

Instituto de Ciências Sociais
Universidade de Lisboa
www.ics.ul.pt

Working Papers

**The Assembly of the Republic of Mozambique: From enemies to
adversaries?**

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WP1-08

June 2008

Abstract

This paper starts with a description of the development of the Mozambican National Assembly. A study of the Mozambican Assembly can provide insights into how former enemies can co-operate within a formal political structure. How did these political parties fare when occupying seats in the semi-circle for the first time? How did a parliament in existence for only three decades function? Paradoxically, legislatures although key institutions in democratic regimes, have not been discussed in the vast literature on democratization in Africa. This paper seeks to reveal how the Mozambican Assembly has been contributing to the democratization of the country.

The Mozambican National Assembly exists within a strong presidential system with serious limitation with regard to checks and balances, within a bi-party system composed of political parties representing two former war movements with authoritarian legacies. The Assembly also operates within one of the poorest states in the world. The country has been the “donor darling” in the region as a result of improvements in the economy and of its leaders’ embracement of multiparty democracy. The national assembly, however, has been ignored in the wave of international support for these developments and, worse, has been neglected as a state interlocutor by international donors. How in this unyielding framework does the National Assembly contribute to democracy and development? As the Kenyan riots after the elections in 2007 show, democratization processes, left unconsolidated, can easily lead to serious reversals of the course of democracy. The Mozambican democratization process has been stalled after important initial achievements, and the country has not moved from a regime transition to democratic consolidation. It is argued that a strengthening of the National Assembly may not entrench democracy in the country *per se*, but without a robust Assembly democratic consolidation is unlikely.

Introduction

Besides its post conflict nature, Mozambique’s former status as a colony of Portugal – which was itself ruled by an authoritarian regime at the time – meant that Mozambicans, including colonial Portuguese citizens, had not prior to independence experienced government and a political environment that included representative and legislative organisations. This characteristic distinguishes the legislature in Mozambique from other former European colonies in Africa.

Mozambican Assembly is only 31 years old. Seventeen of these were spent under a one-party regime and only 14 under a multiparty regime. Of the 17 years of one-party rule, a 12-year civil war dominated the years of one-party rule. After only 13 years in existence in a democratic dispensation, it is reasonable to state that the multiparty Assembly of

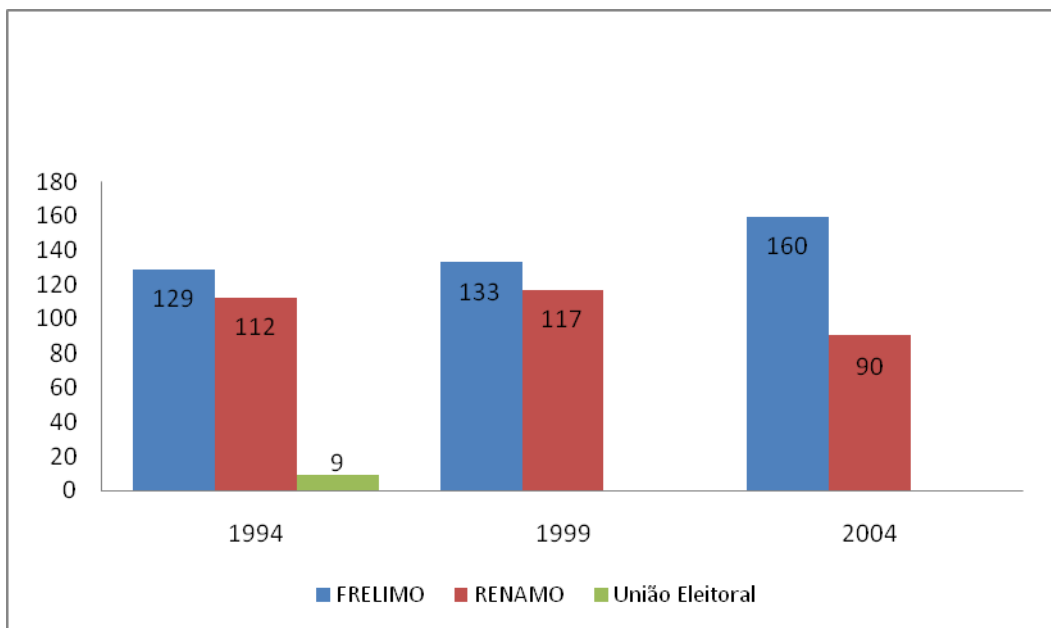
Mozambique is still in its infancy. When assessing the performance or the role of the Mozambican Assembly, it is important to bear in mind (as with any other institution) its age and origin. These will influence the Assembly's institutionalisation process and the level of institutionalisation achieved.

1977 marked the first time in Mozambique's history that a political assembly came together. The meeting took place in the old cinema in Maputo, since there was no infrastructure for this purpose in the country at the time. This old colonial-era cinema, in the centre of the city, was adopted as the Assembly building from that date onwards. During the one-party regime, the parliament was known as the Popular Assembly (*Assembleia Popular*). Since 1994, with the introduction of the multiparty system, it has been called the Assembly of the Republic (*Assembleia da República*).

At present, the Assembly comprises two political party groups, which are the two parties that fought each other in the civil war. These two *antagonistic* parties have been seated side by side in the elected Assembly of the Republic since 1994. The country has already witnessed three legislative elections, in which (as shown in the Figure 7) FRELIMO has always achieved the majority of votes. In the first term, there was a third party involved, but from the second term onwards, the Assembly has consisted of two parties only. The RENAMO parliamentary group is at present a coalition between RENAMO and several small parties¹. This coalition, however, did not prevent RENAMO from being the smallest parliamentary group in Mozambique's multiparty history.

¹ The small parties are the following: Independent Alliance of Mozambique; Mozambican Nationalist Movement; National Convention Party; National Unity Party; Front of Patriotic Action; People's Party of Mozambique; United Front of Mozambique.

Figure 1 - Seat Distribution in the Mozambican Assembly



Source: African Elections Database (2005)

FRELIMO and RENAMO's co-existence within the Mozambican Assembly has been marked by apprehension and animosity. In December 1994, during the first session after the first multiparty elections, which took place in a tense environment, the main opposition party, RENAMO abandoned the plenary session as a result of a disagreement over procedures for the election of the speaker. Without procedural rules for the Assembly and without any experience whatsoever of how to conduct multiparty assemblies, the very first session ended in a serious crisis with the interruption of the Assembly.

Before 1994, FRELIMO deputies were chosen from among the 'comrades'², among whom there were high levels of trust. They were also used to ruling their own assembly. On the other hand, subsequent to 1994, RENAMO deputies participated in a political assembly for the first time. As stated by one of the MPs at the time: "To FRELIMO, we RENAMO deputies were just a bunch of bandits, the new arrivals in town". (Raúl Domingos, interview by the author, March 16, 2007). Unlike RENAMO, FRELIMO had experience of an assembly albeit under a one-party regime. None of the deputies had experience of being seated next to members of another political party. Apart from becoming familiar with all of the practicalities of an assembly, such as how to vote, how to take the floor and how to organise the agenda, the Mozambican deputies had to first learn how to be with the enemy

² FRELIMO members used the socialist expression *comrades* to address or refer to one another; the expression is still used among the party members.

after a civil war. The first challenge for the deputies was to move from being enemies to being political adversaries. Whether this has been achieved is still debatable.

The history of Mozambique in the twentieth century is defined by long periods of war. The war against the ruling colonialists for independence was followed by a civil war after independence. Peace was only achieved in 1992, and since then the country has been the darling of the donor community. Its economic growth has been used as an example to the continent, with an annual growth rate of 8 %, and with low levels of inflation. Nevertheless, Mozambique is one of the poorest countries in the world, with 70% of the population living below the poverty line. Life expectancy is approximately 40 years old; illiteracy is extremely high³, most of the population is not able to read or write, and many have no understanding of the official language, Portuguese.

