

**The Mozambique Legislature in Comparative
Perspective:
Legislative Development, Performance and Legitimacy**

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DEDICATION

To all Mozambican citizens and legislators who accepted to air their views toward the legislature and democracy; and legislative practitioners who have been supporting the legislature.

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Whilst I collected the majority of this thesis data, made direct observations and used my own experience as a parliamentary assistant of the Mozambican legislature supporting technically the Committee of Planning and Budget, and Division of Parliamentary Documentation and Information over the period 2001 to 2007, this data was shaped by ideas and analytical frameworks developed by other authors. I owe much to them.

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ABSTRACT

One-party Mozambican assemblies were weak institutions limited to ratifying executive decisions. However their multiparty successors are increasingly becoming institutions that matter in politics assigned with responsibilities of law-making, oversight, representation and constituency service. Nevertheless, theoretical and comparative work on the development of the Mozambican legislature has been limited. This study contributes to comparative legislative studies by assessing and comparing the process of legislative development and performance in Mozambique's first three multiparty assemblies – Fourth (1995-1999), Fifth (2000-2004) and Sixth (2005-2009). It examines the extent to which the Mozambican legislature developed and performed its main responsibilities using institutional level data from legislative standing orders, legal provisions and archives, and the African Legislatures Project over a 15-year period from 1995 to 2009.

It reveals that the Mozambican legislature improved by recruiting legislators with political capital, reforming rules of procedure, structure and working conditions, creating capacity for legislators and the legislature, undergoing institutionalization as a way to increase its ability to make laws, conduct oversight and represent voters. However the levels of institutional development and performance in the legislature are still shallow. Mozambican political context factors including the electoral system and party system appear to have had a negative effect on institutionalizing the legislature and also affected negatively legislative performance. In addition, the legislature adopted rules of procedure that have enabled the president to avoid legislative oversight and reduced law-making power of the legislature. The electoral choice reduced both the retention of legislators and autonomy from the party outside the legislature.

This study also contributes to legislative studies by analysing the type of support for the legislature that Mozambicans attach, using the 2008 Afrobarometer public opinion survey. It finds that Mozambicans are less likely to attach a long-term commitment to the legislature than a short-term commitment to their legislators. Specific support for legislators (the short term commitment) results from satisfaction with the performance and trust of the president while diffuse support for the legislature (long term commitment) is a function of an attachment to the legislature for its own sake.

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I. INTRODUCTION

Chapter 1: The Political Context of Legislative Development and Performance in Mozambique

Introduction

After independence from Portugal on 25 June 1975, under leadership from Frelimo, Mozambique adopted a Marxist-Leninist¹ one-party government and fused the party with the state – the Frelimo party-state. As the government did not grant civil liberties and political rights to its citizens, some Mozambicans, with initial support from Rhodesia and then apartheid South Africa, organized themselves and formed the Mozambican Resistance Movement (Renamo) to fight the government.² From 1976 to 1992, Mozambique experienced a brutal civil war that destroyed social and economic infrastructure and killed at least one million people. Both external factors (including the fall of the Berlin Wall and the end of the Cold War) and internal factors (civil war) led the government to change course and adopt a democratic constitution in 1990 that legalized political parties, separated the party from the state and granted civil liberties and political rights to Mozambican citizens.

To put the constitution into practice, the government negotiated the end of the war with Renamo, beginning in 1988–1989³ and culminating in a peace agreement signed on 4 October 1992, and demobilization of government and Renamo forces. It adopted a party-list electoral system to be awarded legislative seats by proportional representation (PR)⁴ in a province-wide multi-member district (constituency) with very high magnitude ranging from 11 to 54 seats (Table 1.1).⁵

¹Marxism-Leninism was adopted in 1977, <http://africanhistory.about.com/od/mozambique/1/bl-Mozambique-Timeline-4.htm>

² Rhodesian assistance to Renamo ended in 1980 when it became independent and changed its name to Zimbabwe. The support of South Africa ended in 1984 when the Mozambican and South African governments signed a nonaggression pact the aim of which was to stop the Mozambican government from supporting the African National Congress in its fight against the apartheid regime and to stop the South African government from supporting Renamo in its fight against the Mozambican regime.

³ In 1988 secret contacts were reported between religious leaders and Renamo representatives on the possibility of holding direct meetings with the government to end the civil war. On 9 March 1989 in Washington, D.C., President Joaquim Chissano announced the desire to negotiate with Renamo. See ‘*Cronologia: 20 anos do Acordo Geral de Paz em Moçambique*’, 3 October 2012, <http://noticias.sapo.mz/lusa/artigo/15060184.html>.

⁴ Law no. 13/92 of 14 October.

⁵In 1994 the district magnitude ranged from 11 to 54 seats; in 1999 it ranged from 13 to 50 seats; in 2004 from 11 to 51; and in 2009 from 14 to 45.

Table 1.1: Multi-Member District Magnitude by Legislative Election

<i>Constituencies</i>	1994		1999		2004		2009	
	# seats	%	# seats	%	# seats	%	# seats	%
Niassa	11	4%	13	5%	11	4%	14	6%
Cabo Delgado	22	9%	22	9%	22	9%	22	10%
Nampula	54	22%	50	20%	51	20%	45	18%
Tete	15	6%	18	7%	17	7%	20	8%
Zambézia	49	20%	49	20%	48	19%	45	18%
Manica	13	5%	15	6%	15	6%	16	7%
Sofala	21	8%	21	8%	22	9%	20	8%
Inhambane	18	7%	17	7%	16	6%	16	7%
Gaza	16	6%	16	6%	17	7%	16	7%
Maputo Province	13	5%	13	5%	13	5%	16	7%
Maputo City	18	7%	16	6%	16	6%	18	7%
Total	250		250		248		248	

Note: Two single-member districts (Africa and Europe) were established for the 2004 and 2009 elections to represent Mozambicans living abroad in Africa and Europe.

Two years later, in 1994, Mozambique conducted founding multiparty presidential and legislative elections. The latter formed the country's Fourth Assembly (1995–1999). Frelimo's candidate won the presidential election and Frelimo won 129 (52 percent) legislative seats out of 250. Subsequent, regular multiparty elections were held in 1999, 2004, and 2009, leading to the Fifth (2000–2004), Sixth (2005–2009) and Seventh (2010–2014) assemblies. In each of these elections, Frelimo candidates won the presidential elections and Frelimo increased its dominance of the legislature making 'the relatively enduring features of party competition' in Mozambique of a dominant party system. Frelimo increased the number of parliamentary seats in 1999 to 133 (53 percent), in 2004 to 160 (64 percent) and in 2009 to 191 (76 percent). Renamo, the second strongest party, has been reducing its influence over time (Table 1.2).

In all elections Frelimo dominated the Southern constituencies plus the Northern constituency of Cabo Delgado while Renamo (and/or Renamo-Electoral Union) won mainly the Northern and Central constituencies. Due to a gender quota on its party-list, Frelimo recruited more female officials to the legislature than any other political party.

Table 1.2: Legislative Election Results, 1994-2009

	1994		1999		2004		2009	
	% votes	# Seats	% votes	# seats	% votes	# seats	% votes	# seats
<i>Party/coalition</i>								
Frelimo	44.33%	129	48.54%	133	62.03%	160	74.66%	191
Renamo/Renamo-EU	37.78%	112	38.81%	117	29.73%	90	17.69%	51
Democratic Union	5.15%	9	0%	0	0%	0	NA	NA
MDM	NA	NA	NA	NA	NA	NA	3.93%	8
Total number of seats	250		250		250		250	

Note: The results of parties that did not obtain a seat were not reported. NA means that the party did not participate.

Source: African Election Database: <http://africanelections.tripod.com/mz.html>

After almost two decades of multiparty elections, the country has yet to improve to a liberal democracy. Based on the 2001 Freedom House political rights and civil liberties score of 3.5 – partly free, Diamond (2002) classified Mozambique as an ambiguous regime. The 2013 Freedom House score reveals that that score has not improved.⁶ At its best Mozambique can be described as an electoral democracy that holds regular multiparty elections but fails to hold the executive president to account. Although legislative assemblies “try to assert independence, parliamentarians usually perform as docile handmaidens of the executive branch. And as the ruling [party increased its] parliamentary majorities in second and subsequent elections, executive and legislative powers become further fused” (Bratton, Mattes and Gyimah-Boadi 2005:16-18).

Holding regular multiparty elections is a necessary condition for democracy but elections need to be complemented by the development of strong institutions of countervailing power, such as the judiciary, legislature, anti-corruption units, ombudsman and strong civil society. Among these institutions, this study argues that the development of legislative institutions is most important for democracy. This is because legislatures strengthen democracy in many different ways by making policies that govern the society, reviewing and evaluating the extent to which policies are implemented effectively and efficiently, representing the societal diversity and contacting or engaging with constituents in their constituencies. Legislatures countervail power by allowing horizontal accountability among state institutions and vertical accountability between the State and the rest of society: “They are mechanisms for achieving both vertical and horizontal accountability of the rulers to the ruled” (Barkan 2009:1).

⁶ 3.5 (partly free), 23 November 2013, <http://www.freedomhouse.org/country/mozambique>

Legislatures are key institutions of democracy. They are: “the *sine qua non* of modern, representative democracy” (Mattes and Mozaffar 2011). Legislatures are “vital to the creation and maintenance of democratic governments; [they are] among the first institutions abolished or subverted when democratic regimes are overturned, and among the first created or revived when democracies are instituted or restored” (Mishler and Rose 1994:5-6). Legislatures make a symbolic contribution to political support and system stability (Loewenberg and Patterson, 1979). By providing an institutional forum for criticism of the executive, oversight of bureaucracy, representation of societal diversity and expression of political dissent, legislatures contribute to the integration of society and the legitimation of the regime (Loewenberg and Patterson 1979, Mezey 1985). Legislatures are “engines of democracy” (Rosenthal 2009); the legislature is “where democracy happens” (Aldrich 2006).

Mozambican Legislature: From One-Party to Multiparty

Mozambique’s first three assemblies, the so-called *Assembleia Popular* (Popular Assembly) in 1977, 1977–1986 and 1987–1994 respectively, were elected by people gathered in neighbourhood and workplace meetings (*Assembleia Popular* 1977) in a one-party environment. Multiparty assemblies known as *Assembleia da República* (Assembly of the Republic) were directly elected by the people under more liberal and competitive conditions with more than one political party and information available through independent and private media as well as non-governmental organizations (Constituição 1990, 2004).

The one-party assemblies had much less power than multiparty assemblies. Law-making was the only function performed by the one-party assemblies among the four legislative responsibilities of law-making, oversight, representation and constituency service. The functioning of the Mozambican assemblies in the one-party era was characterized by two moments: first, the committee stage where bills were discussed and second, plenary phase where bills were approved in unanimity (*Assembleia da República* 2003:3). Members of one-party assemblies were merely expected to ratify bills exclusively initiated by the executive. After meeting twice a year in ordinary sessions⁷ of eight days each (*Assembleia da República*

⁷ Extraordinary sessions were rare (*Assembleia da República* 2003:3).

2003), members would leave to perform extra-parliamentary duties - such as those of governor, minister, deputy-minister as they were not paid a salary, with the exception of steering (housekeeping) committee members who began receiving a salary only from the Third Assembly (1987–1994) (Assembleia da República 2009). The steering committee had the authority to pass bills during the time the plenary was in recess (Constituição 1975, Assembleia da República 2009:8-9). The head of state was also the speaker of the legislature until 1986.

The responsibility for oversight, which requires members to hold bureaucrats to account did not exist neither were the principles of the rule of law or transparency of procedures.⁸ One-party assemblies were also not assigned the responsibilities of constituency service and representation.

One-party assemblies were therefore weak institutions. In contrast, the multiparty assemblies were assigned law-making, oversight, representation and constituency service responsibilities.⁹ According to its standing orders and other legal provisions, the legislature has the responsibilities to review and scrutinize bills, hold the executive accountable, represent the public interest and conduct constituency service. With the new 1990 democratic constitution, the legislature emerged as an independent body of government, separated from the executive president and judiciary and with more powers than previously. Multiparty assemblies are therefore increasingly becoming institutions that matter in politics. They “have begun to assert their independence as players in the policy making process, as watchdog of the executive, (...) as organizations that respond to demands by civil society” (Barkan 2009:1, Barkan 2008) and contact their constituents.

Research Questions, Hypotheses and Arguments

This study assesses and compares the process of legislative development and performance of the first three multiparty Mozambican assemblies (referred to as the Assembly of the Republic or the legislature).

⁸ For instance, in 1986 the government closed the Faculty of Law at Eduardo Mondlane University because jurists were monitoring the government’s behavior-enforcing laws. The faculty reopened in 1991, after the adoption of the 1990 democratic constitution.

⁹ See Standing Order of the Assembly of the Republic: Law no. 1/95 of 8 May, Law no. 6/2001 of 30 April and Law no. 17/2007 of 18 July.

It analyses:

- The extent to which the legislature has recruited legislators with better qualifications;
- The extent to which the legislature reformed rules of procedure, structures and working conditions;
- The extent to which the legislature created capacity for legislators and the legislature;
- The extent to which the legislature has institutionalized; and
- The extent to which the legislature has performed its main responsibilities of law-making, oversight and representation.

This study also probes whether Mozambicans support their legislature and the factors that drive support.

This is a study of how well the Mozambican legislature has been recruiting legislators with better qualifications and developing institutionally as a way to perform relatively well in law-making, oversight and representation functions.

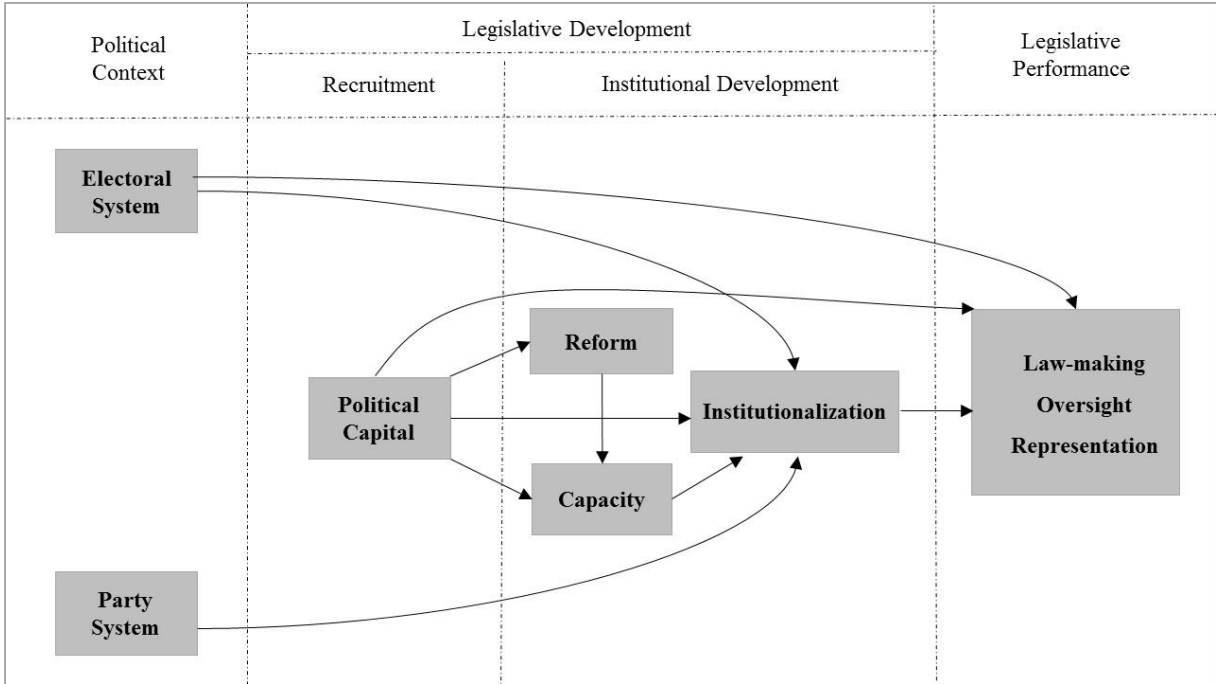
It hypothesises that legislative performance depends, in part, on legislative development – that is, the association between the institutional development of the legislature and recruitment of legislators with political capital. By political capital I mean the resources necessary for legislative institutional development and performance that politicians bring to the process of legislative recruitment before they acquire a legislative seat. They include educational achievement, occupational status, legislative experience, government experience and party experience.

If the legislature develops institutionally relatively well but fails to improve on the quality of its members then it is likely to perform its main responsibilities of law-making, oversight and representation relatively poorly. This is based on the theory that recruitment matters (Seligman 1964, Norris and Lovenduski 1995, Norris 1997a) and that political capital is the cutting edge of change (Seligman 1964, Norris 1997a). Conversely, if the legislature performs well on recruitment but badly on institutional development it is likely to perform relatively poorly its functions. This supports the theory that institutions matter (Rosenthal 1973, Rosenthal 1974, Pzrworsky 2004, Shipan 2005). However, the political context from where the legislature

operates also has a considerable effect on legislative performance. Context matters (Rule 1992, Norris 1997, Trounstine and Valadini 2008, Carsey 2005).

My model of legislative development and performance is outlined in Figure 1.1. To perform its functions well, legislatures need to *firstly* transform from simple organizations to institutions. They need to undergo institutionalization. By institutionalization I mean a process of organization differentiating or separating from its environment – that is, developing autonomy, adhering to norms that constitute an unwritten understanding of what conduct is proper or improper (Eulau 1994) and its members differentiating from non-members. This involves retaining members within the legislature, recruiting leaders from within the legislature who have substantial tenure in office, adopting universal criteria for selection of members to internal positions of power, and increasing autonomy from both the executive and political party outside the legislature.

Figure 1.1: Model of Legislative Development and Performance



But in order to institutionalize, legislatures need to develop appropriate internal incentives a) creating capacity for legislators and the legislature; b) reforming rules of procedure, structures and working conditions; and c) recruiting legislators with political capital.

Legislatures also need d) an appropriate political context to institutionalize. They need an electoral system and party system that increase autonomy of the legislature from outside intruders such as the executive and political parties.

To achieve its function well, legislatures *secondly* need an enabling political context. They need an electoral system and party system that can increase the representation of female and minority groups in the legislature, the law-making influence of the legislature and legislative oversight.

Literature Review

The literature indicates that political context, legislative development (political capital, reform, capacity and institutionalization) and performance are connected. Political capital affects legislative reform, capacity, institutionalization and performance. This is based on the theory that political capital is “the cutting edge of change” (Seligman 1964). Political capital is understood to be the resources politicians bring to the process of legislative recruitment (Norris 1997) necessary for legislative institutional development and performance.

Legislative reform leads to the development of capacity (professionalization) of the legislature. Squire (1992) reveals that the reform undertaken in the California Assembly produced a professional legislature. It increased staff resources and raised member remuneration (Squire 1992:1030). Along the same line, Rosenthal stressed that legislative reforms led to professionalization of state legislatures by making legislators spending more time on the job, and improving institutional capacity of the state legislatures (Rosenthal 1996:171).

Legislative rules of procedure reform have “effects on the menu of choices (which bills are considered on the floor? Which amendments are allowed?), on voting behaviour and effects on the final legislative outcome (which bills pass?)” (Cox 2002:263). Legislative internal structure reform has an impact on legislative professionalization (or capacity). The clearest and most enduring consequence of reforming internal structures of legislatures in the 1960s and 1970s “was strengthening the institutional capacity of state legislatures, which helped the legislature generally but also helped legislators individually to do their jobs. Legislative working conditions reform also has an impact on professionalization of legislatures. The renovation of capitol buildings and the construction of legislative office provided space for standing committees, legislative staff and members [and] legislators began spending more time on the

job” (Rosenthal 1996:171, also see Squire 1992). Legislative reform is a vehicle to increase capacity. By changing organizational rules of procedure, institutions may demand more capacity to perform their responsibilities. They may require more and qualified supporting staff, resources etc.

Professionalization leads to institutionalization. Professionalization leads to institutionalization at least on those measures that are directly connected with the institution such as professional staff, session length and legislative resources (Squire 1992; Rosenthal 1996). The implication of increasing salary and benefits for the legislature leads members to longer tenures, creating a more experienced body (Squire and Moncrief 2010:76).

However it is not always that professionalization leads to institutionalization. Squire found that the California Assembly was already institutionalizing well before becoming professionalized (Squire 1992:1046). Hibing (2002) argues that if money is available professionalization may take place but institutionalization may be limited by factors of political context.¹⁰ Party-list electoral systems encourage a strong party to intrude into the legislature thereby reducing autonomy of the legislature influencing law-making. This type of electoral system “generates full [legislator’s] accountability to the party because candidate selection generally depends solely on the selection criteria of the party” (Webels 2007:838). Dominant party systems also constrain legislative autonomy as they encourage strong parties to intrude into legislatures (Kreppel 2012). Thus they reduce law-making influence of the legislature (Kreppel 2012) and legislative oversight.

Institutionalization affects performance. Squire found that legislative autonomy increased law-making in the California Assembly (Squire 2002:1045). As Shipan put it: “One reason to study institutional development is the belief that institutions affect member behaviour” (Shipan 2005:58).

Electoral systems also affect legislative performance. Party-list electoral systems with large magnitude districts promote women’s representation in legislatures (Rule 1987, Norris 1985, 1996, 1997, 2004:187, Cook and Nechemias 2009). Party systems also have significant impact:

¹⁰ Parliamentary systems encourages that a strong executive intrudes into the legislature and thereby diminishing its autonomy as legislative and executive powers are fused in parliamentary systems (Hibbing 2002:35).

party systems with strength of left parties are better in representing women in legislatures (Norris 1997:217).

Legislative Studies in Africa and Comparative Legislative Studies in Mozambique

The majority of legislative studies in the well-respected peer-reviewed journals in the world¹¹ focus on the United States Congress (Gamm and Huber 2002, Loewenberg, Squire and Kiewiet 2002) or theories derived from the study of the US experience in another political systems (Shepsle 2002, Kiewiet, Loewenberg and Squire 2002). Very little is known about African legislatures (Barkan 2009). Some of what is known about African legislatures include studies conducted by Barkan (2005, 2008, 2009), Burnell (2001), Schrire (2008), Hughes (2005), Nijzink, Mozaffar and Azevedo (2006), Nijzink and Piombo (2004), Salih (2005) and Bauer and Britton (2006). Of these studies, there has only been one comparative effort at theorizing about the process of legislative development on the continent by Barkan (2009).

The theoretical and comparative work on legislative development in Mozambique has also been limited. Some of what is known on Mozambique includes studies by Macuane (2000), Azevedo (2009), Pereira and Shenga (2005) and Shenga (2002). The first study assessed legislative organization covering the years of the Fourth Assembly. The second analysed perceptions of Mozambican citizens and legislators toward their legislature in a single point of time and compared legislator's attitudes to other Africans. The third examined parliamentary structures and channels for disseminating information and civil society engagement with parliament. The fourth assessed the role of the legislature representing civil society interests from 1995 to 2001. Although these studies analysed the Mozambican legislature, none of them compared assemblies within the Mozambican legislature.

This study contributes to the scientific legislative literature by comparing a 15-year period of legislative development and performance in Mozambique, corresponding to the first three multiparty assemblies: the Fourth (1995-1999), Fifth (2000-2004) and Sixth (2005-2009) assemblies. The Seventh Assembly (2010-2014) is not included in this comparison because its

¹¹*American Political Science Review, American Journal of Political Science, Journal of Politics, Journal of Legislative Studies and Legislative Studies Quarterly.*

mandate has not yet completed. It also contributes to legislative studies by analysing support for legislature and testing the factors that may account for legislative support.

Research Design and Levels of Analysis

This study employs *longitudinal research design*. It compares three multiparty assemblies longitudinally within a single-political system - the Mozambican political system. But also it uses *cross-sectional research design*, which means “people of many ages, behaviours, and opinions are represented within the study population” (Lewis-Beck, Bryaman and Liao, 2004:299-230). In one chapter (Chapter 9: support for legislature) it assess attitudes of ordinary Mozambicans toward the legislature cross-sectionally. It uses macro (the assembly and committee) level of analysis but also micro (citizens and Member of Parliament) level.

Data

In this study I use both individual (micro) and institutional (macro) level data coming from different sources. The individual level data comes from the African Legislatures Project (ALP) legislators’ opinion survey and the Afrobarometer public opinion survey while the institutional level data comes from parliamentary archives. The ALP legislators’ opinion survey of the members of the Mozambican legislature was conducted in 2008 based on a random selected stratified probability representative sample. The sample of 50 legislators was stratified according to caucus membership, gender and other legislators’ characteristics. The questionnaire asked through face-to-face interviews, structured and open-ended questions about legislators’ social and political background, their views about the legislature, role as legislators, assessments of legislative performance, resources the legislature make available to them, their work in constituencies and parliament’s link with civil society, views about parliamentary committees and the budget process, and views about parliamentary reform.¹²

The Afrobarometer public opinion survey was conducted in 2008 in Mozambique. It asked a set of questions on attitudes towards the quality of democracy and governance including public orientations toward the legislature and legislators. The survey was based on randomly selected

¹² The ALP dataset on legislators’ opinion surveys will soon be accessible to the public from the ALP website: www.africanlegislaturesproject.org.

multi-stratified probabilistic representative samples of adult citizens (Little and Logan 2009). Interviews were face-to-face in the language of the respondent's choice with structured questionnaires. Only a few were open-ended questions.

With respect to institutional level data, I gathered key information from biographical directories *Who is Who in the Assembly of the Republic* (Assembleia da República and AWEPA 1996, 2001, 2006). I produced an original dataset of the full population of the Mozambican legislature for all three multiparty assemblies. Each completed assembly had 250 legislators so this study focuses on a total of 750 legislators. The biographical directories provided legislators' names, data on their social and political background and political capital. With these indicators, this study was able to find out the number of terms legislators have served in the legislature. As the *Who's who* data is based on the entire legislative population rather than its sample, there is no need for statistical inference or generalization; its findings correspond to the exact picture of the phenomenon in the country.

This study also gathered relevant institutional level data about legislative development and legislative performance in the Mozambican legislature. Bills were tracked over a period of 15-years, corresponding to the Fourth (1995-1999), Fifth (2000-2004) and Sixth (2005-2009) assemblies, resulting in a bill tracker dataset. Initially a 5-year period (2003-2007) dataset was created for the African Legislatures Project and then a 10-year period (1995-2002, 2008-2009) was added for the comparative purpose of this study. The bill tracker questionnaire presents structured questions that track bills from their first reading to the passage of bills and publication of enacted bill in the government gazette. The bill tracker data was gathered from different parliamentary archival sources, including bill registration records¹³ and committee reports.¹⁴ In addition to the bill tracker, which contains mainly information about law-making; I also collected from official archives, standing orders and legal provisions and relevant information on legislative institutional development and legislative behaviour in oversight and representation.

¹³ Assembleia da República. *Livro de Registo de Proposições Legislativas. VI Legislatura, 2005-2009*. Direcção Geral Legislativa, Departamento de Apoio ao Plenário. Assembleia da República. *Livro de Registo de Parecer Especializado. VI Legislatura, 2005-2009*. Direcção Geral Legislativa, Departamento de Apoio ao Plenário. Assembleia da República. *Livro de Registo de Proposições Legislativas. V Legislatura, 2000-2004*. Secretariado Geral. Departamento Legislativo. Assembleia da República. *Livro de Registo de Parecer Especializado. V Legislatura, 2000-2004*. Secretariado Geral, Departamento Legislativo.

¹⁴ The ALP Bill Tracker dataset will be accessible to the public from the ALP website: www.africanlegislaturesproject.org when the data has been cleaned and merged with datasets from other African countries.

This study data is complemented to some extent by direct in-country observations, which “draws on the direct evidence of the eye to witness events first hand” (Descombe 2007:206). These observations took place during my study field visits as well as from my own experiences/observations as a parliamentary staff supporting technically the Committee of Planning and Budget and Division of Parliamentary Documentation and Information of the Mozambican legislature from 2001 to 2007.

Data Analysis

Almost all of the study observations are numerically amenable to statistical testing and analysis. I used basic (uni-variate and bi-variate) and advanced (multi-variate) statistical analyses at different stages of this study. Uni-variate descriptive analysis is used to represent the patterns of legislative recruitment, development, performance and legitimacy. Bivariate descriptive analysis is employed to establish the strength of relationship between assemblies and legislative recruitment, development or performance.

Explanatory analysis moves beyond ‘what’ questions to ‘why’ questions. I carry out explanatory analysis by multivariate analysis. I use Ordinary Least Square (OLS) multiple regression analysis to explain and test the operational procedure for the distribution of positions of power, which is one of the measures of legislative institutionalization. I also use OLS multiple regression analysis to explain and test why some Mozambicans support the legislature while others do not.

Research Ethical Considerations

The identities and interests of those involved in this research are protected and kept confidential. For the Afrobarometer survey, the names of the interviewees were not captured in the Afrobarometer dataset. The same applies for the African Legislatures Project legislators’ surveys. In the legislators’ surveys, the names of legislators did not appear at all in the questionnaires as they were coded in the form of legislators’ identification number. The same applies to the Who’s Who data. Both in the Afrobarometer and African Legislatures Project

surveys interviewees were not forced to participate in the interviews; they would either decline or participate freely; and there were no penalties for not participating.

The identities of those who helped to supply some of the official documentary data have also been protected. The information in this study does not match at all with any identity. In addition, in dealing with the research subjects the study's author tried to avoid any deception or misinterpretation. The rights and feelings of those affected by this research are protected and kept confidential.

Potential Use of This Study's Results

This study's results have potential use for scientific literature. The longitudinal comparison of assemblies in a single political system on legislative recruitment, development and performance help to provide a broad-based understanding of the factors predicting legislative achievement. It contributes to fill gaps in the literature of comparative legislative studies in Africa in general and Mozambique in particular.

This study also provides policy advice for those interested in strengthening legislative institutions. It informs legislative policy-makers about the process of legislative development by indicating what aspect of legislative recruitment, reform, professionalization and institutionalization are most important for performance. All these together may help the legislature to strengthen their power in a political system to limit the executive president authority by countervailing power and ensure that such authority is exercised in a transparent and accountable manner.

It will also inform the donor community to identify areas to strengthen parliamentary democracy in developing legislatures. The results are vital to enable donors involved in legislative reform to raise the quality and impact of their legislative strengthening programmes. The lessons drawn from this study provide a deeper understanding of why some legislatures develop and others do not, and a "toolkit" that can be used to inform the design of legislative programmes in other countries. This study also helps to improve and systematize monitoring and evaluation components of parliamentary reform projects to understand better which interventions work and are most cost effective and which are not.

Study Outline

This study commences by analysing the recruitment of Members of Parliament to the Mozambican legislature. Chapter 2 compares the patterns of legislative recruitment in Mozambique multiparty assemblies by focusing on legislators' political capital. It does so by using a 15-year period of individual level data from *Who's who*. It compares the extent to which political capital has changed from assembly to assembly.

Chapter 3 examines the extent to which the legislature has reformed rules of procedure, legislative structures and legislative working conditions that are necessary for the legislature and legislators to do their job. It also compares how these reforms have changed over assembly. It does so by employing standing orders, legal provisions and archival data.

Chapter 4 also uses data gathered from standing orders, legal provisions and legislative archival data. It compares legislative professionalization in terms of legislative expenditure, legislative support staff, legislator's time demands for service, and legislator's remuneration.

