession, shall be punished according to law.

Article 70

1. All citizens shall have the right to life. All shall have the right to physical integrity, and may not be subjected to torture or to cruel or inhuman treatment.

2. In the Republic of Mozambique there shall be no death penalty.

Article 71

All citizens shall have the right to their honour, good name and reputation, as well as the right to privacy and to defend their public image.

Article 72

All citizens shall have the right to live in a balanced natural environment and shall have the duty to defend the same.

CHAPTER 2 RIGHTS, DUTIES AND FREEDOMS

Article 73

1. All citizens shall have the right and duty to participate in the process of extending and consolidating democracy at all levels of State and society.
2. Citizens 18 years of age and over shall have the right to vote and to be elected, with the exception of those legally deprived of this right.
3. The right to vote shall be personal and shall constitute a civic duty.

Article 74

1. All citizens shall have the right to freedom of expression and to freedom of the press, as well as the right to information.
2. The exercise of freedom of expression, which consists in the ability to make known one's opinions by all legal means, and the exercise of the right to information, shall not be limited by censorship.
3. Freedom of the press shall include in particular the freedom of journalistic expression and creativity, access to sources of information, protection of professional independence and confidentiality, and the right to establish

newspapers and other publications.

4. The exercise of the rights and freedoms referred to in this article shall be regulated by law based on the necessary respect for the Constitution, for the dignity of the human person, and for the mandates of foreign policy and national defence.

Article 75

All citizens shall have the right to freedom of assembly within the terms of the law.

Article 76

1. All citizens shall enjoy freedom of association.
2. Social organisations and associations shall have the right to pursue their aims, to create institutions designed to achieve their specific objectives, and to own assets in order to carry out their activities, in accordance with the terms of the law.

Article 77

1. All citizens shall have the freedom to form or to participate in political parties.
2. Party membership shall be voluntary, and shall derive from the freedom of citizens to associate on the basis of the same political ideals.

Article 78

1. All citizens shall have the freedom to practise or not to practise a religion.
2. Religious denominations shall have the right to pursue their religious aims freely, and to own and acquire assets for realising these aims.

Article 79

1. All citizens shall have the right to freedom of scientific, technical, literary and artistic creativity.
2. The State shall protect rights related to intellectual property, including copyright, and shall promote the practice and dissemination of literature and art.

Article 80

1. All citizens shall have the right to present petitions, complaints and claims before the relevant authority to obtain the restoration of rights that have been violated, or in defence of the public interest.
2. All citizens shall have the right not to comply with orders that are illegal or which infringe upon their rights.

Article 81

All citizens may contest acts that violate their rights recognised under the Constitution and other laws.

Article 82

All citizens shall have the right to recourse to the courts against any act which violates their rights recognised by the Constitution and the law.

Article 83

1. All citizens shall have the right to take up residence in any part of the national territory.
2. All citizens shall be free to travel inside the national territory and abroad, except those legally deprived of this right by the courts.

Article 84

1. It shall be a sacred duty and honour for all Mozambican citizens to participate in the defence of the country's independence, sovereignty and territorial integrity.
2. Military service shall be rendered according to terms established by law.

Article 85

1. All citizens shall have the duty to respect the Constitution order.
2. Acts contrary to the Constitution shall be subject to sanction in accordance with the law.

CHAPTER 3 ECONOMIC AND SOCIAL RIGHTS AND DUTIES

Article 86

1. The State shall recognise and guarantee the right to ownership of property.
2. Expropriation may only take place on grounds of public need, usefulness or interest, as defined by law, and there shall be just compensation.

Article 87

The State shall recognise and guarantee, within the terms of the law, the right of inheritance.

Article 88

1. Work shall be a right and a duty of all citizens, regardless of sex.
2. All citizens shall have the right to a free choice of profession.

3. Forced labour shall be forbidden, with the exception of work performed in the context of penal law.

Article 89

1. All employees shall have the right to just payment, to rest and to holidays.
2. Employees shall have the right to protection, safety and hygienic conditions at work.
3. Employees may only be dismissed in accordance with the law.

Article 90

1. All employees shall have the freedom to organise professional associations or trade unions.
2. The exercise of trade union activity shall be regulated by law.

Article 91

1. Employees shall have the right to strike. The exercise of this right shall be regulated by law.
2. The law shall limit the exercise of the right to strike in essential services and activities, in the interests of the overriding needs of society.
3. Lockouts shall be prohibited.

Article 92

1. In the Republic of Mozambique education shall be a right and duty of all citizens.
2. The State shall promote greater and equal access to the enjoyment of this right by all citizens.

Article 93

1. Citizens shall have the right to physical education and to sport.
2. The State shall promote, through sporting and educational institutions, the practise and dissemination of physical education and sport.

