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OFFICIAL ENGLISH TRANSLATION

THE CONSTITUTION
OF THE PEOPLE'S
REPUBLIC OF MOZAMBIQUE

SECTION 1

General Principles

ARTICLE 1

The People's Republic of Mozambique, the fruit of the Mozambican People's centuries-old resistance and their heroic and victorious struggle, under the leadership of FRELIMO, against Portuguese colonial domination and imperialism, is a sovereign, independent and democratic State.

ARTICLE 2

The People's Republic of Mozambique is a State based on people's democracy in which all patriotic strata engage in building a new society, free from the exploitation of man by man.

In the People's Republic of Mozambique power belongs to the workers and peasants united and led by FRELIMO, and is exercised by the organs of people's power.

ARTICLE 3

The People's Republic of Mozambique is guided by the political line laid down by FRELIMO, which is the leading force of the State and Society. FRELIMO lays down the basic political orientation of the State and directs and supervises the work of state organs, in order to ensure that the State policy is in conformity with the people's interests.

ARTICLE 4

The People's Republic of Mozambique has the following fundamental objectives:

- the elimination of colonial and traditional structures of oppression and exploitation and the mentality that underlies them;
- the extension and strengthening of people's democratic power;
- the building of an independent economy and the promotion of cultural and social progress;
- the defence and consolidation of national independence and unity;
- the establishment and development of friendly relations and cooperation with other peoples and States;
- the pursuit of the struggle against colonialism and imperialism.

ARTICLE 5

As an essential element of State power, the Mozambique People's Liberation Forces have a fundamental responsibility for the defence and consolidation of national independence and unity. At the same time, they are a force for production and for the political mobilisation of the masses of the people.

The activity and development of the Mozambique People's Liberation Forces are based on FRELIMO's political leadership and on close links with the people.

Participation in the Mozambique People's Liberation Forces, with its great tradition of struggle, heroism and identification with the revolutionary cause of the people, is an honour and a sacred duty for all citizens, of both sexes, of the People's Republic of Mozambique.

The Commander-in-Chief of the Mozambique People's Liberation Forces is the President of FRELIMO.

The Commander-in-Chief of the Mozambique People's Liberation Forces has the power to appoint or dismiss top level military cadres.

ARTICLE 6

The People's Republic of Mozambique, taking agriculture as the base and industry as the propelling and decisive factor, directs its economic policy towards wiping out underdevelopment and creating conditions for raising the living standards of the working people. In pursuing this aim, the State essentially relies on the creative force of the people and on the country's economic resources, giving total support to agricultural production, promoting adequate development of productive enterprises, and undertaking the exploitation of natural resources. In the process of building an advanced economic base for the People's Republic of Mozambique, the State shall proceed to eliminate the exploitation of man by man.

ARTICLE 7

In the People's Republic of Mozambique work is esteemed and protected, and is the driving force of development. Work is the right and duty of every citizen of either sex, and it is the criterion for the distribution of national wealth.

ARTICLE 8

The land and the natural resources of the soil and sub-soil, of the territorial waters and continental shelf of Mozambique, are the property of the State. The State determines the conditions of their development and use.

The People's Republic of Mozambique recognises the Charter of Economic Rights and Duties of States adopted by the 29th Session of the General Assembly of the United Nations Organisation.

ARTICLE 9

The State promotes and plans the economy, with a view to guaranteeing the correct development of the country's wealth and its use for the benefit of the Mozambican people.

ARTICLE 10

In the People's Republic of Mozambique the State economic sector is the leading and driving factor in the national economy.

State property is given special protection, its development and expansion being the responsibility of all State organs, social organisations and citizens.

ARTICLE 11

The State encourages individual peasants and workers to organise themselves in collective forms of production, whose development it supports and guides.

ARTICLE 12

The State recognises and guarantees personal property.

ARTICLE 13

Obligations are attached to private property. Private property cannot be used to the detriment of the interests defined in the Constitution.

Income and private property are subject to progressive taxes, established on the basis of criteria of social justice.