Chapter 5 examines the process of legislative institutionalization. It combines *Who's Who* and other official data to assess and compare the extent to which legislators continued serving in legislature after their first term; parliamentary leaders are selected after having substantive tenure in office as a legislative leader; the legislature employed universal criteria for selection to internal positions of power; and gained autonomy from both the executive and political parties outside the legislature.

Chapter 6 employs bill tracker data to focus on legislative performance in law-making. As law-making is a process, rather than an output that requires counting the total number of bills produced by assemblies, it compares legislative performance in law-making at the committee level. It analyses the extent to which the legislature established a structure for law-making; referred bills to committee; committees screened legislation they receive; committees amended legislation substantively; and committee amendments passed intact in plenary.

Chapter 7 deals with legislative performance in oversight at committee level, as legislative "functions cannot be performed except by [committee] structures" (Riggs 1973:39). It employs

data collected from institutional and individual levels to assess: the extent to which the legislature developed structure for oversight; conducted oversight visits checking bureaucracy; developed information necessary for oversight; and conducted executive hearings.

Chapter 8 compares legislative representation at committee level. It combines several types of data. It employs African Legislatures Project legislator's survey, bill tracker data, Afrobarometer public opinion survey, standing orders and legal provisions, and *Who's Who* data. It examines the extent to which legislator's characteristics reflected the demographic features of the nation; the extent to which legislator's policy preferences reflected those of the public; whether the legislature developed a structure for representation; committees conducted public hearings; civil society organizations effectiveness during public hearings, including the likelihood that their inputs are incorporated into legislation; and the effectiveness of citizens and organized groups in making the legislature responding their petitions.

Chapter 9 uses Afrobarometer public opinion survey data to analyse the extent to which Mozambicans support the legislature. It also examines the factors that may account for this legislative support.

Chapter 10 summarises the conclusions from the previous eight chapters. It draws implications for recruitment, reform, professionalization, institutionalization, law-making, oversight, representation and legislative support. It also identifies limits of legislative reform in the legislature as well as outlines issues requiring further research.

II. LEGISLATIVE DEVELOPMENT

Chapter 2: Legislative Recruitment in the Multiparty Era

Introduction

This chapter focuses on legislative recruitment and in particular political capital – the resources necessary for legislative institutional development and performance that politicians bring to the process of legislative recruitment before they acquire a legislative seat. Instead of political capital, Seligman uses the term political skill to refer to the techniques that creates a “community of skills” that transcends partisanship (Seligman 1964:620). These skills include oratorical ability, organizational capacity and education, technical and expert skills such as economist, public administrator, sociologist and entrepreneur. As in this study, professional occupations were categorized into occupational status – that is, a socio-economic category rather than skill, and party experience was also brought in; I have called this ‘political capital’ – “the resources aspirants bring to the process [of legislative recruitment]” (see Norris 1997:13). I indicate political capital by educational achievement, occupational status, and experience working in government, legislature and political party.

In this chapter I examine the extent to which political capital has changed from assembly to assembly by employing a 15-year period of data about Mozambique’s first three multiparty assemblies gathered from *Who’s Who in the Assembly of the Republic* entailing all 750 legislators. I also analyse political capital by party membership as political parties are the main gatekeepers of the process of legislative recruitment and by gender as this is a transversal important aspect of legislative development. The data of the breakdown by parties and gender is presented in Appendix to Chapter 2.

I hypothesise that political capital has changed positively over assemblies. As Mozambique made positive changes reforming its economy towards a free market in 1987/90 and the political system toward democracy with the adoption of the democratic constitution in 1990 and regular implementation of elections, the new legislative roles demand that they are performed by better-qualified legislators. In order to monitor government efforts implementing the economy and multiparty politics, legislators need political capital. Studies have shown that political, economic and social changes were found to be influential factors affecting legislative

recruitment in Great Britain, Germany and Soviet Union (Matthews 1954) and in French Speaking West Africa (Le Vine 1968). I consider positive changes in political capital as those that would increase institutional development and performance of the legislature.

But the proportion of legislators with better qualifications is likely to be low. In comparative terms although legislatures elsewhere comprise those individuals who rank high in society (Matthews 1985, Norris 1997), Mozambique suffers from extremely low levels of formal education. The adult literacy rate is 46 percent, compared to an average of 61 percent across all low income countries.¹⁵

Legislative recruitment is relevant because it determines the supply of individuals who are able to carry out the functions of the legislature. It is also important as it supplies people who are likely to want to make the legislature an important and influential institution.

Approaches for Studying Legislative Recruitment

There are at least three main approaches to studying legislative recruitment: background, process and rational-actor. The background approach is one of the earliest approaches of legislative recruitment and asks questions about *who* is recruited or what types of people are elected to the legislative office (Moncrief 2002). These early studies tended to provide descriptive characteristics of individual legislators, like their level of education, occupation, gender etc., rather than examining “whether legislative recruitment really mattered” (Matthews 1985:42).

However, some of these studies tried to link background characteristics of legislators and their attitudes and behaviours in office (Matthews 1985; Moncrief 2002). Matthews (1960) found that the background of U.S. senators affected their areas of specialization, their committee performance and their chances of achieving leadership positions. Thomas (1991) suggested that women made a difference in law-making or they were “more likely than men to introduce and successful steer legislation through the political process that address issues of women, children and the family” (Thomas 1991:974). Githens and Prestage (1978) found that female state

¹⁵ “ICT Dialogue: Mozambique,” World Development Data.

legislators tend to be more active than their male counterparts in stereotypical areas of female concerns like health, education and welfare issues.

The process of recruitment approach focuses on *how* people become legislators. It “emphasizes the political role of gatekeepers such as political parties and interests groups as well as the mechanisms of selection (nomination and selection)” (Moncrief 2002:49). Throughout the world, except for the United States which uses popular primaries, political parties are the main gatekeepers of the selection of candidates. In the United States, where parties have weak mass-branch organizations, the interest groups, media and financial donors play a major role (Norris 1997b). By using a candidate survey, Seligman et al. (1974) found that recruitment patterns included friends, families, local organizations and interest groups as well as political parties. But the effect of parties was the most significant recruiting agent.

The rational-actor approach tries to answer the question *why* “some people want to become legislators, while most do not” (Matthews 1985:26). While earlier it was assumed that “politicians had a specific personality driven by an ego-need for power, which political office could help satisfy” (Moncrief 2002:50-51, Lasswell 1948), this approach shifted from the psychological dimension to the simple assumption that people become legislators because of ambition.

In seeing legislative recruitment as an outcome variable, Matthews (1985) points out that incentives predict legislative recruitment. Payne (1972) suggests seven incentives (programme, status, adulation, mission, obligation, conviviality and game) that are the most significant to drive high-level politicians into politics and to gain personal satisfaction.¹⁶ By viewing legislative recruitment as a predictor variable, Payne (1968) found that the primary incentive type among congressmen is status and argues that a legislature dominated by the incentive of status will be characterized by chronic absenteeism, inactive committees, few research facilities, disruptive and conflict-provoking patterns of behaviour and ineffective legislating.

¹⁶ The programme incentive type satisfies working upon specific, concrete public policies; status satisfies attaining and exhibiting prestige; adulation satisfies receiving the affection and praise of others; mission satisfies committing oneself to a transcendental cause; obligation satisfies relieving anxieties of conscience; conviviality satisfies pleasing others and being accepted by them; and game satisfies competing with others in high structured interactions (Payne 1972:3).

In this study I apply the background approach of legislative recruitment for three reasons. First, the data about social and political backgrounds of Mozambican legislators is available from *Who's Who in the Assembly of the Republic* for all of the 750 legislators of multiparty assemblies compared in this study. Second, the process of recruitment approach includes the study of both those politicians who succeed and failed to achieve legislative office. This approach would require administration of a survey that includes both those politicians who won and lost a legislative seat; however data of this nature does not exist. The existing African Legislatures Project (ALP) survey includes only the study of those who achieved a legislative seat – the legislators.

Third, the rational-actor approach includes the study of legislators' motivation to run for a legislative seat and the ALP survey does not integrate questions on motivations. For the comparative purpose of this study it would be problematic to collect data about legislators' initial motivation to run for legislative office after 15 years. Some legislators may have forgotten their initial motivation now and others have died or moved out of politics and are unable to be found.

Comparing Political Capital in the One-Party Era

The Fourth Assembly (1995-1999) was the first 'normal' assembly following the adoption of the 1990 democratic constitution and implementation of the 1994 founding multiparty legislative election. The previous three assemblies – the First, Second and Third assemblies were elected by Frelimo members in an environment that allowed only one political party-Frelimo (Assembleia Popular 1977:62-67). By 1990, with the democratic constitution, conditions were 'normalized' with the acceptance of more than one political party; competitive, free and fair elections; and alternative sources of information. For the first time in the country's history assemblies were in 1994 directly elected by the people in more free and fair conditions.

This study therefore commences by assessing recruitment from the Fourth Assembly. However, with scarcity of data, I use historical retrospective comparisons to obtain some context and knowledge about the strata of the population from which the one-party assemblies were mainly drawn. The First Assembly (1977) was a provisional assembly composed by 207 members that aimed to create electoral rules for recruitment of legislators of the Second Assembly (1977-

1986). The First Assembly functioned for a very short period from 31 August to 4 December 1977 (Assembleia Popular 1977, Assembleia da República 2009).¹⁷ The composition of this assembly was set up by the 1975 Constitution. The 1975 Constitution prescribed that the legislative institution should be composed of: members of the Central Committee of Frelimo, members of the Executive Committee of Frelimo, ministers and deputy-ministers, provincial governors, members chosen by the Central Committee of Frelimo among them those from the army, two representatives by province from the public appointed by the Central Committee of Frelimo and members chosen by the Central Committee of Frelimo among them Frelimo members and a maximum of ten capable citizens (Constituição 1975).

The Second Assembly (1977-1986) was comprised of 226 legislators while the Third Assembly (1987-1994) entailed 249 legislators (Table 2.1).¹⁸ When comparing political capital of the Second and Third assemblies, the results reveal that the legislative recruitment of officials with experience in public administration increased very significantly from the Second (11 percent) to the Third (28 percent) Assembly as officials with manual worker and peasant occupational status decreased.

Table 2.1: Comparing Political Capital in the One-Party Era, 1977-1994

	Second Assembly (1977-1986)		Third Assembly (1987-1994)	
	Count	Percentage	Count	Percentage
<i>Occupational status</i>				
Civil servants	25	11%	70	28%
Military officers	35	16%	42	17%
Manual Workers	71	31%	54	22%
Peasant farmers	65	29%	44	18%
Others	30	13%	39	16%
Total population	226		249	

Note: Data on other indicators of political capital such as formal education and experience in government, legislature and political party are not available.

Data compiled by the author from the following sources:

Relatório da Comissão Nacional de Eleições sobre as Eleições de 4 de Dezembro de 1977. Boletim da República, Número 150, Suplemento, 24 de Dezembro de 1977.

Relatório da Comissão Nacional de Eleições sobre as Segundas Eleições de 14 de Dezembro de 1986. Boletim da República Número 2, Suplemento, 1 Série, 14 de Janeiro de 1987.

¹⁷The head of state was also the speaker of the legislature until 1986.

¹⁸ From 1986 the President of the then Popular Republic of Mozambique was no longer the speaker (Assembleia da República 2009:9).

The reason for the increase in members with experience in civil service was because Frelimo regarded that passing laws requires some reading ability which among the existent Frelimo officials could be found mainly among those with civil servant occupational status. Individuals who had worked in the civil service during the one-party government tended to have better reading and writing abilities than those who before entering the legislature were manual workers or peasant farmers.

Comparing Political Capital in the Multiparty Era

Educational Achievement

Educational achievement or formal education may provide political capital. Legislators with high levels of formal education are more likely to “learn the rules of how the society functions and receive knowledge to play out their [legislative] role” (Bertrand and Valois 1994). *Who’s Who* data shows that, like elsewhere in the world (Matthews 1985:18, Norris 1997), the Mozambique legislature is far more educated than the general electorate. There are no illiterate legislators in the legislature although the levels of formal education are low. In comparing assemblies, one observes that there is a significant increase of legislators with secondary education from the Fourth (56 percent) to the Fifth Assembly (66 percent) and those with university education from the Fifth (27 percent) to the Sixth Assembly (34 percent) (Table 2.2).

Looking at the relationship between party membership and formal education (see Appendix to Chapter 2), the Democratic Union (33 percent) and Frelimo (33 percent) are more likely to recruit officials with university education than Renamo (21 percent) in the Fourth Assembly. In the same assembly, Renamo (60 percent) is more likely to recruit officials with secondary education rather than Frelimo (55 percent) and Democratic Union (44 percent). The Democratic Union (22 percent) followed by Renamo (19 percent) recruited more officials with primary school education than Frelimo (12 percent). In the Fifth Assembly there is no statistical difference between the educational achievements of the two existing parties or coalitions. Frelimo (27 percent) and Renamo-Electoral Union (26 percent) appear to be statistically equal in recruiting officials with university education. The same applies to the recruitment of officials with secondary and primary education.

Table 2.2: Comparing Political Capital in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)	
	#	%	#	%	#	%
<i>Formal education</i>						
Primary	38	15%	14	6%	15	6%
Secondary	141	56%	166	66%	143	57%
University	68	27%	67	27%	86	34%
Unknown	3	1%	3	1%	6	2%
Total population	250		250		250	
<i>Occupational status</i>						
Prof., managerial or white-collar	194	78%	199	80%	207	83%
Manual workers	18	7%	7	3%	12	5%
Others	33	13%	35	14%	24	10%
Unknown	5	2%	9	4%	7	3%
Total population	250		250		250	
<i>Govt. experience at national level</i>						
Minister or deputy-minister	12	5%	15	6%	8	3%
No govt. exp. at central level	238	95%	235	94%	242	97%
Total population	250		250		250	
<i>Govt. experience at province level</i>						
Governor or provincial assembly MP	17	7%	23	9%	14	6%
No, govt. exp. at provincial level	233	93%	226	91%	236	94%
Total population	250		249		250	
<i>Govt. experience at district level</i>						
Mayor, district administrator or local councillor	15	6%	21	8%	33	13%
No govt. exp. at local level	235	94%	229	92%	217	87%
Total population	250		250		250	
<i>Govt. experience at community level</i>						
Chief of administrative post, traditional ruler or ward secretary	4	2%	2	1%	10	4%
No govt. exp. at community level	246	98%	248%	99%	240	96%
Total population	250		250		250	
<i>Party experience at national level</i>						
Party head-quarter	74	30%	103	41%	100	40%
No, party service at this level	176	70%	146	58%	150	60%
Total population	250		249		250	
<i>Party experience at provincial level</i>						
Provincial party office	68	27%	126	50%	148	59%
No, party service at this level	182	73%	123	49%	102	41%
Total population	250		249		250	

Note: Percentages were rounded to whole numbers. Due to rounding, columns may not add up to exactly 100. Where the total population does not add up to 250 suggests that there is missing data.

Table 2.2 Continued:

	Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)	
	#	%	#	%	#	%
Party experience at district level						
District/city party office	37	15%	49	20%	92	37%
No, party service at this level	213	85%	200	80%	156	62%
Total population	250		249		248	
Party experience at community level						
Community party office	19	8%	30	12%	39	16%
No, party service at this level	231	92%	219	88%	211	84%
Total population	250		249		250	
Legislative experience						
From previous assembly	NA	NA	104	42%	49	20%
No legislative experience	NA	NA	146	58%	201	80%
Total population	250		250		250	
From the Fourth Assembly	NA	NA	NA	NA	104	42%
No legislative experience	NA	NA	NA	NA	146	58%
Total Population	250		250		250	

Note: Percentages were rounded to whole numbers. Due to rounding, columns may not add up to exactly 100. Where the total population does not add up to 250 suggests that there is missing data. NA means not applicable.

In the Sixth Assembly, while Frelimo (36 percent) and Renamo-Electoral Union (35 percent) again do not differ in recruiting legislators with university education, Renamo-Electoral Union (11 percent) has a higher percentage of legislators with primary education than Frelimo (3 percent).

Renamo (or Renamo-Electoral Union)¹⁹ changed significantly and positively the levels of legislators with university education from the Fourth (21 percent) to Fifth (26 percent) and Sixth (35 percent) Assembly. This Renamo incremental change is explained by the fact that in the Fifth and Sixth assemblies Renamo made coalition with ten other small opposition parties (including PCN, Monamo/PMSD, PRD, FAP, Alimo, UDF, PUN, Fumo/PSD, PPPM, and Unamo). Most of the leaders of those parties later became Members of Parliament for Renamo-Electoral Union and had completed honours degrees. In the Fifth Assembly, of the 12 percent of those legislators that completed honours degrees, 33 percent came from the ten small parties that joined Renamo, 14 percent from Frelimo and 6 percent Renamo. In the Sixth Assembly, of the 13 percent of legislators that completed honours degrees 50 percent are from the parties that joined Renamo while 12 percent are from Renamo and 12 percent from Frelimo.

¹⁹ In the Fifth and Sixth assemblies Renamo made coalition with ten small political parties forming Renamo-Electoral Union.

When breaking down this data by gender,²⁰ assemblymen appear to be more educated than assemblywomen in all of the three assemblies. Male legislators are more likely to have university education than their female colleagues. Female legislators are more likely to have secondary education than males in both the Fifth and Sixth Assembly. This gender difference on education may be attributed to early patterns of gender role socialization, with men being more involved in public affairs and women in reproductive and domestic affairs.

Occupational Status

Occupational status also may provide political capital. Parliamentary careers are facilitated by high occupational status such as barristers, economists, administrators, teachers, trade union officials, journalists or political researchers.²¹ High occupational status provides to members political skills and political contacts (Ranney 1965). The *Who's Who* data shows that an overwhelming majority of the Mozambique legislature is composed of legislators with higher occupational status – professional, managerial or white collar. There are very few proportions of legislators with manual worker or other occupational status.

Comparing assemblies, legislators with higher occupational status increased significantly from the Fourth (78 percent) to the Sixth Assembly (83 percent) but it remained about the same in the Fifth Assembly (80 percent). In dissecting legislators' occupational status data for each assembly by parties or coalition of parties one sees that in the Fourth Assembly Frelimo (85 percent) followed by Democratic Union (78 percent) was more likely to have legislators with higher occupational status than Renamo (73 percent). In the Fifth Assembly there is no statistical difference between Frelimo (84 percent) and Renamo-Electoral Union (81 percent) but in the Sixth Assembly Frelimo (87 percent) is again more likely to have legislators with higher occupational status than Renamo-Electoral Union (83 percent).

The absence of statistical difference between Frelimo and Renamo-Electoral Union in the Fifth Assembly may reflect the Renamo coalition with ten small parties that resulted in bringing more political capital to the Renamo-Electoral Union. Looking at the gender breakdown surprisingly the results illustrate that in the first two assemblies female legislators appear to have higher

²⁰ All data by party membership and gender is presented in the Appendix to Chapter 2.

²¹ Norris (1997) uses the term brokerage jobs.

occupational status than their male counterparts while no statistical difference is observed in the Sixth Assembly (see Appendix to Chapter 2).

Government Experience

Government experience may provide political capital. “Members who have already held public office can be expected to have developed expertise, speaking skills, practical knowledge of government and social contacts which will be useful in gaining a seat” (Norris 1997:179). This study considers legislators’ government experience at national level –that is, whether he or she was a minister or deputy-minister before standing in the Assembly, and at sub-national levels. At regional or provincial level it considers whether a legislator was governor or provincial legislator. At local level it considers whether he or she was a mayor, district administrator, local councillor or local assembly legislator. At grass root or community level, it looks at whether a legislator was a chief of an administrative post, a traditional ruler or ward/locality secretary.²² This data was gathered in the form of ‘yes’ or ‘no’ responses. If yes, this study data indicates the legislator has government experience level’.

The results in Table 2.2 show very low levels of government experience in the Mozambique legislature. The proportion of members that ever held public office at national, provincial, local or grass root level is only about 10 percent. This suggests that about 90 percent never held public office before.

The proportion of those who had held public office at national level as minister or deputy-minister did not change significantly from the Fourth (5 percent) to the Fifth (6 percent) and the Sixth Assembly (3 percent). The same applies to members who had held public office at provincial level as governor or provincial legislator and at grass root level as chief of administrative post, traditional ruler or ward secretary (see Table 2.2). However, government experience at local level changed significantly over time. The proportion of those members who had held public office at local level as mayor, district administrator or local councillors increased from the Fourth (6 percent) to the Sixth Assembly (13 percent).

²² Data on whether he or she was a civil servant is also relevant indicator of political capital but it is not systematically available from Who’s Who.

In all of the three assemblies Frelimo is more likely to have members who had held public office at national, provincial and local levels. This reflects the fact that so far only Frelimo was able to appoint government officials at those levels, since it has been governing alone from independence and winning all national elections. Nonetheless, from the 2003 local election Renamo was able to appoint their officials in government positions at local level in 5 out of 33 municipalities. In addition, some Renamo legislators, before they joined the party, were Frelimo members during the civil war (1976-1992) and served in government either at provincial or local levels. While fewer legislators have served in government at grass root level (as chief of an administrative post, traditional ruler or ward/locality secretary) we observe no significant variation between Frelimo and the opposition in the three assemblies. Some opposition legislators that served in government at grass root level were traditional rulers. During the civil war Renamo had traditional rulers as their main contact points with the people. Traditional rulers were abolished after independence in 1975 probably because of their ties with colonial administration but were re-instated in 2000.²³

Male legislators (7 percent) are more likely to be ministers and deputy-ministers than females (0 percent) in the Fourth Assembly. However, there is no gender statistical difference in relation to government experience at lower levels. In the Fifth Assembly male legislators tend to have more government experience at national and provincial levels while their female colleagues tend more to have government experience at local level. In the Sixth Assembly we only see gender variation at the local level, with females more likely to have government experience.

Party Experience

Members who devoted years of service working professionally for their political party may be also expected to develop political expertise which will be valuable in gaining a seat. Professional party service is concerned with employment by the party directly in national headquarters or regional office (McAllister 1997). This study measures party experience by professional party service performed by legislators in their political parties at national, provincial, local and grass root levels before they stood for legislature.²⁴ The data show that at all levels party service increased significantly from one assembly to another, with the exception

²³ Decree no. 15/2000 of 20 June. This decree re-instates traditional rulers (community authorities).

²⁴ For each level the party experience data was collected in the form of a 'yes' or 'no' response.

at the national level from the Fifth to the Sixth Assembly and at grass root level where there are only slight increases from one assembly to another.

In comparing the party experience by party membership in each of the three assemblies, the findings are as follows: in the Fourth Assembly Democratic Union leads recruiting officials with party experience at both the national and provincial levels followed by Renamo at the national level in the Fifth and the Sixth Assembly. Frelimo does the same at provincial level in the Fifth and the Sixth Assembly. Renamo leads with party experience at the local level while Frelimo does so at grass root level. Democratic Union have no members with party experience at both the local and grass root level. One question that arises from these findings is how being a coalition of parties with tiny parliamentary membership Democratic Union leads party experience at both the national and provincial levels.

This reflects the fact that most or even all of the Democratic Union members are also co-founders of their parties working for the party as the party leader or party secretary-general at party head-quarters in the capital city, Maputo, or working for the party as a party provincial delegate or representative. On the other hand, Frelimo and Renamo have many members in the legislature working for their parties at different levels from top to bottom. These two parties are much more institutionalized across the entire country and have more members in the legislature than Democratic Union.

Evaluating party experience by gender in each of the three assemblies, the data reveals that most Mozambican assemblywomen enter to the legislature after performing party service at lower levels while their male counterparts do so after obtaining party experience at higher levels. Female legislators are more likely to have party experience first at local level in all of the three assemblies; second at grass root level in the Fourth and the Sixth Assembly; and third at central level in the Fourth Assembly. In contrast males are more likely to have party experience at central level with the exception of the Fourth Assembly and at provincial level in the Fourth Assembly.

This finding may suggest that Mozambique female legislators tend to be less ambitious working for their parties at higher levels. Along similar lines, at public opinion level Afrobarometer surveys demonstrate that Mozambican women are less likely to be interested in public affairs

and to discuss politics than men (Pereira *at al.* 2005, Shenga and Pereira 2009, Afrobarometer and CPGD 2013).

Legislative experience

Legislative experience also may provide political capital. Members who have already worked in the legislature performing legislative functions may have developed political expertise, oratorical abilities, practical knowledge of legislative functions and government to deserve legislative seat.

In the Fifth Assembly 42 percent of members of the legislature had served in the Fourth Assembly but that proportion declined in the following assembly. In the Sixth Assembly only 20 percent of members of the legislature had served in the Fifth Assembly. However, 42 percent of those who served in the Fourth Assembly returned to the legislature in the Sixth Assembly after not serving one term in the Fifth Assembly (Table 2.2). This suggests cumulatively that in the Sixth Assembly there were at least 62 percent of members who had served either in the Fifth or Fourth Assembly.

Conclusions

This study has shown significant positive changes over assemblies in recruiting legislators with political capital. However it has not yet shown which characteristic of political capital improved more than others. Table 2.3 compares and weighs the magnitude of change in political capital patterns. The evidence shows that the political capital of Mozambican legislators changed positively first, in experience working in their party regional or provincial office, district or city office and head-quarter. Second, political capital changed positively in member's formal education, experience working in local government as mayor, district administrator or local councillor. Third, it changed positively in experience working in party grass root office; and professional, managerial or white collar occupational status.

The proportion of members with experience working in their party regional or provincial office increased 23 percent in the Fifth Assembly and 9 percent in the Sixth Assembly. It also increased 5 percent in the Fifth Assembly and 17 percent in the Sixth for members with

experience working in party district or city office; and 11 percent in the Fifth Assembly for those with experience working in party head-quarters.

The proportion of those with secondary education increased 10 percent in the Fifth Assembly and of those with university education 7 percent in the Sixth Assembly. In the Sixth Assembly the proportion of those with secondary education declined as a result of the increase of those with university education.

Table 2.3: Summary of Changes in Political Capital in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
<i>Formal education</i>			
Secondary education	NA	+10%	-9%
University education	NA	0%	+7%
<i>Occupational status</i>			
Professional, managerial or white collar occupational status	NA	+2%	+3%
<i>Experience working in government</i>			
Experience working in government as minister or deputy minister	NA	+1%	-3%
Experience working in government as governor or provincial legislator	NA	+2%	-3%
Experience working in government as mayor, district administrator or local councillor	NA	+2%	+5%
Experience working in government as chief of administrative post, traditional ruler or ward secretary	NA	-1%	+3%
<i>Experience working in party</i>			
Experience working in party headquarter	NA	+11%	-1%
Experience working in party provincial office	NA	+23%	+9%
Experience working in party district or city office	NA	+5%	+17%
Experience working in party community office	NA	+4%	+4%
<i>Experience of working in the legislature</i>			
Experience working in the legislature	NA	NA	-22%

Note: NA means not applicable. Significant increases are highlighted. Some changes become significant when the first and last assembly are compared.

The proportion of members with experience working in local government as mayor, district administrator or local councillor increased in the Sixth Assembly (5 percent). The proportion of members with experience working in party community office and those with professional,

managerial or white collar occupational status increased, respectively 8 percent and 5 percent, from the Fourth to the Sixth Assembly. Members with political capital in terms of professional, managerial or white collar occupational status appear to be more in the legislature but the proportion of lawyers, economists, administrators or social scientists is low in it.²⁵

The data also shows a negative change in legislative experience. The proportion of members with experience of working in the legislature declined 22 percent from the Fifth to the Sixth Assembly. However, 42 percent of those members from the Fourth Assembly returned in the Sixth Assembly after not serving in the Fifth. This suggests that although there was enormous decline in experience working in the legislature, cumulatively, about 62 percent of members in the Sixth Assembly had experience working for the legislature either in the Fifth or Fourth Assembly.

The positive changes in political capital in the Fifth and Sixth Assembly may constitute an adaptation resulting from the external pressures of the process of economic liberalization and democratization. As Mozambique commenced with economic and political reforms toward free market and democracy, the process of liberalization and democratization demanded that the new multiparty legislative functions are exerted by individuals who possess political capital – that is, those who are better educated, possess higher occupational status, and experience working in government, legislature and political party. But it may be also a consolidation resulting from internal pressures. As the legislature started performing the multiparty legislative functions, legislators and their political parties have learnt that exerting these functions requires political capital.²⁶ This suggests that performing legislative functions also affects legislative recruitment.

²⁵ Among those legislators with professional, managerial or white collar occupational status 22 percent are teachers, 11 percent technicians, 10 percent civil servants, 7 percent typists, 7 percent accountants, 5 percent businessman, 4 percent university lecturers, 3 percent nurses or pharmacists, 3 percent company administrators, 3 percent lawyers, 2 percent economists and 2 percent medical doctors. Those comprising percentage below 2 were not reported.

²⁶ Thompson and Moncrief (1992) describe change as adaptation resulting from external pressures and consolidation resulting from internal pressures.

Chapter 3: Legislative Reform in the Multiparty Era

Introduction

Legislative institutional development can be observed from three perspectives: reform, professionalization (capacity) and institutionalization (Rosenthal 1996). This chapter focuses on legislative reform, which includes modernization of rules of procedure, internal structures and improvements in working conditions (Rosenthal 1996:170).

In the Fifth and the Sixth Assembly the legislature increased recruiting members with political capital, as seen from the previous chapter, therefore I expect to observe in the same period positive changes in legislative rules of procedure, internal structures and working conditions. Members with political capital may have received knowledge to play out their legislative roles. They may have developed expertise of politics, legislature and government, political skills and political connections. In order to play out their roles they are more likely to use their exceptional knowledge and expertise to modernize rules of procedure, internal structures and working conditions. I consider positive changes in rules of procedure, structures and working conditions as those that would increase professionalization, institutionalization and performance of the legislature.

Legislative reform is relevant because it allows members to perform their legislative roles with appropriate internal structures (e.g. committee system), working conditions (e.g. office space) and rules of procedure (e.g. standing orders and other constitutional and statutory provisions).

This study assesses legislative reform by employing legislative standing orders and legal provisions as well as parliamentary archival data. It assesses first, legislative rules of procedure and second, legislative working conditions and structures.

Comparing Legislative Reform in the Multiparty Era

Rules of Procedure Reform

By legislative rules of procedure I mean both the legislature standing orders as well as other statutory or constitutional provisions that affect the legislature's processing of bills (Cox 2002). To what extent has the Mozambican multiparty legislature made changes or created new rules of procedure in its standing orders and statutory or constitutional provisions?

Before analysing the rules of procedure reform in the multiparty era, I analyse it briefly in the one-party period. The First Assembly (1997) was a provisional assembly established to create rules for recruitment of legislators for the Second Assembly (1977-1986).²⁷ Thus, it did not create rules of procedure for itself. The Second Assembly created rules for the legislature to be chaired by the head of state;²⁸ to meet twice a year in ordinary sessions of eight days each; to work part-time; and to allow the steering (house-keeping) committee to enact bills into laws when the legislature was in recess (Assembleia Popular 1977).²⁹

However in its final year in 1986, as a result of amendment of the 1975 Constitution, the Second Assembly changed rules of procedure by creating new ones. It did not allow the steering committee to enact bills; and separated the head of state from the speakership position of the legislature.³⁰ The Third Assembly (1987-1994) created new rules of procedure through new standing orders as a result of the 1986 constitutional amendment.³¹ It also created rules of the democratic game in the 1990 constitution for multiparty legislature.