Article 94

All citizens shall have the right to medical and health care, within the terms of the law, and shall have the duty to promote and preserve health.

Article 95

1. All citizens shall have the right to assistance in the case of disability or old age.
2. The State shall promote and encourage the creation of conditions for achieving this right.

CHAPTER 4 GUARANTEES OF RIGHTS AND FREEDOMS

Article 96

1. *Individual rights and freedoms shall be guaranteed by the State, and shall be exercised within the framework of the Constitution and the laws.*
2. *The exercise of rights and freedoms may only be limited if public order or individual rights, freedoms or guarantees are endangered, or if the use of force is implied or threatened.*

Article 97

The State shall be liable for damages caused by illegal acts of its agents, committed in the exercise of their functions, without prejudice to the right of appeal in accordance with the law.

Article 98

1. In the Republic of Mozambique no-one may be arrested and put on trial except within the terms of the law.
2. Persons charged with an offence shall enjoy the presumption of innocence until final judgement has been passed.

Article 99

1. No-one may be punished for an act that was not considered a crime at the time it was committed.
2. Criminal laws may be applied retroactively only in favour of the accused.

Article 100

1. The State shall guarantee the access of citizens to the courts. It shall guarantee to persons charged with an offence the right to defence and the right to legal assistance and aid.
2. The State shall make provision to ensure that justice is not denied for lack of resources.

Article 101

1. Preventive imprisonment shall only be permitted in cases provided for by the law, which shall limit the duration of such imprisonment.
2. Citizens held in preventive imprisonment shall be brought within the period fixed by law before the judicial authorities who alone shall have the power to decide on the validity and continuation of imprisonment.

Article 102

1. In case of illegal imprisonment or detention, citizens shall have the right to interpose a writ of habeas corpus.

2. The writ of habeas corpus shall be interposed before a court, and the procedures shall be fixed by law.

Article 103

1. Extradition may only take place by court decision.
2. Extradition for political motives shall not be authorised.
3. No Mozambican citizen may be expelled or extradited from the national territory.

Article 104

The home and the correspondence or other forms of private communication of citizens shall be inviolable, except in such cases as specifically stipulated by law.

Article 105

1. The right to information, the freedom of the press, and the independence of the media, as well as broadcasting rights and the right of reply, shall be guaranteed by the Supreme Council for Mass Communication.
2. The law shall regulate the jurisdiction, composition and operation of the Supreme Council for Mass Communication.

Article 106

1. Individual freedoms and guarantees may only be temporarily suspended or limited in the event of the declaration of a state of war, a state of siege, or a state of emergency.
2. A state of siege or a state of emergency may not exceed six months, and any extension must be made in the terms of the law.
3. The law shall define rules for a state of war, a state of siege and a state of emergency, and shall establish judicial guarantees to protect the rights of

citizens that are to be safeguarded.

**PART 3
ORGANS OF STATE**

**CHAPTER 1
GENERAL PRINCIPLES**

Article 107

1. Public elective officers shall be chosen through elections in which all citizens shall have the right to participate.
2. The election of public officers shall take place through universal, direct, secret, personal and periodic vote.
3. Results of elections shall be established according to the system of majority vote.
4. The electoral process shall be regulated by law.

Article 108

1. Legally constituted political parties may compete in elections.
2. Political parties shall hold public office in accordance with the results of the elections.

Article 109

The sovereign public offices are the President of the Republic, the Assembly of the Republic, the Council of Ministers, the Courts and the Constitutional Council.

Article 110

Central State offices are the sovereign public offices, governmental bodies as a whole, and such central institutions as are responsible for guaranteeing the

precedence of national interests and the realisation of a unitary state policy.

Article 111

1. Central offices shall, in general have power to act in exercise of sovereignty, to regulate matters in accordance with the law, and to define national policies.
2. The central offices shall have exclusive powers in the following matters: representation of the State, definition and organisation of the territory, national defence, public order, supervision of borders, issuing currency, and diplomatic relations.

Article 112

1. Central offices shall take action directly, or through appointed heads or agents of the administration, who shall supervise central activities within a particular territorial area.
2. The law shall determine the form, organisation and powers for the exercise of public administration.

Article 113

The representative of central authority at the provincial level is the Provincial Governor.

Article 114

1. The Provincial Government is the body charged with ensuring the implementation, at provincial level, of centrally defined government policies.
2. The Provincial Government shall be directed by the Provincial Governor.
3. Members of Provincial Governments shall be appointed centrally.

4. The composition, powers and operation of Provincial Governments shall be defined by law.

Article 115

1. Democratically elective bodies may be set up at provincial level.
2. The law shall regulate the organisation, composition, powers and operation of the bodies mentioned in the previous clause.