Mozambique has 20,4 million inhabitants⁴, and 65% of the population live in rural areas. Economic growth is mainly through foreign investment, for example, in aluminium production. However, it has been pointed out that the lack of tax revenues from these investments will be a medium- to long-term problem for the consolidation of the economy of the country. Mozambique is ranked one of the lowest countries on the UNDP Human Development Index for 2006 (UNDP, 2006), in 168th place among 177 countries classified by this index. It is important to bear in mind that the Mozambican population is extremely juvenile – four in ten Mozambicans are younger than 15 years old (UNDP, 2006). This means that most young Mozambican citizens were born after the peace agreement and during the period of democratisation. Elections have been part of their lives; however, this does not necessarily mean that democracy has been part of their lives.

The Assembly and democratisation

The transition to democracy in Mozambique occurred alongside the establishment of peace in the country. During both processes the Assembly was a key institution.

Not much is known regarding the role of African parliaments in their democratisation processes. What is acknowledged is that many one-party assemblies have given way to assemblies comprising several political parties. There is the common conjecture that assemblies are important for democracy, although how these institutions have developed and what their importance is for the development and democratisation of these countries needs further investigation. It is evident that the democratisation wave of the 1990s replaced one-

³ According to UNESCO, six out of ten Mozambicans are illiterate (United Nations Educational, Scientific and Cultural Organization [UNESCO], 2004).

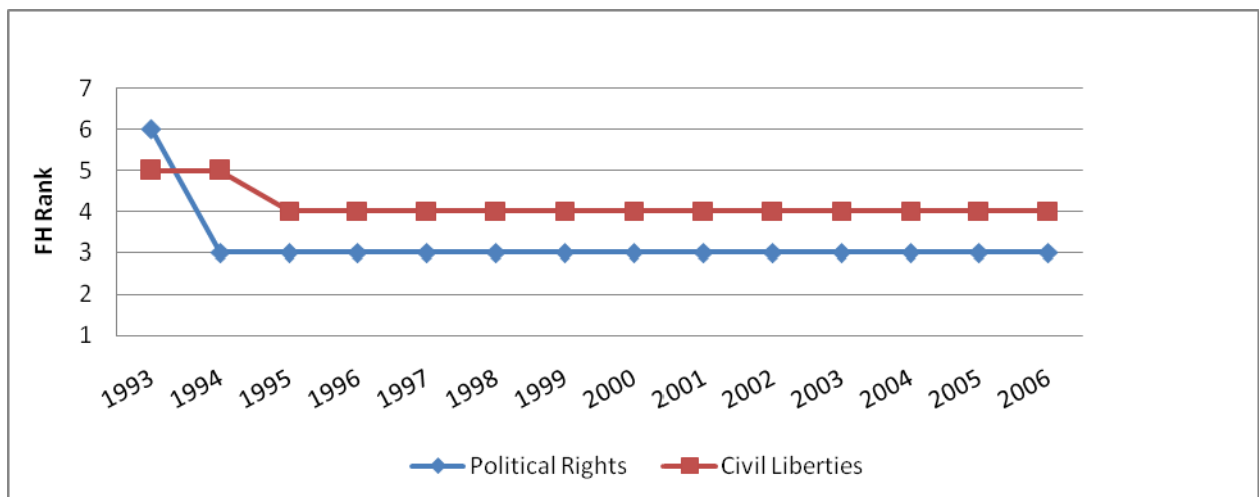
⁴ Instituto Nacional De Estatísticas Moçambique, <http://www.ine.gov.mz/>, online 29 September 2007.

party assemblies with elected multiparty assemblies in several countries. The Mozambican Assembly is one of these.

The study of the Assembly of Mozambique yields important insights into the relationship between democratisation and legislatures. The Mozambican case shows that a constitutional design in which the legislature's powers are extremely limited in relation to those of the executive will result in a stagnation of the democratisation process. The Mozambican Constitution grants almost no powers to the Assembly, and this correlates with the stagnation of the development of liberties in the country.

The stagnation of the democratisation process is indicated by the Freedom House scores for Mozambique, which have remained unchanged with regard to political values and civil liberties since 1994. With the value for political rights being 3 and for civil rights being 4, the country has been classified as 'partly free' for more than a decade (Freedom House, 2005). As demonstrated in the figure 2, in the transition period from 1993 to 1994, there was significant development with regard to political and civil liberties, but since 1994 there has been no sign of progress.

FIGURE 2 - Mozambique's Freedom House Scores



Source: Freedom House, 2005

Further evidence of the stagnation of the democratisation process in Mozambique is the low participation in the elections in 2004, together with the problematic electoral process. In this election the turnout declined drastically from that of previous elections. In 2004, only 36,3% of the electorate voted, in contrast with a high turnout in 1994 of 87,9%, and in 1999 of

68,1% (African Elections Database, 2006). In addition, according to several international observers, the elections in 2004 exhibited grave irregularities. However, these irregularities seem not to have influenced the final result, since FRELIMO won by a comfortable margin. Electoral irregularities led to a lack of trust in the democratisation process and raised tensions between political parties. Moreover, this state of affairs led to the exclusion of RENAMO from the state affairs, as was evident from RENAMO's refusal in 2007 to participate in the anniversary of the peace agreement, and for the first time the peace celebrations did not have the two political parties seated side by side (Parlamentares Europeus para a Africa [AWEPA], 2004).

In 1990, the one-party assembly in Mozambique approved a new constitution allowing the formation of political parties. This constitution was the foundation for the peace agreement signed between FRELIMO and RENAMO in 1992. Two years later, the country held its first multiparty elections. Present in the Constitution of 1990 and retained in the revision of 2004, is a constitutional design that stipulates a strong presidential system. The president has full powers to appoint and dismiss the cabinet. The premier and the ministers can be dismissed individually and collectively by the president with no justification to any other institution. The only limit that the Mozambican president has regarding the investiture of the government is that the president can be forced to dismiss the premier and cabinet if the Assembly rejects the Government programme twice (Regimento Interno da Assembleia da Republica⁵ de Mocambique, Article 108, 2001).

The choice of a strong presidential system where the president is absolved of public accountability was made by the former pre-1994 Assembly. However, , this constitutional design was not challenged in the subsequent constitutional revisions. The maintenance of this constitutional design is an expression of the will of the two main political parties and not just the legacy of the authoritarian former one-party regime. RENAMO, the largest opposition party, has not challenged this constitutional design in several revisions of the Constitution.

Since 1994, the country has been under the governance of the same political party, FRELIMO. After independence this former liberation movement with communism leanings became the governing regime. Since the first election in 1994, FRELIMO has won all the elections, with the exception of the municipal elections in 1998 where RENAMO won five municipalities. In the legislative and presidential elections in 2004, FRELIMO registered the highest vote. In the last presidential elections, FRELIMO presented the electorate with a new presidential candidate – Armando Guebuza. In doing this, the party respected the constitutional provision that establishes a limit of two terms for the presidency (Artigo 147, Constituição da República de Moçambique, 2004). Besides the term limits, Joaquim Chissano, the president at that time, expressed no will to run for a third term, even though his party could have voted for a constitutional revision to allow him to do so. Even though the international community was pleased with Chissano's governance, he faced serious

⁵ Standing Orders

popularity problems in his own country during his last term, with one of his sons allegedly involved in a financial scandal.

Armando Guebuza was elected as FRELIMO's secretary general at its eighth congress in 2002 and became the party president in 2005. During the ninth party congress, he was re-elected president of the party with 100% of the votes. At the same congress, held in November 2006 (Mozambique Government, 2007)⁶, Chissano was accorded of honorary president. Guebuza is the second elected president of the country. His style is less conciliatory than that of Chissano. For instance, since being elected as president of the country, he has not met with the leader of the opposition. Guebuza's presidency has been characterised by a cold relationship between FRELIMO and RENAMO, with the latter accusing FRELIMO of showing a lack of tolerance and exhibiting an uncooperative attitude. RENAMO for the first time refused to participate in the 15th anniversary of the official commemoration of the peace agreement. Instead, Afonso Dhlakama met his RENAMO party members in their party office and read in his speech, which stated "Our country is sick. The tyranny is back." (Noticias, 2007, 2)⁷.