Moving to the multiparty era, the legislature has made at least three major rules of procedure reforms in its internal rules (as summarised in Table 3.1). The first reform in the first year of the Fourth Assembly (1995-1999) was to create new rules to adapt the legislative process to the new political system of multiparty democracy. It included rules for: i) the functioning of the legislature; ii) accountability of the head of state and iii) attorney-general to the legislature; iv) election of the speaker within the legislature as well as his or her responsibilities; v) constitution

²⁷ Assembleia Popular (1977), Assembleia da República (2009).

²⁸ Constituição (1975).

²⁹ Standing orders (Regulamento Interno da Assembleia Popular 1977), Law no. 4/77 of 24 December.

³⁰ Law no. 4/86 of 25 July, Assembleia da República (2009).

³¹ Resolution no. 10/87 of 21 September.

and composition of caucus; vi) organs of the legislature; vii) speaking procedures; viii) petitions, claims and complaints; ix) legislative process; x) government programme, social and economic plan, and budget; xi) accountability of the government to the legislature; and xii) voting rules.

Table 3.1: Standing Orders Reforms in the Multiparty Era, 1995-2009

Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
The legislature creates rules for democratic process (1 st Standing order, Law no. 1/95 of 8 May)	It reviews and strengthen rules for democratic process (2 nd Standing order, Law no. 6/2001 of 30 April)	It reviews and strengthen rules for democratic process (3 rd Standing order, Law no. 17/2007 of 18 July)

The second rules reform took place in the second year of the Fifth Assembly (2000-2004). The Fifth Assembly first combined rules of procedure for petitions, claims and complaints from the Fourth Assembly with the petitions institution within the legislature by establishing the Committee of Petitions. The Fourth Assembly created rules for petitions, claims and complaints but it did not set up an institution within the legislature to deal with petitions. Second it strengthened rules of procedure for accountability by creating new rules to review and scrutinize public accounts. The new rule consisted in compelling the executive by law to submit the public account report to the legislature on state revenues and expenses; to present the report to the legislature; and to respond questions to legislators.³² This rule reform was fostered by three bills enacted by the legislature in 1997 associated with public accounts: Law of Previous Oversight of Public Expenses,³³ Law of Successive Oversight of Public Expenses³⁴ and Law of General Framework for State Budget and Public Accounts.³⁵ In short the second rules reform consolidated rules of procedure created from the first reform in the Fourth Assembly.

The third rules reform occurred in the third year of the Sixth Assembly (2005-2009). It firstly created rules of procedure for declaration of a state of siege and a state of emergency. It ruled that the state of siege and state of emergency is initiated by the president, but it requires approval of the legislature. Secondly, the third rules reform reduced the law-making power of the

³² The accountability mechanism that existed before this new rule was only on mid-term review of implementation of annual social and economic plan and budget.

³³ Law no. 13/97 of 10 July.

³⁴ Law no. 14/97 of 10 July.

³⁵ Law no. 15/97 of 10 July.

legislature by setting up rules allowing the executive also to enact bills in the form of decree-laws. The executive makes a request to the legislature then the legislature enacts a bill authorizing the executive to initiate, review and enact a bill within a specific scope. This new standing order rule resulted from a bill approved by the Sixth Assembly in 2005 known as the bill of ‘legislative authorization’.³⁶ In legislative authorization there is no committee referral and review. The debate of authorization occurs in the plenary and then follows the final voting. A jurist and senior parliamentary staff pointed this as necessary on issues that the legislature does not have technical capacity and expertise.³⁷

However this reduces legislative production, if one looks at law-making as an output, as the legislature shares this function with the executive. More importantly it reduces civil society interaction or engagement with the legislature as the legislature does not decide on bills to be passed by the executive. Thirdly the third rules reform increased transparency of the legislature by establishing new rules – the rules to review and scrutinize the annual report of the activities and accounts of the legislature.

Unpacking the Three Rules Reform

Besides assessing the major aspects of these three rule reforms it is also important to analyse them in some detail. The Mozambican assemblies changed the time to end ordinary sessions. The Fourth Assembly set up rules that allowed the legislature to spend more hours in plenary sessions than the Fifth and Sixth assemblies. The working hours in the Fourth Assembly were six from 8:30 to 14:30 but in the Fifth and Sixth assemblies they were reduced to 4.5 from 8:30 to 13:00. Afternoons were dedicated to committee meetings for committee members but also rank-and-file members (those who only attend plenary sessions) got more time to engage with the electorate. This allowed more time for committees to do their committee work in the afternoons. It also helps rank-and-file members to engage with citizens and interested groups after plenary sessions.

On *legislative process*, the Fifth Assembly improved the rules for information that a committee opinion report on a bill has to contain. The Fourth Assembly prescribed that the committee

³⁶Law no. 6/2005 of 13 December.

³⁷Interview with a jurist and senior parliamentary staff in Mozambique legislature on ‘legislative authorization’, Date of interview: 16 October 2012.

opinion report on a bill must contain views of different sectors of society, committee views and respective arguments, bill amendments and conclusions. In the Fifth Assembly the justification of the bill, legal and government programme frame and financial implications should be also included. This helps committees to better scrutinize and oversee bills that are referred to them. No significant change was observed in the Sixth Assembly.

The Fifth Assembly also made positive changes on rules for reviewing specific bill clauses. The Fourth Assembly established that the review of specific clauses was made by the plenary. The committee work was limited to review general principles of bills. But the Fifth Assembly changed this and required this to be done by a relevant committee in committee meeting and then reported to the plenary.³⁸ Besides simply reviewing the general bill principles and reporting their opinion (i.e. *Parecer*) to the plenary, from the Fifth Assembly committees also began review of specific bill clauses, debating, voting and then reporting outcomes (i.e. *Relatório de Análise, Debate e Votação Especialidade*) to the plenary. This helps the committee to exert an in-depth review and scrutiny of bills. In addition the Fifth Assembly also ruled to give the right to members that are not from the committee which is reviewing the bill to submit their written opinions to the committee for debate.

There were also significant changes in the rules of procedure for reviewing and approving the *government quinquennial programme*.³⁹ The Fourth Assembly ruled that the executive had to reformulate the government programme if the legislature rejects it in the first voting. If the programme is rejected in the second voting, the executive president either dissolves the legislature or dismisses the cabinet. The Fifth Assembly required that a rejection of the government programme implies dissolution of the legislature and a second rejection suggests that the president dismisses the cabinet. The Sixth Assembly prescribed that the legislature can be dissolved if the government programme is rejected for the first time. In sum, none of these reforms allow the legislature to reject the executive programme if legislators find out major inconsistencies in the government programme, as legislators fear the legislature being dissolved by the executive president (Table 3.2). This reduces autonomy of the legislature to influence policy-making as it increases the power of the executive president in policy-making by reducing that of the legislature.

³⁸ See Clause 94 of Law no. 6/2001 of 30 April and Clause 109 of Law no. 17/2007 of 18 July.

³⁹ This is the 5-year government programme deriving from electoral manifesto of the winning party.

Table 3.2: Rejecting Government Programme in the Multiparty Era, 1995-2009

	Fourth Assembly (1999-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
1 st rejection	The executive reformulates (No 1 of Clause 92 of Law 1/95, of 8 May)	The president dissolves the legislature (No 2 of Clause 108 of Law 6/2001, of 30 April)	The president dissolves the legislature (No 2 of Law no. 17/2007, of 18 July)
2 nd rejection	The president either dissolves the legislature or dismisses the cabinet (No 2 of Clause 92 of Law no. 1/95, of 8 May)	The president dismisses the cabinet (No 3 of Clause 108 of Law no. 6/2001, of 30 April)	Not Applicable – No 2 nd rejection

Note: Data from three standing orders of the three legislatures.

There were also significant changes in rules of procedure for the review of the annual *social and economic plan and State budget*. The Fourth Assembly did not rule on the number of days necessary to discuss the social and economic plan and budget in the plenary, leaving it open-ended. But the Fifth and Sixth assemblies were more precise by allocating three days. This helps the legislature to increase session length (which is a measure of professionalization).

On the timing for submitting the bills emanating from the social and economic plan and budget to the legislature, the Fourth Assembly prescribed that that had to be submitted 60 days in advance, the Fifth Assembly left it open-ended and the Sixth Assembly established that the executive has to direct them until 30 of September. At committee level, the Fourth and Fifth assemblies required 30 days for the speaker to direct them before the debate in plenary while the Sixth Assembly improved it by ruling “immediately after the speaker receives them”.⁴⁰ This helps the legislature to better monitor the executive or hold it to account.

On *accountability of the executive* to the legislature, the Fourth Assembly did not make rules on the number of days in advance caucuses have to submit questions to the executive before it appears in plenary to present the report on the mid-term review of the implementation of the social and economic plan and budget. The Fifth and Sixth assemblies required fifteen days. This allowed much more time for the executive to prepare and provide comprehensive answers to the legislature. But, most importantly, the legislature did not adopt rules to hold the executive

⁴⁰ Standing orders, Law no. 17/2007 of 18 July.

president accountable. It made no demands for the head of the executive to present and respond to his governance programme to the legislature – the quinquennial government programme, as well as the mid-term review of implementation of the annual social and economic plan and state budget.⁴¹ The legislature assigned those responsibilities to the executive president’s assistant, the prime-minister, enabling the executive president to avoid being checked by assemblies.

With regard to rules of *accountability of the head of state* to the legislature, there was an improvement from assembly to assembly. In the Fourth Assembly the standing orders subjected the address of the head of state on the state of the nation to debate in plenary but it made clear in the Fifth and Sixth assemblies it was not subjected to debate. This prevented opposition legislators from trying to force the head of state to respond to their questions.

With respect to rules of *accountability of the attorney-general*, the standing order arranged that the attorney-general annual report is subjected to debate in all of the three assemblies. But it adds in the Fifth and Sixth assemblies that the accountability takes place in the first ordinary session with duration of two working days. In the Fourth Assembly the standing order ruled that it occurred only for the duration of one working day. Furthermore, in the Sixth Assembly the standing order demanded that the attorney-general submit his or her annual report to the legislature within fifteen days before its presentation in the plenary and specify the content of the report: “The annual address of the attorney-general must deal with the general state of justice”⁴² and contain other specific aspects such as internal organization and evolution of the prosecutor’s office activity and control of legality. This reform helps the legislature to better oversee the attorney-general but also, the extension to debate attorney-general report, helps the legislature to increase session length.

With respect to rules for the establishment of *caucuses*, in the Fifth and Sixth assemblies the legislature prescribed more rigid rules against political parties or party coalitions than the Fourth. The standing order required in the Fourth Assembly at least five legislators for parties or coalitions to constitute a caucus group while in the Fifth and Sixth assemblies it required eleven. The last two assemblies granted right of intervention in debate to those members with no caucus, however in practice no party or coalition was penalized by these rules in the three assemblies. All parties and coalitions were able to have membership above the thresholds. But

⁴¹ See Clause 206 of the Constitution 2004.

⁴² Clause 26 of Law no. 17/2007 of 18 July.

this rule may force members of small parties to join larger caucuses unless rules are changed in the beginning of a term.

The rules of procedure for reviewing and scrutinizing *public accounts* (that is, the financial report of execution of state revenues and expenses) improved significantly in the Sixth Assembly. The Fourth Assembly did not set up rules for public accounts. The rules associated with public accounts were adopted by the legislature late in 1997.⁴³ In the Fifth Assembly the deadline for the executive to submit a report for the execution of the public account was 31 December while in the Sixth Assembly it was shortened to 31 May. This change gave the legislature and accounting tribunal⁴⁴ more time to review public accounts executed by the executive.

In addition in the Sixth Assembly the standing order prescribed a due date by which the accounting tribunal had to direct its technical opinion and report to the legislature. The Sixth Assembly arranged that the executive directs the public account until 31 May to the legislature and accounting tribunal.⁴⁵ The accounting tribunal then has until 30 November to direct its technical report to the legislature. The legislature then examines and approves the public accounts in the first ordinary session, March-May, of the following year rather than the second session, October-December, as it was in the Fifth Assembly. This allowed the legislature to shorten the approval of public accounts with delay of two years rather than three. For example in the Sixth Assembly the legislature began approving public account of 2004 in 2006 rather than 2007 as it would be in the Fifth Assembly.

This procedure commences with the speaker distributing the public account [and related documents] immediately to legislators as well as refers them to the Committee of Planning and Budget. Within fifteen days before the plenary debate the Committee of Planning and Budget reviews and formulates its written opinion on the public account based on the technical report of accounting tribunal. The session of debate in the plenary takes a maximum of three days. It commences with the presentation of the opinion of the Committee of Planning and Budget

⁴³Law no. 13/97 of 10 July, Law no. 14/97 of 10 July and Law no. 15/97 of 10 July.

⁴⁴ The tribunal in charge of overseeing the execution of state revenues and expenses and providing technical data to the legislature to approve the account report.

⁴⁵ In the Mozambican context the Accounting Tribunal corresponds to a small section of the Administrative Tribunal, the so-called Third Section of Administrative Tribunal.

followed by plenary debate, the executive clarifications and ends up with its review and voting. The public account is approved in the form of resolution rather than act/law.

Working Conditions Reforms

This study measures working conditions by its basic aspect – working office space. Space reform was one of the major reforms in the three assemblies. Renovation of the parliamentary building and construction of an office building provided space for standing committees, caucuses, parliamentary staff and a library. Renovations and construction took place in mid-Fourth Assembly and the legislature began using the buildings from early Fifth Assembly.

During renovation and construction in the Fourth Assembly the legislature worked in limited space. It assembled in a borrowed facility (*Clube Militar*) which was suitable for plenary sessions but not standing committees or staff. Staff had to move back and forth between borrowed and renovation facilities during session periods to support the Fourth Assembly. As a consequence of renovation and construction, members did not have offices, with the exception of the speaker and deputy-speakers. Standing committee chairs and rapporteurs were only able to share office space with their committee staff in the committee office or meeting room. Other committee members did not have office space in the committees they serve. This space reform was very significant and positive for the plenary and standing committees but it did not support most of the legislators individually to do their jobs by providing offices to them.

The availability of a new office building for staff in the Fifth Assembly affected professionalization (capacity) of the legislature. It led to the recruitment of better educated staff in 2000 (2) and 2001 (6) with university degrees to support the plenary and committees. In the Fourth Assembly, parliamentary staff had only secondary education or less, with the exception of the secretary-general of the legislature secretariat and one staff member. Committees received supporting staff varying from 1 in the Fourth Assembly to 2 and 3, respectively, in the Fifth and Sixth assemblies. But they did not have the assistance they needed to investigate more deeply into their policy domains. The Committee of Planning and Budget did not receive fiscal or audit staff, the Committee of Legal Affairs and Human Rights did not obtain legal staff and so forth.

The space reform also led the legislature to acquire more equipment like computers, printers and internet facilities for its supporting staff and even a computer laboratory for legislators (Assembleia da República 2009). In the Sixth Assembly the number of desktop computers increased from 39 in 2006 to 100 in 2007 and 138 in 2008 while the number of laptops improved from 4 in 2007 to 34 in 2008. The number of printers increased from 20 in 2006 to 40 in 2007 and 72 in 2008 (Assembleia da República 2009:88).

Structural Reforms

The standing orders indicate that the formal structures of the Mozambican legislature entails the plenary, a steering (house-keeping) committee and working committees. With respect to composition, the plenary and steering committee did not vary at all across the three assemblies. They had 250 and 15 members respectively from the Fourth to the Sixth Assembly. However, the structure of working committees changed to a considerable extent.

Committee Structure

Before the first multiparty legislative election in 1994, the legislative structure entailed a plenary, a steering committee, which substituted for the plenary during the interim period and had legislative power, and working committees that either were inexistent in reality or met only irregularly for eight days a year in each session (Assembleia da República 2009).⁴⁶ Bills were initiated by the Frelimo Central Committee, Frelimo Executive Committee, the executive, the president and the legislature and were mainly ratified by either the legislature steering committee or plenary.

After the 1994 founding multiparty legislative election the legislature recognized the importance of committees. A committee structure of seven standing committees was established in the first year of the Fourth Assembly to work permanently for the entire term with law-making, oversight and representation responsibilities.⁴⁷ They included: (1) Planning and Budget; (2) Social Affairs, Gender and Environment; (3) Agriculture, Regional

⁴⁶ Standing committees of the one-party era only met for the 16 days that the legislature met annually (Assembleia da República 2009:8). However, parliamentary records does not mention any committee established in one-party era.

⁴⁷Law no. 1/1995 of 8 May.

Development, Public Administration and Local Government; (4) Economic Activities and Services; (5) Defence and Public Order; (6) International Relations; and (7) Judicial Issues, Human Rights and Legality (Table 3.3).

Table 3.3: Committee Structure in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Standing committee	7	8	8
<i>Ad hoc</i> committee	4	5	0
Inquest committee	1	1	0
Total	12	14	8

Note: Data on standing committees gathered from standing orders and other parliamentary documents. Data on ad hoc and inquest committees collected from Assembly resolutions.

In the Fifth Assembly the legislature added a Committee of Petitions to deal with public petitions, claims and complaints delivered to the legislature. The responsibility of this committee is to represent public interest by performing investigative-oversight of the received petitions, claims and complaints. When the petitions deal with issues of legal requirements necessary for the formulation of a process the committee delivers them to the prosecutor's office requesting information about their decision. If the petitions deal with claims and complaints that require opinion/report from standing committees this is requested.⁴⁸

No additional standing committees were created in the Sixth Assembly but three standing committees changed their names. The Committee of Judicial Affairs, Human Rights and Legality changed slightly to become Committee of Constitutional Affairs, Human Rights and Legality. The Committee of Agriculture, Regional Development and Local Government became Committee of Public Administration, Local Government and Media. The Committee of Economic Activities and Services became Committee of Agriculture, Rural Development, Economic Activities and Services.

Besides standing committees, Mozambique's multiparty assemblies also created the possibility for the creation of *ad hoc* and inquest committees to deal with specific issues. These committees differ with standing committees regarding to their duration. While standing committees function for the duration of the term, *ad hoc* and inquest committees are abolished even before the end of the term when they achieve their goals. *Ad hoc* committees have law-making

⁴⁸Law no. 6/2001 of 30 April and Law no. 17/2007 of 18 July.

responsibilities. Inquest committees perform investigative-oversight responsibility. They investigate the respect of rule of law and national interest in the functioning of institutions. They have the same investigative power as judges or courts. Their procedures occur behind closed doors in inquest committee meetings as well as in plenary sessions.

The Fourth Assembly established four *ad hoc* committees: (1) for Review of the Standing Order and Legislator's Statute, (2) for Review of the Constitution, (3) for Review of the National Anthem; and (4) for Review of the Electoral Law. The Fifth Assembly set up five *ad hoc* committees by adding to those of the Fourth Assembly *Ad hoc* Committee for Review of the National Flag and Republic Emblem. The Sixth Assembly did not create any *ad hoc* committee.

With respect to inquest committees, the Fourth Assembly created one inquest committee - the Inquest Committee for Investigation of the Alleged Land Usurpation in Inhambane Province. The Fifth Assembly created also one - the Inquest Committee for Investigation of the Facts from the Demonstration of November 2000. The Sixth Assembly did not establish any inquest committee.

While there were some improvements in committee structure during the multiparty era it did not become more complex. Committees, for example, did not unpack themselves to create subunits or subcommittees. Complexity involves "multiplication of organizational subunits" (Huntington 1968). However, committee structures did allow to some extent division of labour and specialization of committee members. As each committee has a specific area of competence replicating the executive ministries (Table 3.4), the committee structure fostered the division of labour. In addition, considering the standing order rules that no standing committee member can serve on more than one standing committee, the committee structure contributed to specialization: "specialization and expertise can be reinforced if committee members concentrate their work on one and only one committee" (Strøm 1998).

Although the committee system replicates the executive ministries, committees are characterized by many and broad portfolio areas. For instance, the Committee of Social Affairs, Gender and Environment and the Committee of Agriculture, Rural Development, Economic Activities and Services cover countless executive ministries (see Table 3.4). Only few standing

committees cover few executive ministries. In comparing assemblies, the seven existing committees covered 23⁴⁹ executive ministries in the Fifth and 27⁵⁰ in the Sixth Assembly.⁵¹

Table 3.4: Relations between Standing Committees and Executive Ministries in the Sixth Assembly, 2005-2009

Standing Committees	Executive Ministries
Committee of Constitutional Issues, Human Rights and Legality	Ministry of Justice
Committee of Planning and Budget	Ministry of Finance Ministry of Planning and Development
Committee of Social Affairs, Gender and Environment	Ministry of Women and Social Affairs Ministry for Coordination of Environmental Action Ministry of Education and Culture Ministry for Issues of Fighters for National Liberation Ministry of Youth and Sport Ministry of Health
Committee of Public Administration, Local Government and Social Communication	Ministry of Public Service Ministry of State Administration
Committee of Agriculture, Rural Development, Economic Activities and Services	Ministry of Agriculture Ministry of Commerce and Industry Ministry of Tourism Ministry of Fishery Ministry of Public Work and Housing Ministry of Mineral Resources Ministry of Energy Ministry of Transport and Communication Ministry of Science and Technology Ministry of Labour Ministry of Health Ministry of Education and Culture
Committee of Defence and Public Order	Ministry of Interior Ministry of National Defence
Committee of International Relations	Ministry of Foreign Affairs and Cooperation
Committee of Petitions	Not Applicable, standing committee is not law-making committee

Note: Some ministries are related to more than one committee because an executive ministry bill can be referred to more than one standing committee. For example, an executive health bill can be referred to the Committee of Agriculture, Rural Development, Economic Activities and Services as health is a service but also to Committee of Social Affairs, Gender and Environment as it is social issue.

⁴⁹ Who is Who in the Government of Mozambique 2000 (*Quem é Quem 200 no Governo de Moçambique*).

⁵⁰ Who is Who. Ministers and Deputy-Ministers (*Quem é Quem. Governo e Vice-Ministros*).

⁵¹ Ministries in Presidency were excluded from the analysis as they do not match with committees.

This suggests that the Mozambican committee system has not moved toward greater specialization. Strøm (1998) argues that small committees [those with few and narrow portfolio areas] increase the incentives to specialize. Even though the rules of the game prescribe no member can serve on more than one standing committee, the rules also propose that standing committee members may serve in *ad hoc* or inquest committees. Multiple memberships are allowed from standing to *ad hoc* and inquest committees.

Other Legislative Structures

Besides the legislative structure indicated by the standing orders, the Mozambique legislature also has in its structure units that represent certain societal groups. The establishment of parliamentary units occurred only in the Sixth Assembly. In the first year of the Sixth Assembly the legislature established two units: the parliamentary unit to prevent and fight against HIV/AIDS (*Gabinete Parlamentar de Prevenção e Combateo HIV/SIDA*)⁵² and the parliamentary women's unit (*Gabinete da Mulher Parlamentar*) to promote gender equality.⁵³ The establishment of these units helps to represent marginalized groups in society like women and those infected and affected by HIV/AIDS.

Supporting Structure

The supporting structure of the legislature - the General-Secretariat of the Assembly of the Republic - is also a relevant and integral part of the legislative structure. The statutory provisions of the legislature secretariat indicate that there were changes in the supporting structure: one in the fourth year of the Fourth Assembly and another in the last year of the Fifth Assembly.⁵⁴ No changes were registered in the Sixth Assembly. Between 1977 and 1983 before the 1994 founding multiparty legislative election the legislature technical support was provided by a group of civil servants coming from different ministries (i.e. *Grupo de Organização das Sessões da Assembleia Popular*) that only supported legislative sessions. The legislature secretariat was only established in 1983⁵⁵ with limited staff (Assembleia da República 2009:54-56).

⁵² Resolution no. 35/2005 of 19 December.

⁵³ Resolution no. 33/2005 of 19 December.

⁵⁴ *Diploma Ministerial* no. 59/89 of 13 May and Law no. 11/04 of 20 October.

⁵⁵ Resolution no. 8/83 of 31 August.

In the Fourth Assembly the supporting structure of the legislature consisted of two directorates of services: one for law-making and another for administration. In the Fifth Assembly improvements from the previous reform were consolidated as a result of the approval of the strategic plan of the legislature.⁵⁶ There were several improvements: the first improvement in the second reform was to transform the supporting structure and make it larger. In fact, the directorate of service from the first reform was elevated to the category of general directorate; departments were elevated to divisions; partitions became departments and sub-partition was elevated to partition. The number of staff was enlarged as well as new legislative careers were created in the second supporting structure reform. The second improvement was to grant autonomy to some supporting services. The division of committee support, division of public and international relations, and information and technology centre became autonomous.⁵⁷

The consequences of these reforms are that they established formal spaces to professionalize legislative staff through recruitment and/or training of specialized staff such as: parliamentary specialist and legislative technician; providing members technical capacity in the beginning of the terms on aspects concerned to functioning of the legislature, standing order, structural organization of the legislature, legislative process, monitory mechanism to the executive, etc.; recognizing in law the legislature administrative and budget autonomy; strengthening the relationship between member and constituents; creating interactive website and media; public opinion polls; and institutional capacity.

Conclusions

The Mozambique legislature created and changed a couple of rules of procedure during the one-party era. In the Second Assembly (1977-1986) the legislature ruled for the assembly to be chaired by the head of state; meet twice a year in session of eight days each; and allowed the steering committee to enact bills during the recess period. In 1986 it gained some autonomy from the steering committee and the head of state: it changed rules by stopping the steering committee to enact bills and the head of state to be the speaker. In 1990 in the Third Assembly

⁵⁶ One of the recommendation of of the strategic plan of the Assembly was to revise and approve a new supporting structure. See Assembleia da República. 2003. Plano Estratégico da Assembleia da República (2004-2008)

⁵⁷ No 2 of Clause 28 of Law no. 11/04 of 20 October.

(1987-1994) it created rules of the democratic game by adopting the democratic constitution. This fostered rules of procedure, structures and working conditions reforms in the multiparty era.

Multiparty assemblies have made a series of changes in rules of procedure, internal structures and working conditions (Table 3.5) that connote legislative institutional and performance improvements. In the Fifth Assembly the legislature combined rules from the previous assembly for citizens and organized groups making petitions by establishing the Committee of Petitions. This helps the legislature to represent public interest. In the Sixth Assembly it strengthened financial accountability by shortening the period that the executive has to submit report of the execution of revenues and expenses (public account). This helped the approval of public accounts from the Sixth Assembly with delay of two years rather than three as it used to be in the Fifth Assembly. In the Fifth Assembly committees began playing an important role in law-making by also reviewing and scrutinizing specific bill clauses.⁵⁸ This helps committee system to exert an in-depth review and scrutiny of bills. In the Sixth Assembly the legislature was more precise on allocating a date for the executive to submit the bill of plan and budget. This helps the legislature to better monitor the executive and hold it to account.

In the Fifth Assembly the legislature reduced the working hours of plenary sessions by ending it at 13:00.⁵⁹ This allowed more time for committee members to do their committee work in the afternoons. It also helps rank-and-file members to engage with citizens and interested groups after plenary sessions. In the Fifth Assembly the legislature added the justification of bill, legal and government programme frame and financial implications to the information that the committee opinion report has to contain.⁶⁰ This helps committees to better scrutinize and oversee bills that are referred to them. In the Fifth Assembly the legislature assigned three days to debate the government annual plan and budget.⁶¹ This helps the legislature to increase session length (professionalization). In the Fifth Assembly the legislature extended the number of days that attorney-general has to account from one day in the Fourth Assembly to two; and in the Sixth Assembly it added that the attorney-general report has to be submitted fifteen days in

⁵⁸ In the Fourth Assembly committees only reviewed the general principles of bills.

⁵⁹ Plenary sessions ended up at 14:30 in the Fourth Assembly.

⁶⁰ In the Fourth Assembly the legislature prescribed that committee opinion report on particular bill has to contain views of different sectors of society, committee views and argument, bill amendments and conclusions.

⁶¹ In the Fourth Assembly the legislature did not establish number of days to debate the annual government plan and budget.

advance as well as provided guidelines of the report content. This helps the legislature to better oversee the attorney-general but also helps to increase session length.

Table 3.5: Summary of Changes in Rules of Procedure, Structures and Working Conditions, 1995-2009

	Fourth Assembly (1995- 1999)	Fifth Assembly (2000- 2004)	Sixth Assembly (2005-2009)
<i>Rules of procedure</i>			
Petitions	NA	+	No change
Legislative authorization	NA	No change	-
Hours for starting sessions	NA	+	No change
Data that committee report contains	NA	+	No change
Committee review	NA	+	No change
Government programme	NA	-	No change
Number of days in plenary of debate of plan and budget	NA	+	No change
Time of submitting plan and budget	NA	-	+
Accountability of the executive	NA	-	No change
Accountability of the attorney-general	NA	+	+
Public accounts	NA	+	+
<i>Internal structures</i>			
Committee structure	NA	+	-
Other structures	NA	No change	+
Supporting structure	NA	+	No change
<i>Working conditions</i>			
Space	NA	+	No change

Note: NA means not applicable – there is no previous multiparty assembly to compare with. But it should be emphasized here that there were positive changes from one-party to multiparty assemblies in almost all the indicators. No change means that no major change was made following the previous multiparty assembly. Things remained about the same.

Regarding working condition reforms, the legislature improved its space in the Fifth Assembly with a renewed parliamentary building and a constructed office building. This reform provided modern and additional space to the plenary and standing committees to do their job generally but it did not support most legislators individually to do their jobs by providing office space. Besides the speaker and deputy-speakers, only committee chairs and rapporteurs and staff were provided office space.

On legislative structures, the legislature improved the number of committees in the Fifth Assembly but declined in the Sixth. The positive change in the Fifth Assembly allows more division of labour and gives prospects to specialize committee members but committees are

characterized by many and broad portfolio areas and have to cover many executive ministries. In the Sixth Assembly it created new internal structures: one unit to prevent and fight HIV/AIDS and another of women legislators to promote gender equality. This helps the legislature to represent marginalized groups. In the Fifth Assembly the legislature also strengthened its supporting structure by making it larger. This reform provided formal space for the legislature to increase its capacity by recruiting qualified supporting staff to assist committees and plenary.

These improvements support Thompson and Moncrief's (1992) postulates of change describing it as adaptation, resulting from external pressures of transition to democracy; and as consolidation, resulting from internal pressures of improved political capital. As the legislature transitioned to democracy it began in the Fourth Assembly creating rules of procedure of the democratic game and appropriate structures and working conditions. When it commenced improving recruiting legislators with political capital in the Fifth and the Sixth Assembly it also strengthened those rules, structures and working conditions.

However, the Mozambique multiparty legislature also made negative changes in the rules of procedure not helping it to professionalize, institutionalize and/or perform relatively well its functions. In the Sixth Assembly the legislature authorized the executive also to enact bills.⁶² This reduces law-making production as bills to be enacted by the legislature may be enacted by the executive. Also citizens and organized groups who aim to introduce their input in the legislation find little space when it is the executive to enact a bill. This because the executive legislative process is not that opened compared with of the legislature.

The legislature also created rules of procedure that reduced its performance in oversight. In all of the three assemblies the legislature did not adopt rules to hold the executive president to account. It made no demands for the executive president to present and respond to his 5-year governance programme, annual plan and budget and mid-term review of the execution of plan and budget. This enabled the executive president to avoid being checked by the legislature.