Article 116

At the various territorial levels, local State bodies shall guarantee that citizens may participate and decide on matters of interest to their respective communities.

CHAPTER 2 THE PRESIDENT OF THE REPUBLIC

Article 117

1. The President of the Republic is the head of state, embodying national unity, representing the nation domestically and internationally, and overseeing the correct operation of the State offices.
2. The head of state shall be the guarantor of the Constitution.
3. The President of the Republic shall be the head of the government.
4. The President of the Republic shall be Commander-in-Chief of the armed and security forces.

Article 118

1. The President of the Republic shall be elected by direct universal suffrage, and personal and secret ballot.

2. The election of the President of the Republic shall take place on the basis of a majority vote system.
3. All Mozambican citizens may be candidates for the post of President of the Republic, if they fulfil all the following conditions:
 - (a) that they possess nationality by origin;
 - (b) that they are children of parents who held Mozambican nationality by origin;
 - (c) that they are at least 35 years of age;
 - (d) that they are in full possession of their political and civic rights;
 - (e) that they have been proposed by at least 5,000 voters, of whom at least 200 must reside in each province.
4. The term of office of the President of the Republic shall be five years.
5. The President of the Republic may only be re-elected on two consecutive occasions.
6. A President of the Republic who has been re-elected on two consecutive occasions may only be a candidate for further presidential elections five years after the end of his last term of office.

Article 119

1. The candidate who gains more than half the votes cast shall be elected President of the Republic.
2. If none of the candidates obtains the necessary majority, there shall be a second ballot between the two candidates receiving the most votes.

Article 120

In his role as head of state, the President of the Republic shall have the power to:

- a) Address the nation through messages and other communications;
- b) Inform the Assembly of the Republic every year on the general state of the nation;

- c) Decide on holding referenda for amending the constitution, or on matters of fundamental interest for the nation;
- d) Call general elections;
- e) Dissolve the Assembly of the Republic once, if the Assembly does not approve the programme of the government;
- f) Dismiss the other members of the government, if its programme is rejected a second time by the Assembly of the Republic;
- g) Appoint the President and Deputy President of the Supreme Court, the President of the Constitutional Council, and the President of the Administrative Court;
- h) Appoint, exonerate and dismiss the Attorney-General and Deputy Attorney-General of the Republic;
- i) Grant pardons and commute sentences;
- j) Confer, within the terms of the law, titles, awards and distinctions.

Article 121

In the administration of government activity, the President of the Republic shall have power to:

- a) Convene and preside at sessions of the Council of Ministers;
- b) Appoint, exonerate and dismiss the Prime Minister;
- c) Establish ministries and ministerial commissions;
- d) Appoint, exonerate and dismiss:
 - Ministers and Deputy Ministers;
 - Provincial Governors;
 - Rectors and Deputy Rectors of State universities;
 - the Governor and Deputy Governor of the Bank of Mozambique;
 - Secretaries of State.

Article 122

In matters of national defence and public order, the President of the Republic shall have power to:

- a) Declare a state of war and its termination, a state of siege or a state of emergency;
- b) Sign treaties;

- c) Decree general or partial mobilisation;
- d) Appoint, exonerate and dismiss the Chief of the General Staff, the General Commander of the Police, the commanders of the various wings of the Armed Forces of Mozambique, and other officers of the defence and security forces in the terms established by law.

Article 123

In matters of international relations, the President of the Republic shall have power to:

- a) Guide foreign policy;
- b) Execute international treaties;
- c) Appoint, exonerate and dismiss the ambassadors and diplomatic envoys of the Republic of Mozambique;
- d) Receive the credentials of ambassadors and diplomatic envoys of other countries.

Article 124

1. The President of the Republic shall have the power to enact laws and order their publication in the Boletim da Republica.
2. Bills shall be enacted into law within 30 days of being received.
3. The President of the Republic may, by order with reasons adduced, return a bill to the Assembly of the Republic for re-examination.
4. Should the bill, under re-examination, be approved by a two-thirds majority, the President of the Republic must enact it into law and order its publication.

Article 125

1. The President of the Republic shall be sworn into office by the President of the Supreme Court in a public ceremony before the members of the Assembly of the Republic and representatives of the sovereign offices.

2. On assuming office, the President of the Republic shall take the following oath:

"I do swear on my honour that I will faithfully carry out the task of President of the Republic of Mozambique, that I will dedicate all my efforts to the defence, promotion and consolidation of national unity, and to the well-being of the Mozambican people, and that I will ensure respect for the Constitution, and that justice is done for all citizens."

Article 126

1. The President of the Republic shall decide who will be his substitute in case of short-term disability or absence, and who will represent him in carrying out specific activities.
2. If the period of disability exceeds 45 days, the President of the Assembly of the Republic shall act as substitute.