Mozambique was included in the Ibrahim Index of African Governance, launched in 2007, using 2005 data. It was ranked 23rd out of the 48 countries in Sub-Saharan Africa⁸. Placed in the middle of the table, the country is rated as doing well, at least in relation to the rest of the continent. The Mo Ibrahim Foundation awards an annual prize to a former African president for his contribution to governance and democracy. Joaquim Chissano won the first Mo Ibrahim prize for excellence in his leadership of Mozambique (Elections in Mozambique, 2008)⁹. The Foundation's press release indicated that one of the reasons for the choice of Chissano was his decision not to seek a third presidential term, and that, according to the Foundation, reinforced Mozambique's democracy. Even though there are term limits, Africa knows several examples of presidents that at the last moment have tried to change the constitution to allow them one more term.

Chissano signed the peace agreement in 1992, and during his two presidential terms had a cordial relationship with Afonso Dhlakama, the leader of RENAMO. The relationship between the President of the Republic and Dhlakama appears to have deteriorated with the arrival of Armando Guebuza. Across the political divide, Dhlakama has been accused of

⁶Mozambique Government http://www.govnet.gov.mz/noticias/news_folder_politica/novembro2006/news_279_p_11_06, online 25 September

⁷ Jornal Noticias, Maputo, 5 de Outubro de 2007 article 'Renamo exclui-se do programa oficial' translation by the author. Original: "*O nosso país está doente. Os tiranos estão de volta, a democracia está em perigo e nós, homens e mulheres da Renamo temos que estar preparados para fazer o que for preciso em sua salvação*"

⁸This ranking measures the quality of the governance, assessing five areas: Safety and Security, Rule of Law, Transparency and Corruption, Participation and Human Rights, Sustainable Economic Development, Human Development. See <http://www.moibrahimfoundation.org/index/index2.asp> online October 10, 2007.

⁹ See <http://www.africanmonitor.org/node/103>

nepotism within his own party. In the last elections, Raúl Domingos, former parliamentary leader of RENAMO, was expelled from the party, despite the general perception that he was a potential candidate for the leadership of the party.

The foundation – the Popular Assembly

The creation of the Popular Assembly was decided at the third FRELIMO congress, in 1977. In the following years a new constitution was drawn up. The 1978 Constitution differs from the Constitution of 1975 in its attempt to separate executive and legislative power in government.

The Constitution of 1975 vested six institutions with law-making powers. These included the Central Committee of FRELIMO, the Executive Committee of FRELIMO, the Permanent Committee of the Popular Assembly, the President of the Republic, the organs of the Popular Assembly, and the Council of Ministers. The Constitution of 1978 reduced these organs to four, slashing the power of the Executive Committee of FRELIMO and of the President.

The permanent committee of the Popular Assembly was composed of deputies elected by the Legislature but proposed by the Central Committee of FRELIMO. This structure created a situation where there was no distinction between the Central Committee of FRELIMO and the Permanent Committee of the Popular Assembly. According to research by Macuane, decisions by the Permanent Committee were then taken for ratification to the plenary, which approved them with almost no exception, and unanimously with no debate (Macuane, 2000). Only in 1987 did the plenary of the Assembly acquire importance relating to the approval of legislation. This change was a result of the alteration of the Constitution (Lei 4/86 of 25 July, 1986) and of the standing orders in 1986. Among other amendments was the creation of three separate functions, namely the President of the Republic, the President of the Assembly and the Premier. Up to this point in time, the President of the Republic also served as the President of the Popular Assembly.

In 1990, with the Constitution that initiated the process of installing multiparty rule, the Permanent Committee's law-making role was even further reduced, this function subsequently being more centralised in the plenary Assembly.

Development of the Assembly

It is evident that the Assembly did not start from scratch the day after independence, but it is also important to realise that initially there were no rules, procedures, and cohabitation patterns among parliamentarians and between parliamentarians and the staff of the Assembly. Even the South African Parliament, which had inherited a partial¹⁰ multiparty structure, had to contend with inherited white staff with years of experience in a nondemocratic state.

¹⁰ The South African Parliament before 1994 comprised three houses: The House of Assembly (White representatives), the House of Representatives (Coloured representatives), and the House of Delegates (Indian representatives). This tricameral

It is therefore obvious that these legislatures are still institutionalising procedures, rules and work habits. The scarce literature on African legislatures is mainly confined to works on former British or French colonies. Mozambique was a Portuguese colony, which is important for the analysis of its legislature, since Portugal was not a democracy at the time that Mozambique's attained independence. As a consequence, Portugal's colonies had not observed any legislative practices upon which to build. However, their colonial legacy did not prevent the Mozambican Parliament from reproducing their model. Even though now there are institutional similarities with the present Portuguese model, the political system is substantially different. The similarities are more a result of the cooperation that exists between the Portuguese-speaking countries, as the common language helps the sharing of procedures, documentation and expertise. For instance, in 1994 the Mozambican Assembly used the Cape Verdean standing orders as a foundation for its standing orders. This Lusophone cooperation appears to be nourishing a system distinct from the Francophone and Westminster models.

The institutional capacity of a legislature is limited primarily by the level of powers provided by the constitution. But the Assembly's capacity to perform its tasks will also be the consequence of a collection of different variables such as its party system, its resources, and its structure. Joel Barkan defined a set of seven variables to evaluate the way that legislatures are emerging in Africa. These include the pressures of patron-client politics, the formal rules, the level of legislative salaries, the collective resources and capacity of the legislature, the type of electoral system for converting votes into seats, and the presence of a coalition of reformers and/or opportunists (Barkan, 2005).

An attempt to measure the institutionalisation of a legislature was first made by Nelson Polsby (1968) using the House of Commons. This concern with measuring institutionalisation is related to the belief that the level of institutionalisation will affect the political effectiveness of an institution. Polsby defined three criteria that a legislature needs to fulfil to be considered institutionalised. According to Polsby, a legislature is in a positive process of institutionalisation when it progressively becomes more bounded, more complex, and more universal.

Table 1 - Level of Institutionalisation

system was created in 1977. See for example <http://www.sahistory.org.za/pages/library-resources/official%20docs/tricameral-parliament.htm>, online 1 September.

Criteria	Institutionalised Legislature	Mozambican Assembly	Comments
Bounded – autonomy in relation to other institutions.	Yes	No	The Mozambican legislature is not independent of the political parties.
Complexity – the organisation needs to be relatively complex with regard to its rules, its division of work, and its hierarchy.	Yes	No	There has been an effort to move towards this. However there are still noticeable deficiencies.
Universalistic – that is, the organisation should use universalistic rather than particularistic criteria.	Yes	No	The first symptom that this criterion has not been fulfilled is that not all deputies have the opportunity to belong to working committees.

This analysis of the institutionalisation of the Mozambican Assembly reveals that there is still a long way to go along the route to institutionalisation. However, as stated previously, this judgment should be balanced by the fact that this weakness is in part caused by the Constitution, which gives almost total power to the President of the Republic. This does not equate to saying that the lack of institutionalisation is a result of the constitutional limitation of powers. Besides the constitutional limitation, there are other limitations that the Mozambican Assembly struggles with.

There are several challenges that the Mozambican Assembly faces. The first is that the Assembly is hostage to an electoral and party system that restricts parliamentary autonomy. The ruling party holds the majority of parliamentary seats, and this reduces the deputies of the ruling party to one solid block protecting the Executive. This situation is reinforced by an electoral system that makes the deputies dependent on the party's hierarchy. In Barkan's research it was found that patron-client relations provide an incentive for constituency work. Even though the Mozambican deputies are also under the influence of patron-client relations, the result is the opposite. The reason for this is that in Mozambique patron-client relations exist mainly within the party. The electoral system, being a proportional party, closed-list system, forces the deputies to be obedient to their political party above anything else.

The autonomy of the institution regarding other organisations and groups – that is, its demarcation from other organisations in the political system, including from the political parties – is seen as an essential feature of the development of a legislature. This is the main challenge that the Mozambican Parliament faces. In a state where the ruling party dominates all state structures, the Assembly is no exception, even though it is the institution where the opposition plays a role. There was a positive signal contradicting this characteristic when a few deputies were expelled from RENAMO, and the Assembly did not comply with RENAMO's request to expel them. On the contrary, there was institutional solidarity, and the deputies kept their places and all their benefits. It is questionable whether this would have occurred if the deputies belonged to FRELIMO.