ARTICLE 14

Foreign capital shall be authorised to operate within the framework of the State's economic policy.

ARTICLE 15

The People's Republic of Mozambique carries out a vigorous battle against illiteracy and obscurantism, and promotes the development of the national culture and personality. The State strives to make the Mozambican culture known internationally and to ensure that the Mozambican people benefit from the revolutionary cultural gains of other peoples.

ARTICLE 16

The People's Republic of Mozambique organises a health system which shall benefit the entire Mozambican people.

ARTICLE 17

The emancipation of woman is one of the State's essential tasks. In the People's Republic of Mozambique women and men have equal rights and duties, this equality extending to the political, economic,

social and cultural spheres.

ARTICLE 18

The youth have always played a decisive role in the national liberation struggle, and they have a fundamental responsibility in the construction of a new society.

The State encourages and promotes youth's initiative in the reconstruction and defence of the country.

ARTICLE 19

The People's Republic of Mozambique is a secular State in which there is absolute separation between the State and religious institutions.

In the People's Republic of Mozambique the activities of religious institutions must conform with the State's laws.

ARTICLE 20

The People's Republic of Mozambique struggles against the exploitation of man by man, against imperialism and colonialism, for the unity of African peoples and States on the basis of respect for the liberty and dignity of these peoples and States and their right to political, economic and social progress.

The People's Republic of Mozambique pursues a policy of strengthening relations of friendship and mutual help with young States engaged in the same battle to consolidate national independence and democracy, and to regain the use and control of their natural resources for the benefit of their peoples.

ARTICLE 21

The People's Republic of Mozambique gives its support and solidarity to the struggle of the peoples for national liberation.

ARTICLE 22

The People's Republic of Mozambique consolidates and develops solidarity with its natural allies the socialist countries, solidarity forged in the struggle for national independence.

The People's Republic of Mozambique establishes and develops relations of friendship and cooperation with all democratic and progressive forces in the world.

ARTICLE 23

The People's Republic of Mozambique establishes relations of friendship and cooperation with all States on the basis of the principles of mutual respect for sovereignty and territorial integrity, equality, non interference in internal affairs and reciprocal benefit.

The People's Republic of Mozambique accepts, observes and applies the principles of the United Nations Charter and the Charter of the Organisation of African Unity.

ARTICLE 24

The People's Republic of Mozambique defends the principle of the general and universal disarmament of all States.

The People's Republic of Mozambique defends the principle of turning the Indian Ocean into a non-nuclear zone of peace.

The People's Republic of Mozambique pursues a policy of peace, resorting to force only in the case of legitimate defence.

ARTICLE 25

The People's Republic of Mozambique grants the right of asylum to foreigners persecuted because of their struggle for peace, democracy and national and social liberation.

SECTION II

Fundamental rights and duties of citizens

ARTICLE 26

All citizens of the People's Republic of Mozambique enjoy the same rights and are subject to the same duties, irrespective of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position or occupation.

Any acts aimed at jeopardising social harmony, or creating divisions or privileged positions based on colour, race, sex, ethnic origin, place of birth, religion, level of education, social position or occupation, are punishable by law.

ARTICLE 27

In the People's Republic of Mozambique all citizens have the right and duty, within the framework of the Constitution, to take part in the process of creating and consolidating democracy at all levels of society and the State. In fulfilling the objectives of the Constitution, all citizens enjoy freedom of opinion, assembly and association.

ARTICLE 28

All citizens of the People's Republic of Mozambique over 18 years of age are entitled to vote and be elected, with the exception of those legally deprived of that right.

ARTICLE 29

In the People's Republic of Mozambique women and men enjoy the same rights and

are subject to the same duties. This principle shall guide all the legislative and executive work of the State. The State protects marriage, the family, motherhood and childhood.

ARTICLE 30

Active participation in the defence of the country and the Revolution is the right and the highest duty of every man and woman citizen of the People's Republic of Mozambique.