Article 127

1. In the event of the death, resignation or permanent incapacitation of the President of the Republic, his functions shall be assumed on an interim basis by the President of the Assembly of the Republic.
2. The President of the Assembly of the Republic shall assume office as Interim President of the Republic before representatives of the offices of sovereignty.
3. The Interim President of the Republic shall be sworn into office by the President of the Supreme Court.

Article 128

1. In the event of the death, resignation or permanent incapacitation of the head of state, the election of a new President of the Republic shall take place within 90 days. The Interim President of the Republic shall be excluded from running as a candidate.

2. The new President of the Republic shall hold office until the next ordinary elections take place.

Article 129

1. The permanent incapacitation of the President of the Republic shall be verified by a medical board as defined by law.
2. The permanent incapacitation of the President of the Republic shall be declared by the President of the Supreme Court.
3. The Supreme Court shall verify the death and divestiture of the office of the President of the Republic.

Article 130

1. During the period in which the office of the President of the Republic is vacant, the Constitution may not be altered.
2. The Interim President of the Republic shall guarantee the functioning of the offices of State and all other institutions, but may not exercise the powers referred to in article 120, lines b), c), e), f), g) and h); in article 121, lines b), c) and d); in article 122, line e), and in article 123, line c).

Article 131

Statutory acts of the President of the Republic shall take the form of presidential decrees. Other decisions arising from the President's constitutional powers shall take the form of presidential orders. Both are to be published in the Boletim da Republica.

Article 132

1. The President of the Republic shall enjoy immunity from civil and criminal proceedings with respect to actions taken in the discharge of his duties.

2. The President of the Republic may not be used in court during the term of his office, for actions taken outside the discharge of his duties.

CHAPTER 3
ASSEMBLY OF THE REPUBLIC

SECTION 1
ASSEMBLY OF THE REPUBLIC

Article 133

1. The Assembly of the Republic is the highest legislative body in the Republic of Mozambique.
2. Through laws and through guidelines of a general character, the Assembly of the Republic shall determine the norms governing the activities of the State and of economic and social life.

Article 134

1. The Assembly of the Republic shall be elected by direct universal suffrage and personal secret ballot.
2. The Assembly of the Republic shall consist of a minimum of 200 and a maximum of 250 deputies.
3. The deputies to the Assembly of the Republic shall be elected for five year terms of office.

Article 135

1. The Assembly of the Republic shall have power to legislate on basic questions of the country's domestic and foreign policy.
2. In particular, the Assembly of the Republic shall have power to:
 - (a) delimit the borders of the Republic of Mozambique;
 - (b) decide on territorial subdivision;

- (c) approve the electoral law and rules for referenda;
- (d) propose the holding of referenda on questions of national interest;
- (e) ratify the suspension of constitutional guarantees and the declaration of a state of siege or a state of emergency;
- (f) ratify the appointment of the President and Deputy President of the Supreme Court, the President of the Constitutional Council, and the President of the Administrative Court;
- (g) appraise and approve progress reports from the Council of Ministers;
- (h) appraise and approve the State plan and budget, and the respective reports concerning their implementation;
- (i) define defence and security policy, after consulting the National Defence and Security Council;
- (j) define the bases for tax policy;
- (k) ratify and terminate international treaties;
- (l) grant amnesties and pardons;
- (m) authorise the President of the Republic to make state visits abroad.

3. The Assembly of the Republic shall also have power to:

- (a) elect the President and the members of the Standing Commission of the Assembly of the Republic;
- (b) adopt the standing orders of the Assembly of the Republic and the *statute for Deputies*;
- (c) set up commissions of the Assembly of the Republic, and regulate their activities.

Article 136

1. At the beginning of each legislative session, the Assembly of the Republic shall evaluate the programme of the Government.
2. The Government may present a revised programme that takes the conclusions of the debate into account.
3. Should the Assembly of the Republic, after debate, reject the Government's programme, the President of the Republic may dissolve the Assembly and call new general elections.

Article 137

Bills may be introduced in the Assembly of the Republic by:

- a) the President of the Republic;
- b) the commissions of the Assembly of the Republic;
- c) the deputies;
- d) the Council of Ministers.

Article 138

1. The Assembly of the Republic shall elect from among its members the President of the Assembly of the Republic.
2. The Head of State shall convene and preside at the session during which the President of the Assembly of the Republic is elected.
3. The President of the Assembly of the Republic shall be sworn into office by the President of the Supreme Court.
4. The President of the Assembly of the Republic shall be answerable to the Assembly of the Republic.