The role of the international community

For a country that is a beneficiary of substantial international aid, international support for the institutionalisation of the Assembly has been negligible. On the contrary, that the country is a recipient of large quantities of international aid actually undermines the Assembly's oversight function with regards to the Executive. This is because negotiations between the donors and the Executive exclude the Assembly, meaning that it is the international community that effectively negotiates and judges the Executive's actions.

This situation illustrates how the international community can support and promote the democratisation process by giving substantial financial support for elections but simultaneously create circumstances that represent serious obstacles for democratic consolidation. This includes supporting a constitutional design that contains dubious checks and balances of power, and preventing the Assembly from performing its oversight function. In addition, the international community has given little support to the Assembly's development. There have been sporadic projects by a few donors but no formal strategy plotted by these donors to manage and support aid to the country. This is evidenced by the fact that the Assembly's buildings are still those of the 1970s one-party Assembly. Only the more recent buildings, which were constructed after 1992, were funded by the Chinese Government.

The institutionalisation of the Mozambican Assembly has not been a priority for the international community. Between 1995 and 1998, United States Agency for International Development (USAID) funded a project to improve the efficiency of the legislature, but it ran only from 1995 to 1997, while the United Nations for Development Programme (UNDP) rolled out one project and is starting their second project. However, these efforts are not part of a collective effort by the group of donors, constituted to manage aid to the country.

The rhetoric used in the plenary debates in Mozambique is often not polite. This feature could reflect the embryonic stage of development of the Legislature. This characteristic was noted with regard to the debate within the fledgling US Congress, as Polsby revealed, citing Thomas Reed as saying "These were not pleasant days. Men were not nice in their treatment of each other (...)." (Polsby, 1968, p. 167). In the early days of the US Congress it seems that

the environment was characterised as an ‘era of guns and dogs’ (Polsby, 1968, p.168). The Mozambican Parliament appears still to be in the era of impolite language, but this has begun to improve.

The legislatures that have been established in the recent wave of democratisation in Africa have faced the challenge of rapid development. The democratisation processes in the 1990s were high-speed processes. With elections being supported by the international community, international advocacy for democratisation, and the exposure that citizens had to global events through the media, the political process did not lead the way. On the contrary, first world influences led the changes. This context meant that these assemblies did not have, as their counterparts in Western societies have had, decades or centuries to undertake their development. For this reason, these legislatures faced the challenge of actively promoting their institutionalisation as a strategy, rather than allowing it to develop as a natural process, as happened with these institutions in Western societies.

The focus on institutionalisation over a short time span carries the risk of generating an increase in the complexity of the structure that will not necessarily mean institutionalisation. As noted by Polsby, an increase in hierarchical structure is not a necessary attribute of the institutionalisation process. Polsby states that organisations other than bureaucracies have uniformly centralised patterns of authority (1968).

Polsby pioneered the use of *turnover of members* to measure the level of institutionalisation of an Assembly, a feature that years later Hibbings (1999, p.33) questioned: “the indicators of institutionalization actually could be seen as an indicator of the absence of institutionalization – an inability of the institution to quash variance in individual members” . To Hibbings (1999, p.158), institutionalisation occurs when the turnover of members has minimal impact on the institution, and judgement of this criterion should also take into account the level of turnover. A high turnover can also reveal an increase in uncertainty. The Mozambican Assembly is in only its third cycle of turnover and it is thus too early to draw conclusions related to the turnover of its members.

Hibbings’ findings, which correlated the development of the legislature with the surrounding environment, can be utilised to assist in an understanding of the Mozambican case. Hibbings noticed that members of parliament play according to the rules of the political game, which have mainly originated in the political parties and not in the legislature. This is observable in the Mozambican Assembly.

“It becomes virtually impossible to consider legislative institutionalization without considering political parties. What we find is that individual members have been rendered relatively inconsequential by an institutionalizing process, but parties and not the legislatures are primarily responsible for this effect. The parties are very good at obtaining the kind of behaviour they want, effectively

reducing legislators, in many systems, to little more than drones” (Hibbings, p. 159-160).

In cases such as the Mozambican one, where the political parties control the parliamentary rules, institutionalisation will depend on the will of the political parties. Based on the example of the House of Commons in the UK, Hibbings (1999) shows that political systems lead the process of legislative institutionalisation. This prompts the important deduction that there is a variation in the potential of an assembly to operate the institutionalisation process. Hibbings states in this regard “... legislative institutionalization itself should not be expected to be identical across legislatures in different political systems” (Ibid., p. 162). This idea is central to the study of institutionalisation in legislatures, since it reveals that it is an error to believe that legislatures can develop autonomously.

The official language

Mozambique has a diversity of mother tongues. According to the census of 1997, the language most spoken at home is *Emakhuwa* (26,3%), followed by *Xichangana* (11,4%), and last, Portuguese, the only official language, which is the home tongue of 6,5% of the population¹¹. The variety of languages does not appear to be an obstacle for the workings of the Mozambican Parliament though. This is unlike the situation in the Senegalese Parliament, founded by Thomas and Sissokho, in which many of its members do not speak French, limiting their participation. In Mozambique there is no disagreement regarding the use of Portuguese within the Assembly (Thomas & Sissokho, 2005). On the contrary, having Portuguese as the official language is seen as a unifying and equalising force.

The Assembly in the multiparty context - the constitutional framework

The Assembly is the weakest link with regard to constitutional powers, comprising the junction between the Executive and the Legislative components of government. The Mozambican Assembly does not have any power regarding the formation of government. The power to appoint and dismiss the Government (individually or collectively) is centralised in the figure of the President. The single exception is that the President can be forced to dismiss his newly appointed Premier and Cabinet in the event of the government’s programme being rejected for a second time (Artigo 108, Regimento Interno da Assembleia de Moçambique, 2001) when it is presented for the approval of the Assembly. Conversely, rejection of the programme can carry as a consequence the dissolution of the Assembly by the President

¹¹ See official site Instituto Nacional de Estatísticas
http://www.ine.gov.mz/censos_dir/recenseamento_geral/estudos_analise/lingua, online 10 September 2007.

(Artigo 188., Constituição da República de Moçambique, 2004). Logically, this clause discourages a vote against the programme by the deputies. In reality, this scenario is difficult to imagine, since the majority of the FRELIMO party members give unconditional support to the government.

The Council of Ministers is presided over by the President of the Republic (Artigo 160, Constituição da República de Moçambique, 2004) and therefore the President is the head of the Government. The President appoints and dismisses the Government at will. The President is only accountable to the assembly with regard to his 'annual information', and this presentation is not subject to debate (Article 21, standing orders). The President is excluded from any obligation to answer to the Assembly or to be present at sittings of the Assembly. The Assembly can, however, force other members of the Government to be present and answer questions. This power of the Assembly is limited though to verbal reprimand, since the Assembly does not have the power to dismiss the Government collectively, or to dismiss individuals within the Government. In fact, as was previously mentioned, the only power that the Assembly has is the power to reject the government's programme. Finally, the Mozambican constitution does not make provisions for censure of the Government by the Assembly.

Its constitutional powers relative to that of the President and to the Government definitely make the Assembly the weakest link among the political institutions in Mozambique. This condition is further highlighted by the constitutional division between the President and the Government concerning their accountability to the Assembly. A paradoxical situation exists in which the President is the head of the Government, but with reference to the accountability of the Government to the Assembly, the Government is represented in the Assembly by the Prime Minister. If the Assembly's power in relation to the Government is weak, then with regard to the President, the power of the Assembly is non-existent. Actually, the President – in constitutional terms – is not accountable to any state institution. The only provision limiting presidential power is that the Assembly can require the Attorney General to initiate a penal process against the President, which to be pursued will require the support of two-thirds of the votes in the Assembly.

The President, the Permanent Committee and the General Secretary

In 2004, with the objective of improving the of the Assembly's administrative structure, the organic law (Lei Orgânica da Assembleia da República de MoçambiqueOrgânica, 2004) was enacted, whereby the management of the Assembly was allocated to the President of the Assembly, to the Permanent Committee and to the General Secretary (, Artigo 8, Lei Orgânica da Assembleia da República de MoçambiqueOrgânica, 2004).