This reflects the fact that the Mozambican political system is "ruled by a single leader who [relies] heavily on distribution of patronage in the form of appointments to government

⁶² "As the ruling parties increases their parliamentary majorities in the second and subsequent legislative elections, executive and legislative powers become fused" (Bratton, Mattes and Gyimah-Boadi 2005:18).

positions and the distribution of rents to maintain himself in office” (Barkan 2009:12). In Mozambique the president is both the head of state and head of the executive; commander in chief of the army; appoints and dismisses all chairs of judiciary, and even academic institutions; and is president of the ruling party, which controls all electoral machinery. The existence of this type of leader (popularly known as neopatrimonial leaders, or “big men”) increases the probability of the parliamentary majority to adopt rules of procedure that enable the executive president to avoid being checked by the legislature.

In the Fourth Assembly if the legislature rejected the 5-year term government programme the executive was compelled to reformulate it. A second rejection after the reformulation meant that the president dissolves the legislature or dismisses the cabinet. In the Fifth Assembly a first rejection meant the president dissolves the legislature and a second dismisses the cabinet. This reduces legislative autonomy to influence policy-making. It increases the power of the executive president in policy-making and reduces that of the legislature.

Chapter 4: Legislative Professionalization in the Multiparty Era

Introduction

Legislative professionalization is the second of the three dimensions of legislative development (Rosenthal 1996) that this study assesses and compares. It is “a concept that assesses the capacity of both legislators and legislatures to generate and digest information in the policymaking process” (Squire and Moncrief 2010:75). It is measured by the length of the legislative session, staff support services and resources (like budget) and legislative salary and benefits (Moncrief 2002, Squire 2007, Squire and Moncrief 2010). Professional legislatures are then those bodies that have “unlimited legislative sessions, superior staff resources and salaries sufficient to allow the members to pursue service as their full time occupation” (Squire and Moncrief 2010). “If money is available, these traits can simply be manufactured” (Hibbing 2002) to professionalize legislatures.

In this study I assess and compare legislative professionalization across Mozambique’s multiparty assemblies from 1995 to 2009. As the Mozambique legislature has been recruiting relatively better-qualified legislators and reforming rules of internal procedure, structures and working conditions in the Fifth and the Sixth Assembly, this study expects to also find improvements in its level of professionalization over the same period. Better-qualified legislators who made positive changes in rules of procedure, structures and working conditions demand more payment and resources as well as the legislature’s capacity to support their work.

Legislative professionalization “influences legislator behaviour and legislative output in many important ways” (Squire and Moncrief 2010). Professionalization helps legislatures generally but also legislators individually to do their jobs (Rosenthal (1996). The theoretical implications of increasing members’ salary and benefits is that it increases individual incentive to serve, leading to longer tenure in office (institutionalization) as well as increasing the ability to focus efforts on legislative activities. For the legislature, it leads members to serve for longer tenure, creating a more experienced body as well as attracting better-qualified members (Squire 2007, Squire and Moncrief 2010; see Table 4.1).

The implications of increasing time devoted for service for legislators is that it reduces their opportunity to pursue other employment and increases the need for a high salary to compensate for the loss of income. For the legislature, it provides more time for policy development and deliberation. The increase of staff and resources increases members’ ability to influence the policymaking process, their job satisfaction and enhances their re-election prospects. The increase in staff and resources makes the legislature a more serious policymaking competitor with the executive (Table 4.1).

Table 4.1: Implications of Professionalization for Legislators and the Legislature

Measure of Professionalization	Implications for legislators	Implications for the legislature
Salary and benefits	Increased incentive to serve, leading to longer tenure. Increased ability to focus efforts on legislative activities.	Lead to members with longer tenures, creating a more experienced body. Attract better-qualified members.
Time demands of service	Reduced opportunities to pursue other employment and increased need for higher salary to compensate for lost income. Increased opportunity to master legislative skills.	More time for policy development. More time for policy deliberation.
Staff and resources	Increased ability to influence policymaking process. Increased job satisfaction. Enhanced re-election prospects.	Make legislature a more serious policymaking competitor with the executive.

Adapted by Squire, P., & Moncrief, G. (2010). *State Legislatures Today. Politics Under the Domes*. Boston: Longman from Squire, P. (2007). Measuring Legislative Professionalization: The Squire Index Revisited, *State Politics and Policy Quarterly*, 7. pp. 2013.

Comparing Legislative Professionalization in the Multiparty Era

Time Devoted for Service

Legislative studies have considered session length as the time devoted for service but they have not included the time dedicated for work undertaken out of session (Rosenthal 1996:174) overseeing government agencies. Instead of simply using session length, which is narrow as it mainly taps only work in plenary, this study employs the concept of time devoted for service,

which is broader and it may include both the length of legislative session and other work dedicated outside the plenary like oversight. This study views time devoted for service by the number of working days in and outside the plenary and working hours in plenary. To what extent do Mozambican assemblies devote time for their responsibilities? How does it change over time?

In the one-party era the Mozambique legislature met only for eight days in each of the two sessions a year (Assembleia da República 2009). Some Mozambican critics emphasize that in the multiparty era the legislature only works for 90 working days a year, in two ordinary sessions a year, each meeting with no more than 45 working days.⁶³ In contrast the data of parliamentary schedules reveals that the average number of legislative working days (including ordinary and extraordinary plenary sessions and oversight) is about 113 in the Fourth and the Fifth Assembly. However, this average number declined about 7 percent (105) in the Sixth Assembly (Table 4.2). In the Sixth Assembly the legislature did not conduct extraordinary sessions as it did in the Fourth and the Fifth Assembly.

Table 4.2: Average Number of Legislative Working Days in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Plenary ordinary and extraordinary session sitting days	98	98	90
Committee oversight working days	15	15	15
Total	113	113	105

Note: The average number of sitting days for plenary session is calculated from the average of ordinary and extraordinary meetings in a determined legislative year. This data was multiplied by two to obtain the average number of plenary working days in a year, because the legislature meets twice a year. The data was calculated from the planned working days from ordinary and extraordinary meeting schedules. This study did not find data for the Fourth Assembly of the first 1996 and 1998 ordinary meetings, second 1997 ordinary meeting, and first and second extraordinary meetings. And for the Fifth Assembly, it did not find data of first and fourth extraordinary meetings. In the final year of all the three assemblies the second ordinary meetings were not carried out because of presidential and legislative electoral campaigns and elections.

The average number of legislative working days in and outside plenary in the three assemblies is 110. This corresponds to 42 percent of working days in a year (260) making laws and conducting oversight. By adding 35 working days of constituency service, this is equivalent to 56 percent of working days in a year. In other words, Mozambique legislators spend 44 percent

⁶³ Standing Orders: Law no. 1/95 of 8 May, Law no. 6/2001 of 30 April, Law no. 17/2007 of 18 July.

(115) of the 260 working days in a year working in other industries rather than the legislature or enjoying holidays.

So far we have observed the time devoted for legislative service in days. Turning it to hours, the data of parliamentary schedules indicates that plenary ordinary and extraordinary meetings take place only in mornings: 8:30 to 13:00.⁶⁴ But in the last two or three days of the second ordinary session of the year (October-December) meetings tend to take the whole day (08:30-16:30) due to time constraints and number of bills that are left for the last days.

Professional Staff

Professional staff can be operationalized “as the total number of professional employees, total number of professional staff plus support staff, or staff members per legislator” (Rosenthal 1996). In the one-party era the Mozambique legislature almost did not have own staff. The parliamentary secretariat (GOSAP – Group of Organization of Sessions of the Popular Assembly) established in 1983 in the Second Assembly (1977-1986) was characterized by a very small structure that use to increase in session periods (Assembleia da República 2009). It was composed of civil servants from ministries and volunteers. As data on professional staff has never been recorded by the legislature systematically, except with what is presented in Table 4.3, it becomes difficult to compare professional staff over time in the multiparty era. The results from the existing data show that the total number of professional employees in the Sixth Assembly is 280; suggesting one legislator is served by approximately one staff (280 staff divided by 250 legislators).

Table 4.3: Parliamentary Staff in 2009 and Sixth Assembly (2005-2009)

	Sixth Assembly (2005-2009)	
	Count	Percentage
Committee support staff	26	9%
Plenary support staff	23	8%
Other legislative support staff	21	7%
Other employees	235	77%
Total	305 (280)	100%

Note: No data available for the Fourth and Fifth assemblies. Table presents data from 2009, with exception to the total in parenthesis, which is the average of staff in 2006 (243), 2007 (270), 2008 (303) and 2009 (305).

⁶⁴ The 1995 session schedules show that sessions were from 8:30 to 14:30.

However, this data might be misleading as it includes professional employees who are not involved in supporting the legislature directly. By only considering those who are involved in providing technical support to legislators (which includes staff supporting committees, plenary and other legislative structures such as parliamentary documentation, the HIV/AIDS parliamentary unit, the women parliamentary unit and legislative research unit – *Gabinete Técnico*), the 2009 data shows that very few staff support legislative activity directly. Of the 305 Mozambican legislature staff in 2009 only about one-fourth are involved in supporting the legislature directly in committees (9 percent), plenary (8 percent) and other legislative services (7 percent). One legislative staff had to serve four legislators.

Moving this analysis to committee level, we observe about the same. There are many standing committee members that are not served by committee staff. As the 26 committee staff in the final year (2009) of the Sixth Assembly covered eight standing committees, each committee was served by three committee staff. As there were 15 members in each committee there were 120 committee members. The ratio between committee staff and committee members is one-fifth (26 staff divided by 120 committee members). One committee staff had to serve five committee members. In the legislature committee staff serves mainly committee chairs and committee rapporteurs who ask them to submit committee meetings and travel reports.

By looking at the educational achievement of all the 305 staff, two have a doctorate degree, three masters, 47 honours, 11 bachelor, 136 secondary school, 103 primary and three are unknown (Assembleia da República 2009:32). This study did not find comprehensive data of how formal education of those staff supporting legislators directly changed over time. But it was possible to find out that the two staff with doctorate degrees support standing committees, and all committee and plenary support staff either have an honours degree or were about to obtain one. In the Fourth Assembly, in contrast there were no staff with university degrees in the legislature, with the exception of the secretary-general of the assembly secretariat plus one staff. One of the first groups of staff with university degrees was recruited in the Fifth Assembly. In 2000 and 2001, respectively, two and six university graduates joined the parliamentary secretariat to support plenary sessions and committee work.

Members' Compensation

Members' compensation is a measure of legislative professionalization that is different than the previous two. "Session length and staff are institutionally connected indicators; they have direct impact on the way the legislature works" (Rosenthal 1996:175). Compensation is an individually connected indicator with indirect effect on the legislature itself. Members can have high pay but lower performance while high session length and professional supporting staff may make a difference in legislative development and performance. Members' compensation is measured by member salary plus allowances/benefits including per diem and subsidies.

In the one-party era legislators did not have a salary. They were part-time legislators working eight days a session and the steering committee had law-making power when the legislature was in recess. The steering (house-keeping) committee members began receiving salary only in the Third Assembly (1987-1994) as a result of the 1986 rules of procedure reform that transformed them to work full-time (Assembleia da República 2009). In the multiparty era members of the Mozambican legislature receive a monthly salary and allowances or benefits which includes constituency service subsidy, plenary and/or committee per diems, honorarium, and subsidy associated with their work⁶⁵ (Assembleia da República 2002). Obtaining this data has been difficult.⁶⁶ However I was able to obtain a significant amount of member's salary data and, based on single year data on members' allowances plus data on their salary, it was possible to calculate valid estimates for member's allowances across the three assemblies (see Appendix to Chapter 4).

The average monthly compensation of the Mozambican legislator in Mozambique's multiparty assemblies is approximately 35,058 Meticaís (US\$1,298). Comparing assemblies, there is a significant incremental change in members' compensation. It increased 61 percent in the Fifth Assembly (MZN 30,648 / US\$ 1,135) and 55 percent in the Sixth Assembly (MZN 55,757 / US\$ 2,065). To make sure that these improvements are not being driven by inflation, I removed inflation and recalculated the percentage increase of member's compensation.⁶⁷ By taking into

⁶⁵ In Portuguese, *subsídio de representação*.

⁶⁶ Some legislature staff have been classifying this data as confidential as it is known as "Internal norms for execution of the Assembly budget".

⁶⁷ Five-year inflation averages calculated from annual inflation rates found from: [http://www.indexmundi.com/mozambique/inflation_rate_\(consumer_prices\).html](http://www.indexmundi.com/mozambique/inflation_rate_(consumer_prices).html). Searched on 24 September 2013.

consideration inflation rates, member’s compensation improved by about one-half in each assembly (Table 4.4).

Table 4.4: Monthly Members’ Compensation in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Member compensation	18,770 (695)	30,648 (1,135)	55,757 (2,065)
% of increase	-	61%	55%
% of increase, considering inflation	-	48%	47%

Note: NA means not applicable – there is no previous multiparty assembly. The figures are reported in local currency – Meticaais (MZN). In parenthesis is the corresponding amount in American Dollar (US\$) at the rate of 27 Meticaais from exchange rate of 20 September 2011, www.bancomoc.mz.

Legislative Resources

The legislative resources can be indicated by the expenditure or budget of the legislature to conduct its core business of making laws, overseeing the executive and represent voters. Different than compensation, legislative expenditure has a direct effect on the way that legislatures work as it is institutionally related. This study used the amount of money that was budgeted for each year from where legislature’s averages were calculated due to the difficulty in gathering actual expenditure information.

The average legislative budget of multiparty assemblies is 186,224,563 Meticaais (US\$ 6,897,206). By removing the members’ compensation from the legislative budget as it constitutes more than half of the budget of the legislature more accurate budget figures are obtained that may impact directly on legislative performance. The results in Table 4.5 show progressive changes over time. Considering consumer prices, legislative expenditure of the Mozambican legislature improved by 5 percent in the Fifth Assembly and 21 percent in the Sixth Assembly.

Table 4.5: Legislative Budget in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Legislative budget	65,789,333 (2,436,642)	143,960,941 (5,331,887)	348,923,414 (12,923,089)
Legislative budget removing MP's compensation	9,479,333 (351,086)	52,016,941 (1,926,553)	181,652,414 (6,727,867)
% of increase	NA	18%	29%
% of increase, considering inflation	NA	5%	21%

Note: NA means not applicable – there is no previous multiparty assembly. The figures are reported in local currency – Meticaís (MZN). In parenthesis is the corresponding amount in American Dollar (US\$) at the rate of 27 Meticaís from exchange rate of 20 September 2011, www.bancomoc.mz.

Conclusions

In the one-party era Mozambique's legislature was not a professional body. It dedicated eight days for plenary session, being substituted by the steering committee in recess period. Supporting staff were very limited and comprised of civil servants from the executive and volunteers; members did not have salary; and the legislative budget was very limited. However, positive changes were made over time to professionalize both the legislature and legislators in the multiparty era (see Table 4.6). But legislative professionalization of the legislature is still shallow.

Table 4.6: Summary of Changes in Legislative Professionalization in the Multiparty Era, 1995-2009

	Fourth Assembly(1995- 1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Time dedicated for law-making and oversight	NA	No change	-
Professional staff	NA	+	+
Members' compensation	NA	+	+
Legislative budget	NA	+	+

In the Fifth and Sixth assemblies the legislature improved the academic achievement of plenary and committee staff by recruiting staff with doctorate, masters and honours degrees. The ratio of staff that directly supports legislators to legislators is one to four; and the ration of staff that

directly supports committee system to committee members is one to five. Committee staff support directly committee chairs and committee rapporteurs while the rest of committee members are not directly served by committee staff. The increase in staff academic achievement may help legislators to better perform their law-making, oversight and representation functions.

In the Fifth and Sixth assemblies the legislature increased significantly the legislative budget and members' compensation. However, the legislative budget which is an institutionally connected indicator of professionalization and may have a direct impact on performance increased 5 percent and 21 percent. On the other hand, members' compensation which is an individually connected measure improved 48 percent and 47 percent. Members' compensation may not affect directly legislative performance but it may affect institutionalization. It may increase incentive for members to serve; it leads to longer tenure in office.

These findings confirm that recruiting politicians with political capital and improving rules of procedure, structures and working conditions makes legislatures to professionalize. Mozambique's legislature made positive changes in legislative professionalization in the Fifth and Sixth Assembly as a result of positive changes in recruiting politicians with political capital and reforming internal rules of procedure, structures and working conditions in the same period.

However, the legislature did not make positive changes in the time dedicated for legislative service. In the Fourth Assembly it spent 113 working days in plenary making laws and outside it conducting oversight. This number did not change in the Fifth Assembly and it declined in the Sixth Assembly. Mozambican legislators devote less time for their service. Of the 260 existing working days in a year they spend only 145 (56 percent) making laws, conducting oversight and contacting constituents in their constituencies.

Chapter 5: Legislative Institutionalization in the Multiparty Era

Introduction

This chapter focuses on the third dimension of legislative institutional development, legislative institutionalization, which is the process by which organizations transform to become institutions. By institutionalization I mean a process of an organization differentiating from its environment – that is, developing autonomy, adhering to norms that constitute an unwritten understanding of what conduct is proper or improper (Eulau 1994) and its members differentiating from non-members. This involves retaining members within the legislature, recruiting leaders from within the legislature with seniority, adopting universal criteria for selection of members to internal positions of power, and increasing autonomy from both the executive and political party outside the legislature.

As the Mozambique legislature has been recruiting politicians with political capital; reforming rules of procedure, internal structures and working conditions; and professionalizing I expect transformations of the legislature from simple organization to institution. Essentially better educated legislators with higher occupational status and experience working in government, legislature and political party are more likely to be appointed into leadership positions of power or high-status positions and subsequently participate more in the discussion of bills and oversight of executive agencies. Members who see positive changes in their compensation and view the service more rewarding are likely to continue serving in the legislature; they are more likely to want longer tenure in office and make career in the legislature.⁶⁸ Members who view increases in legislative staff adopt rules of procedures leading to autonomy of the legislature from the executive.

Legislative institutional development is relevant for legislative performance. Shipan highlights that “one reason to study institutional development is the belief that institutions affect member behaviour” (Shipan 2005:58). In addition as legislatures develop institutionally they also affect

⁶⁸ Members of the legislature are more likely to serve for extended periods in the body because the service is rewarding. The average member compensation in the three assemblies (1995-2009) is only US\$1,298 per month, but members’ compensation increased 48 percent in the Fifth and 47 percent in the Sixth Assembly.

public opinion. Legislatures that develop institutionally well are more likely to receive public support and contribute toward democratization and democratic consolidation.

The Theory of Legislative Institutionalization

The study of legislative development commences with Nelson Polsby's assessment of the United States House of Representatives (Polsby 1968). Polsby referred to legislative development as legislative institutionalization. Polsby conceptualized an institutionalized or developed organization as having three major characteristics. Firstly that the organization is relatively well differentiated from its environment - its membership is stable, with turnover infrequent and entry relatively difficult. Its leaders are recruited from within the organization and have substantial tenure in office.

Second, the organization is relatively complex, that is, "there is growth in the autonomy and importance of committees, growth of specialized agencies of party leadership, and the general increase in provision of various emoluments and auxiliary aids to members in the form of office space, salaries, allowances, staff aid and committee staffs" (Polsby 1968:153). Third, the organization operates on a universalistic base (i.e. seniority) rather than particularistic criteria and automatic rather than discretionary methods for distribution of positions of power.

As legislative studies have been carried out in legislatures other than the United States House of Representatives, Polsby's theory has slightly modified. Squire suggested the separation of 'internal complexity' from institutionalization as most of its considerations indicate the concept of professionalization (Squire 1992). Hibbing defines legislative professionalization "as involving changes that deal with the body itself and that can be accomplished by statute or by legislative edict. Included would be session length, member compensation, number of staff, other perquisites, general legislative resources, and committee structure" (Hibbing 2002). But Rosenthal (1996) indicates that legislative structure is part of legislative reform rather than professionalization.

What remains as institutionalization from Polsby's conceptualization are the characteristics of organizational differentiation and operational procedure for conducting internal business. Legislative institutionalization is indicated by personnel differentiation; adherence to norms -

the degree to which norms exist and members follow norms that differentiate them from non-members; institutional authority or autonomy to manage its own affairs without substantial control or intervention from outside (Rosenthal 1996); and differentiation between party machinery inside and outside the legislature (Squire 1992, Hibbing 2002). Similarly Hibbing's measures of institutionalization include norms and standard operational procedures, institutional autonomy, leadership positions that require extensive service in the body itself and extended careers in the body (Hibbing 2002).

This study assesses legislative institutionalization by employing the original data covering the 15-year period corresponding to the Fourth (1995-1999), Fifth (2000-2004) and Sixth (2005-2009) assemblies. The data was collected from three legislators' directories - *Who's Who in the Assembly of the Republic* (Assembleia da República and AWEPA 1996, 2001, 2006) and supplemented by standing orders and other legal provisions. It also uses the author observations and experiences about the legislature.

Comparing Legislative Institutionalization in the Multiparty Era

If the Mozambican legislature institutionalized from the Fourth to the Sixth Assembly one should observe increasing levels of retention of members and decreasing turnover, parliamentary leaders will increasingly be selected within the legislature and with seniority, and the selection to positions of power will tend to be based on universalistic criteria rather than discretion. One should also observe increasing legislative autonomy from the executive and the party outside the legislature.

Before comparing legislative institutionalization in the multiparty era it is important to provide a snapshot of one-party assemblies. In one-party era the legislature created and changed rules of procedure that constrained and improved slightly its institutionalization. In the Second Assembly (1977-1986) the legislature reduced its autonomy first from the head of state by allowing him to be the speaker; and second from the steering committee by allowing it to enact bills. In 1986 it slightly increased autonomy from the head of state by stopping him to be the speaker; and from the steering committee by stopping it to enact bills.

However it did not increase autonomy from the executive and the party outside the legislature. The staff that assisted legislative sessions comprised those of the executive and volunteers (Assembleia da República 2009). There was no difference between the party inside and outside the legislature.⁶⁹ In the Third Assembly (1987-1994) the legislature adopted the 1990 democratic constitution which helped it later on in the multiparty era to relatively institutionalize.

Membership Seniority

Seniority is indicated by membership retention –that is, the number or proportion of members that kept their seat from the previous assembly at the beginning of a term (Rosenthal 1996, Squire 1988). Seniority is indicated by retention in relation to turnover – the number or proportion of new members at the beginning of a term.

As members of the one-party assemblies were part-time legislators with no salary, working eight days per session and created rules of the democratic for their successors, they did not handover to their successors in the multiparty era. They did not have legislative experience of the multiparty assemblies. In the founding democratic assembly – that is, the Fourth Assembly, all the legislators were new to the new (democratic) procedures of political competition, rule of law and vertical and horizontal accountability. They were also new to the new responsibilities of oversight, representation and constituency service. The previous one-party assemblies only exerted law-making responsibility.

To learn how the legislature functions, with support from international donors community (SUNY/USAID, AWEPA, UNPD, SIDA, DANIDA, Westminster Foundation, DFID), Mozambican legislators receive training concerning their primary responsibilities in the first few days of each term. Sometimes the training is directed at specialized committees during a session. For instance, members of the Committee of Planning and Budget will receive training on fiscal policy and budget. In addition, the relations that the legislature develops with other

⁶⁹As in one-party era the legislature assembled only for eight days in each session with no salary, the tenure of its members in office might have been very low; and leaders might not have been those who were recruited within the organization with substantive tenure. As members' political capital and tenure was very low, the selection of member to leadership positions of power might be based on particularistic and discretionary criteria rather than automatic and universal.

legislatures and legislative associations from stable and emerging democracies allow members of parliament (MPs) to improve their understanding of the obligations of the legislative institution. Although this training make some difference in the knowledge and abilities of Mozambican MPs, they would be much more effective if attending members already had at least some legislative experience.

The *Who's Who* data entailing the full population of multiparty assemblies in Table 5.1 shows that in the Fifth Assembly the legislature retained 42 percent of members from the Fourth Assembly. This level declined in the following assembly: In the Sixth Assembly the legislature retained only 20 percent of members from the Fifth Assembly. Approximately eight in every ten (80 percent) members from the Sixth Assembly at least did not serve in the Fifth Assembly. However, 42 percent of members who have served in the Fourth Assembly returned to the legislature in the Sixth Assembly after not serving one term in the Fifth Assembly. By observing in this perspective, one view that seniority increased greatly in the Sixth Assembly. Cumulatively membership retention increased to 62 percent in the Sixth Assembly.

Table 5.1: Comparing Membership Seniority in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
<i>From previous (Fourth/Fifth) assembly</i>			
Retention	NA	42%	20%
Turnover	NA	58%	80%
<i>From the Fourth Assembly*</i>			
Retention	NA	NA	42%
Turnover	NA	NA	58%
<i>Cumulative</i>	NA	NA	62%

Note: NA means the question was not applicable to that assembly.

**Question applied in the Sixth Assembly only. The question asked whether he or she was MP in the Fourth Assembly.*

In the Mozambique’s context, the high turnover is affected by the role played by political parties which are the gatekeeper of the process of recruitment to the legislature. In a closed-list PR electoral system, like Mozambique, South Africa and Namibia, a politician does not enlist him or herself to become MP; he or she needs to be enlisted by the political party or party boss. Members have not been pleasing enough their party boss to be re-enlisted in good position for re-election and/or their non-legislative party colleagues have been pressuring the party boss for legislative opportunity.

Selection of Leaders within the Legislature with Seniority

To what extent have legislative leaders been selected within the legislature with seniority? I propose that leaders are more likely to be selected within the legislature with seniority. This is because the service is more rewarding for them than rank-and-file members. Rank-and-file legislators receive salary, per diem for their attendance at plenary sessions and constituency service subsidy while committee members receive additional per diem for committee sessions. Leaders such as the speaker, deputy-speakers, committee chairs, rapporteurs and steering committee members receive further benefits including fuel, a vehicle for official use, office space and subsidy associated to the position (*subsídio de representação*). But also members' compensation had been increasing over time. As the service is relatively rewarding for legislators in leadership positions, leaders adopt long-term perspectives and create and maintain organizational schemes to meet their career need by being reappointed to leadership positions of power.

The *Who's Who* data in Table 5.2 show a relative growth in selecting leaders within the legislature with seniority. All leaders here meaning speaker and committee chairs⁷⁰ in the Fourth Assembly had no prior democratic legislative experience but the leaders from the Fifth and the Sixth Assembly were selected within the legislature with seniority. In fact, their 'apprenticeship period' lengthened. Of the nine leaders in the Fifth Assembly five (56 percent) served five years in the Fourth Assembly as speaker or committee chair prior to selection to these positions, while four (44 percent) had never before served in the legislature.

In addition, of the nine leaders in the Sixth Assembly, five (56 percent) served ten years in the legislature as speaker or committee chair before their selection to these positions and three (33 percent) served five years in the legislature before their selection.⁷¹ Only one leader (11 percent), the committee chair, had never served in the legislature before his first selection. In sum, the average years served in the legislature before selection as speaker or committee chair increased from 3 years in the Fifth Assembly to 7 years in the Sixth. These findings suggest evidence of a seniority system in the selection of members to leadership positions. The seniority

⁷⁰ For the purpose of this variable, the positions of deputy speaker, steering committee member, caucus leader, and deputy caucus leader are excluded because the work of the top two leadership positions, speaker and committee chairs, are more tangible.

⁷¹ Leopoldo Ernesto was selected committee chair for the first time in the Fourth Assembly and then for a second time in the Sixth. In the Fifth Assembly he served as deputy speaker.

system is not, however, independent of election results as the parties with more seats select more members to leadership positions on basis of PR system. Overall the major party, Frelimo, appointed nine members to leadership positions while the major opposition, Renamo, appointed four during the period of 1995 to 2009.

Table 5.2: Years Served in the Legislature Prior to Selection as Speaker or Committee Chair in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Speaker			
Eduardo Joaquim Mulembwe	NA	5	10
Committee chair			
Virgínia Videira	NA	5	10
Ossumane Aly Dauto	NA	5	10
Alfredo Gamito	-	0	5
Aurélio Zilhão	-	0	-
Domingos Pilale	-	0	-
Jerónimo Malagueta Naila	NA	5	10
Dionísio Ferreira Quelhas	-	0	-
Eduardo Nihia	NA	5	-
Alexandre Meque Vicente	-	-	0
Lutero Simango	-	DNS	5
Leopoldo Ernesto	NA	DNS	10
Açucena Duarte	-	DNS	5
Total Average years	NA	3	7

Note: Dash means he or she did not serve as Member of Parliament in that assembly.

DNS means he or she served as Member of Parliament but not as committee chair.

NA means that he or she served as committee chair in the founding democratic assembly.

The Criteria for Selection to Positions of Power

Legislatures institutionalize when they employ seniority as the universalistic criteria for selection to positions of power (Polsby 1968). While seniority matters for institutionalization⁷²

⁷² By applying Polsby's general theory of legislative institutionalization at the state legislative level of the California Assembly, Squire found that the universalistic criteria, indicated by seniority, does not apply at the California legislative level for distribution of positions of power because members of the California Assembly have different career ambitions than those from the United States House of Representatives (Squire 1992). Squire explains this difference by the place the house and state legislatures occupy in the hierarchy of the political system. As the house is located at the top of political hierarchy with limited upward mobility and the house service is rewarding, house members adopt long-term perspectives and create and maintain organizational schemes to meet their career need. But members of state legislatures adopt a short-term perspective because they have more opportunities and ambitions to run for higher office. The fact that state legislatures are located at the intermediate level in the hierarchy of the political system gives their members more chances for upward mobility.

I propose the concept of political capital which is broader as it taps both seniority and other relevant aspects. I propose that legislatures institutionalize when they select their members to positions of power on the base of members' political capital which includes members' educational achievement, occupational status, experience of working in government, legislature (seniority) and political party. I test and examine the simultaneous effects of these considerations on positions of power employing multi-linear regression model. But first I analyse the allocation of members to positions of power in the legislature and bivariate correlations between positions of power and political capital.⁷³

Positions of Power

The Mozambican legislature is featured by the following positions of power: speaker, deputy-speaker, caucus leader, deputy-caucus leader, steering committee member, caucus rapporteur, committee chair, committee rapporteur, and simple committee member. Almost half of the legislature is comprised of rank-and-file members (*deputado simples*) with their work limited to the attendance of plenary sessions.

Table 5.3: Positions of Power in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)	
	Count	%	Count	%	Count	%
Speaker	1	0%	1	0%	1	0%
Deputy-speaker	3	1%	2	1%	2	1%
Caucus leader	3	1%	2	1%	2	1%
Deputy-caucus leader	1	0%	2	1%	2	1%
Steering committee member	13	5%	10	4%	10	4%
Caucus rapporteur	0	0%	2	1%	2	1%
Committee chair	7	3%	8	3%	8	3%
Committee rapporteur	7	3%	7	3%	8	3%
Committee member	92	37%	98	39%	103	41%
Rank and file member	123	49%	117	47%	112	45%
Missing	0	0%	1	0%	0	0%
Total population	250		250		250	

Note: In the Mozambican legislature Members of Parliament may occupy more than one parliamentary position. Some are both committee chair and standing committee member. The speaker is both speaker and steering committee chair and member. The parliamentary position variable is indicated by the highest parliamentary position performed by a legislator therefore some categories will not have the expected count or percentage. For instance, considering there are 8 standing committees each entailing 15 members in the Sixth Assembly we should not expect to observe 120 committee members in this table.