Article 139

The Assembly of the Republic shall meet in ordinary session twice a year, and in extraordinary session whenever requested by the President of the Republic, by the Standing Commission of the Assembly of the Republic, or by at least one third of the deputies of the Assembly of the Republic.

Article 140

1. The Assembly of the Republic may only enter into debate when more than half its members are present.
2. The decisions of the Assembly of the Republic shall require a majority of votes of the members present.

Article 141

The legislative acts of the Assembly of the Republic shall take the form of laws, and its other decisions shall take the form of resolutions. Both shall be published in the *Boletim da Republica*.

Article 142

The President of the Assembly of the Republic shall have power to:

- a) convene and chair sessions of the Assembly of the Republic and of its *Standing Commission*;
- b) monitor the implementation of the decisions of the Assembly of the Republic;
- c) sign bills adopted by the Assembly of the Republic, and submit them to the President of the Republic for enactment;
- d) sign and order the publication of resolutions of the Assembly of the Republic;
- e) represent the Assembly of the Republic domestically and internationally.

Article 143

In case of absence of disability, the functions the President of the Assembly of the Republic shall be exercised by members of the *Standing Commission* of the Assembly of the Republic, as stipulated by the standing orders of the Assembly.

Article 144

1. No deputy to the People's Assembly may be arrested, unless apprehended in committing a criminal offence. No deputy may be brought to trial without the consent of the Assembly or of its *Standing Commission*.
2. Deputies to the People's Assembly shall be tried by the Supreme Court.

Article 145

1. Deputies to the People's Assembly may not be sued, detained, or put on trial for opinions voiced or votes cast in exercising their function as deputies.
2. The above does not apply to civil or criminal responsibility for defamation or slander.

Article 146

1. Any deputy to the Assembly of the Republic may resign.
2. The disqualification and resignation of deputies to the Assembly of the Republic shall be regulated by law.

SECTION 2

STANDING COMMISSION OF THE ASSEMBLY OF THE REPUBLIC

Article 147

1. The Standing Commission of the Assembly of the Republic shall be the governing board of the Assembly of the Republic.
2. The Standing Commission of the Assembly of the Republic shall be composed of the President of the Assembly and of deputies elected by the Assembly of the Republic from among its members.
3. The composition of the Standing Commission of the Assembly of the Republic shall be established by law.

Article 148

The Standing Commission of the Assembly of the Republic shall have power to:

- a) coordinate the activities of the commissions of the Assembly of the Republic;
- b) conduct the relations between the Assembly of the Republic and assemblies and equivalent institutions in other countries;

- c) *prepare and organise sessions of the Assembly of the Republic.*

CHAPTER 4
COUNCIL OF MINISTERS

Article 149

The Council of Ministers is the Government (Cabinet) of the Republic of Mozambique.

Article 150

1. In discharging its functions, the Council of Minister shall do so in accordance with the decisions of the President of the Republic and of the Assembly of the Republic.
2. The Council of Ministers shall be convened and chaired by the Prime Minister, to whom this power is delegated by the President of the Republic.
3. Government policies shall be formulated by the Council of Ministers in sessions chaired by the President of the Republic.

Article 151

The Council of Ministers shall be responsible to the President of the Republic and to the Assembly of the Republic for the conduct of domestic and foreign policy, and shall give account to them of its activities as provided by law.

Article 152

1. The Council of Ministers shall secure the administration of the country, shall guarantee its territorial integrity, shall safeguard public order, including the security and tranquillity of citizens, shall promote economic development, shall implement the State's social programme, shall develop and consolidate legality, and shall carry out the country's foreign policy.

2. The defence of public order shall be guaranteed by the appropriate entities operating under government control.

Article 153

1. In particular, the Council of Ministers shall have power to:
 - (a) guarantee the enjoyment by citizens of their rights and freedoms;
 - (b) secure public order and social discipline;
 - (c) draft bills to be submitted to the Assembly of the Republic, and proposals for decision to be submitted to the President of the Republic;
 - (d) draft the State plan and budget, and implement them after they have been approved by the Assembly of the Republic;
 - (e) promote and regulate economic activity and the activity of social sectors;
 - (f) prepare the signature and formalisation of international treaties, and sign, ratify, adhere to and terminate international agreements;
 - (g) direct labour and social security policy;
 - (h) direct the State social sectors, particularly education and health;
 - (i) direct and promote housing policy.

2. The Council of Ministers shall also have power to:
 - (a) guarantee the defence and consolidation of the public domain, and of State assets;
 - (b) direct and coordinate the activities of the ministries, and of other offices subordinate to the Council of Ministers;
 - (c) evaluate the activities of local executive organs, and regulate their organisation and functioning;
 - (d) ensure the correct functioning and the development of State institutions and companies and their expansion in accordance with the needs of the economy;
 - (e) promote the development of cooperatives and support for peasant family production;
 - (f) encourage and support the exercise of private initiative.