The President of the Assembly of the Republic of Mozambique

The President of the Assembly is the second-ranking figure in the state hierarchy of the Republic of Mozambique. It is the President of the Assembly who replaces the President of the Republic in cases of incapacity or an absence from the national territory (Artigo 151, Constituição da República de Moçambique, 2004). Moreover, it is constitutionally forbidden for the President of the Assembly and the President of the country to be simultaneously absent from the country.

The President of the Assembly has full powers to convene the Assembly. It is his or her responsibility to ensure that the Assembly's instructions are respected, to sign all legislation approved by the Assembly, and to represent the Assembly both nationally and internationally. Also, and not least important, it is the president's function to promote the Assembly's relations with the remaining state institutions and with the emerging provincial assemblies.

In addition, the President of the Assembly supervises the administration and financial and asset management of the Assembly, and can delegate the day-to-day running of the Assembly to the General Secretary in matters such as the recruitment of staff. Furthermore this incumbent is responsible for the security of all the Assembly's buildings.

Deputies

Mozambique's Assembly consists of 250 deputies elected from a party closed-list system in 11 multi-member constituencies made up of the provinces (12 to 50 representatives for each, based on population). In addition, there are two single-member constituencies, corresponding to the Mozambican communities on the continents of Europe and Africa, respectively. The seats are allocated according to the d'Hondt¹² method and the mandate is for the same period as applies to the Legislature, which in normal circumstances is five years (Artigo 170, Constituição da República de Moçambique, 2004). Each deputy is entrusted to represent the entire country and not only the district in which he or she is elected (Artigo 168, Constituição da República de Moçambique, 2004).

In the event of suspension, resignation or justifiable absence, the deputy will be substituted, either temporarily or permanently. In the event of replacement, the deputy will be substituted by the next candidate on the party list. Suspension will be considered once justification is given as to why the deputy has asked to be absent from parliament. When or if the deputy returns to Parliament, the substitute's functions terminate, and the incumbent deputy is concurrently reinstated (Artigo 11, Estatuto de Deputado da Assembleia da República, 1995).

¹² "Method of voting for several electoral candidates, usually members of the same political party, with one mark of the ballot." in list system. (2007). In Encyclopædia Britannica. Retrieved November 2, 2007, from Encyclopædia Britannica Online: <http://www.search.eb.com/eb/article-9048496>

Normally, suspension occurs when deputies are appointed to take office in government, as was the case with the 14 FRELIMO deputies that were replaced in February 2005 as a result of their nomination to the Government.

Several other functions are considered incompatible with the position of deputy. These are: judge, career diplomat, a position in active law enforcement (the police or military), provincial governor, district administrator, or member of a municipal organisation (Artigo 171, Constituição da República de Moçambique, 2004).

To offer oneself as a potential member of parliament, one has to be over 18 and be included on one of the parties' candidate lists, since only political parties are allowed to contest the legislative elections Constitution, (2004), Article 169 . The party lists can include independent individuals as an alternative to party members. Until recently, the electoral law had a legal constraint that specified a minimum of 5% of the national quota in order for a party to hold a seat in Parliament. In March 2007, the electoral law was altered and this clause was abolished. This modification is expected to permit small parties to hold seats in the Assembly. If the 5% quota had existed in the last election, the PDD party ¹³, led by the former RENAMO member Raúl Domingos, would have had a presence in the parliament.

Constitutionally, Mozambican deputies are vested with the power to initiate legislation (Artigo 183, Constituição da República de Moçambique, 2004); however, this is far from common practice as a consequence of the party's strict discipline and the centralised control that the deputies have over their parties.

The literature on African legislatures has discussed the role that African parliamentarians play in the local development of their regions (Barkan, 1979; Hopkins, 1979; Le Vine, 1979; Mezey, 1983; Thomas & Sissokho, 2005). Thomas & Sissokho, in their analysis of the Senegalese legislature, concludes that the deputies, confronted with a lack of formal legislative power, make informal appeals to the Executive 'behind-the-scenes' through party structures. However, for a Mozambican deputy it is problematic to appeal to the Executive, even behind the scenes. The reasons for this differ for the deputies of FRELIMO and RENAMO. The FRELIMO deputy is usually hierarchically inferior within the party structure and therefore to his comrade the Executive member. This condition makes the parliamentarian powerless over the Executive. For the RENAMO deputy, as a result of the deep divide between this party and FRELIMO, it is difficult to liaise with members of the Government in a friendly and informal manner. This type of informal contact would also not be tolerated by the deputy's RENAMO partners.

The database containing the individual profile of each deputy of the current legislature was not available at the time of writing. For this reason, no evaluation regarding the level of

¹³ PDD – Partido para a Paz e a Democracia. See the political party website http://www.pdd.org.mz/Pdd_Hstorial.htm (online May 24, 2007)

formal education of the deputies or their professions can be provided. This information could help to predict the legislature capacity and allow to have a comparison between the deputies characteristics and their constituents.

The rhetorical language used in the plenary is antagonistic from both parliamentarian groups, with debates ending in severe quarrels. Plenary debates frequently degenerate into personal jibes or to accusations concerning the political pasts of both political parties.

As has been stated the official language used in the assembly is Portuguese. The standing orders offer the deputies the opportunity to use a local language, but if they do this they need to provide a translation for the rest of the Assembly. It seems that there is no controversy concerning the issue of language in the Assembly.

After three multiparty legislative sessions, the Parliament has started to employ some deputies with accumulated experience. Examining the party deputies' turnover rate, we note the following trends. Under FRELIMO, roughly 47% of deputies kept their seats for successive terms for Assemblies IV-VI, that is, a 53% turnover. For RENAMO, the turnover is higher than for FRELIMO; for their first inclusion in the multiparty Assembly it exceeds 60% and increases for Assemblies V-VI to 70%, that is, 30% of deputies stayed on.

Table 2: Turnover of deputies in the Mozambican Assembly

	FRELIMO	RENAMO
BEFORE 1994: ASSEMBLY III	250	0
1994-1999: ASSEMBLY IV	129	112
TURNOVER	61 (47,2%)	43 (38,4%)
1999-2004: ASSEMBLY V	133	117
TURNOVER	63 (47,3%)	35 (29,9%)
2004-: ASSEMBLY VI	160	90

Within FRELIMO, the recent turnover of deputies was approximately 60%. As stated by one of the previous FRELIMO deputies, the party will usually introduce new members amounting to 40% of its seats between sessions and carry over the remaining 60%. In the last election, due to the new party leadership, this tendency was inverted to 60% new members and 40% returning deputies.

Regarding the infrastructural resources available to the deputies, there is not much besides the common spaces in the National Assembly. The deputies do not have offices or any administrative facilities in the National Assembly or in the provinces.

The deputies' salaries are not determined by a particular law. Rather, these are established in "Norma de execução orçamental interna", which is updated annually in line with the national salary increases. The salary for the deputies for 2007 was 46,000.00 MTN (1,750 USD) . The national minimum salary was 1,443.17 MTN (55 USD)¹⁵ .

Working committees

The Mozambican Assembly has eight working committees. Each committee covers more than one policy area. These include:

1. The Committee Planning and Budget;
2. The Committee for Social Affairs, Gender and the Environment;
3. The Committee for Agriculture, Regional Development, Public Administration and Local Government;
4. The Committee for Economic Affairs and Services;
5. The Committee for Defence and Public Order;
6. The Committee for International Relations;
7. The Committee for Judiciary Issues, Human Rights and Law;
8. The Committee for Petitions.

Because each committee embraces a range of diverse issues it is questionable whether the deputies can be focused on such different spheres. Each committee has a meeting room and a support room. The staff and the leadership of the committee share the support room. There are three staff assistants for each committee, most of whom have a university education.

The working committee meetings take place within the session sittings. The committees meet once a week, normally on Mondays. Since each session lasts 45 days on average the working committees comprise around six working days per session.

¹⁴ Rules for budget execution.

¹⁵Portal Do Governo http://www.govnet.gov.mz/noticias/news_folder_politica/maio2007/nots_po_364_mai_07, retrieved 7 Dec 2007.

Each committee consists of 15 effective deputies and five substitutes¹⁶. A deputy is not allowed to belong to more than two committees. The number of seats and the presidencies of the committees are distributed according to the proportion of seats for each parliamentary group. The importance of the working committees has increased since 2001 with the revised standing orders, which gave the committees the predominant role of debating and originating legislation.