⁷³ Political capital of members of the legislature is presented in Chapter 2 (recruitment).

Rank-and-file positions do not vary significantly across the three assemblies but slight reductions were observed from the Fourth (49 percent) to the Fifth (47 percent) and the Sixth (45 percent) assemblies. The reason for the reduction, especially in the Fifth Assembly, is the establishment of an additional standing committee, the Committee of Petitions, in 2000 to deal with public claims, complaints, and petitions.⁷⁴ Thus in the Fifth Assembly, fifteen additional rank-and-file members found upward mobility by serving as a standing committee member.

At the intermediate level of parliamentary positions, one finds those legislators who are standing committee members (39 percent). This group is mainly responsible for in-depth reviews and scrutiny of parliamentary bills which the speaker refers to the committees. Standing committee members are led by committee chairs (3 percent) with support of committee rapporteurs (3 percent). They are also responsible for amending bills as well as recommending that proponents of bills improve them before consideration to the plenary meaning that in essence they can 'kill' a bill should they find its provisions in some way unsatisfactory.

At the top of the parliamentary positions is the speaker, who is supported by deputy-speakers (1 percent). Below them follow caucus leaders (1 percent) and their deputies (1 percent), steering committee members (4 percent) and caucus rapporteurs (1 percent). The speaker chairs the plenary sessions and the steering committee which is responsible for the day-to-day management of the legislature. The caucuses entail political parties or coalition of parties sitting in the legislature according to PR electoral system.

Does Political Capital Matter?

Bivariate correlations show associations between political capital indicators and the positions of power (see the first column of coefficients in Table 5.4). Better-educated members; those who had worked professionally in their party headquarter; members with managerial, professional or white-collar occupational status; and to some extent those who had served in government as minister or deputy-minister tend to be selected to leadership positions of power more than others. Former manual workers and members who had worked in party district office are less likely to be selected to leadership positions of power. The results also show positive

⁷⁴ See Law no. 6/2001 of 30 April.

associations between had served in the legislature (seniority) and leadership positions of power. Members who had served in the legislature tend more often to hold leadership positions of power than new members.

Table 5.4: Political Capital Model for Selection to Leadership Positions of Power in the Multiparty Era, 1995-2009

	All the three assemblies		
	Bivariate correlations	Model 1	Model 2
<i>Formal education</i>	.367**	.299***	.310***
<i>Occupational status</i>			
Professional, managerial or white collar	.175**	.032	
Manual workers	-.136**	-.030	
<i>Government experience</i>			
Minister or deputy-minister	.084*	.009	
Governor or provincial MP	.040	.046	
Mayor, district administrator or local councillor	.014	.027	
Chief of administrative post, traditional ruler or ward secretary	.007	.026	
<i>Legislative experience</i>			
Served in previous assembly	.193**	.111**	.108**
Returned after not serving	.189**	.102**	.108**
<i>Party experience</i>			
Headquarter	.207**	.080*	.077*
Regional office	-.031	-.011	
District office	-.130**	-.076*	-.075*
Community office	.064	.045	
Adjusted R Square		.185	.176
Total population		750	

Note: Entries in Models 1 and 2 are standardized Ordinary Least Square regression beta coefficients and in bivariate correlations are Pearson's correlation coefficients.

Model 1 incorporates all predictor variables. Model 2 incorporates only those effects that were found significant in Model 1.

***Significant at the level of .001; ** Significant at the level of .01; * Significant at the level of .05

Although some political capital considerations appear to be associated with the leadership positions of power it is not clear whether the bivariate associations are spurious. Multivariate technique allows one to consider many factors together while holding others constant. By holding up all considerations against one another, the multivariate results in column two of Table 5.4 show that the selection to leadership positions of power is driven primarily by legislators' formal education, secondly their experiences of working in the legislature and in

party headquarter and party district office. But the effect of experience of working in party district office is negative. Legislators with high educational achievement, had experiences of working in the legislature and in party headquarter are more likely to be selected to leadership positions of power. Those with experience of working in party district office are less likely to do so.

While Model 1, which includes all explanatory variables considered in this study, contributes to roughly 19 percent of the explained variance for the selection to positions of power, Model 2 omits considerations that are statistically insignificant thus producing a more accurate explanatory variance (i.e., adjusted R square) and a more parsimonious model (Kerr, Hall and Kozub2002). Model 2 explains about 18 percent of variance for the selection to leadership positions.

Autonomy from the Executive

The development of managerial autonomy is one of the most important indicators of institutionalization (Huntington 1968, Squire 1992, Rosenthal 1996, Hibbing 2002). Institutional autonomy can be measured by the organization ability “to manage its own affairs without substantial control or intervention from outside” (Rosenthal 1996:190). The standing orders and other legal provisions show that in the Fourth Assembly the legislature did not have autonomy do create the structure of its secretariat. In fact, the organizational structure of the legislature secretariat was adopted in 1998 by the executive ministries, namely: Ministry of State Administration, Ministry of Plan and Finance, Ministry of Justice and Ministry of Labour⁷⁵ rather than by the legislature.

By the end of the Fifth Assembly the legislature gained autonomy to approve its own organizational structure.⁷⁶ In the same assembly the legislature also gained autonomy to approve its own budget but its budget amount is still negotiated with the Ministry of Finance. This suggests that the legislature may only increase its staff if the executive accept to provide it with more funds. No major change is observed in the Sixth Assembly.

⁷⁵ See *Diploma Ministerial* no. 59/98 of 13 May.

⁷⁶ Strategic plan of Assembly of the Republic, PEAR.

Autonomy from Political Party outside the Legislature

Besides institutional autonomy vis-à-vis the executive, the autonomy of the legislative party from the party outside the legislature is another most important indicator of legislative institutionalization. Legislative party autonomy may be measured by the distinction between party machinery inside and outside legislature (Squire 1992, Hibbing 2002) and the control of nominations by an external party organization (Jewell 1973).

Legislatures institutionalize when parties within the legislature and outside the legislature are different. Own observations and experience about the legislature suggests that in the Mozambican political system there is no such difference: Parties within and outside the legislature are about the same. This means that when the legislative party want to decide on a bill in committee they have to consult first their party bosses outside the legislature. Legislators are tied to a strong party discipline and driven by their party outside the legislature. They do not have so much space of manoeuvre to escape from the strong control from the external parties, in part, due to the PR electoral system and centralization of the party around their individual leaders.

The aftermath of breaking the strong control from the external parties or not to please their party leaders is enormous. First, legislators can either be punished by being removed from the PR party list in the following legislative election or be ranked low on it thus reducing their chances for re-election. An example of this is the discontinuity of Renamo (or Renamo-Electoral Union) members like Maximo Dias who often did not cope with party discipline in the legislature. Second, Members of Parliament can be dropped off from their caucus. As a result of unpleasantness with the party leader, Raúl Domingos, a Renamo senior member, and other Renamo members were dropped off from the Renamo parliamentary bench and subsequently lost the opportunity to air their views in plenary sessions.⁷⁷ As the speaker allocates speaking time to caucuses based on the PR electoral system, those who were dropped were not given the floor to speak as they became ‘unidentified’ to a caucus.

Legislatures also institutionalize when the external party cannot control nominations made by the legislative party. In the Mozambique political system the external parties have control over

⁷⁷ The same happened recently in the current Seventh Assembly (2010-2014) with Ismail Mussá, a MDM (Mozambique Democratic Movement) senior member.

legislative party nominations. One of the evidences of this comes from the Committee of Planning and Budget in the Fifth Assembly when it nominated a small group of its members for a working visit to the Portuguese Assembly. After the committee decided the composition of the group one member from the major party had been dropped off from the group and replaced by his party colleague within the committee. The affected MP told me sadly that his party colleague had lobbied with the external party at the Central Committee so that the change would take place.

The control of nominations by external parties is strong in the Mozambique system partly because of the PR electoral system. In the PR system legislators are more dependent on their party organization that “determines the order of names on the list and not all of those on the list will be elected” (Jewell 1973).

Conclusions

The analysis shows that the Mozambican legislature has become more institutionalized in three out of the five measures employed. In two measures, the Assembly is not moving toward greater institutionalization. First, membership tends to be unstable and turnover is frequent. But after serving one term in the Fourth Assembly some members returned in the Sixth Assembly increasing greatly seniority. Second, there is no difference between the party machinery within the legislature and the party machinery outside the legislature; they are the same. This reflects the strong control of party leaders of what is going on within the legislature as a result of the PR electoral system which narrows the relationship between legislators and their party leaders.

However, in the other three measures, the legislature appears to be moving towards greater institutionalization. First, leaders tend to be selected from within the organization and have greater tenure in office than those who are not. Second, particularistic and discretionary criteria tend not to be followed for selection to positions of power. In fact, the criterion for selection to positions of power in the legislature is driven by legislator’s political capital. Rather than selecting members for leadership positions of power based on favouritism or nepotism, the legislature selects those members whose level of formal education is high, who had served in the legislature at least one term and worked professionally in their party headquarter. Third, the

legislature improved autonomy from the executive by approving its own organizational structure in the Fifth Assembly.

Institutionalization improvement of the Mozambican legislature has been driven by internal pressure from members with improved political capital and of strengthening rules of procedure and increasing capacity. The recruitment of leaders with substantial tenure in office and to some extent institutional autonomy commenced increasing in the Fifth Assembly when the legislature began recruiting more legislators with political capital and strengthened rules of procedure and increased capacity. None of the institutionalization measures showed that a minimal level of institutionalization existed in the Fourth Assembly. This suggests that the external pressures of transition to democracy do not immediately foster assemblies to institutionalize. Institutionalization takes time to occur.

IV. LEGISLATIVE PERFORMANCE

Chapter 6: Legislative Law-making in the Multiparty Era

Introduction

This chapter focuses on legislative performance in law-making. Legislative performance or accomplishment in law-making can be specified in terms of legislative output– the number of bills introduced and enacted into law but also the source of the bill, whether the bill is originated within the legislature (e.g. committee, caucus or private member bill) or outside the legislature (e.g. executive or presidency bill). According to this criterion legislatures that perform relatively well are those that enact a high number of bills into law and initiate a substantial number of those bills.

Legislative accomplishment in law-making may be also specified in terms of legislative process – the process by which a bill undergoes from its entrance and registration in the legislature until its approval or rejection. I assume that a legislature must participate in law-making by not only ratifying proposals but also examining, modifying, rejecting, offering alternatives and filling in the gaps left by an administration’s programme (Rosenthal 1974:11). I analyse law-making process by paying attention to the committee structure. This because the in-depth law-making function is exerted by committees where the individual clauses of bills are reviewed and reported rather than by the plenary which mainly accepts committee recommendations (see also Rosenthal 2009:414-15).

The Mozambican legislature adopted a committee structure to perform the law-making function. It established six standing committees for the entire legislature with law-making responsibility. This refers to those standing committee that review bills to be enacted into laws. This includes the Committee of (1) Planning and Budget; (2) Public Order and Defence; (3) Legal Affairs, Human Rights and Legality; (4) Social Affairs, Gender and Environment; (5) Economic Activities and Services; and (6) Agriculture, Regional Development, Public Administration and Local Government. It also created *ad hoc* committees for law-making for short periods within assemblies: *Ad hoc* Committee for Review of Electoral Legislation; *Ad hoc* Committee for Review of Standing Orders and Statute of Legislator; *Ad hoc* Committee for Review of the National Anthem and *Ad hoc* Committee for review of the Constitution.

This study assesses legislative accomplishment in law-making from five dimensions: First, the *referral* of legislation - that is, the extent to which committees receive bills from their parent chambers. Second, the *screening* of legislation and whether committees actually are decisive in the fate of bills they favour and ones they oppose. Third, is the *shaping* of legislation by means of committee amendments and substitutes. Fourth, is the *passage* of legislation - the extent to which committee-sponsored bills survive intact on the floor (Rosenthal 1997:18-19).

I propose that the Mozambican legislature will show improvement in law-making. This is because the legislature relatively increased legislators with political capital over time but also it reformed and modernized rules of procedure, working conditions and structures; and has become more professionalized; and institutionalized. Rosenthal (1974) showed that legislative law-making performance is derived from legislative institutional development and legislator's characteristics.

I assess legislative performance in law-making in the multiparty era employing a bill-tracker of original data over the 15-year period (1995-2009) corresponding to the first three multiparty assemblies.⁷⁸ A 5-year period of data was collected by the author from many official parliamentary documents and government gazettes as part of the ALP (African Legislatures Project) bill-tracker of Mozambique, 2003-2007. For the purpose of this study the author added an additional 10-year period of data collection for years 1995-2002 and 2008-2009.

Comparing Law-making in the Multiparty Era

Before focusing on law-making in the multiparty era it is important to provide a snapshot of one-party assemblies. In the one-party era the Mozambique legislature mainly rubber-stamped bills. It functioned for about 16 days a year and the steering (house-keeping) committee had power to pass bills when the plenary was out of session. In the Third Assembly (1987-1994) the legislature changed rules by stopping the steering committee from passing bills as well as increased the number of working days.⁷⁹ Bills were referred to committees but committee

⁷⁸ The bill-tracker is a dataset that tracks bills from the period they were submitted to legislative assemblies either by the presidency, executive or legislature to their referral to committees, amendment, voting, rejection/approval and publication in government gazette.

⁷⁹ Parliamentary records state that this number of working days increased from the Third Assembly (1987-1994) but it does not specifies those number of days (Assembleia da República 2009).

system only worked under those 16 plenary working days and they were passed consensually. Difference of opinions was not a common characteristic of Frelimo during the one-party era.⁸⁰

The Referral of Legislation

Referral of legislation is the first dimension of legislative performance in law-making. It “involves the extent to which committees receive legislation” (Rosenthal 1974). A committee system can only perform relatively well if a substantial number of bills or a number of substantial bills are referred to that system.

In the Mozambique every bill that can be enacted into law by the legislature is referred to a standing committee to be reviewed and scrutinized before it goes to the plenary for adoption or rejection.⁸¹ However, bills of ‘legislative authorization’ - those that enable the executive to pass law by decree⁸² are not referred to, and reviewed by, committees. Their review and examination in detail is made in plenary and their initiation is solely a prerogative of the executive.⁸³ The executive initiates this type of bill to obtain full legislative power so that he can legislate without direct control of the legislature. Mozambican legislators, practitioners and even scholars are convinced that legislative authorization is necessary when the issue to be enacted into law is too complex and the executive is the one that has more technical and detailed information. But this may constitute a danger for the legislative function of representation as well as law-making considering that the executive law-making process does not follow the rules of openness and transparency as of the legislature. Also its existence may reduce the law-making power of the legislature.

In the three multiparty assemblies the legislature referred 93 percent of the 308 bills introduced to the committee system. Seven percent of bills that were not referred to the committee system correspond to bills of legislative authorization and those reviewed in the first year of the multiparty assembly – Fourth Assembly (1995-1999). In the first year of the Fourth Assembly the new legislators had to learn about their responsibilities and democratic legislative process.

⁸⁰ Being critical within the party would be seen as counter government.

⁸¹ Standing Orders. Law no. 1/95 of 8 May; Law no. 6/2001 of 30 April; and Law no. 17/2005 of 18 July.

⁸² Bills enacted by the executive are called decree-laws. Decree-laws have the same power as laws. In Mozambique the legislative acts are the laws and decree-laws.

⁸³ Standing Order, Law no. 17/2005 of 18 July.

Thus bills of 1995 were mainly referred to a small working group of legislators as a substitute of standing committees. Although the committee system was established in the first year of the founding multiparty assembly and the selection of committee members also took place in the same year, in practice the referral of bills to committees commenced in 1996 after the legislature had received training in the context of multiparty democracy. Committee members also had to receive training about legislative process of multiparty politics.

The bill tracker data in Table 6.1 show an increase of bills referred to committee system from the Fourth (87 percent) to the Fifth Assembly (100 percent) but a decrease in the Sixth Assembly (92 percent). The decrease reflects the change in rules of procedure in 2005/2007 allowing the executive to enact bills in the form of decree without referral to committee system.⁸⁴

Table 6.1: Legislative Law-Making Performance in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)	
	#	%	#	%	#	%
<i>Referral of legislation</i>						
Yes	87	87%	89	100%	109	92%
No	13	13%	0	0%	10	8%
<i>Screening of legislation</i>						
Yes	56	56%	60	67%	88	74%
No	31	31%	10	11%	0	0%
NA	13	13%	19	21%	31	26%
<i>Shaping of legislation</i>						
Yes	51	51%	49	55%	81	68%
No	36	36%	21	24%	7	6%
NA	13	13%	19	21%	31	26%
<i>Passage of legislation</i>						
Plenary shaping of legislation						
No	54	54%	43	48%	81	68%
NA	46	46%	46	52%	38	32%
Total	100		89		119	

Note: NA means Not Applicable. A second measure of passage of legislation is enactment of bills that were referred to committees. Its results are in Appendix to Chapter 6 (Also see Table 6.2).

⁸⁴ The Law no. 6/2005 of 13 December approves ‘legislative authorization bill’ which precipitated its incorporation in the Standing Order in 2007, Law no. 17/2007 of 18 July.

The Screening of Legislation

The second step in assessing legislative performance in law-making is the screening of legislation. That is, if bills are referred, to what extent do the committees make favourable or unfavourable recommendations to the plenary? The literature prescribes that “when committees choose to support most of the bills referred to them, they are not really making judgements of their own. Instead they are abdicating major responsibility for decision to individual sponsors, legislative leaders, party caucuses or to the chamber’s membership as a whole (Rosenthal 1974:24). An appropriate operating rule for assessment is: a committee system performs relatively well if a significant proportion of bills referred to it are not given favourable action.

The general practice of the Mozambican legislature is that committees do not report on all of the bills that are referred to them. Only favourable bills are reported to the plenary. Bills that are not reported are only known by standing committees in the steering (housekeeping) committee meetings. Of the 308 bills of the three assemblies 66 percent were reported favourably for adoption in the plenary. This suggests that the Mozambican’s committee system is very permissive. This is because, in part, of the PR electoral system which influences committee members to abdicate their major responsibility for decision to their party caucuses and party bosses. Due to strong party discipline Mozambican committee members do not vote freely and individually but according to their party caucuses. Often they delay making a position about bills because they must hear the opinion of their party caucuses and even the party leader outside of the legislature.

Bills that were not reported (13 percent) tend to be those initiated by either the opposition, which rarely find support from the majority party, or by the executive. As Manning observed, “Renamo has not succeeded in pushing through much substantive legislation” (Manning 2002:73). For instance, its initiative to create an inquest committee to investigate the 1999 “election results was voted down by Frelimo’s majority” (Manning 2002:78). The opposition bills tend being killed by the legislature as they do not find support from the major party. On the other hand, the executive bills tend to be postponed to the following session and even year as sometimes committees demand submission of a new draft of the bill when they find them to be unsatisfactory. An evidence of this, for instance, can be seen from a letter below addressed to the speaker from the executive after committees demanded the executive to make profound

changes on a Bill of Natural Calamities. The letter has as subject: “Information on probable date for submission of the reviewed text of the bill of calamities”. The document says as follows:

“In sequence of the working meetings between the Ministry of Foreign Affairs, in representation of the sponsor, and assembly committees, the executive decided to review the bill on calamities, submitted to the Assembly of the Republic through the document No 46/PM/2001, of 4th December 2001.

In this context, I hereby inform to Your Excellency that a new bill version will be presented as soon as possible, in substitution of the previous.

Best Wishes.

[Signed by the Acting Prime-Minister, Dr Leonardo Simão]”⁸⁵

But there are also cases where bills initiated by the legislature were not reported or screened because committees were waiting for deliverables of specialized reports from consultants outside parliament that were still in the process of recruitment. Most of the absence of committee screen of legislation in the Fourth Assembly (31 percent) is due to this delay of external consultants’ specialized reports.⁸⁶ This lack of screening of legislation in the Mozambican committee system should be more understood as postponing rather than killing of legislation.

Among bills that were not reported there are those that committees had no power over their fate. These bills fall, in Table 6.1, under the ‘Not Applicable’ category (21 percent). In the Sixth Assembly (26 percent) they are bills of legislative authorization; they are not referred to, and reviewed by, committees. But in the Fourth Assembly they are ordinary bills from the first year of this assembly - the period that the committee system was not operating although it was established. In the Fifth Assembly (21 percent) they are mainly bills that were not discussed in the legislative body. They entered to the legislature but the proponents removed them from the legislature or for some other reasons were not enrolled in the agenda.

⁸⁵ AR-V/Infor./346/26 March 2002.

⁸⁶ SUNY Project Quaterly Reports.

Table 6.2: Screening of Legislation in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)	
	#	%	#	%	#	%
<i>Screening of legislation</i>						
Yes	56	64%	60	86%	88	100%
No	31	36%	10	14%	0	0%
Total number of bills	87		70		88	

Note: This table removes those bills that committees did not have power over their fate because were not referred to, and the scrutinized by, committees.

Among those bills that committees had power over their fate, the legislature committee system was less permissive in the Fourth Assembly (64 percent) than in the Fifth (86 percent) and the Sixth Assembly (100 percent).⁸⁷ In the Fourth Assembly the committee system was more unfavourable (36 percent) than in the Fifth (14 percent) and the Sixth Assembly (0 percent) (Table 6.2). The Fourth Assembly postponed and even killed more bills than other assemblies that I compare.

The Shaping of Legislation

The third step examining legislative performance in law-making “involves the extent to which committees shape the nature of legislation” (Rosenthal 1974:24). Besides considering committee’s advancement of bills they may also modify them. They may not be satisfied simply to recommend the adoption of the bill in the plenary but can also make their own action. In this way a committee system performs relatively well if it makes more changes in proportion to the bills it proposes for passage on the floor.

In the Mozambican legislature committees makes modifications of the bills that are referred to them in *Relatório de Análise, Debate e Votação na Especialidade*, which is a report that contains, among other things, different positions and contributions from different actors in society, committee modifications and amendments of individual clauses of the bill and the

⁸⁷ In the United States “the overwhelming majority of bills introduced in Congress die in committees” (Rosenthal 1974:20). At state level Maryland’s committee system is the most permissive (58 percent) while Connecticut is the least permissive (27 percent). Mississippi (48 percent), Florida (47 percent) and New Jersey (45 percent) fall in between (Rosenthal 1974:23-24).

opinion of the committee.⁸⁸ This report focuses on specific clauses of individual bills. An exception applies, however, to the Fourth Assembly where there was no such committee report. Instead there was only a committee opinion report which focused on general bill principles.⁸⁹ The Mozambican committee system can amend bills that are referred to them but they do not tend to rewrite them. Mozambican committees allow the sponsor of the bill to rewrite it based on contributions from the working meeting between either the sponsor and committee or civil society and committee. The document presented above from the executive to the speaker is an example of that. However, the bill tends to be rescheduled for the following session or year rather than being presented on the floor in the same session.

This study considers shaping of legislation as substantive amendments or modifications rather than typographical or grammatical amendments.⁹⁰ Of the 245 bills that were referred to committee system 74 percent were modified or amended by committees. By comparing assemblies we observe a significant increase in the extent of shaping legislation. The bill tracker data in Table 6.3 shows that the committee system increased greatly modifying legislation in the Fifth (70 percent) and the Sixth Assembly (92 percent).

Table 6.3: Shaping of Legislative in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)	
	#	%	#	%	#	%
<i>Shaping of legislation</i>						
Yes	51	59%	49	70%	81	92%
No	36	41%	21	30%	7	8%
Total number of bills	87		70		88	

Note: This table removes those bills that committees did not have power over their fate because were not referred to, and the scrutinized by, committees.

The Passage of Legislation

The fourth step in analysing committee performance in the law-making process “involves the extent to which committees affect passage of legislation. Committees must not only make

⁸⁸ Standing Orders: Clause 90 of Law no. 6/200, of 30 April; Clause 105 of Law no. 17/2007 of 18 July.

⁸⁹ Standing Orders, Clause 74 of Law no. 1/95 of 8 May.

⁹⁰ To verify whether the amendment is substantive rather than typographical or grammatical I read the 245 committee reports corresponding to the 245 bills referred to committees and then I compared the original bill referred to committee with the respective committee report – the one that incorporates amendments.

choices, they must also persuade their parent chambers to adopt the choices they have made” (Rosenthal 1974:28). Effective committee performance is the ability of the committee to affect the passage of legislation on the floor. In this perspective, a committee system performs relatively well if a number of its bills are not prevented from being considered or if its bills are not frequently rejected or amended on the floor.

In the Mozambican legislature committee and plenary choices are essentially the same. Before they make a decision on a bill, committee members always consult their party caucuses. The same applies to plenary members. Thus, the position of committee members on a bill will be the same as of plenary members. Both the committee and plenary legislators make decisions on the basis of their party discipline. This reflects the PR system that narrow ties between legislators and their party caucuses and leaders. In the major party Frelimo all its legislators vote accordingly to party discipline but in the main opposition Renamo-Electoral Union some legislators like Máximo Dias had been showing opposite behaviour to this party discipline. Being a coalition with other small parties Renamo becomes more fragmented than Frelimo.

By assessing floor substantive amendments the results show that the floor accepts committees’ modification of legislation in all of the three assemblies. There is ‘no’ ‘plenary shaping of [committee] legislation’. The floor makes no substantive amendments at all on committee amendments (Table 6.1). However, if floor amendments are made they tend to be more typographical or grammatical rather than substantive. The results of typographical or grammatical amendments made in the legislative process to the final bill in the legislature show improvements in the Fifth and the Sixth Assembly (Appendix to Chapter 6).

By comparing bills passed with bills referred to committee, there is a decline and an increase. In the Fourth Assembly the legislature passed 62 percent of the 87 bills referred to committee system. In the Fifth Assembly the legislature declined in bills passed to 48 percent of the 89 bills referred to committees and in the Sixth Assembly it increased by enacting 74 percent of the 109 bills referred to committee system.

Classifying the Committee System

On the basis of the dimensions of legislative performance in law-making, I have classified the Mozambican committee system. How does the Mozambican committee system perform making laws? Table 6.4 shows committees by their performance in law-making dimensions. Of the eight existing standing committees over the three assemblies, six perform a law-making function. The Committee of Petition and Committee of International Relations may perform other functions than law-making in the legislature, as no bill has ever been referred to them to be screened, modified or enacted into law. The results identify three groups of committees: *better, average and poorer performing committees*.

The *better-performing* committees considered a significantly higher volume of legislation compared with average or poorer-performing committees. They also screened and shaped a significantly higher volume of legislation and their bills were more likely to be enacted into laws on the floor. Their levels of referral, screening, shaping and enactment of bills vary between 20 percent and 32 percent. These include the Committee of Planning and Budget and the Committee of Legal Affairs, Human Rights and Legality.

The *average-performing* committees include the Committee of Agriculture, Regional Development, Public Administration and Local Government, Committee of Social Affairs, Gender and Environment and *Ad hoc* Committee for Review of Electoral Legislation. Their levels of referral, screening, shaping and enactment of legislation vary between 8 percent and 14 percent while the *poorer-performing* committees vary between 1 percent and 4 percent. These include the Committee of Economic Activities and Services, Committee of Defence and Public Order, *Ad hoc* Committee for Review of the Constitution, *Ad hoc* Committee for Review of Standing Order and statute of Legislator and *Ad hoc* Committee for Review of the National Anthem.

Despite this ranking, the Mozambican committee system has been performing poorly on some specific bills. While the annual Budget Bill, for instance, is referred to all standing committees, with the exception of the Committee of Petitions,⁹¹ and screened by the Committee of Planning and Budget, no substantive amendments are made either by committees or the plenary.

⁹¹ Committee of Petitions does not perform law-making function.

Secondly, the Bill of the National Electoral Commission, which is referred to the *Ad hoc* Committee for Review of the Electoral Legislation, has been enacted for this electoral institution that supervises elections to be biased to the major political party. This is because the legislature uses the PR system for membership to this electoral institution. Thus the representation of the National Electoral Commission is the exact copy of political parties within the legislature.

Table 6.4: Committee System in the Multiparty Era by Law-Making

Levels of performance	Committee	Referral of legislation		Screening of legislation		Shaping of legislation		Bills enacted into laws	
		#	%	#	%	#	%	#	%
<i>Better-performing</i>	Committee of Planning and Budget	64	21%	57	28%	36	20%	57	27%
	Committee of Legal Affairs, Human Rights and Legality	91	30%	58	28%	58	32%	55	26%
<i>Average-performing</i>	Committee of Agriculture, Regional Development, Public Administration and Local Government	32	10%	25	12%	25	14%	25	12%
	<i>Ad hoc</i> Committee for Review of Electoral Legislation	25	8%	20	10%	19	11%	20	9%
	Committee of Social Affairs, Gender and Environment	29	9%	18	9%	18	10%	17	8%
<i>Poorer-performing</i>	Committee of Economic Activities and Services	13	4%	8	4%	8	4%	8	4%
	Committee of Defence and Public Order	10	3%	7	4%	7	4%	7	3%
	<i>Ad hoc</i> Committee for Review of the Standing Order and Statute of Legislator	12	4%	8	4%	8	4%	7	3%
	<i>Ad hoc</i> Committee for Review of the Constitution	5	2%	2	1%	1	1%	2	1%
	<i>Ad hoc</i> Committee for Review of the National Anthem	3	1%	1	1%	1	1%	1	1%
	Not Applicable	0	0%	0	0%	0	0	16	7%
	Total	284		204		181		215	

Note: This contingency table includes data from 1995 to 2009.

The same applies to the body that validates election results, the Judiciary Constitutional Council, which bill is referred to the Committee of Legal Affairs, Human Rights and Legality.

Instead of being an independent body, as stated in the Constitution, the bill of the Judiciary Constitutional Council was enacted by the legislature for this body to be composed by the parliamentary parties using PR system. The strength of parties and of the executive play a significant role shaping and enacting legislation of the Mozambican legislature but its impact sometimes, as portrayed by above examples, is negative for the quality of democracy and democratic consolidation. This because members of this judiciary are appointed politically by parties represented in the legislature in proportion to their parliamentary representation. Horizontal accountability is likely to be subverted as well as constitutionality and rule of law, as the politically appointed judges may not apply the law equally toward everybody.

Conclusions

This study found that the committee system of the Mozambican legislature performed relatively well in three out of four dimensions of law-making. It performs relatively well in the *referral* of legislation as the proportion of bills referred to committees has increased significantly over time. Second, the committee system does not perform well in the dimension of *screening* of legislation as the proportion of bills screened by committees increased significantly over time. This suggests that committees are not increasingly in control of the screening of legislation. They are increasingly becoming more permissive due to the strong influence of party caucuses, especially the dominant one, and the executive.

Third, it found that the committee system performs reasonably well *shaping* legislation, as the proportion of changes it made in bills referred to committees increased over time. Fourth, the committee system performs relatively well on the *passage* of legislation as it increased the ability of plenary not shaping substantively committee legislation over time; committee choices tended to survive in the plenary over time. However committee choices are often the choices of party caucuses that orient them to follow party discipline.

The legislature's committee system increase in referral, shaping and passage of legislation reflects in part the association between the improvement in the development of legislative institution making reform, professionalizing and institutionalizing; and recruiting legislators with political capital.