Article 154

1. Notwithstanding other attributes conferred upon him by the President of the Republic and by law, the Prime Minister shall assist and advise the President of the Republic in the administration of government.
2. In particular, the Prime Minister shall have power to:
 - (a) assist the President of the Republic in drawing up the Government programme;
 - (b) advise the President of the Republic on the creation of ministries and ministerial commissions, and on the appointment of members of the government and other governmental heads;
 - (c) draft the government's plan of work and present it to the President of the Republic;
 - (d) ensure that members of the government implement decisions taken by state offices;
 - (e) convene and chair the meetings of the Council of Ministers dealing with the implementation of defined policies and other decisions;
 - (f) coordinate and control the activities of ministries and other governmental institutions;
 - (g) supervise the technical and administrative operations of the Council of Ministers.

Article 155

1. In his relations with the Assembly of the Republic, the Prime Minister shall have power to:
 - (a) present to the Assembly of the Republic the Government's programme and the draft plan and budget;
 - (b) present government reports;
 - (c) explain the government's positions to the Assembly of the Republic.
2. In the exercise of these functions, members of the Council of Ministers, designated by the Prime Minister, shall give assistance.

Article 156

The members of the Council of Ministers shall be accountable to the President of the Republic and to the Prime Minister for the implementation of the decisions of the Council of Ministers within their areas of jurisdiction.

Article 157

1. Statutory acts of the Council of Ministers shall take the form of decrees. Other decisions of the Council of Ministers shall take the form of resolutions.
2. Decrees and resolutions shall be signed by the Prime Minister and published in the Boletim da Republica.

CHAPTER 5 NATIONAL DEFENCE AND SECURITY COUNCIL

Article 158

1. The National Defence and Security Council is the consultative body of the President of the Republic in his capacity as Commander-in-Chief of the defence and security forces, for matters relating to national sovereignty, territorial integrity, defence of democratically established authority, and the security of the Mozambican nation.
2. The National Defence and Security Council shall be chaired by the President of the Republic.

Article 159

In particular, the National Defence and Security Council shall have power to:

- a) pronounce upon a state of war before such is declared;
- b) pronounce upon the suspension of constitutional guarantees and the declaration of a state of siege or a state of emergency;

- c) evaluate the criteria and conditions of use of zones of total or partial protection to be used for the defence and security of the national territory;
- d) analyze and monitor initiatives by other State offices that seek to guarantee the consolidation of national independence, the consolidation of political power, and the maintenance of law and order.

Article 160

The composition, organisation and operation of the National Defence and Security Council shall be fixed by law.

CHAPTER 6 THE COURTS

SECTION 1 GENERAL PRINCIPLES

Article 161

1. It shall be the function of the courts to guarantee and strengthen the rule of law as an instrument of legal stability, to guarantee respect for the laws, to safeguard the rights and freedoms of citizens, as well as the vested interests of the other entities with legal capacity.
2. The courts shall educate citizens in the voluntary and conscious observance of laws, thus establishing a just and harmonious social community.
3. The courts shall punish violations of the legal order and shall adjudicate disputes in accordance with the law.

Article 162

Under no circumstances may the courts apply laws or principles which are contrary to the Constitution.

Article 163

It shall be obligatory for all citizens and other legal entities to obey court decisions. The decisions of the courts take precedence over the decisions of other authorities.

Article 164

1. In the exercise of their functions, judges shall be independent, and shall owe obedience only to the law.
2. Judges shall likewise be impartial and disinterested.

Article 165

1. Judges may be held responsible in civil, criminal and disciplinary proceedings for acts committed in the discharge of their duties only in cases specified by law.
2. The removal of a professional judge from the bench may only take place under legally established terms.

Article 166

Professional judges may not undertake any other public or private activity, except teaching or research.

Article 167

1. In the Republic of Mozambique there shall be the following courts:
 - (a) the Supreme Court and other courts of justice;
 - (b) the Administrative Court;
 - (c) courts-martial;
 - (d) customs courts;
 - (e) fiscal courts;
 - (f) maritime courts;
 - (g) labour courts.

2. Other than the courts specified in the Constitution, no other court may be established with jurisdiction over specific categories of crimes.

SECTION 2 SUPREME COURT

Article 168

1. In the Republic of Mozambique, the power to administer justice shall be exercised through the Supreme Court and other courts as established by law.
2. The Supreme Court shall be the highest judicial body, and shall have jurisdiction throughout the national territory.
3. The Supreme Court shall ensure the uniform application of the law in the interests of the Mozambican people.

Article 169

The Supreme Court shall act:

- a) in sections, as a trial court of primary and appellate jurisdiction;
- b) in plenary session, as a court of final appeal in cases expressly provided for by law.