ARTICLE 31

In the People's Republic of Mozambique work and education are the right and duty of every citizen. Combating the situation of backwardness created by colonialism, the State promotes the necessary conditions for extending enjoyment of those rights to all citizens.

ARTICLE 32

All citizens have the right to assistance in the event of disablement and in old age.

The State promotes the creation of bodies which guarantee the exercise of that right.

ARTICLE 33

Individual freedoms are guaranteed by the State for all citizens of the People's Republic of Mozambique. These freedoms include the inviolability of the home and the secrecy of correspondence, and they cannot be limited except in cases specially provided for by the law. In the People's Republic of Mozambique the State guarantees the freedom of citizens to practice or not to practice a religion.

ARTICLE 34

The State ensures special protection for the orphans and other dependents of FRELIMO militants who died while fulfilling missions, as well as for those maimed or disabled in the liberation struggle.

ARTICLE 35

In the People's Republic of Mozambique no one can be arrested or tried except under terms of the law. The State guarantees accused persons the right to legal defence.

ARTICLE 36

All citizens of the People's Republic of Mozambique have the duty to respect the Constitution and the law. The State prohibits any misuse of individual rights and freedoms prejudicial to the people's interests. The State severely punishes all acts of treason, subversion, sabotage and, in general, acts carried out against FRELIMO's objectives and against revolutionary people's order.

SECTION III

State Organs

CHAPTER I

People's Assembly

ARTICLE 37

The People's Assembly is the supreme organ of the State in the People's Republic of Mozambique. The People's Assembly is the highest legislative organ of the People's Republic of Mozambique. Pending further definition of the composition and requirements for the election of members of the People's Assembly, it shall comprise the following members:

1. The members of FRELIMO's Central Committee;
2. The members of FRELIMO's Executive Committee;
3. The Ministers and Vice-Ministers of the Government of the People's Republic of Mozambique;
4. The Provincial Governors;
5. Members chosen by FRELIMO's Central Committee from among the cadres of the Mozambique People's Liberation Forces;
6. Two representatives per province of democratic mass organizations, designated by FRELIMO's Central Committee;
7. Members chosen by the Central Committee from among FRELIMO cadres;
8. No more than ten reputable citizens chosen by FRELIMO's Central Committee.

ARTICLE 38

The People's Assembly shall have no more than two hundred and ten members. The People's Assembly may deliberate only if the majority of its members are present. Decisions of the People's Assembly are taken by an absolute majority vote of members present.

ARTICLE 39

An electoral law shall duly establish the conditions, method and date of general elections. The first general elections shall take place within a year of the holding of FRELIMO's 3rd Congress.

ARTICLE 40

The functions of the People's Assembly of the People's Republic of Mozambique are as follows:

- (a) To legislate on basic matters related to internal and external policy;
- (b) To approve the report on the implementation of the past year's budget, the general State budget and national economic plans;
- (c) To determine the basis of the taxation policy;

- (d) To ratify or denounce international agreements and treaties;
- (e) To approve the report on Government activities;
- (f) To ratify legislative acts of the Permanent Commission of the People's Assembly;
- (g) To grant amnesties;
- (h) To sanction the suspension of constitutional guarantees when a state of siege or emergency is declared;
- (i) To authorise the President of the People's Republic of Mozambique to travel abroad.

ARTICLE 41

Legislation may be initiated by the following:

- (1) FRELIMO's Central Committee;
- (2) FRELIMO's Executive Committee;
- (3) The President of the Republic;
- (4) The Permanent Commission of the People's Assembly;
- (5) Organs of the People's Assembly;
- (6) The Council of Ministers.

ARTICLE 42

The People's Assembly is convened and presided over by the President of the Republic. The People's Assembly meets in ordinary sessions twice a year, and in extraordinary sessions when so required by FRELIMO's Central Committee, the President of the Republic, the Permanent Commission of the People's Assembly, or by at least one-third of the members of the People's Assembly.

ARTICLE 43

No member of the People's Assembly may be arrested, except when caught in the act, or tried, without the consent of that organ or of its Permanent Commission.