Chapter 7: Legislative Oversight in the Multiparty Era

Introduction

Legislatures perform the function of oversight when they evaluate “how enacted policies are being implemented and how effectively they are working” (Rosenthal 2009:417). This chapter probes the oversight performance of Mozambique’s multiparty assemblies. I expect to find Mozambique’s legislature performing relatively well on oversight. This is because the legislature has been over time recruiting legislators with better qualifications, reforming rules of procedure, working conditions and structures; professionalizing or creating capacity for its members and itself as well as institutionalizing.

Oversight is relevant for the quality of democracy because it allows the legislature to hold executive officials to account for the implementation of delegated authority. It enhances accountability as legislative committees summon public officials to testify. It also allows public officials to implement policies according to approved bills. Thus it enhances constitutionalism and the rule of law.

The literature indicates that of the three legislative functions: law-making, oversight and constituency service, “oversight is performed less and less well than [law]-making and constituency service” (Rosenthal 1981, Rosenthal 1974:12, Ogul 1976, Shipan 2005, Rosenthal 2009). This finding is based mainly on the perceptions of legislators themselves. Regardless of legislator perceptions, the literature also provides evidence that oversight is being performed by legislatures (Rosenthal 1981:116, Rosenthal 2009:417-18). For instance, oversight has increased rapidly at the U.S. Congress level, by both Senate and House committees (Aberbach 1979) and at state legislative level (Rosenthal 1981, Rosenthal 2009) with establishment in the 1970s of special audit and evaluation committees and staff in more than half of the states.

The *individual orientations and behaviour* approach, which has dominated the study of oversight in political science, assumes that political institutions are shaped largely by the people who inhabit them and these people are motivated by specific purposes and particular incentives, most of which involve their own self-interest. According to Rosenthal (1981), it focuses on

attempts by legislators to maximize credit, achieve concrete results and avoid making additional trouble for themselves. Oversight confers little credit in comparison with that produced by other legislative activities. “Credit claiming” [which often comes from the introduction and enactment of legislation and/or representation of their constituency] is one of the major activities of legislators as they seek to enhance the prospect of re-election (Mayhew 1974). In contrast, oversight receives credit from the public only rarely when it receives a great deal of media attention due to bureaucracy misconduct.

Besides maximizing credit for re-election, legislators try to achieve concrete results. They want to solve a problem like improving legislative production by enacting bills into laws but oversight seldom leads to the elimination of governmental programmes or the generation of large budgetary savings. As a member of a state legislature in the U.S. observed: “legislators still judge effectiveness in terms of how much legislation they introduce and pass” (Rosenthal 1981). Similarly, in the Mozambican legislature, in her inaugural speech to the Seventh Assembly (2010-2014), the speaker also judged effectiveness in terms of the increase in the number of bills initiated by the legislature.⁹²

Oversight frequently unsettles things and antagonizes people. “To legislators, oversight seems an unfathomable business, and not at all convenient to pursue. They do not want to engage in a long study; they do not want to spend inordinate time on an issue; they do not want elegance or preciseness in the solutions they adopt. They want simple and straightforward options” (Rosenthal 1981:121); “legislators are not accustomed to looking backward; they look forward” (Rosenthal 2009:417). Legislators also face time constraints to do everything that they feel is expected of them. Many have other outside occupations to pursue. And sometimes committee members have to serve in more than one committee.

However, by focusing on individuals we tend to count all legislators equally.⁹³ But oversight is performed only by a few –those affected by *institutional incentives*, including: legislative climate, posture, capacity and mission that promote oversight activity by at least some members

⁹² Speech of the speaker of the Mozambican Assembly in the inaugural session of the Seventh legislature (2010-2014) in March 2010. Assembleia da República. *O Parlamentar. Boletim Informativo da Assembleia da República*. No 0, Year 1 (March 2010).

⁹³In tabulating responses the researcher “may be making an unjustified analytical leap from the individual to the institution, aggregating data for the former in order to characterize the functioning of the later” (Rosenthal 1981:128).

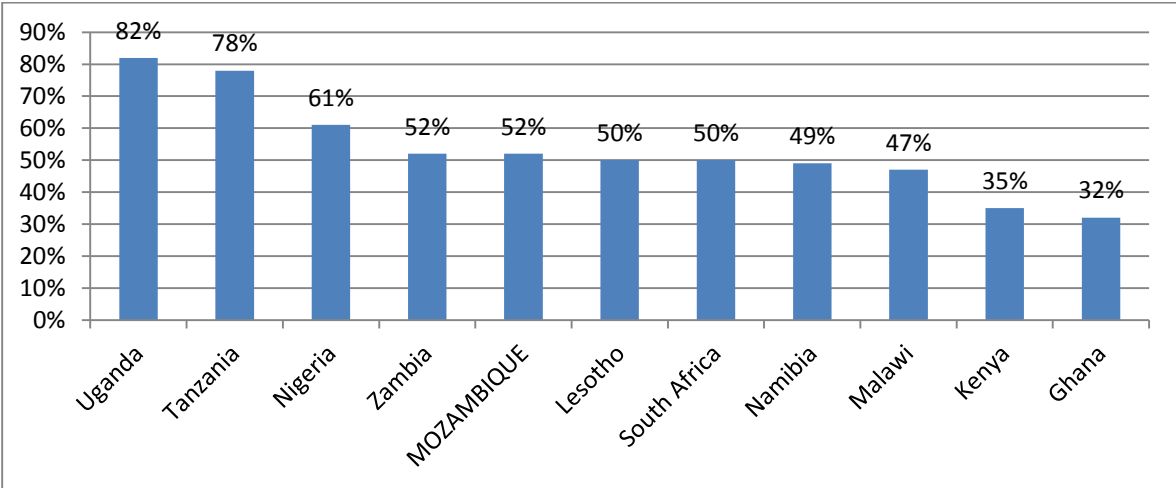
of the legislative institution (Rosenthal 1981, Rosenthal 2009:417-18). The legislative *climate* assumes that citizens and their representatives are inclined to think that cutting governmental agencies and programmes down to a smaller size is conducive to legislative oversight. The legislative *posture* explanation assumes that the coequal status and independence of the legislature in relation to the executive leads to legislative oversight: “Oversight emerges as a relevant activity, since it entails checking on the executive – just what an independent and assertive legislature is supposed to do” (Rosenthal 1981:124). The legislative *capacity* assumption assumes that institutional capacity makes a significant impact on oversight by increasing the number of professional staff support to oversight committees. The legislative *mission* assumption is based on the duty of some special and standing committees whose obligation is oversight: “Committees and staff assigned oversight are institutionally obliged to perform this function” (Rosenthal 1981:125).

In this chapter, I consider the institutional approach to deal with oversight performance using standing orders data, legal provisions and other documentary sources. But I also consider individual orientations approach employing as the African Legislatures Project (ALP) legislator’s survey. I also use my own observations about the functioning of the legislative institution.

Legislative Oversight in the Multiparty Era

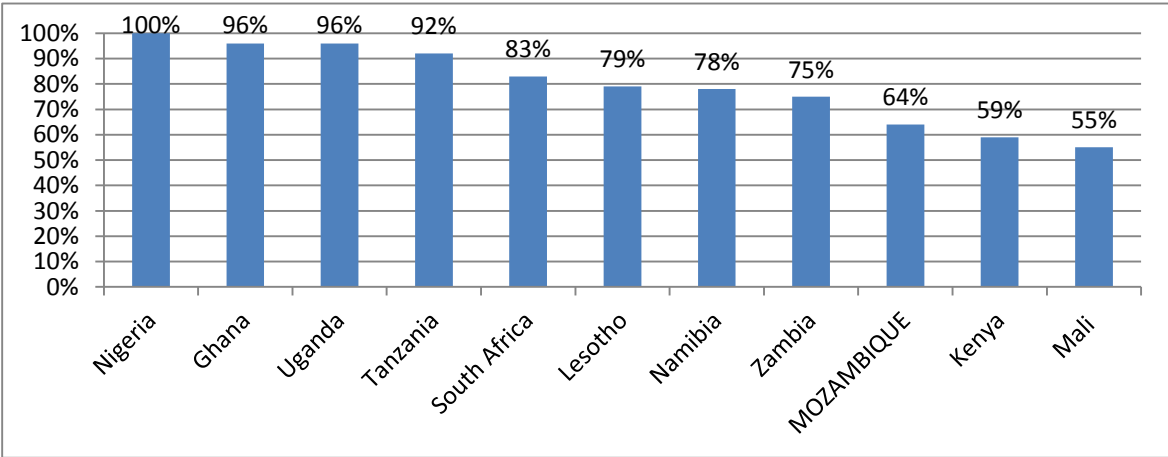
African legislators interviewed by ALP confirm the literature that oversight is performed relatively less frequently than either law-making or representation. About 54 percent of African legislators in 11 countries rated the performance of the legislative assemblies as very good or good monitoring executive actions. In contrast, 80 percent and 79 percent, respectively, gave the same answer in terms of making laws, and representing constituents (Figures 7.1, 7.2 and 7.3). Looking at countries individually, this finding continues to hold both for Mozambique and all 10 other countries compared here, although Ugandan, Tanzanian and Nigerian legislators are far ahead of the ALP average and perceive that more oversight is going on in comparison to other African legislators.

Figure 7.1: Legislators’ Evaluation of Oversight in 11 Sub-Saharan African Countries



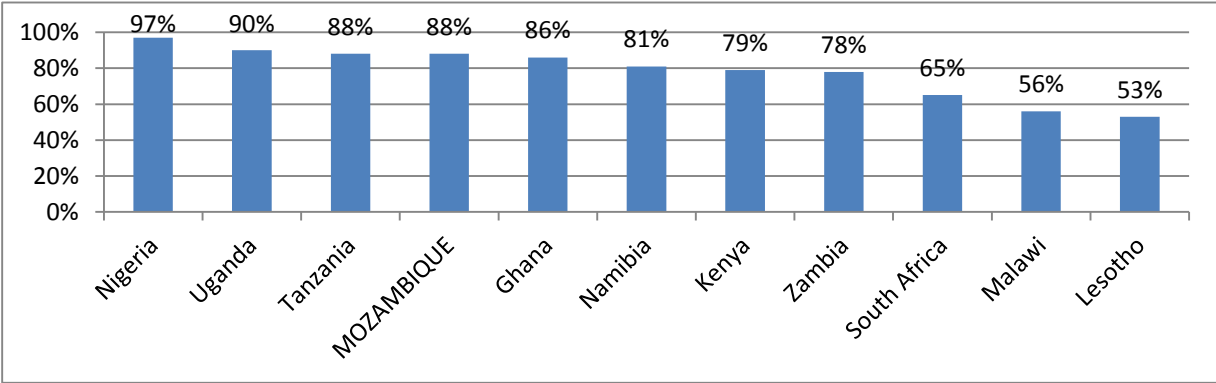
The percentages are of those who responded very good/good.
 ALP survey question: How well or badly is the parliament doing its job monitoring executive action?

Figure 7.2: Legislators’ Evaluation of Law-Making in 11 Sub-Saharan African Countries



The percentages are of those who responded very good/good.
 ALP survey question: How well or badly is the parliament doing its job making laws?

Figure 7.3: Legislators’ Evaluation of Representation in 11 Sub-Saharan African Countries



The percentages are of those who responded very good/good.
 ALP survey question: How well or badly is the parliament doing its job representing constituents?

In contrast to law-making, the literature shows that it has not been possible to specify the dimensions of oversight primarily because “neither legislatures nor their committees have devoted much attention at all to the tasks associated with this function” (Rosenthal 1974:66, Rosenthal 2009:417). Very few legislators are affected by institutional incentives conducive to oversight (Rosenthal (1981). “Systematic oversight is still not something to which legislators or legislatures give much attention” (Rosenthal 2009:418).

Shipan (2005) points out that searching for evidence of bureaucratic misdoings, as “police patrols”, is inefficient as it is costly in terms of both time and effort, and criminals might just avoid streets where patrols are taking place. “Commonly, the kind of oversight that gets done by legislatures is haphazard. It surfaces when constituents or interest groups complain that policies and programmes are not working as they should” (Rosenthal 2009:418). As viewed by Shipan, oversight becomes more efficient when constituents and organized groups can alert legislatures, as “fire alarms”, to the potential problems by examining agency decisions or granting them standing to appeal these decisions, or facilitating actions that allows them to contact legislatures or go to court (Shipan 2005:445-6).

In the rest of this chapter, I employ institutional level data to analyse oversight. This study specifies the concept of oversight in an exploratory and tentative way by focusing on legislative structure for oversight, executive hearings and information that legislatures develop for oversight. Oversight “includes inquiries about policies that are or have been in effect, investigations of past administrative actions and the calling of executive officers to account for their financial transactions” (Harris 1964:9). Legislatures perform relatively well if they establish functional organizations for conducting oversight, committees summon executive ministries for hearings and develop information for oversight.

Legislative Structure for Oversight

Institutional structure for oversight is indicated by the presence of legislative auditors, special committees and standing committees assigned to perform oversight (Rosenthal 1974). If these structures exist and function relatively well then oversight is relatively well performed at this level.

Legislative Auditor

The legislative auditor plays an important role for external oversight. The Mozambique's legislature established a kind of legislative auditor in the Fourth Assembly⁹⁴ but removed it in the Fifth Assembly.⁹⁵ However, this position was meant for internal auditing rather than external. It had responsibilities for only auditing parliamentary accounts.⁹⁶ Legislative auditor for the purpose of auditing public accounts does not exist in the Mozambican legislature. To review and evaluate public accounts, the legislature relies on technical and specialized information developed by the 3rd Section of Administrative Tribunal, which corresponds to the public account court (here after public account court).

The public account court conducts annually dozens of audits of public institutions and directs its auditing technical report to the legislature. The legislature especially standing Committee of Planning of Budget relies on the technical report of the public account court to hold the executive to account on public revenues and expenses. Before that the Committee of Planning and Budget hold the public account court to account on its auditing. Besides holding the executive to account on public revenues and expenses, the Committee of Planning and Budget does the same during budgeting process.

Special Committees

As Alan Rosenthal put it, “oversight is a very specialized activity; it is one which, if performed at all, is performed by specific specialized agencies charged with the mission” (Rosenthal 1981:129). In the Mozambican legislature there are two specialized committees (the Committee of Petitions and Inquest Committees) with responsibilities to perform oversight. These committees conduct investigative oversight mainly when citizens or interest groups pull the “fire alarm” and alert for ascending problems in the way public and private entities are functioning. The legislature may choose between referring the issue to the Committee of Petitions or to establish an inquest committee for investigation.

⁹⁴ Diploma Ministerial no. 59/98 of 13 May.

⁹⁵ Law no. 11/04 of 20 October.

⁹⁶ No 2 Clause 7 of Diploma Ministerial no. 59/98 of 13 May.

Committee of Petitions. Based on petitions, claims and complaints they have received from citizens and organizations, the Committee of Petitions conducts investigations about alleged misconduct of public officials. In the Fourth Assembly the legislature investigated 14 percent of all received petitions. But from the Fifth Assembly the percentage of investigations increased very significantly to 52 percent (Table 7.1), as a result of change in the rules of procedure which established Committee of Petitions in 2001 in the Fifth Assembly.⁹⁷

Table 7.1: Investigative Oversight in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)
Investigations	14%	52%	251*

Note: Data from 1995-2001 is from Shenga, C. 2002. *O Papel da Assembleia da República na Representação dos Interesses da Sociedade Civil*, pp. 23. The Fifth Assembly average is estimation based on 2000, 2001 and 2003. * This data is observed count. It is difficult to estimate its percentage as the 2007, 2008 and 2009 Committee of Petitions Reports do not indicate the number of petitions investigated in relation to those that entered in the legislature.

As investigative oversight data of each year of the assemblies was not well stored in the legislature, in this section I compare assemblies based on existing data of some years. In the Fifth Assembly, especially 2003, the Committee of Petitions received 291 petitions, claims and complaints from individual citizens and organizations of which 62 percent (179) were investigated.⁹⁸ According to the 2003 Committee of Petitions report, the committee investigations consist firstly, of preliminary examinations of the received petitions in committee meetings; secondly, obtaining further information; thirdly, in-depth analysis; and fourthly, making decision. In 2003, the committee divided into working groups visiting 8 out of 10 provinces (Maputo Province and Maputo City, Sofala, Manica, Zambézia, Tete, Nampula, Cabo Delgado and Niassa) plus Maputo City. They heard both the petitioners and state institutions and other agencies in litigation; they also sent letters to these institutions to obtain formal information on specific aspects.

In the Sixth Assembly, particularly 2007, 2008 and 2009, the Committee of Petitions investigated 251 petitions plus the petitions of the former Mozambican workers in East

⁹⁷ Standing Orders, Law no. 6/2001 of 30 April. In 2000 the legislature conducted no investigation at all of the received petitions (Shenga 2002:23, USAID 2001). In 2000 the legislature turned its attention to assist the victims of floods that devastated vast part of the Centre and Southern region of the country. The legislature approved a Resolution on participation of all Mozambicans from public and private, social, humanitarian and religious institutions to save the victims of natural calamities (Resolution no. 8/200 of 5 May).

⁹⁸ Comissão de Petições. *Informação da Comissão à IX Sessão Ordinária da Assembleia da República*. AR-V/Infor./527/12/12/2003.

Germany and former workers of the Railway Company (CFM). One of the biggest accomplishments in the Sixth Assembly in terms of geographical coverage of the country is that the Committee of Petitions was able to conduct investigations in all provinces of the country plus Maputo City. The petitions of the former Mozambican workers in East Germany and former workers of CFM were treated separately due to their complexity and magnitude. Although the 2007, 2008 and 2009 Committee of Petitions reports do not indicate the number of petitions investigated in relation to those that entered in the legislature, its individual counts from 2007 (81 petitions), 2008 (98) and 2009 (70) are smaller compared with that from 2003 in the Fifth Assembly (179).

However, the biggest investigation so far conducted by the Committee of Petitions holding the executive accountable is on financial compensation to Mozambicans that worked in the former East Germany between 1979 and 1990. The reunification of West and East Germany in 1990 altered the agreement of 24 February 1979 between the Mozambican and East Germany governments on temporary employment of Mozambican workers in East Germany. It had to compensate the Mozambican workers in the event their contract was terminated early as well as facilitate their advance return to Mozambique.⁹⁹

After receiving information that all compensation was transferred by Germany to Mozambique government as well as trying many unsuccessful negotiations with the executive represented by the Ministry of Labour, in 2001 the forum of the former workers from the East Germany (hereafter forum) submitted a petition to the Mozambican legislature claiming that the executive had not paid their financial compensation completely. The speaker referred the claim to the Committee of Petitions to investigate the case.

The Committee of Petitions examined all letters and documents the forum had sent to the Ministry of Labour during their negotiations. The 2003 Committee of Petitions Report contained 13 annexes of which 9 (containing more than one hundred pages) dealt with the issue of the forum.¹⁰⁰ On 11 September 2002, in audience with the executive, the committee called the Ministry of Labour and Ministry of Foreign Affairs and Cooperation to account. On 12

⁹⁹The compensation included 70 percent of their salary for about 3 months and social security they discounted to the Germany social security system besides extraordinary payment of US\$1,860 (DM3.000) and reimbursement of trip expenses.

¹⁰⁰ Comissão de Petições. *Informação da Comissão à IX Sessão Ordinária da Assembleia da República*. AR-V/Infor./485/02.05.2003 – Adenda (Anexo 1-6); and AR-V/Infor./486/02.05.2003 – Adenda (Anexo 7-13).

September 2002, as a consequence of the audience, the committee formally requested the office of the prime minister to submit documented explanations for the investigation.¹⁰¹ The request was followed by a committee questionnaire with specific questions for response by the Federal Republic of Germany. The formal responses to the questionnaire were provided by the Embassy of Federal Republic of Germany and sent to the Committee of Petitions by the Ministry of Foreign Affairs and Cooperation.¹⁰²

The responses to the committee questionnaire revealed among many other aspects that the former East German government transferred, in line with the 1979 agreement on the employment of Mozambican workers, approximately US\$18.6 million for social security and US\$74.4 million for salaries making a total of US\$ 93 million. In 2002, during the period the forum petition was being investigated in the legislature, the executive authorized the payment of US\$7.5 million.¹⁰³ Having the questionnaire responses in its possession and all other investigation information, the plenary decided in closed doors. However, the parliamentary record—i.e. the list of all legislation approved by the legislature shows no evidence of parliamentary resolution on the subject submitted to the attorney-general to charge those implicated in the case.

Inquest Committees. The Mozambican legislature has established an Inquest Committee for Investigation of Land Usurpation in Inhambane Province, and an Inquest Committee for Investigation of November 2000 Demonstration Facts.

In the second ordinary session of 1998 in the Fourth Assembly the legislature established the *Inquest Committee for Investigation of Land Usurpation in Inhambane Province*¹⁰⁴ as a result of public complaints of land usurpation in Inhambane.¹⁰⁵ In 1999 the Inquest Committee travelled to Inhambane Province to hold hearings to the Administrator of Paindane District; Provincial Director of Agriculture, Fishery, Geography and Cartography; Provincial Director of Industry and Tourism; Stella Pateguane (one of the owners of the two tourist complexes) and

¹⁰¹ Comissão de Petições. N/Ref. No 965 SGAR/DCT/CP/02

¹⁰² Embaixada da República Federal da Alemanha, Pol 321.58/10. Nota 192/2002; and Ministério dos Negócios Estrangeiros e Cooperação, No 41/GVMNEC/03, Maputo, 10 January 2003.

¹⁰³ SAVANA, *Dossier “Madgermanes”*: *Governo Alemão transferiu 93 milhões de dólares*, 21.02.2003.

¹⁰⁴ Resolution 11/98, of 19 November.

¹⁰⁵ Two tourist complexes (Tourist Complex and Paindane Resorts) were identified as one of the land usurpers.

her business partner; Inhambane Governor; Inhambane Prosecutor; and dwellers of Paidane District.

After meeting these relevant individuals, triangulating information and collecting official documents connected to the investigation, the Inquest Committee reported to the plenary behind closed doors. Then the plenary approved a resolution that was delivered to the attorney-general, Ministry of State Administration, Ministry of Industry, Commerce and Tourism, Ministry of Agriculture and Fishery and Ministry of Public Works and Housing.¹⁰⁶ However, so far the legislature has not disclosed the resolution to the Mozambican people.

The second inquest committee was established to investigate the 9th November 2000 Renamo-Electoral Union national demonstration protesting against the 1999 presidential and legislative elections results. Renamo-Electoral Union and its leader Afonso Dhlakama claimed that it had won the election and that the incumbent party and its winning presidential candidate committed major irregularities and fraud.¹⁰⁷ “Electoral administration was both technically flawed and politically charged in the 1999 general elections” (Manning 2002). In some regions of the country the demonstrations were peaceful but in others they were violent with confrontation between the police and demonstrators. On the day of the demonstration, 44 civilians and 6 police officers died and 38 people were injured in the entire country. In the Montepuez District of the Northern Province of Cabo Delgado 27 civilians and 6 police officers died.¹⁰⁸ “In several instances police fired into crowds and attacked demonstrators” (Manning 2002:79). On 18th and 22nd November 2000 respectively, 7 and 76 people that had been arrested in connection with the demonstration were found dead due to suffocation in Montepuez under police custody. In total 110 people and 6 police officers died in Montepuez as a result of the 9 November 2000 demonstration, of which 83 were found dead in police custody.¹⁰⁹

Ordinary Mozambican citizens, national and international media and the international donor community strongly criticized the executive due to the police behaviour. As a result, the Mozambican legislature established an inquest committee to investigate the tragedy.¹¹⁰ The

¹⁰⁶ Resolution no. 9/99 of 27 January.

¹⁰⁷ <http://www.publico.pt/sociedade/noticia/julgamento-de-policias-envolvidos-no-caso-de-montepuez-vai-ser-repetido-57820>, searched on 7 February 2014.

¹⁰⁸ Relatório. Comissão de Inquérito. Assembleia da República (draft). The local human rights watchdog (LDH) claimed that the police shot real bullets into the crowd trying to disperse the demonstrators.

¹⁰⁹ <http://www.mol.co.mz/noticias/metical/2000/mt1129.html>, searched on 7 February 2014.

¹¹⁰ Resolution no. 18/2000 of 19 December.

inquest committee was composed of 7 legislators, in proportion to parliamentary representation, who drafted the inquiry questionnaire, the format for notification of the entities to be investigated as well as their identification. All inquest committee activities from beginning to the end of the inquiry were based on consensual decisions. The committee selected four provinces (Cabo Delgado, Nampula, Sofala and Manica) plus Maputo City as the areas for investigation. The following individuals were inquired: provincial governors, district administrators, provincial and district prosecutors, provincial and district representatives of Renamo party, provincial and district police chiefs, provincial and district criminal investigative police chiefs (PIC) as well as representatives of civil society, including religion leaders, businessmen, community leaders and the public. Those who were arrested in connection to the demonstration were also held heard.

The inquest committee report was approved by the legislature behind closed doors and sent to the Attorney-General to support prosecutions. Some people connected to the demonstration either from the police or Renamo were convicted, but with the end of the trial the Inquest Committee report has still today not been made public. Although inquest committee reports and meetings follow rules of secret of justice and their cases are discussed behind closed doors, it is the duty of the institution of representative democracy to make them accessible to the public once the investigation is over.

Standing Committees

The responsibility for policy review and evaluation is diffused in the Mozambican legislature with special committees and standing committees all engaged in such tasks. Besides law-making responsibility, the standing committees are also supposed to conduct oversight. Standing committees constitute the general structure for oversight in the Mozambique legislature. They monitor and evaluate the effectiveness of the implementation of the government's social and economic plan and budget in their respective policy domain.

However, standing committees do not perform oversight to the same degree. The single year data¹¹¹ on parliamentary activity in 2008 at provincial level shows that among the eight existing standing committees, the Committee of Legal Affairs, Human Rights and Legality neglects

¹¹¹ Overtime data on number of oversight visits performed by committees was not available.

oversight as it conduct less oversight visits. It tends to focus its oversight visits only on the human rights policy domain by monitoring the functioning of prisons. It does not oversee, for instance, the effectiveness of implementation of bills approved by the executive with legislature’s authorization. The Committee of International Relations also neglects oversight. To conduct oversight it only visits provinces that have borders with other countries. On the other hand, the Committee of Social Affairs, Gender and Environment; and Committee of Economic Activities and Services lead in oversight visits while other committees (Committee of Planning and Budget; Committee of Petitions; Committee of Agriculture, Regional Development, Public Administration and Local Government; Committee of Defence and Public Order; and Committee of International Relations) are at the intermediate position (Table 7.2).

Table 7.2: Ranking Standing Committees by Oversight Visits in Provinces in 2008

	Number of Oversight Visits
Committee of Social Affairs, Gender and Environment	9
Committee of Economic Activities and Services	7
Committee of Planning and Budget	5
Committee of Petitions	5
Committee of Agriculture, Regional Development, Public Administration and Local Government	4
Committee of Defence and Public Order	4
Committee of International Relations	4
Committee of Legal Affairs, Human Rights and Legality	2
Total	40

Source: Relatório da Actividade Parlamentar da AR do Ano de 2008, Gabinete da 1ª Vice Presidente da AR. AR-VI/Inform./459/11.6.2009.

Despite neglecting the oversight function, the Committee of Legal Affairs, Human Rights and Legality carried out a remarkable oversight investigation when the media “pulled the alarm” and broadcasted a situation where 12 detainees were found dead on 16th March 2009 in a police prison cell in Mogincual District, Nampula Province. A group of 5 legislators of the Committee of Legal Affairs, Human Rights and Legality was established to investigate the causes and circumstances of the deaths. The group engaged itself in the assignment producing terms of references of the mission, contacting central and provincial authorities and requesting formally to the provincial governor for all necessary related documents. After a week visiting Nampula

Province, especially Mogincual District, the group produced its investigative report to the Committee of Legal Affairs, Human Rights and Legality which was reported to the plenary.¹¹²

The hearings from different entities and people connected to the investigation show first, that the health sector, especially Local Red Cross activists, distributed chlorine to the local population to purify water and prevent cholera, which was affecting severely the rural population. Second, the rural population concluded that the Red Cross activists were distributing cholera instead of chlorine.¹¹³

Third, on 13 March a group of rural dwellers attacked the Red Cross activists. Some of the activists were beaten, tortured and even killed. The rural people blamed the activists for bringing cholera. As a result 16 people were tortured, houses were burnt and one person was killed. The well-known case is of a female activist who was tortured and buried until her neck. On 14 March the police tried to bring order but some were ambushed and police officers had their weapons taken, were beaten and two were killed. The police, however, was able to detain on 15 March 2009 a dozen people involved in this disinformation campaign and torture. Fourth, 12 detainees were found dead due to suffocation in the cell of police headquarters of Mogincual District on 17th March.¹¹⁴ The police had kept 34 people in a cell which could only support 10 people. In the hearing with the Human Rights representative it was said that some of the dead detainees were handcuffed and tortured. Three police officers allegedly connected to the deaths were suspended and charged with criminal negligence. The other detainees were also charged.

The committee group visited Nampula Province, including Mogincual District, from 26th March to 1st April 2009. It interviewed and heard on 27 March the following: the Provincial Governor of Nampula, Northern Region Representative of Human Rights, Acting Provincial Director of Health, Provincial Attorney-General, former Police Chief of Mogincual District, former Criminal Investigative Police Chief of Mogincual District, police officers that worked overnight in the police cell and representatives of the Red Cross. On 28 March the group heard the Administrator of Mogincual District, police chief of Mogincual District, activists of Red Cross

¹¹² *Relatório da Missão Parlamentar à Mongicual*. Comissão dos Assuntos Jurídicos, Direitos Humanos e Legalidade. AR-VI/Inform./439/24.04/2009.

¹¹³ The words chlorine (in Portuguese cloro) and cholera (colera) are very close to each other in pronunciation, mainly for rural people with no formal education.

¹¹⁴ Revealed the autopsy. *Relatório da Missão Parlamentar à Mongicual*. Comissão dos Assuntos Jurídicos, Direitos Humanos e Legalidade. AR-VI/Inform./439/24.04/2009.

and Mogincual District Director of Agriculture. On the same day the group also visited the police prison cell where the detainees died. On 30 March the investigative committee group heard the Administrator of Angoche District, Angoche District Attorney-General and survivors of the deaths in police cell.¹¹⁵ On 31 March the group heard in Quinga the Quinga authorities. On the last day, 1st April, the group met again and briefed the Nampula Governor, gave a press conference and heard the testimony of the activist that was tortured and buried until her neck.

Executive Hearings

Oversight mostly takes place during the conventional process of law-making and budgeting (Rosenthal 2009; see also Moncrief, Thompson and Cassie 1996:323). It “occurs during the course of budget [and law-making] hearings, when legislators inquire into an agency’s operations” (Rosenthal 2005:418). Executive hearings constitute means by which legislators exert control to the executive.

The data in the standing orders of the legislature prescribe that standing committees can subpoena executive ministries to testify in front of committees. In the Mozambican legislature every bill is subject to hearings.¹¹⁶ The procedure is that the executive minister sponsoring the bill is invited to justify its need, its integration in government programme and its effect in society.¹¹⁷ All the standing committees involved in law-making control the executive with hearings during the process of making law. The more standing committees receive bills the more they conduct this form of oversight.