The allocations of seats, and the chairs of the committees, are based on each political party's proportion of seats in the plenary. Only 120 deputies of the 250 have places on the working committees. The decision concerning the inclusion of deputies on the committees is made exclusively by the parliamentary groups and then approved by a plenary resolution. The inclusion on a working committee is considered an important achievement within the party parliamentary hierarchy and among the general staff of the Assembly¹⁷. Belonging to a working committee also means a substantial increase in the deputy's remuneration.

Given that each session lasts a few months, legislative outputs are expected by the Executive with no delays that would result in the postponement of the following session. For this reason, there is a lot of pressure on the committees to take the legislation that was introduced by the Executive to the plenary. For example, the new labour law was introduced by the Executive at the beginning of the first session of 2007. In the last week of the session it was still under review by the committee. Under pressure from the Executive, it was decided to extend the working hours of the committee. This decision was announced by the chair of the committee without the requisite justification to the minister.

Mozambique's Assembly has a working committee, known as the Petitions Committee. A petition is sent by citizens through a simple fax or letter addressed to the Speaker. The matters raised include complaints of abuse of power or violation of the law by a political figure, enterprise or public administrator. In the plenary, according to the (Artigo 85, Regimento Interno da Assembleia da República de Moçambique , 2001) each petition has to be read. As a result of the affairs covered by this committee, the plenary of the last session of 2006 was closed to the media and public for the first time in the history of the multiparty Mozambican Parliament. According to some MPs and journalists, the reasons were that important FRELIMO figures were referred to in the complaints. Others justified the closing of the plenary on grounds that the complaints concerned private companies, the owners of which were MPs from both parties.

¹⁶ The Standing Orders, Article 40, stipulates that the working committees can have between 5 and 15 deputies. However, the option is to allocate the maximum value for each. Still, there are 120 deputies who have not been allocated to working committees.

¹⁷ A deputy who does not belong to a committee is known within the Assembly as a 'simple deputy' (with unflattering connotations). See for example 'Explaining Parliamentary Functions in the First Multiparty Legislature of Mozambique'. Paper forthcoming.

The premise for closing the plenary to the public was based on a constitutional provision that establishes the principle of honour. However, invoking this provision was not approved by the opposition, who did not accept the move and voted against it in protest. The petitions are numerous and the working committee struggles to deal with them all. In many instances the committee finds that the petition relates to a past court case which is out of its jurisdiction

. A proposal has been tabled to change the petitions system in order to avoid the endless repetitive petitions that have been addressed to the national assembly over the years.

The Permanent Committee

The Permanent Committee is the body that coordinates the entire Assembly. It sets the plenary agenda and the Assembly calendar, decides on the creation of task forces, coordinates relations with the other state institutions, and administers the Assembly budget and services. The Permanent Committee is elected at the beginning of each term and consists of 15 deputies, the president, and one vice-president from each political party. The rest of the seats are distributed in accordance with the proportionality of the parties in the Assembly (Artigo 44, Regimento Interno da Assembleia da República de Moçambique, 2001,).

In 2004, with the objective of improving the structure of the Assembly's administration, The Organic Law (Lei Orgânica da Assembleia, 2004) was enacted, whereby the management of the Assembly was allocated to the President of the Assembly, to the Permanent Committee and to the General Secretary (Artigo 8, Lei Orgânica da Assembleia, 2004,. The Organic Law establishes an administrative council consultative body. The General Secretary is appointed by the President. Requirements state that the incumbent must be a civil servant with a minimum of ten years' experience (Artigo 25, Lei Orgânica da Assembleia, 2004).

Parliamentary groups

The Mozambican Parliament suffers from what Braga da Cruz calls 'Partyocracy' (in an allusion to the Portuguese Parliament), since "there is an undeniable supremacy from the political parties in the creation of the electoral and parliamentary will" (1995, p.189).

The power of the parties starts with the electoral process, with parties monopolising the power to present candidates. As a consequence, the elected deputies view loyalty to the party as natural. Party discipline can be enforced strongly, as a violation can result in the removal of the perpetrator's name from the party list in the next election.

the structure of parliament is determined by the parliamentary groups.

. Time allocated on the floor, allocation of places in working committees, and initiation of legislation is done only with the agreement of the political parties.

Few deputies can have the luxury of viewpoints outside their party's orientation. Only the RENAMO-Electoral Union deputy, Maximo Dias¹⁸, is noted by his colleagues and the media for his relative 'freedom' from party constraints. His freedom results mainly from his position as leader of one of the small parties, which has links with RENAMO¹⁹.

Leadership of a parliamentary group is obviously an important party position. Both parliamentary groups elect a leader from among their peers. However, this 'election' has always been proposed by the party's leader, with no controversy or dispute.

Oddly, RENAMO has been more unstable with regard to maintaining the leadership of its parliamentary group than FRELIMO. In the first two multiparty terms, Armando Guebuza, current president of the country, was the parliamentary leader of FRELIMO. This contrasts with RENAMO, which has changed the leadership of its parliamentary group in each legislative term

TABLE 3: Parliamentary group leadership

	FRELIMO	RENAMO
1994	Armando Emilio Guebuza	Raúl Manuel Domingos
1999	Armando Emilio Guebuza	Ussufo Quitine
2004	Manuel Tome	Maria Moreno

An odd aspect of RENAMO's behaviour towards the Assembly is the total absence of its leader from this institution. In fact Afonso Dlakhama was never a candidate for the Assembly. The RENAMO leader has never had exposure to any parliamentarian experience. Furthermore, it is not known whether he ever participated in any formal event in the Assembly of the Republic. There have been different speculations regarding Dlakhama's decision. Some argue that this attitude is related to the traditional concept of the 'African chief' who cannot be exposed. Others argue that Dlakhama is awaiting his election as president, and therefore will not deign to be a deputy, and for this reason sees no point in being part of the Assembly. Whatever the reasons for Dlakhama's decision, the effect is harmful for RENAMO's long-term performance. Parliament is the only public space in the political arena of the country where opposition and ruling party function together. Dlakhama's absence wastes an opportunity to strengthen the political dialogue between the two. In addition, media coverage of the Assembly is particularly significant in the session's

¹⁸ In an interview with the author, the deputy stated that he had already told the leader of RENAMO that he would not participate during the next term. Interview with the author, 2 August 2007.

¹⁹ It is common that news about the Mozambican Parliament notes the exceptional behaviour of Maximo Dias as an example. See, for example, one of the news reports about the provincial elections from the international Mozambican news agency: "Only one deputy, Maximo Dias, of the RENAMO Electoral Union opposition coalition, pointed out that the amendments do not address the main problem, which is the sheer lack of time to organise decent elections, if they are to be held in January." <http://allafrica.com/stories/200710110859.html>, online 11 October, 2007.

period, and the absence of the RENAMO leader from the Assembly removes him from the debate. This bizarre political strategy from the opposition leader also suggests a lack of confidence in parliament as the dominant mainstream political institution.

The absence of the leader of the opposition from the Assembly, and the constitutional requirement that the President of the Republic need attend the Assembly only once a year, means the main political institution functions without the two main political figures of the country.. The Assembly can hold major national debates, but the country knows that they were not debated at the highest level of the political parties.

In the Mozambican Parliament, party discipline is practised within the ruling party and by the opposition party. This practice seems to be contrary to the practice in other parliaments in the post communist era, where there is a rejection of the principle of tight party discipline²⁰.

The serious division between the two parties was evident in a speech given in the Assembly at the closing of the first plenary session of 2007 by the leader of the FRELIMO caucus, when he criticised the behaviour of the opposition. He accused the opposition of using insults, lies and speculation in their interactions with FRELIMO . “In truth, at several points during this session the minority opposition made: the insult, the lie, ... using political drama and even religious drama as the basis of behaviour in plenary.” (Tomé, 2007).