CHAPTER II

ARTICLE 44

The Permanent Commission of the People's Assembly consists of fifteen members elected by the People's Assembly from among its members, on the proposal of FRELIMO's Central Committee.

ARTICLE 45

It is the duty of the Permanent Commission of the People's Assembly to assume the functions of the People's Assembly in the periods between meetings of that body, submitting its legislative acts for ratification at the following meeting of the People's Assembly. The Permanent Commission of the People's Assembly is answerable to the People's Assembly.

ARTICLE 46

The Permanent Commission of the People's Assembly is presided over by the President of the Republic.

CHAPTER III

President of the Republic

ARTICLE 47

The President of the People's Republic of Mozambique is the President of FRELIMO.

The President of the People's Republic of Mozambique is the Head of State.

He is the symbol of national unity and represents the Nation at home and internationally.

ARTICLE 48

It is the duty of the President of the People's Republic of Mozambique:

- (a) To see to it that the Constitution is respected and to ensure that the state organs function properly;
- (b) To create ministries and define their jurisdiction;
- (c) To direct the activities of the Council of Ministers and preside over its meetings;
- (d) To appoint and dismiss members of the Council of Ministers;
- (e) To appoint and dismiss the President and Vice-President of the Supreme People's Court and Attorney-General of the Republic;
- (f) To appoint and dismiss provincial governors;
- (g) To appoint and dismiss the governor and deputy-governor of the Bank of Mozambique;
- (h) To appoint and dismiss the general commander and deputy general commander of the Police Corps of Mozambique;
- (i) To appoint and dismiss the rector of the University;
- (j) To promulgate and have issued laws and legislative decrees;
- (k) To declare a state of war and conclude peace treaties on the decision of FRELIMO's Central Committee;
- (l) To proclaim general or partial mobilisation;
- (m) To accredit diplomatic representatives of other countries;
- (n) To appoint and dismiss diplomatic representatives of the People's Republic of Mozambique in other countries;
- (o) To pardon and commute sentences;
- (p) To declare a state of siege or emergency.

ARTICLE 49

The President of the Republic may annul decisions of provincial assemblies.

ARTICLE 50

When he is sworn in the President of the Republic swears the following oath:

I swear on my honour as a FRELIMO militant to devote all my energy to defending, promoting and consolidating the gains of the Revolution, to the welfare of the Mozambique people, to see to it that the Constitution is respected and ensure justice for all citizens.

ARTICLE 51

The President of the Republic decides who shall represent him in the event of his absence or incapacity, or in the performance of certain specific tasks.

ARTICLE 52

In the event of death, resignation or permanent incapacity of the President of the Republic, his functions shall be immediately assumed by FRELIMO's Central Committee, which shall name a new President of the Republic in the shortest possible space of time.

CHAPTER IV

Council of Ministers

ARTICLE 53

The Council of Ministers comprises the Ministers and Vice-Ministers of the People's Republic of Mozambique.

The Council of Ministers is presided over by the President of the Republic.

ARTICLE 54

The Council of Ministers is answerable to the People's Assembly for the implementation of internal and external policy of the State.

In its work the Council of Ministers must comply with resolutions of FRELIMO's Congress, Central Committee and Executive Committee, laws of the People's Assembly and its Permanent Commission, and decisions of the President of the Republic.

It is the specific purview of the Council of Ministers:

- (a) To draw up the general State plan and general State budget and implement them, after approval by FRELIMO's Central Committee and the People's Assembly;
- (b) To draw up draft laws and decisions to be submitted to the People's Assembly, the Permanent Commission of the People's Assembly or the President of the Republic;
- (c) To enact legislative decrees through delegated power and

- within the scope attributed by the People's Assembly, and to enact decrees;
- (d) To direct and coordinate the activity of the Ministries and other state organs which come under the Council of Ministers;
 - (e) To guarantee the rights and freedoms of citizens.

CHAPTER V

Administrative

organisation

and local state organs

ARTICLE 55

The People's Republic of Mozambique is administratively organised in provinces, districts and localities.