The law-making data from Chapter 6 show that the Committee of Planning and Budget and Committee of Legal Affairs, Human Rights and Legality are the standing committees that receive more bills while Committee of Defence and Public Order and Committee of Economic Activities and Services receive fewer bills to be enacted into law. Committee of Agriculture, Regional Development, Public Administration and Local Government; and Committee of Social Affairs, Gender and Environment are in-between these two clusters. As Committee of

¹¹⁵ 29 March was a Sunday, the committee group did not work.

¹¹⁶ This finding is not only based on standing order but also the author’s experience supporting committees and observations.

¹¹⁷ Cabinet ministers cannot refuse when summoned by committees. See Standing order: Law no. 1/95 of 8 May, Law no. 6/2001 of 30 April and Law no. 17/2007 of 18 July

Petitions and Committee of International Relations receive no bill they do not conduct this type of oversight during law-making process.

The Development of Information

Regardless of the overall neglect of the oversight function, the committee system has been developing information necessary for review and evaluation tasks. Standing committees have been producing reports of assessments they have made at local government level in the scope of oversight visits they conduct in interim period. This has been helpful for committee members to question the executive in session of Questions and Answers after the executive presentation of the mid-term review of the implementation of social and economic plan and budget.

In the session of Questions and Answers, data based on observations from assisting plenary sessions reveal that, legislators from the major Frelimo party have been pleased with the executive performance but request it to do more. For instance, a rank-and-file member from Frelimo spoke in the Questions and Answers session saying that his constituents were satisfied in the way the executive was handling the delivery of public services, as they have brought drinking water to the communities, but the communities also want the executive to build good roads so that they can transport their farm products easily.¹¹⁸ On the other hand, opposition legislators have been asking the executive to explain more about privatization, megaprojects, justice administration, civil service reform, alleged corruption, mismanagement and/or misconduct of public officials in office.¹¹⁹

Classifying Committee System

This study classifies Mozambique's committees on the basis of the institutional incentives or obligations they have to perform oversight. It classifies committees into three groups: *better, average and poorer performing committees*. *Better-performing* committees include *special committees* (the Committee of Petitions; and Inquest Committees) and *budget and public account committee* (Committee of Planning and Budget). The *special committees* perform investigative oversight responsibility. The Committee of Petitions perform more investigative

¹¹⁸ Frelimo legislator.

¹¹⁹ Renamo legislator.

oversight as it performs this responsibility for the entire legislature while inquest committees only perform investigative oversight for a short period – about one or two years, that is, the period of their creation. The Committee of Planning and Budget also conduct more oversight during the budget and law-making process hearing the executive as well as holding the executive to account on public revenues and expenses.

Poorer-performing committees are those that neglect the oversight function. These include Committee of Legal Affairs, Human Rights and Legality; Committee of International Relation; and Committee of Defence and Public Order. Although the legal affairs committee conduct more executive hearing as it receives more bills to scrutinize, it travels less to provinces to evaluate policy implementation. The Committee of International Relations does not receive bills at all to be able to hold the executive to account during law-making as well as it lagged behind in terms of number of oversight visits. The Committee of Defence of Public Order ranked both low in number of oversight visits and bills received to be able to hold the executive to account during law-making.

Average performing committees are located at intermediate level (see Table 7.3). These committees are located between the better and poorer performing in terms of holding the executive to account in law-making and number of oversight visits.

Table 7.3: Classification of Committee System Performing Oversight by Committee

	Committee
<i>Better-performing</i>	<p>Special committee</p> <ol style="list-style-type: none"> 1. Committee of Petitions 2. Inquest committees <p>Budget and Public Account committee</p> <ol style="list-style-type: none"> 3. Committee of Planning and Budget
<i>Average-performing</i>	<ol style="list-style-type: none"> 1. Committee of Agriculture, Regional Development, Public Administration and Local Government 2. Committee of Social Affairs, Gender and Environment 3. Committee of Economic Activities
<i>Poorer-performing</i>	<ol style="list-style-type: none"> 1. Committee of Legal Affairs, Human Rights and Legality 2. Committee of International Relations 3. Committee of Defence and Public Order

Conclusions

This study revealed that oversight is less performed than law-making or representation. However, oversight is being conducted in Mozambique's legislature by a specialized structure for it. Although Mozambique's legislature did not establish a legislative auditor in its structure for oversight, it did establish special committees (that is, Committee of Petitions and Inquest Committees) with the obligation to conduct investigative oversight. One special committee was established in the Fourth Assembly and two in the Fifth. The percentage of investigative oversights performed by the Committee of Petitions improved over time.

Second, the legislature created rules for standing committees to hold the executive to account in every bill the executive direct to it by hearing the executive. During the law-making process, standing committees summon executive ministries to testify in front of them. All law-making standing committees conduct executive hearings. However, committee performance conducting executive hearings varies according to the number of bills they receive. Committees that receive more bills from their parent chamber held the executive to account more. They conducted more executive hearings.

Third, the legislature also established a budget and public account committee (that is, Committee of Planning and Budget) whose obligation is also oversight. The budget and public account committee conducts oversight during the budgeting and law-making process by hearing the executive as well as holding the executive to account on public revenues and expenses. Together with special committees, the budget and public account committee conduct more oversight than any other committees in the legislature. However, among special committees the Committee of Petitions conducts more oversight than Inquest Committees. The former function for the entire legislature while the later for the period of its creation – that is, one to two years.

Fourth, the legislature allowed committees to develop information to conduct oversight. Standing committees produce reports of evaluations they conduct when the legislature is out of session, which has been helpful for committee members to ask questions to the executive in plenary after presentation of the mid-term review of the government plan and budget.

Chapter 8: Legislative Representation in the Multiparty Era

Introduction

Besides making laws and overseeing how government implements those laws, perhaps the most critical function of a legislature is representation. Legislators and the legislature are deemed to adopt policies and control their effectiveness in order to better represent the views of their constituents. That is the essence of a representative democracy. This chapter focuses on representation in Mozambique's multiparty era.

This study expects to find improvements in representation as a result of improvement over time in recruiting politicians with political capital, reforming rules of procedure, working conditions and structures, professionalizing or creating capacity for legislators and legislature, and institutionalizing.

Representation allows those who cannot participate directly in legislatures to be substantively represented in representative democracy. Second, legislative representation should contribute to the legitimacy of the democratic political system. "Legislatures are both legitimate and authoritative institutions. [They] are empowered to act for the whole body politic and are legitimized. And because, by virtue of representation, they participate in legislation, the represented accept legislative decisions as authoritative" (Eulau et al 1959).

This chapter combines data from the Mozambican bill tracker, the African Legislatures Project (ALP) legislator survey, the 2008 Afrobarometer public opinion survey and archival data. The Mozambican bill tracker covers a 15 year period of all three multiparty assemblies. The ALP legislator survey is based on one point of time (2008) with a random representative sample of 50 legislators out of 250. It entails questions on legislator's attitudes and behaviours toward their job and legislature. The Afrobarometer public opinion survey is based on random, multi stratified, probabilistic and representative sample of 1,200 adult Mozambicans. This study also relies on the author's assessment of the subject covering the Fourth Assembly (1995-1999) and the first two years (2000-2001) of the Fifth Assembly.

Approaches for Measuring Representation

Legislative scholars observe the legislative function of representation from different perspectives. Role orientation scholars analyse legislative representation by legislators' role orientations. Wahlke *et al* (1962) and Eulau *et al* (1959) distinguish three representational role orientations of legislators: trustee, delegate and politico, while Mattes and Mozaffar (2011) distinguish constituent servant, institutionalist and partisan role orientations.

Other scholars observe representation by comparing the extent to which legislatures resemble the demographic characteristics of their society. If half of the population in the society is female then they would expect half of the legislative population to be female. The same would apply to ethnicity, race and so on (Mansbridge 1999, Graffin and Keane 2006).

Policy representation approach analyse whether legislator's policy preferences as well as bills passed by the legislature reflect public policy preferences. This approach leads scholars to move from simple descriptive to substantive representation (Canon 2005, Celis and Gent 2006, Beckwith 2007). Tremblay (1998) analysed whether female descriptive representation is conducive to substantive representation of women.

Another form of observing representation is by looking at whether legislatures develop structures for representation. This might include rule reforms that attempt to increase the potential for improved representation. Legislatures might, for instance, establish channels for citizens and interest groups to engage with them either through public hearings or debates, petitions or constituency service programme. But they also might establish institutions to deal with petitions and/or means to conduct constituency service. For constituency service, scholars would even track how many times legislators visit their constituencies, how long they stay and what type of activities they perform in their constituencies.

In this study I measure legislative representation by legislator's role orientations, descriptive representation, comparison of legislators' policy preferences as a reflection of voters' policy preferences, structure for representation, civil society attendance to public hearings, effectiveness of civil society attendance to public hearings, citizens and organized groups

petitions and their effectiveness, legislator's travel to, duration in their stay and activities in their constituency.

Representation in the Multiparty Era

In the one party era the legislature functioned for a very short period only to ratify bills initiated by the executive. Oversight was not conducted at all. Members did not have a salary, with exception to those in the house-keeping committee from the Third Assembly (1997-1994). If law-making was poorly performed and by amateur legislators and oversight not performed at all, this suggests that the legislature performed representation poorly in the one party era. However, the percentage of women in the legislature increased from the Second Assembly (12 percent) to the Third (16 percent).¹²⁰ With the 1990 democratic constitution and the establishment of the founding multiparty assembly (1995-1999), the legislature created rules and structures for representation. The rest of this chapter deals with representation in the multiparty era starting with legislator's role orientation toward his or her job of being MP.

Mozambican Legislator's Role Orientations

The concept of "role refers to the pattern of expectations or norms of behaviour that are associated with a position in a social structure. The role of a legislator consist of the rights, duties, and obligations that are expected of anyone holding that position" (Jewell 1970:462). Its important characteristic is that it always relates to an actor's confrontations with other actors in a role relationship (Wahlke et al 1962). The term role orientation refers to a distinct "pattern of norms making up a particular role" or "systematic differences in legislators' conceptions of a particular component of the role of legislator" (Wahlke *et al.* 1962).

Eulau *et al.* (1959) and Wahlke *et al.* (1962) used an open-ended question "How would you describe your job of being a legislator?" to distinguish three representational role orientations: trustee, delegate and politico. A trustee legislator "follows his [or her] own judgements based on an assessment of the facts in each case, his [or her] understanding of the problems involved,

¹²⁰Relatório da Comissão Nacional de Eleições sobre as Eleições de 4 de Dezembro de 1977. Boletim da República, Número 150, Suplemento, 24 de Dezembro de 1977. Relatório da Comissão Nacional de Eleições sobre as Segundas Eleições de 14 de Dezembro de 1986. Boletim da República, Número 2, Suplemento, I Série, 14 de Janeiro de 1987.

his [or her] thoughtful appraisal of the side of the issue” (Eulau *et al.* 1959:750). In contrast to trustee, a delegate legislator should not use his or her “independent judgement or convictions as criteria of decision-making” (Eulau *et al.* 1959:751). He or she “relies heavily for advices on others” (Jewell 1970). Politico is the legislator “who express both trustee and delegate orientations, either simultaneously or serially” (Eulau *et al.* 1959).

However, that measure of legislator’s roles poses a methodological problem. First, while with the open-ended question’ scholars believe it is more useful to conceive roles as discrete categories, “legislators should be placed in such a category only if they have a clear and strong belief that legislator ought to act in the specified way. This also suggests that legislators with ambiguous or ambivalent viewpoints should not be classified at all” (Jewell 1970). An approach that employs this measure to predict legislative behaviour has the disadvantage of excluding a number of legislators from the analysis.

Second, “when we refer legislator as a delegate, politico, or trustee, we are applying a stereotype to him [or her]” (Jewell 1970) by making a firm prediction that he or she will always act in a certain way. But legislators do not always hold the same role. Even a trustee who relies on his or her own judgement in decision-making turns to others for advice in a situation where he or she does not have enough information about everyone. A delegate who relies on advice of others may probably follow the view of his or her constituents if it becomes sensitive to constituent opinion.

Alternatively some scholars advocate that it is more useful to consider roles with a continuous measure that predicts the probability of a legislator acting in a certain way. With a continuous measure they classify “legislators by scoring their degree of agreement with several questions and then defining those with a particular range of scores” (Jewell 1970:488) as ‘institutionalist’, ‘constituent servant’ or ‘partisan’ oriented (Mattes and Mozaffar 2011), for example. Viewing roles in a probabilistic way suggests recognizing that legislators will not always act according to a particular role orientation if contradictory pressures become too intense.

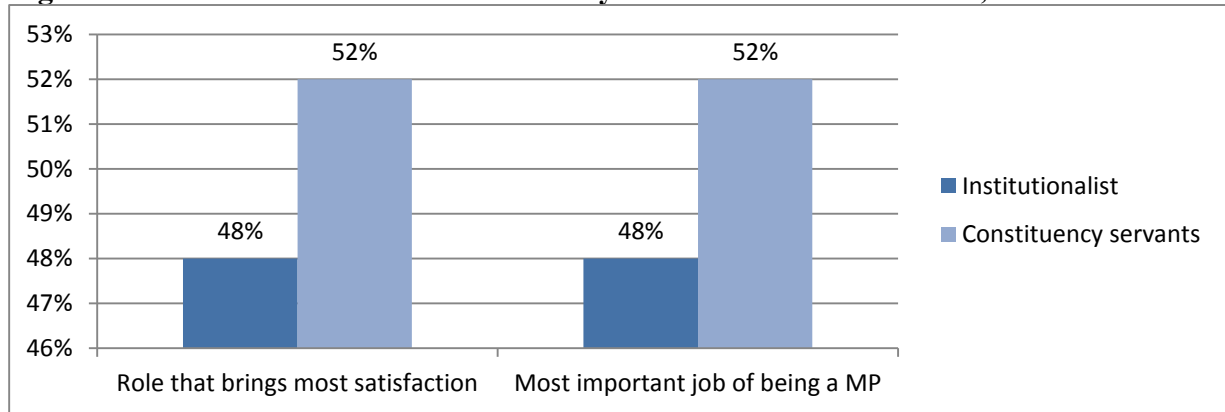
This study employs a continuous measure of role. The African Legislatures Project legislator’s survey asked first, “In your opinion, which of these following jobs is the most important being a legislator?” Second, “For you personally, which role brings you the most satisfaction?” The role responses for both questions are: debating bills and passing laws; making public policy by

writing laws; overseeing the executive; bringing development to your constituency; representing constituents views in parliament; assisting constituents with their personal problems; or raising funds for your constituents. Third, “In general, when you take a position about an issue in the parliament, which of the following is most important?” The role responses are: The views of your party leader; the views of your party; the views of your constituents; the national interest; your own knowledge about the issue; or your personal convictions.

This study classifies role orientations following Mattes and Mozaffar (2011): institutionalists, partisans and constituency servants but it does not ignore Eulau *et al.* (1959) and Wahlke *et al.* (1962) typology of trustee. Constituency servants refer to those legislators who see constituency service or representation as both the most important and the most rewarding part of the job and see constituents as the most important influence when taking their position in session. Partisans see the party or party leader as most important influence when taking their position in session. Institutionalists are those who view law making, debating or oversight as both the most important and the most rewarding part of the job; they also see the national interest, their own knowledge or personal convictions as the most important influence when taking position in session.

The African Legislature Project (ALP) legislator survey shows that Mozambican legislators tend more to express the constituency servant role orientation more than institutionalist. Of the 50 legislators interviewed 52 percent expressed the constituent servant to be the most important part of their job. The same applies when asked about the role that brings them the most satisfaction, 52 percent responded constituency servant. About 48 percent said that being an institutionalist was both the most important part of their job and the role that brings them the most satisfaction (Figure 8.1).

Figure 8.1: Institutional and Constituency Servant Role Orientations, 2008



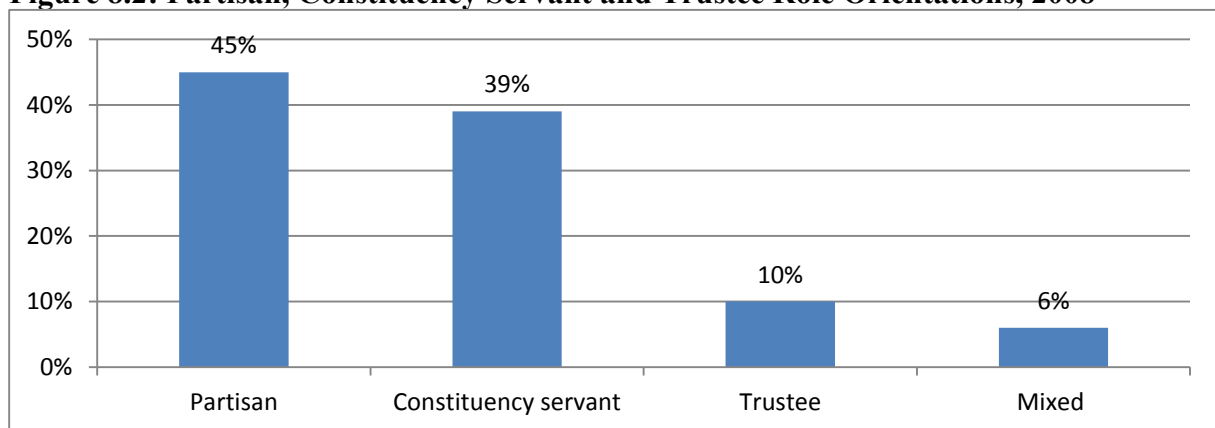
ALP questions:

For the first bars: *In your opinion, which of these following jobs is the most important being a legislator?*

For the second bars: *For you personally, which role brings you the most satisfaction?*

When considering partisan role orientations in the equation, the data in Figure 8.2 shows that Mozambican legislators tend more to express partisan role orientations than other roles. About 45 percent of legislators say that when they take a position about an issue in parliament the views of their party leader or party are the most important. However, a very significant proportion (39 percent) responded as a constituent servant. Ten percent responded to be trustee – i.e. their own personal convictions or knowledge about the issue is the most important when taking a position about an issue in parliament. However a significant amount (6 percent) expressed mixed role orientations when they have to decide on an issue in the legislature. They do not hold a single role orientation when it comes to vote on a particular issue.

Figure 8.2: Partisan, Constituency Servant and Trustee Role Orientations, 2008



ALP question: *In general, when you take a position about an issue in the parliament, which of the following is most important?"*

That Mozambican legislators are more likely to be partisans than constituency servants or trustees reflects a strong influence of the party within the legislature. Party discipline is very

strong in the legislature. Legislators do not vote individually when taking a position about an issue in the legislature but tend to follow the view of their party or their party leader. This is also influenced by the Mozambican PR closed list electoral system that encourages legislators to represent their party bosses more than constituents. The influence of the party (boss) outside the legislature to the party (boss) within the legislature is high. The PR closed list system widens the gap between the represented and representatives and narrows the one between representatives with their party leaders. Party bosses control legislators political future but also constituencies are very large.

Descriptive Representation

Descriptive representation refers to whether representatives “mirror the demographic characteristics of their constituents” (Canon 2005). This assumes, for example, that women would be better represented by female legislators, young by young representatives, single by single MPs, Maputo residents by those representatives born or living in Maputo constituencies and so on. At the institutional level, a descriptively representative legislature would “resemble” Mozambique. The legislature “would have the same demographic profile as the nation” (Canon 2005:173). Based on the most recent census data – the 2007 Mozambique population census, this means the legislature would be comprised of 52 percent of female representatives, 79 percent of young legislators, 58 percent of married MPs and 11 percent of residents from Maputo.

The *Who's Who* data shows that legislators and the legislature do not descriptively resemble their constituents. The majority of representatives do not have the same demographic profile as the nation. An overwhelming majority of 79 percent are drawn from 17 percent of the country adults; and two-thirds (68 percent) from 48 percent of males in the country (Table 8.1). As Eulau et al. (1959) point out: “the function of representation in modern political systems is not to make the legislature an exact mathematically copy of the electorate”. “Regardless of democratic institutions and values, [legislators] will tend to be chosen from among those ranking high in [society's] system of social stratification” (Matthews 1954:23). “Almost everywhere [including the Mozambique assemblies] legislators are better educated, possess

higher-status occupations and have more privileged backgrounds than the people they represent” (Matthews 1985).¹²¹

Table 8.1: Descriptive Representation in the Multiparty Era, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)	Average of three assemblies	Citizens at large
<i>Gender</i>					
Male	72%	69%	62%	68%	48%
Female	28%	31%	38%	32%	52%
<i>Age</i>					
Young (18-35)	10%	8%	6%	8%	79%
Adult (36-60)	85%	73%	80%	79%	17%
Elder (over 60)	5%	14%	12%	10%	5%
Unknown	0%	6%	2%	3%	0%
<i>Marital Status</i>					
Single	25%	30%	35%	30%	31%
Married	69%	60%	52%	60%	58%
Separated, widow/divorced	6%	9%	13%	9%	10%
Unknown	0%	1%	0%	1%	1%
<i>Birth Place</i>					
Niassa	4%	6%	4%	5%	6%*
Cabo Delgado	9%	11%	13%	11%	8%
Nampula	19%	16%	16%	17%	20%
Tete	7%	8%	6%	7%	9%
Zambézia	20%	20%	20%	20%	19%
Manica	6%	6%	6%	6%	7%
Sofala	9%	7%	10%	9%	8%
Inhambane	8%	8%	10%	8%	6%
Gaza	7%	6%	9%	8%	6%
Maputo Prov/City	11%	10%	6%	9%	11%
Abroad	2%	2%	0%	1%	0%
Unknown	0%	1%	0%	0%	0%
N	250	250	250	750	23 million

* Due to absence of birth place population census data, population census data of those living in provinces was employed. The population census data was collected from the National Institute of Statistics: www.ine.gov.mz

“The big losers in [legislatures] everywhere have been women” (Matthews 1985). The world average of women in parliaments in the lower house is 19 percent. This percentage is higher in Nordic countries (42 percent) than Americas (22 percent); Europe – OSC member countries,

¹²¹ “This have been found to be the case in the US Senate and the House of Representatives, among America state legislators, and in city councils. The same general findings have emerged from dozens of studies of legislatures in other advanced, industrial democracies, in developing countries, and in contemporary Communist regimes” (Matthews 1985:18).

including Nordic countries (22 percent); Europe - OSC member countries, excluding Nordic countries (20 percent); Sub-Saharan Africa (19 percent); Asia (18 percent); Pacific (13 percent); and Arab States (13 percent).¹²² In Mozambique the average of the three assemblies of women representation is 32 percent.

But the Mozambique legislature has been improving representing women. In the one party era, the percentage of women in the legislature was 16 percent in the Third Assembly. But in the multiparty era, it increased to 28 percent in the Fourth Assembly, 31 percent in Fifth Assembly and 38 percent in Sixth (Table 8.1). This reflects the electoral system effect (Trouwstine and Valdini 2008). Underrepresented groups like women are most likely to be represented in proportional representation systems with multimember constituencies. The closed party list PR electoral system with large numbers of representatives per district provides an opportunity for the election of greater percentages of women to parliament (Rule 1992). But also the major party Frelimo have been recruiting more female officials than opposition parties in all the three assemblies because of its gender quota on behalf of women.

Even though women are the 'big losers' in the Mozambique legislature, their representation is significantly high compared to most advanced and emerging democracies. However, this relatively high level of representation of women in the Mozambican legislature is more reflection of the fact that they are enlisted in their party PR list than their motivation (i.e. ambition) to politics.¹²³ Interest in public affairs and discussion of politics tend to be mainly a feature of Mozambican men than women (Afrobarometer 2002, 2005, 2008 and 2012). In American politics and perhaps other Single Member District advanced democracies, women tend to be less represented in the Congress due to ambition to politics rather than their levels of formal education and occupational status. In advanced democracies women are becoming more qualified than men. In Mozambique assemblywomen tend to have high occupational status than assemblymen in the Fourth and Fifth assemblies.

However, there is no significant difference between marital status and birth place of Mozambican citizens and their representatives in the legislature. Legislators' marital status and place of birth resemble those of their constituents.

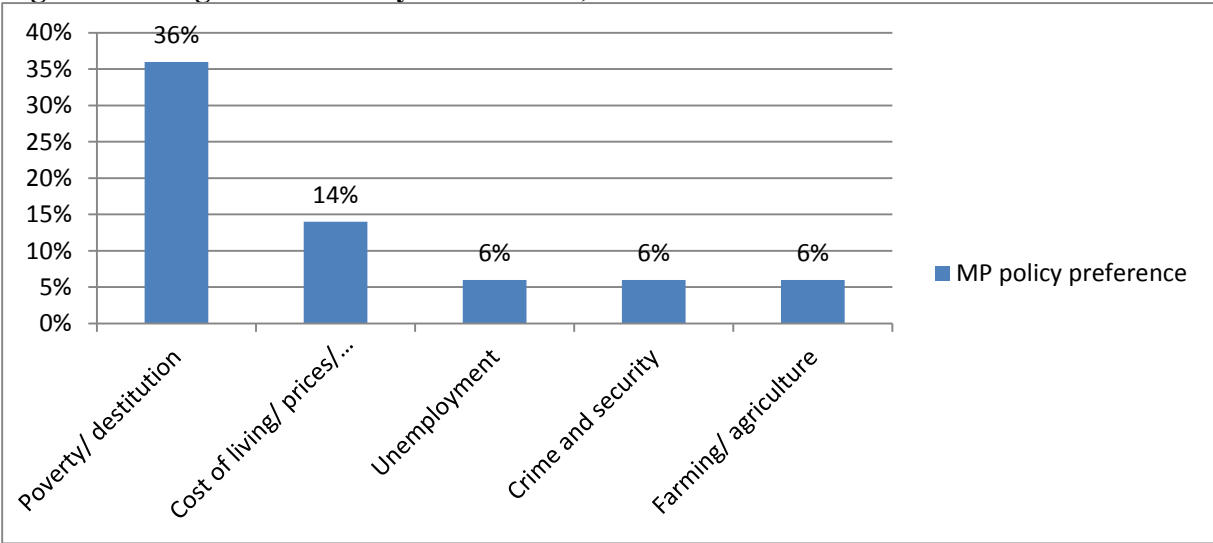
¹²² Women in Parliaments: World and Regional Averages. <http://www.ipu.org/wmn-e/classif.htm> searched on 4 April 2011.

¹²³ The same applies to South Africa due to gender quota from the ruling ANC.

Legislators’ Policy Preference Versus Voters’ Policy Preference

Do legislators’ policy preferences reflect voters’ policy preferences? The ALP and Afrobarometer surveys show that Mozambican legislators’ policy preferences do not reflect those of the voters. About 36 percent of legislators expressed that the most important problem facing the country that government should address is poverty or destitution while the voters say unemployment (33 percent). Only 6 percent of legislators have unemployment as their policy preference. In addition, legislators’ policy preferences do not include health, education, water supply and food shortage or famine while voters’ policy preferences do. Instead legislators have other policy preferences like inflation, crime and security and farming (Figure 8.3 and Figure 8.4). In part, this reflects the Mozambican multimember districts electoral RP electoral system, as it widens the gap between representatives and voters. Aldrich (2006) points out that “PR electoral systems fail to create legislatures that mirror the preferences of the public”.¹²⁴

Figure 8.3: Legislators’ Policy Preferences, 2008



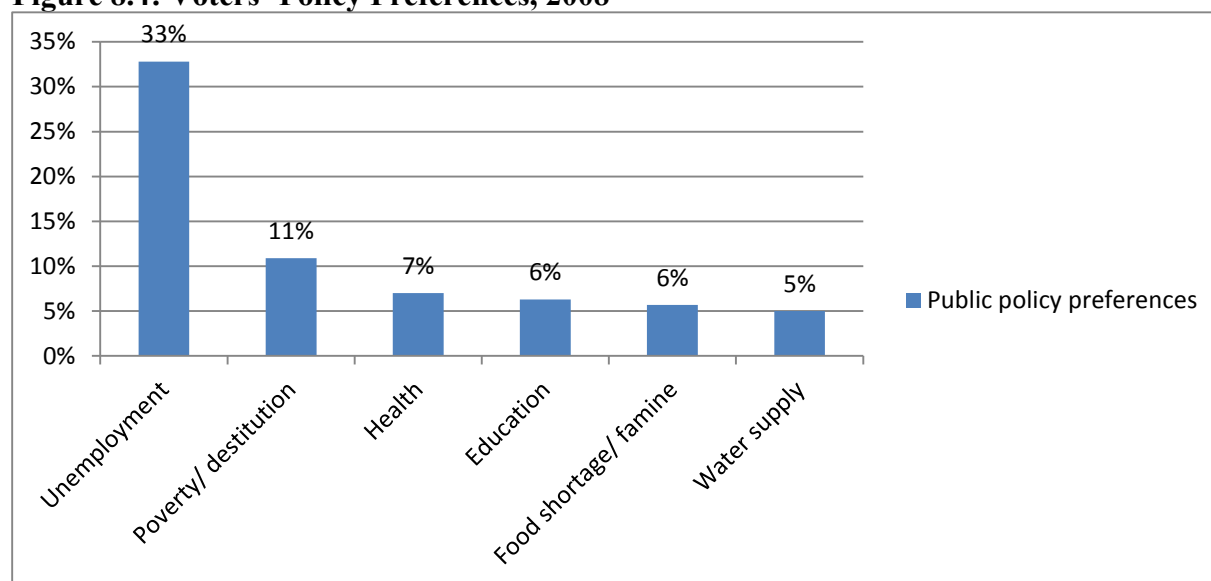
Those problems that did not add up to 5 percent are not shown here.
 ALP question: *In your opinion, what are the three most important problems facing this country that government should address? (First response).*

Mozambican legislators’ policy preferences reflect, in part, the executive policy preferences. These policies tend more to be discussed by the executive within the legislature. The executive often presented to the legislature the poverty plan - PRSP (Poverty Reduction Strategic Plan) I and II. It also presented and discussed often within the legislature two major agriculture

¹²⁴ “And this bias is systematic rather than random” (Aldrich 2006:560).

policies: PROAGRI – Agriculture Programme¹²⁵ and Green Revolution¹²⁶. It presented them to the legislature as the basis for national development. The legislators’ preference toward inflation policy is mainly an effort from the executive to stabilize macroeconomic indicators especially keeping inflation at a single digit. Legislators’ preference toward crime and security policy is also fostered by the executive and influenced to the executive by the media.

Figure 8.4: Voters’ Policy Preferences, 2008



Those problems that did not add up to 5 percent are not presented here.

Afrobarometer question: *In your opinion, what are the most important problems facing this country that government should address?* (First response).

Rules and Structure for Representation

The first of the series of rule reforms that the legislature attempted to increase the potential for improved representation was the development of three instruments early in the Fourth Assembly under the “Relationship with the Constituent” programme supported by SUNY/USAID, 1995-2001.¹²⁷ The instruments were established in a legal framework where the constitution compels to the *public debate* of constitutional review bills and the standing orders encourages *public hearings* of any other bills.¹²⁸ The legislature developed:

¹²⁵ PROAGRI I was launched in 1998 and PROAGRI II in 2003, <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4142.pdf>

¹²⁶ Green Revolution was initiated in 2007, <http://www.macauhub.com.mo/pt/2010/10/26/10011/>

¹²⁷ SUNY/USAID – State University of New York/United States of America Agency for International Development.

¹²⁸ Law no. 1/95 of 8 May, Law no. 6/2001 of 30 April, Law no. 17/2007 of 18 July, Constitution 1990, Constitution 2004.