FRELIMO was constituted in 1962 in Tanzania with the aim of fighting for Mozambican independence. In 1974 the party signed an agreement of independence with Portugal, the ruling colonial power. In the decades after independence, FRELIMO developed a one-party regime based on a communist model. FRELIMO is simultaneously the party, the state and the country. There is no differentiation between these roles. The party was born before the state, and this creates a paternalistic legitimacy, since for FRELIMO, the country exists because of the party. This notion of legitimacy has translated into an attitude of ownership of the country. This can be seen as a version of absolute monarchism (*‘L’État c’ est moi’*) applied to a political party. In the first years of independence, FRELIMO was seen as a menace by the neighbouring racist states. The white rulers of Rhodesia and South Africa feared that this liberation movement would inspire models in their countries. This situation, combined with some political discontent in a few Mozambican regions, created room for an opposition movement. It was for these reasons that RENAMO came into existence. The civil war between FRELIMO and RENAMO only ended in 1992.

Because of this background the plenary sessions can be quite tense and adversarial between the two parties. In many plenary debates it is common for there to be name-calling, irreverent laughter, catcalling, and jeering. Inappropriate behaviour has included RENAMO MPs

²⁰ See for example Carey, Formanek, & Karpowicz (1999).

standing in protest in front of the President, which happened during the debate of the new electoral law approved by the majority in April 2007. This behaviour shows the general antagonism that exists between the deputies of the two parties.

Parliamentary Staff

At the end of 2004, the Organic Law regarding staff structure was approved. From this date the Assembly had unlimited power to manage and recruit its own staff. The staff have the benefits of public servants, but they are only accountable to the leader of the Assembly. Leadership of the staff departments is given to qualified individuals, and these key staff are involved in international collaborative work on the continent or in bilateral agreements (mainly with Brazil, Portugal, Cape Verde and South Africa).

For example, the director of the library and archive of the Assembly has participated in meetings held by the Association of Parliamentary Libraries in Eastern and Southern Africa, (APLESA), an organisation that the Mozambican Parliament joined in 2001.

In 1997, the average number of staff to members of the House of Commons in the UK was 2,7²¹ ordinary members of staff for each member and 2,2 house member staff for each member. The ratio for the Mozambican parliament is 2,5 parliamentary staff members for each deputy.

The Assembly Budget

Barkan's findings showed that the approval of the assembly budget by the assembly and not by the government is one of the strengths of a parliament (Barkan, 2005). In Mozambique, the parliamentary budget is approved by the Assembly. However, this approval is unofficially negotiated with the Minister of Finance. According to the Assembly staff, the negotiation of the Assembly budget is done before the plenary's approval. Since 1994, according to the parliamentary staff and deputies, there has been no evidence of discontent with regard to the behaviour of the Executive in this matter. The Assembly budget is presented later in this chapter.

There is a perception worldwide that the salaries of deputies are always high. In Mozambique there is secrecy surrounding the deputies' salaries. The reason given by the General Secretariat for the confidentiality with regard to the deputies salaries is to avoid an increase in the public's perception that the Assembly is a very expensive institution and that their

²¹ Source: Total Number of MPs, Peers and Staff Parliamentary Information List, Author: Reference Services Section

productivity may not correspond to the benefits²² derived. However, a comparison of the budget of the Assembly with that of other state institutions reveals that this perception is at odds with the reality, and the assembly is by its nature just more noticeable. As shown in the table below, the expenses for the Assembly in Mozambique amounted to 13,720 USD, less than the expenses of the presidency and even less than the budgets of some of the other state institutions. The *Casa Militar* (that part of the army in charge of the security of the President), the Ministry of Defence, and the Army have budgets that are five times the budget of the Assembly. To these security budgets must still be added the expenses of the Services of Information and Security - 411,291.6 USD, which alone is more than the budget of the Assembly. The budget of the South African Parliament is 11 times bigger than the budget of the Mozambican Parliament (South African National Treasury,2006).

Table 4 – Analysis of the Mozambican National Budget 2007

	Meticais (MTN)	Dollars (USD)
President	463,011.91	18,520,000
Assembly	343,010.96	13,720,000
Constitutional Council	38,000.91	1,520,000
Supreme Court	98,661.01	3,946,000
Minister of Defence	274,697.24	10,988,000
Military House	201,251.23	8,050,000

²² In 2006, the newspapers published the story that the Assembly was debating to increase the deputies' salaries by 27%. This raised serious discontent and criticism. This was exacerbated by the idea that the benefits that the deputies receive are already extensive. See for instance BBC Para Africa 'Deputados Moçambicanos querem aumento' http://www.bbc.co.uk/portugueseafrika/forum/story/2006/09/printable/060905_mozambiquesalarympfil.shtml

Army	1,297,397.22	51,896,000
Services of Information and Security	411.291,60	16.452.000

The Assembly's Functions

Law-Making

All parliamentary bills need to be ratified by the President. However legislation's journey within Parliament starts with a first reading in the plenary. Then printed copies of the proposed act are given to the parliamentary groups. The first phase of discussions take place in the working committees, and only when they are ready will they be sent back to parliament for approval.

In the working committee there is opportunity for debate, in which leading members of both political parties may take part. However, the small number of working committees, each with such large thematic areas and such short periods for each session means that legislation gets superficially scrutinised by the deputies.

Parliamentary debate can slow down the legislative process. In the event of this happening, there is the constitutional power of '*iniciativa de lei*' (Law that does not need to be passed by Parliament but just needs pre-approval from Parliament. This works similar to a delegation from Parliament to the Government.). Another consequence of the work overload concerning the legislative process is that Parliament, under pressure, will give more and more tacit approvals. Both circumstances are a clear dilution of the role of Parliament in law-making. If the law-making capacity of Parliament is not reinforced, there is a serious risk that the Mozambican Parliament will be sidelined, with the Executive taking over the legislative function and an overlapping of the functions of the Executive and the Legislative.

In the Mozambican Parliament there are rarely expired or withdrawn bills. There is no memory, as with other parliaments, of bills that die naturally in the legislative process. Historically, the law-making function was a task of the Central Committee of FRELIMO. As is shown in the table below, the one-party Assembly met very seldom and approved little legislation. Between 1990 and 1994, the Assembly approved more legislation than between 1977 and 1990.

As was mentioned earlier in this chapter, the endorsement of the essential legislation to adopt a multiparty state was approved by the one-party Assembly.

In the era of the multiparty Assembly, i.e., during the multiparty period until 2004, the Assembly unequivocally increased their status as a law-making body.

Oversight

As has been stated previously the Mozambican Assembly does not have any power over the formation of government. The power to appoint and dismiss the Government (individually or collectively) is centralised in the figure of the President. The single exception is that the President can be forced to dismiss his newly appointed Premier and Cabinet in the event that the Government's programme is rejected for a second time (Artigo 188, Constituição da República de Moçambique, 2004) and (Artigo 159, Regimento Interno da Assembleia, 2001). The Government's programme is presented for the approval of the Assembly. Conversely, the rejection of the programme can carry, as a consequence, the dissolution of the Assembly by the President (Artigo 188, Constituição da República de Moçambique, 2004).

As Burnell pointed out in his research on the Zambian Parliament, to solve the poor performance of Parliament in overseeing the Executive, and especially to guarantee the control of corruption, there is often an executive strategy of developing sideline institutions to guarantee the oversight of state institutions. Burnell points out that in Zambia these organisations ended up having functions that were mere formalities (Burnell, 2003). This also happened in Mozambique, an example being the creation of the High Commission Against Corruption. According to Burnell, the new institutions that started off as alternative institutions to take on the parliamentary oversight role are not only ineffective but are also not democratic. These institutions were established mainly to placate the international community.

Oversight powers

Oversight is considered one of the classic functions of any parliament, be it in the context of a parliamentary or a presidential system. Overseeing the executive serves as a form of ongoing monitoring of the activities of the government. Parliamentary oversight generally implies an adversarial relationship between the executive and parliament. The paradox is that this perspective of the oversight function is unrealistic and counterproductive for the entire assembly. The aim should be to have the assembly constructively engaged in overseeing the government. It is unreasonable to expect that the ruling party will be an adversary of the government comprised by them. The point to stress is that effective oversight will serve as an aid to the executive's performance.

The Mozambican Parliament has the power to request information from the Executive, compelling testimony from members of the Government, requesting reports, and holding question time with members of the Executive. In addition, the working committees can call public hearings (Artigo 50, Regimento Interno da Assembleia, 2001) and; (Artigo 172, Constituição da República de Moçambique, 2004).