ARTICLE 56

The guiding principles of regional administration are unity, centralism and local initiative.

ARTICLE 57

The highest State organ in a province is the Provincial Government, presided over by the governor. The governor is the representative of the President of the Republic and is answerable to FRELIMO and the Government for his activities.

ARTICLE 58

There shall be a Provincial Assembly in each province. The Provincial Assembly shall legislate on matters of exclusively provincial interest and shall take part in decisions related to the province.

ARTICLE 59

The Provincial Government is made up of the governor of the province and the provincial heads of the various sectors of the Administration, or persons appointed to represent the said sectors.

ARTICLE 60

The President of the Republic may annul decisions of the governors, Provincial Governments and Provincial Assemblies.

ARTICLE 61

The competence, organisation, composition and structure of administrative bodies or other organs of local administration shall be determined by law.

CHAPTER VI

Judiciary

ARTICLE 62

In the People's Republic of Mozambique the judicial function shall be performed by the courts, through the Supreme People's Court and other courts provided for in the law on the judiciary. Their composition and competence shall be determined by law.

ARTICLE 63

The Supreme People's Court shall promote the uniform application of the law by all courts to serve the interests of the people of Mozambique, and shall ensure the fulfilment of the Constitution, laws and legal norms of the People's Republic of Mozambique.

ARTICLE 64

The President of the Supreme People's Court is appointed by the President of the Republic.

ARTICLE 65

Judges are independent in discharging their duties.

ARTICLE 66

There shall be magistrates from the Public Prosecutor's office, whose duty it shall be to represent the State. The Attorney-General of the Republic shall be answerable to the People's Assembly.

SECTION IV

Symbols of the People's
Republic of Mozambique

ARTICLE 67

The symbols of the People's Republic of Mozambique are the flag, the emblem and the national anthem.

ARTICLE 68

The National Flag has five colours, four of them separated by white bands, and placed diagonally, starting from the upper left-hand corner. The colours, in order from top to bottom, represent:

Green - the wealth of Mozambique's soil;

Red - the centuries-old resistance to colonialism, the armed struggle for national liberation and the Revolution;

Black - the African Continent;

Yellow - the wealth of the sub-soil.

The white expresses the justness of the Mozambican people's struggle and the peace that struggle is aimed at establishing.

In the upper left-hand corner there is an emblem consisting of a cog wheel (symbol of the working class and industrial production) which encircles a book (symbol of education), on which are superimposed a crossed gun and hoe, symbolising defence and vigilance, the peasant class and agricultural production.

On the right, inside the cog wheel, there is a red star, symbolising the Mozambican people's internationalist spirit.

ARTICLE 69

The emblem of the People's Republic of Mozambique has as its central features a book, a gun and hoe over a map of Mozambique and representing respectively: education, defence and vigilance, and the peasant class and agricultural production.

The ocean is represented below the map.

In the centre there is a rising sun, the symbol of revolution and of the new life being built.

Bordering these is a cog wheel, symbolising the working class and industry, the factor giving impetus to our economy.

Around the cog wheel there is, on the right, a maize plant and cob, and on the left a sugar cane, which symbolise agricultural wealth.

At the top, in the centre, a red star symbolises the internationalist spirit of the Mozambican Revolution.

In the lower part, there is a red band bearing the inscription "People's Republic of Mozambique."

SECTION V

Final and transitional provisions

ARTICLE 70

Pending the creation of the Assembly with constituent powers, any alteration to the Constitution is the task of FRELIMO's Central Committee.

ARTICLE 71

Former legislation which is contrary to the Constitution is automatically revoked. Former legislation which is not contrary to the Constitution shall be maintained in force until such time as it is altered or revoked.

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ARTICLE 72

Until the People's Assembly starts to function, its legislative powers shall be exercised by the Council of Ministers.

ARTICLE 73

The Constitution of the People's Republic of Mozambique comes into force at 00 hours on 25 June 1975.

Approved by acclamation by the Central Committee of the Mozambique Liberation Front on 20 June 1975.