Article 170

1. The Supreme Court shall be composed of professional judges and of elected judges, the number to be established by law.
2. The professional judges shall be appointed by the President of the Republic, after consultation with the Supreme Council of the Judiciary.
3. The code of conduct and the term of office for the President, Deputy President and professional judges on the Supreme Court shall be established by law.

4. The Assembly of the Republic shall elect the other judges to the Supreme Court.
5. Mozambican citizens over 35 years of age may be elected as judges to the Supreme Court. The term and other requirements of office shall be fixed by law.

Article 171

1. In court hearings, matters of law shall always be decided by the professional judges.
2. The elected judges shall only take part in primary trial court hearings.

Article 172

The law shall regulate the powers, composition, organisation and functioning of the Supreme Council of the Judiciary.

SECTION 3 ADMINISTRATIVE COURT

Article 173

1. The Administrative Court shall control the legality of administrative acts and shall supervise the legality of public expenditure.
2. In particular, the Administrative Court shall:
 - (a) adjudicate acts dealing with legal controversies arising from administrative acts and procedures;
 - (b) adjudicate appeals against decisions of State offices, their office holders, agents and employees;
 - (c) examine the accounts and records of the State;
 - (d) exercise other powers that may be attributed by law.

Article 174

The law shall determine the powers, jurisdiction, organisation, composition and operation of the Administrative Court.

SECTION 4 COURTS-MARTIAL, CUSTOMS, FISCAL, MARITIME AND LABOUR COURTS

Article 175

The powers, organisation, composition and functioning of courts-martial and customs, fiscal, maritime and labour courts shall be fixed by law.

CHAPTER 7 THE OFFICE OF THE ATTORNEY-GENERAL

Article 176

1. The Office of the Attorney-General shall supervise and control legality, shall promote compliance with the law, and shall take part in defending the established legal order.
2. The Office of the Attorney-General shall be headed by the Attorney-General of the Republic. In case of absence or disability, the Deputy Attorney-General of the Republic shall substitute.
3. The Attorney-General shall be answerable to the President of the Republic, and shall provide annual reports to the Assembly of the Republic.
4. Assistant Attorney-Generals shall be appointed, exonerated and dismissed by the President of the Republic, after consultation with the Supreme Court of the Public Prosecutor.

Article 177

The law shall determine the structure, composition and operation of the Office of the Attorney-General and of the Supreme Council of the Public Prosecutor.

Article 178

1. The Public Prosecutor's Office shall constitute a hierarchically organised magistracy, subordinate to the Attorney-General of the Republic.
2. In exercising their functions, the officers and agents of the Public Prosecutor's Office shall be subject to the principles of legality, objectivity and impartiality, and shall be guided exclusively by rules and matters of law.

Article 179

The Public Prosecutor's Office shall represent the State before the courts, shall control the legality and the duration of detentions, shall initiate criminal prosecution, shall enforce criminal sentences, and shall ensure the legal defence of minors and of absent or incapacitated persons.

CHAPTER 8 CONSTITUTIONAL COUNCIL

Article 180

The Constitutional Council is a body with special jurisdiction on legal questions arising from or related to the Constitution.

Article 181

1. The Constitutional Council shall have power to:
 - (a) adjudicate and declare the unconstitutionality and illegality of legislative and statutory acts of State bodies;
 - (b) settle conflicts of competence between the sovereign offices;
 - (c) pronounce upon the legality of referenda.
2. In the specific area of elections, the Constitutional Council shall also have power to:
 - (a) supervise the electoral process;
 - (b) verify the legal prerequisites required of candidates for the post of

- President of the Republic;
- (c) take final decisions on electoral complaints;
 - (d) validate and declare the final results of the electoral process.

Article 182

1. There shall be no appeal against decisions of the Constitutional Council.
2. The decisions of the Constitutional Council shall be published in the *Boletim da Republica*.

Article 183

The following may request a declaration of unconstitutionality or illegality from the Constitutional Council:

- a) the President of the Republic;
- b) the President of the Assembly of the Republic;
- c) the Prime Minister;
- d) the Attorney-General of the Republic.

Article 184

The composition, organisation and operation of the Constitutional Council, and the procedures for the oversight and control of the constitutionality and legality of statutory acts, as well as the other powers of the Constitutional Council, shall be fixed by law.

CHAPTER 9 LOCAL STATE BODIES

Article 185

1. Local state bodies shall have the function of organising the participation of citizens in solving problems of their communities and in promoting local development.

2. The strengthening of local bodies shall serve to strengthen democracy and shall contribute to national integration and unity.