Table 5: Oversight powers and capability

Censorship of the Executive:	
Vote of no confidence	No
Impeachments	
Obtaining information from the Executive	
Compelling testimony	Yes
Requesting reports	
Question time	
Working Committee	
Public Hearings	Yes
Summons to force an appearance by the Executive	
Can the Assembly summons members of the Government to answer questions?	Yes
Does the Assembly hold powers of agenda? (this means it can initiate and develop legislation pertaining to public policies)	Yes.

The highest organ of FRELIMO is the Political Commission, with 17 members headed by the President of the country, who is also the President of the party. It is understood that in African parliaments the oversight function does not take place in public but in private within the political party. The same applies in Mozambique this practice can. However, as has been noted, the FRELIMO Political Commission comprises the majority of members of the Executive. Of 17 members of the FRELIMO Political Commission, only six are members of the Assembly. Even the names of the Political Commission are important in the hierarchy - not just because of the functions that they have, for example, as the Speaker and the Vice-President of the Assembly, but also they are historically important members of the political party. But the balance of power is definitely in favour of the Executive, to the detriment of the Assembly.

The oversight function is a victim of the behaviour of the two parliamentary parties and the influence of the donor community in the country. The exclusive involvement of the international community with the Executive, excluding the Legislature, curtails Parliament's influence.

Table 6: Number of deputies in the FRELIMO Political Commission

FRELIMO Political Commission	MP	Government member
1. Armando Emílio Guebuza	No	President of the Republic
2. Filipe Chimoio Paunde	No	No
3. Alberto Joaquim Chipande	MP	
4. Manuel Jorge Tomé	MP – Leader of the Parliamentary Group	
5. Eduardo Joaquim Mulémbwè	MP	
6. Eneas da Conceição Comiche	No	Maputo Mayor
7. Verónica Nataniel Macamo	MP – Vice President of The assembly	
8. Margarida Adamugy Talapa	MP	
9. Alcinda António de Abreu	No	Minister of Foreign Affairs
10. José Candugua António Pacheco	No	Minister of Interior
11. Luísa Dias Diogo	No	Prime Minister
12. Aiuba Cuereneia	No	Minister of Planning and Development
13. Conceita Xavier Sortane	MP	
14. Raimundo Domingos Pachinuapa	No	No
15. Aires Bonifácio Aly	No	Minister of Education and Culture
16. Paulina Mateus Nkunda	No	No
17. Teodoro Andrade Waty	No	No

Source: Grupo Parlamentar FRELIMO <http://www.FRELIMO-bancada.org.mz/>, online October 2, 2007, and Governo de Mocambique <http://www.govmoz.gov.mz/minister.htm>, online October 2, 2007.

As has been stated previously the Political Commission is the key decision-making body of the party and meets weekly. It is composed of 17 party members. Within the 17, only six are Members of Parliament (Alberto Joaquim Chipande, Manuel Jorge Tomé, Eduardo Joaquim Mulémbwè, Verónica Nataniel Macamo, Margarida Adamugy Talapa, and Conceita Xavier Sortane).

Representation

The constituency is serviced, but this is done by the party.

International lobby

An important function of the Assembly is international lobbying, and the resolutions and decisions of the Assembly have an impact on Mozambique's relationship with the international community. An example of this capacity was the Mozambican Assembly's successful lobbying of the international community to cancel the country's debt.

In 1998, the Mozambican Assembly created a working group to study how the country should handle its international debt. The three parliamentary political parties came together in a unanimous request for the international community to cancel the country's debt. The joint voice of all political parties in Parliament is rare, but in this matter they spoke with one voice. The Mozambican Parliament also petitioned the parliaments of the developed nations to support their request in their countries and to put pressure on their governments in favour of cancelling the Mozambican debt. This was partly achieved in 2007²³.

The media and the Assembly

The media has full access to the Assembly, including the plenary, committees and all the Assembly's physical space. During the plenary sessions, the TV cameramen are allowed to circulate in the hemicycle. The media have media cabinets with sound systems and full visibility of the plenary.

The media has a strong presence during the plenary sessions, with radio and television stations broadcasting live transmissions.

. Because the seating period of the Assembly is concentrated in only two sessions of 45 days each, the Assembly's activity receives intense media attention during this period.

Parliament and consolidation of democracy

²³ In 2006 the Mozambican debt was reduced in 1,3 millions of dollars. See for example the information in the Mozambican government website
http://www.govnet.gov.mz/noticias/news_folder_econom_neg/maio2007/nots_en_335_mai_07/newsitem_view?month:int=2&year:int=2008

Mozambique is a poor country. Development is at the top of the official agenda of the Government and donor organisations. With regard to this, good governance and efficiency are goals for the national budget. This raises the question of how an assembly can be involved in the development of the country. The Assembly involves discussion, contradiction, and voting, and these processes are by definition time-consuming and therefore may not seem efficient. This problem raises the question of what parliament should play in the development of the country. This question is even more pertinent to a country like Mozambique, where the two parties never collaborate, which means that opposing members of Parliament are constantly involved in political party struggles. This slows down and complicates the procedures of governance. On the opposite side of the coin, if the Assembly is not involved, how it could oversee and contribute to the political process is unclear. Efficiency may be compromised by the lengthy processes involved in the Assembly, but there is a gain in accountability.

The Mozambican Parliament has various limitations, but without doubt it is the only state institution that keeps the Executive's activities in the public eye. This seems to be a last resort practice of parliaments in developing countries (Smith & Musolf, 1979, p.29). In many countries, legislatures help keep the activities of the executive in the public view.

The level of institutionalisation of Parliament is still embryonic. Its autonomy from the political parties is far from a reality. Taking into account the political context, this situation is understandable, and it would be naive to advocate radical change to a system entailing the role of parties not being central to Parliament. With the existing electoral system and the pre-eminence of the parties in Mozambican society, Parliament is an unequivocally privileged platform for political debate. As the northern European countries have demonstrated, this is not necessarily a fatal threat to the role of parliament. But it could be if the Mozambican Parliament does not move on from being only a podium for party disputes.

There are many steps that the Mozambican Parliament still needs to take before it can be considered fully institutionalised. However, there are positive achievements that, in fairness, need to be mentioned. The Mozambican Parliament removed political conflict from the general population, and has been a political platform and resource for the opposition. It has aided political parties with recruitment and has made an effort to improve its internal structure. Definitely on the ascendancy trend, this effort carries an inherent risk that perceived institutionalisation will instead result in a centralised bureaucracy. The Assembly has provided a 'porthole' view of the Executive and has facilitated international networking for members of both parties and for the institution itself. In addition, as mentioned above, it has been the only place where the previous enemies have been able to become political adversaries. Parliament is a forum for debate, in addition to its other functions, is praiseworthy for a postconflict country. Parliament as an institution where it is assured that guns have been replaced by words. But after three terms, these verbal battles need to have more substance. The deputies especially need to be seen to be more committed to the delivery

of economic and social advantages for the population instead of only to their parties' agendas.

For the consolidation of the democratisation of the country, Parliament needs to be strengthened. International donors have implemented programmes in this direction. This external support is important, but it is not the solution to the weaknesses of the Mozambican Parliament.

The imposition by international agencies of models for the development of the Mozambican political structure can be used as an excuse for any political failure. The political parties in the Mozambican political system are key actors, and therefore they are definitely part of the problem, but without them there would be no workable solution.

There are obvious areas in need of development. Firstly, there is the need to reinforce the role of the committees. This includes the need for the committees to be more specialised, and not to cover the large subject areas that they do at present. Then there is a need for the participation of all the deputies in functioning working committees. Also, there is a need for universality of the rules. There has been an outstanding and consistent development of the internal rules. However, it is pointless to have efficient internal rules if these are not accepted and understood in a universal way by all in the house. This was shown to be the case in the lack of consensus regarding whether the plenary should be closed to the public during the debate of the petitions. This lack of consensus regarding the management of the plenary debate demonstrates a lack of a common interpretation of the rules.

The Mozambican Parliament has progressed with regard to the transition of the participants from enemies to political adversaries. However, this progression is still, after 13 years, not as advanced as it might have been.

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