Article 186

1. Local state offices shall consist of elected bodies and executive bodies.
2. The elected bodies shall consist of citizens elected by the voters in a particular territorial area.
3. The executive bodies shall be appointed according to the law.

Article 187

The decision of elected bodies shall be binding within their area of jurisdiction. They may set up commissions necessary for carrying out their duties, and may delegate specific duties to individual members.

Article 188

The executive bodies shall, in their respective territories, ensure that economic, cultural and social programmes and obligations of local interest are carried out, in accordance with the Constitution and the decisions of the Assembly of the Republic, the Council of Ministers, and State bodies of corresponding or superior authority.

Article 189

The executive bodies shall be accountable to the elective bodies.

Article 190

The organisation, powers and operation of local state offices as well as the legal form their acts shall take, shall be defined by law.

Article 191

The disqualification and resignation of members of elective bodies shall be regulated by law.

CHAPTER 10 INCOMPATIBILITIES

Article 192

1. No person may hold at the same time more than one of the following positions: President of the Republic, President of the Assembly of the Republic, Prime Minister, President of the Supreme Court, Deputy President of the Supreme Court, President of the Constitutional Council, President of the Administrative Court, Attorney-General of the Republic, Deputy Attorney-General of the Republic, Provincial Governor, Secretary of State.
2. The position of member of Government (Cabinet) shall also be incompatible with the posts named above, except those of President of the Republic and Prime Minister, since these are themselves members of Government.
3. The law shall establish other incompatibilities.

PART 4 SYMBOLS, CURRENCY AND CAPITAL OF THE REPUBLIC

Article 193

The national flag shall have five colours: red, green, black, gold and white.

The significance of the colours shall be as follows:

red	-	the centuries of resistance to colonialism, the armed national liberation struggle, and the defence of sovereignty;
green	-	the riches of the soil;
black	-	the African continent;
gold	-	the riches of the subsoil;
white	-	the justice of the struggle of the Mozambican people, and peace.

From top to bottom, there shall be green, black and gold horizontal stripes, separated by strips of white. On the left side, there shall be a red triangle, in the centre of which there shall be a gold star. Above this there shall be a crossed hoe and gun, superimposed upon a book.

The star shall symbolise the spirit of international solidarity of the Mozambican people.

The book, hoe and gun shall symbolise study, production and defence.

Article 194

The emblem of the Republic of Mozambique shall contain as its central elements a book, a gun and a hoe, superimposed on a map of Mozambique, and representing, respectively, education, defence and vigilance, and the peasantry and agricultural production.

Below the map the ocean shall be represented.

In the centre shall be the rising sun, symbol of the building a new life.

Enclosing all this shall be a toothed wheel, symbolising the working class and industry.

Surrounding the toothed wheel there shall be, to the right and left respectively, an ear of maize and a piece of sugar cane, symbolising agricultural wealth.

At the bottom there shall be a red strip with the inscription "Republic of Mozambique".

Article 195

The words and the music of the national anthem shall be established by law.

Article 196

The national currency shall be the metical.

Article 197

The capital of the Republic of Mozambique shall be the city of Maputo.

PART 5 AMENDING THE CONSTITUTION

Article 198

1. Initiatives to amend the Constitution may be proposed by the President of the Republic, or by at least one third of the deputies to the Assembly of the Republic.
2. Draft amendments must be submitted to the Assembly of the Republic 90 days before the opening of debate.

Article 199

1. If a draft amendment implies fundamental changes in the rights of citizens or in the organisation of public powers, the proposal, after adoption by the Assembly of the Republic, shall be submitted to public debate and to a referendum.
2. The results of the referendum and the approved constitutional text shall be adopted by the Assembly of the Republic in the form of a constitutional law, and shall be published by order of the President of the Republic.
3. In other cases, amendments to the constitution shall be adopted by a two thirds majority of the deputies of the Assembly of the Republic.

PART 6 CONCLUDING AND TRANSITIONAL PROVISIONS

Article 200

The Constitution shall take precedence over all other law.

Article 201

In the Republic of Mozambique, law may only be retroactive when this is to the benefit of citizens and other legal persons.

Article 202

Until the Constitutional Council has been established, its powers shall be exercised by the Supreme Court.

Article 203

Insofar as they are not contrary to the Constitution, previous laws shall remain in force until modified or repealed.

Article 204

1. Until general elections are held, the President of the Republic of Mozambique shall be the President of the Frelimo Party.
2. The provisions of article 119 regarding the election of the President of the Republic shall come into force with the holding of the next presidential elections.

Article 205

1. The deputies to the People's Assembly shall retain their seats until general elections are held pursuant to this constitution.
2. Deputies to the people's assemblies at other territorial levels shall retain their seats until local elections are held under the electoral law.

Article 206

The constitution shall come into force on 30 November 1990.

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