“A *database* about civil society organizations containing more than 700 organizations and organized associations according to their respective areas of specialization aligned with legislative committees, their objectives and respective representatives; *opinion polls* about specific topics carried out with civil society organizations to produce committee opinions; and *brief issues* which are summaries of current legislation that explain in a simplified manner how the legislation will affect citizens life.” (Shenga 2002:22).

The second rule reform that attempted to increase representation was the openness for citizens and interest groups to direct complaints, claims and petitions to the legislature. Further, to increase capacity to conduct improved representation the legislature also established the Committee of Petitions to respond to the petitions, claims and complaints directed to the legislature.

The third rule reform that attempted to enhance representation was to develop a “Constituency Service” programme as a way for legislators to access and dialogue with constituents in their constituencies when the legislature is out of session. In order to conduct constituency service, the legislature provides all legislators with an allowance for 35 working days annually. In the Sixth Assembly the legislature provided four wheel drive vehicle for MPs to travel within their constituency.

Civil Society Attendance to Legislative Public Hearing

One of the channels for citizens and organized groups to influence the law-making process is through public hearings. The standing orders of all the three multiparty assemblies prescribe at the committee stage of the legislative process that committees organize public hearings with civil society agencies before they report a bill to the plenary.¹²⁹

One of the first times that civil society attended a public hearing took place in 1996 on the Land Bill in the Committee of Agriculture, Regional Development, Public Administration and Local Government (Shenga 2002). After the Land Bill was referred to the Committee of Agriculture the committee organized a public hearing in which they invited agriculture and peasant

¹²⁹Standing orders: Law 1/95 of 8 May; Law no. 6/2001 of 30 April; and Law no. 17/2007 of 18 July.

associations, political parties, school institutions, district administrators, non-government organizations (NGOs), agriculture technicians, and scholars. The public hearing was attended by 143 individuals from civil society organizations, state bureaucracy, donor community, political parties and scholars. With technical support from the SUNY/USAID project the Committee of Agriculture conducted, through the database of civil society organizations, a survey of organizations associated with land issues (Shenga 2002:32).¹³⁰ The Committee of Agriculture also requested technical assistance from the legislature technical support unit (known as *Gabinete Técnico* - GTAR). But due to lack of internal expertise the request was directed and conducted by an extra parliamentary expert (Shenga 2002:32-33).

The existing data on public hearings in Table 8.2 show that the legislature conducted 85 public hearings in the Fourth Assembly while 18 were conducted in the two first years of the Fifth Assembly.¹³¹ The higher number of public hearings in the Fourth Assembly reflects the existence of the “Relationship with Constituent” SUNY/USAID parliamentary programme that supported the legislature to conduct public hearings.

The *Ad hoc* Committee for Review of the Constitution led (with 37 public hearings) in representing citizens and interest groups in law-making followed by the Committee of Social Affairs, Gender and Environment (with 18 public hearings). Subsequently follow the Committee of Agriculture, Regional Development, Public Administration and Local Government (with 11 public hearings) and the Committee of Economic Activities and Services (with 10 public hearings). The Committee of Planning and Budget and Committee of International Relations lag behind in carrying out public hearings.

¹³⁰ ORAM represents peasant associations in 7 provinces: Niassa, Nampula, Zambézia, Sofala, Inhambane, Gaza and Maputo.

¹³¹ There is no comprehensive data on later years of the Fifth Assembly and the Sixth. The available data misleads as committee staff have been mixing executive and public hearings together and report them as public hearing.

Table 8.2: Number of Public Hearings by Committee, 1995-2001

	1995	1996	1997	1998	1999	2000	2001	Total
Committee of Planning and Budget	0	1	1	0	0	0	0	2
Committee of Social Affairs, Gender and Environment	0	0	4	7	0	0	7	18
Committee of Agriculture, Regional Development, Public Administration and Local Government	0	3	3	2	3	0	0	11
Committee of Economic Activities and Services	0	2	2	0	6	0	3	10
Committee of Defence and Public Order	0	3	0	2	0	0	0	5
Committee of Legal Affairs, Human Rights and Legality	0	1	2	2	0	0	0	5
Ad hoc Committee for Review of the Constitution	0	0	0	11	28	0	0	37
Ad hoc Committee for Review of the National Anthem	0	0	2	0	0	0	3	5
Total	0	10	14	24	37	5	13	103

Source: Shenga. 2002. *O Papel da Assembleia da República na Representação dos Interesses da Sociedade Civil, 1995-2001. O Caso da Proposta de Lei de Terras e Proposta da Lei do Trabalho*. Honours Dissertation in Public Administration, Eduardo Mondlane University, Maputo.

Note: The shaded area corresponds to the Fourth Assembly and the last two years correspond to the first two years of the Fifth Assembly.

The frequency of citizens and civil society organizations engaging with committees in law-making through public hearings reflects to some extent the nature of issues dealt with committees. As the *Ad hoc* Committee for Review of the Constitution touches core citizens' rights and freedom, this committee had to organize more public debates and to engage more citizens and civil society agencies at sub national level. The same applies with vulnerable groups. As the Committee of Social Affairs, Gender and Environment deal with marginalized groups and they are majority within the country, this committee also organized more public hearings to make sure that the views of the underrepresented are taken into consideration in law-making. Also there are more NGOs in the country that focus on this committee's issues.

On the other hand, although the issues that the Committee of Planning and Budget deal with affect all bills to be enacted into law, this issue is still far away from the public domain in Mozambique. First, the State budget is a very complex and a long bill which is only mainly

understood by executive experts. Second, the civil society vibrancy on budgeting has only come from one civil society organization: Debt Mozambican Group (GMD).

Effectiveness of Civil Society Attendance at Public Hearings

When civil society agencies attend public hearings, to what extent are they effective? The effectiveness of civil society attendance at public hearings is measured by civil society’s input into the bill reviewed and scrutinized by committee. By input this study considers substantive input rather than grammatical or typographical changes.

The Mozambique bill tracker data shows that of the 285 bills referred to committees, out of 308 bills that were directed to the legislature, 244 (85 percent) were reviewed by committees. And of the 244 bills reviewed by committees the civil society managed to have their inputs incorporated in 58 (24 percent). Comparing assemblies, the data shows a decrease of civil society input to bills reviewed by committees. The percentage of civil society to bills reviewed by committees declined from the Fourth Assembly (29 percent) to the Fifth (24 percent) and Sixth (18 percent) assemblies (Tables 8.3 and 8.4). The higher percentage of civil society input to bills reviewed by committees may reflect the existence of SUNY/USAID parliamentary programme that supported the legislature to engage with civil society. With the end of the programme in the Fifth Assembly especially 2000/2001 the engagement of the legislature with civil society declined.

Table 8.3: Civil Society Input to Bills Reviewed by Committees in the Multiparty Era, 1995-2009

		Fourth Assembly (1995-1999)		Fifth Assembly (2000-2004)		Sixth Assembly (2005-2009)		Total	
		#	%	#	%	#	%	#	%
Civil society input to bills reviewed by committee	No	62	71%	53	76%	71	82%	186	76%
	Yes	25	29%	17	24%	16	18%	58	24%
	Total	87		70		87		244	

Table 8.4: Civil Society Input to Bills Reviewed by Committees in the Multiparty Era, by Committee, 1995-2009

		Committee of Planning and Budget		Committee of Agriculture, Regional Develop., Public Adm. and Local Government		Committee of Social Affairs, Gender and Environment		Committee of Economic Activities and Services		Committee of Defence and Public Order		Committee of Legal Affairs, Human Rights and Legality		Ad hoc Committee for Review of Standing Order		Ad hoc Committee for Review of the National Anthem		Ad hoc Committee for Review of Electoral Legislation		Ad hoc Committee for Review of the Constitution		Total	
		%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
Civil society input to bills reviewed by committee	No	86%	55	81%	21	52%	13	73%	8	78%	7	68%	44	100%	13	33%	1	100%	22	20%	1	76%	186
	Yes	14%	9	19%	5	48%	12	27%	3	22%	2	32%	21	0%	0	67%	2	0%	0	80%	4	24%	58
	Total	64		26		25		11		9		65		13		3		22		5		244	

Note: No civil society input was made to bills of the Committee of International Relations and Committee of Petitions as no bills were referred to these committees. See also Appendix to Chapter 8.

Civil society organizations are more likely to incorporate their input to bills reviewed by the *Ad hoc* Committee for Review of the Constitution (80 percent); and *Ad hoc* Committee for Review of the National Anthem (67 percent). In other committees civil society success is shallow but it has been influencing the incorporation of their input to bills reviewed by the Committee of Social Affairs, Gender and Environment (48 percent), Committee of Legal Affairs, Human Rights and Legality (32 percent), Committee of Economic Activities and Services (27 percent), Committee of Defence and Public Order (22 Percent), Committee of Agriculture, Regional Development, Public Administration and Local Government (19 percent) and Committee of Planning and Budget (14 Percent).

Nonetheless, some committees have not allowed any representation of civil society views. The *Ad hoc* Committee for Review of Standing Order and *Ad hoc* Committee for Review of Electoral legislation did not allow any civil society inputs to the bills referred to them. These committees did not organize public hearings. While perhaps there is not much for civil society to say about the bill of rules of procedure of the legislature, the same cannot be said with respect to electoral bills. Citizens, scholars, NGOs and extra parliamentary parties have been criticising the parliament for not organizing public hearings to consider their views.¹³² Electoral bills have only included the views and interests of the parliamentary parties.¹³³

Citizens and Organized Groups Petitions and Its Effectiveness

In the Fourth Assembly the legislature prescribed that citizens and organized groups can appeal to the legislature through petitions, claims or complaints if their rights are violated by other entities.¹³⁴ In the Fourth Assembly and the first two years of the Fifth the legislature received some few amount of petitions (Shenga 2002:23:24). But the legislature had difficulty to deal with petitions until the standing orders were reviewed in the Fifth Assembly and the Committee of Petitions was established.¹³⁵

¹³² Ideiasdebate.blogspot.com/2007/02/lei-eleitoral_08.html, searched on 31 October 2013

¹³³ This is the source of the current political instability now in Mozambique with the main opposition demanding equal representation in the National Electoral Commission and the ruling Frelimo defending the PR system controlling the electoral machinery including the judiciary Constitutional Council/Court – the institution that validates election results.

¹³⁴ Standing order, Law 1/95 of 8 May.

¹³⁵ Standing Order, Law no. 6/2001 of 30 April.

Effectiveness of citizens and organized groups petitions is measured by the extent to which the Committee of Petitions responds to the received petitions. The term ‘respond’ means that the Committee of Petitions investigated petition issues and reported them to the plenary. The role of the Committee of Petitions is to review and scrutinize petitions that the legislature receives and refer to it; to investigate petitions by hearing the petitioner and entities that allegedly violated petitioner rights; and to report to the plenary.

An assessment of the Fourth Assembly plus the first two years of the Fifth shows that the number of petitions ‘responded’ to by the legislature increased significantly in 2001 after the establishment of the Committee of Petitions (Shenga 2002:23). Of the 27 petitions directed to the legislature in 2001, 93 percent (25) were ‘responded’ (Shenga 2002:24). Before 2001 the levels of the legislature response to petitions in the Fourth Assembly varied between 10 and 19 percent. Due to a strong parliamentary commitment toward victims of the 2000 floods in the country, the legislature did not investigate and ‘respond’ to any petition in 2000.¹³⁶ The average level of petitions ‘responded’ to by the legislature is about 15 percent in the Fourth Assembly and 47 percent in the Fifth.¹³⁷

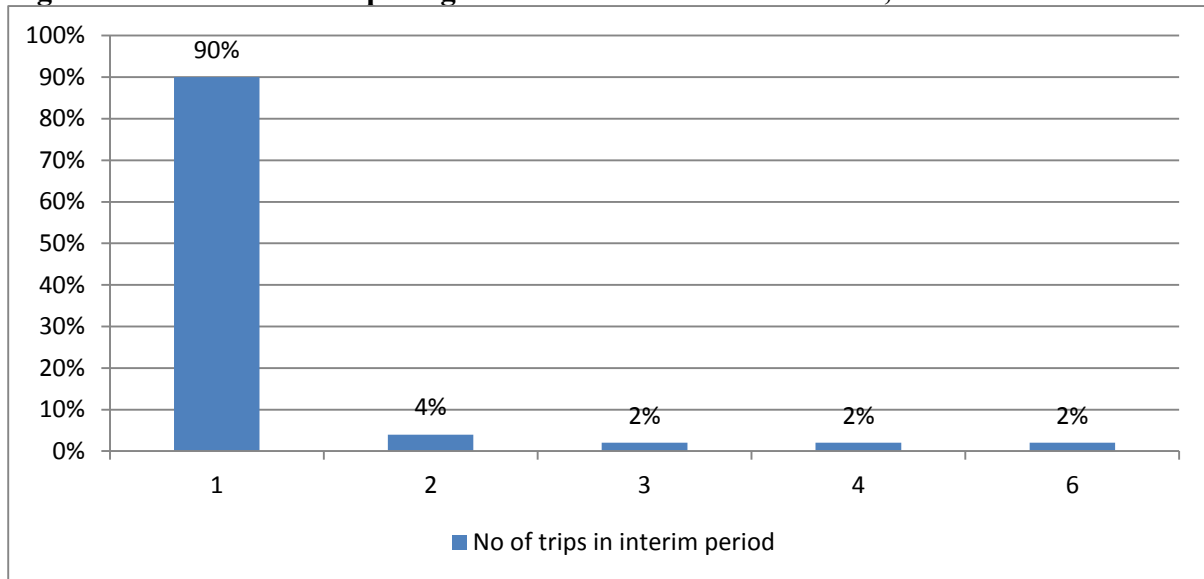
Legislators’ Travel to Constituency, Duration of Their Stay and Activities they Perform

Do legislators travel to their constituencies? In the scope of the Constituency Service Programme – which is a programme that provides means to MPs to contact their constituents, Mozambican legislators do travel to their constituencies. They receive an allowance of 35 working days annually to do so. The ALP data shows that the overwhelming majority (90 percent) of Mozambican legislators make at least one trip back to their constituency during a typical month when the legislature is out of session (Figure 8.5). In fact, after the plenary session is finished the legislature deploys legislators back to their constituencies. The legislature brings them back to the city where the parliament meets when it meets for the following plenary session. Exception applies however to committee members who may return to the parliament before the following plenary session if his or her committee meets.

¹³⁶ Committee of Petition was established in 2001 by Law no. 6/2001 of 30 April.

¹³⁷ Due to unavailability of data, the average data from the Fifth Assembly is based on 2000 and 2001.

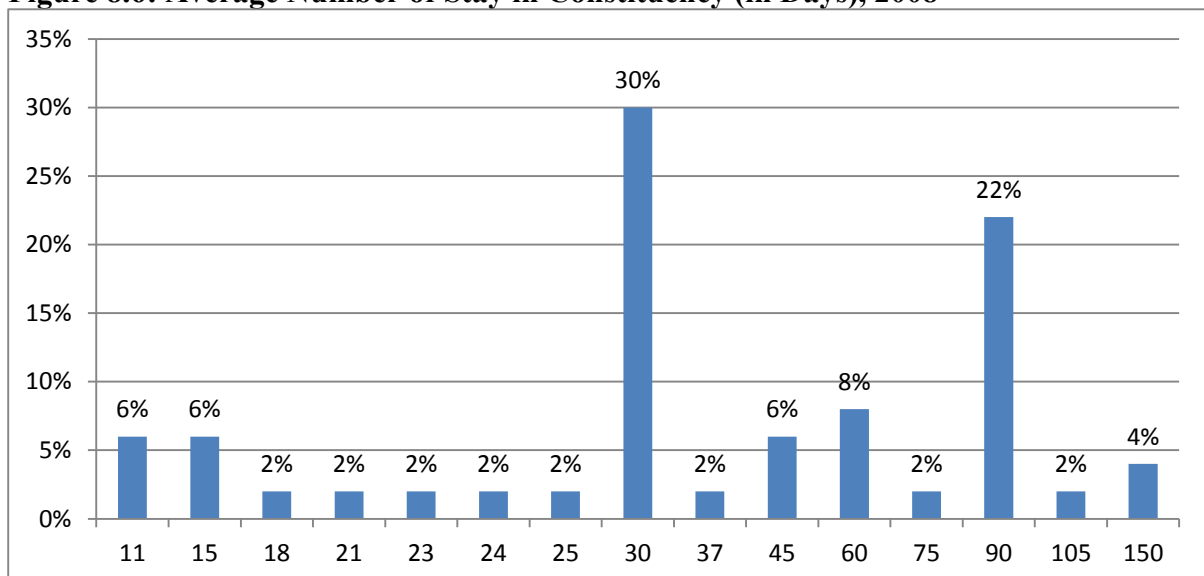
Figure 8.5: Number of Trips Legislators Make to Constituencies, 2008



ALP question: *How many trips did you make to your constituency during a typical month when the Assembly was not in session?*

Once legislators travel to their constituencies, about 22 percent stay in their constituencies 30 days - which approximately match with the days of the stipend they receive for constituency service - and 22 percent stay 90 days (Figure 8.6). The later might correspond to those legislators who live in their constituencies.

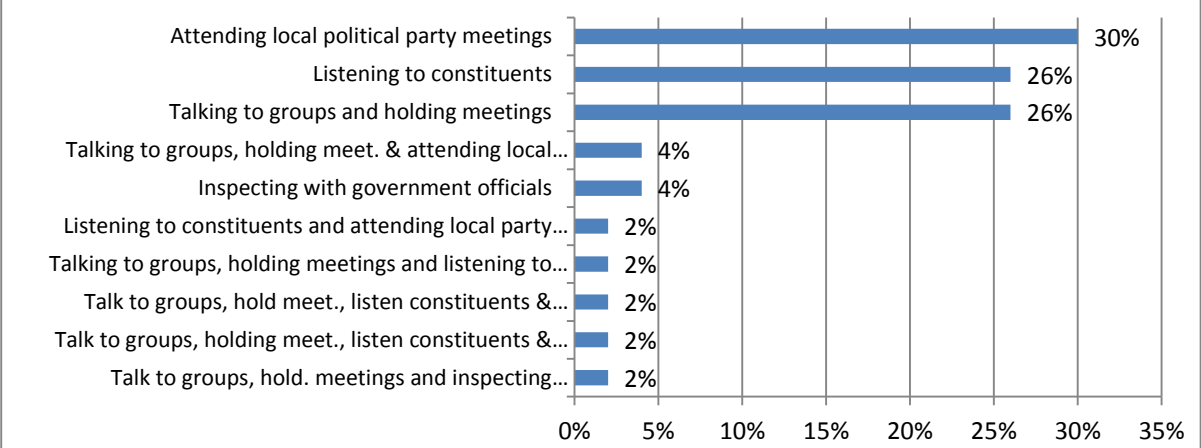
Figure 8.6: Average Number of Stay in Constituency (in Days), 2008



ALP question: *On average, how many days did you stay? The response of those who don't know (2 percent) was not included in the figure.*

Once they travel to their constituencies, about 30 percent spend most of their time attending local party meetings but majority ‘listen to their constituents’ (26 percent) and ‘talk to groups and hold meetings’ (26 percent). Others have been simultaneously conducting party service, oversight, talking to groups and holding meetings (Figure 8.7).

Figure 8.7: Activities MPs Perform in their Constituencies, 2008



ALP question: *How do you spend most of your time when you are in your constituency?*

Conclusions

The legislature has developed a structure for representation as well as created respective capacity. As a series of rule reforms that attempted to increase the potential for improved representation, Mozambique’s legislature encourages public debates and/or hearings of all bills referred to committee; it allowed citizens and interest groups to direct petitions appealing to the legislature when their rights are violated; and developed a Constituency Service Programme allowing legislators to contact their constituents when the legislature established the Committee of Petitions to ‘respond’ to petitions and report their outcome to the plenary; and provided allowance and vehicle to legislators to conduct constituency service. It also established a committee system to perform the function of representation.

As a result of these institutional developments, civil society organizations have attended public hearings influencing law-making by airing their views. Civil society attendance to public hearings was high in committees that deal with issues that affect rights and freedom, and social aspects. But it was low in the committee dealing with financial issues where civil society organizations require more expertise. Nevertheless, the effectiveness of civil society attendance to public hearings is shallow. The civil society managed to incorporate their views in only 24

percent of bills reviewed by committees. The incorporation of civil society input in bills reviewed by committees declined over time, in part, due to the closure in early Fifth Assembly of the donor programme engaging the legislature with civil society.

Also as a result of the rule reforms, the legislature has received petitions from citizens and interest groups appealing about violation of their rights. The effectiveness of responding to those petitions only commenced in the Fifth Assembly when the Commission of Petitions was established. The legislature increased in responding to petitions from the Fourth to the Fifth Assembly.

On constituency service, the overwhelming majority (90 percent) of Mozambican legislators make one trip to their constituency in a month; and 52 percent stay there at least 30 days. During their stay, more than half (52 percent) listen to constituents, talk to groups or hold meetings.

Mozambican legislators tend more to have a constituent servant role orientation toward their job. But when they take a position about an issue in the legislature they are more likely to play a partisan role. This reflects strong party discipline and control in the legislature which is associated with the closed list PR system.

Nonetheless, the Mozambican legislature does not descriptively represent the demographic features of its society in terms of gender and age. Exception applies to place of birth and marital status. But the percentage of women in the legislature has been increasing over time mainly due to the ruling party's female quota combined with the PR closed list electoral system with large multimember districts.

In addition, the policy preferences of legislators do not reflect those of the voters. The most important problem that legislators believe the government should address is poverty while for the voters it is unemployment. The other voters' policy preferences include health, education, water supply and food shortage or famine but for legislators it includes inflation, crime and security, and farming. Legislators' policy preference reflects considerably the executive policy preference. This might be explained by the dominance of the executive over the legislative institution in the Mozambican political system.

V. LEGISLATIVE LEGITIMACY

Chapter 9: Public Support for the Legislature

Introduction

African multiparty legislatures emerged in most Sub-Saharan countries only in the 1990s when the Third Wave of democratization swept the sub-continent. “During the 1960s, [which is the decade of independence of most African countries], only Botswana, Gambia and Mauritius were democracies” (Diamond 2008:8). In the Mozambican context, even though its legislature existed since 1977, it was only since 1990 that the constitution endowed the legislative institution with law-making, oversight, representative and constituency service powers.

We have now seen the extent to which the legislature has been able to carry out these new functions. The final question I investigate is whether the progresses in legislative development and performance brought a greater legitimacy to the legislature. As the legislature performed relatively well recruiting legislators with better qualifications, reforming, professionalizing, institutionalizing, making laws, conducting oversight and representing voters, I expect that voters support the legislature. I first evaluate whether voters see difference between the legislature and the president and know their representatives. Second, I analyse the patterns of support for the legislature. Third, I examine the factors accounting for support for the legislature. To respond to these questions I look at the existing evidence on public evaluation of the Mozambican legislature from the 2008 Afrobarometer public opinion survey.

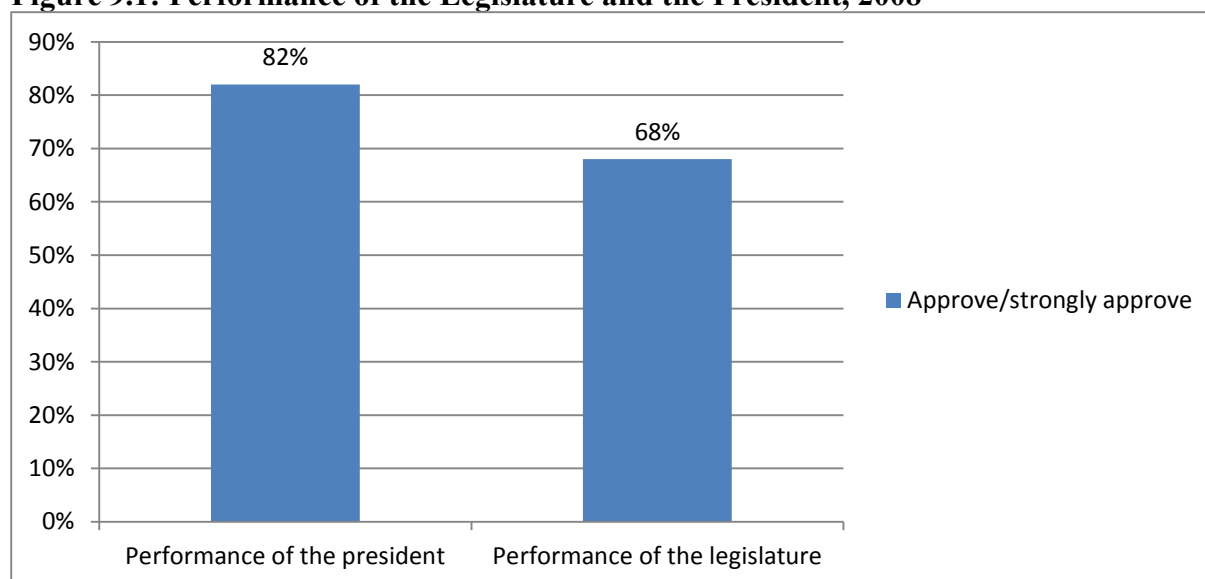
It is relevant to investigate public support for legislatures because it has consequences for the political system. In the same way as the democratic regimes of which they are part, legislative institutions depend for their survival and effective functioning on public approval (Mishler and Rose 1994, Kim and Loewenberg 1976). “If public orientations [toward legislatures] are negative, legislatures will not work as well as otherwise” (Rosenthal 2009:433). At the same time, there is a concern that most people do not appreciate or support legislative institutions (Rosenthal 2009).

Evaluations of the Legislature and the President

In a presidential system citizens do not see so much difference between the legislature and the executive president. The assessments of legislatures are “heavily coloured by the image of the president” (Davidson and Parker 1972:608). Studies show that “when the public evaluates the president in positive light, there is a strong tendency for Congress to be popular, as well” (Patterson and Caldeira 1990, Parker 1977:102-4). Mozambique is not an exception: the approval of the legislature is strong as it is of the president.

The overwhelming majority of Mozambican citizens approve or approve strongly the performance of the legislature (68 percent) and of the president (82 percent) (Figure 9.1). Trust in the legislature is also strong as it is of the president. About 71 percent of Mozambicans trust the legislature somewhat or a lot and 77 percent do the same with respect to the president (Figure 9.2). In the Mozambique presidential system where the president concentrates powers¹³⁸ and the legislature cannot hold the executive president to account, citizens strongly approve legislature’s performance and trust the legislature somewhat or a lot if the legislature does not interfere with presidential affairs.

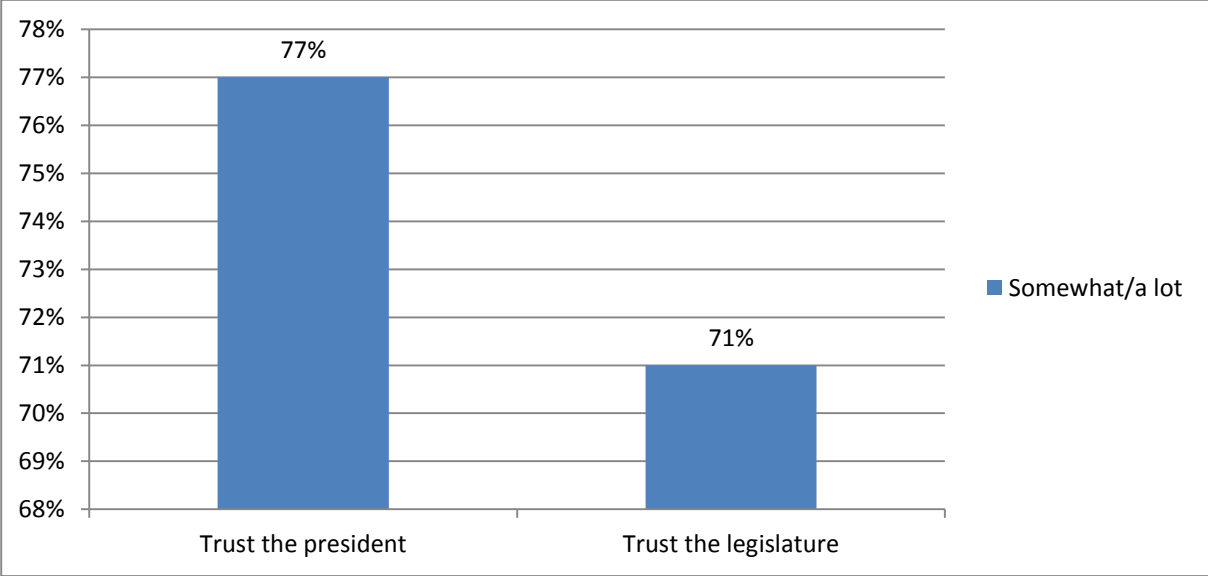
Figure 9.1: Performance of the Legislature and the President, 2008



Question: Do you approve or disapprove of the way a) the president and b) the parliament performed its job over the past twelve months?

¹³⁸ The president is both the head of the state and head of the executive.

Figure 9.2: Trust in the Legislature and the President, 2008

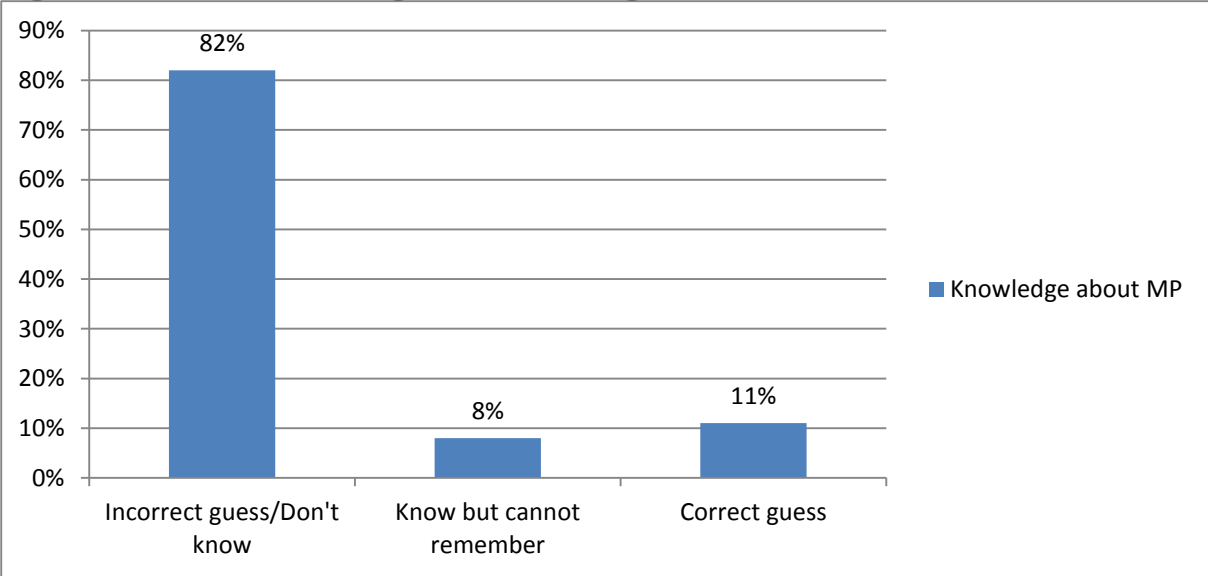


Question: How much do you trust: a) the President and b) the Parliament?

Knowledge about Legislators

An overwhelming majority (82 percent) of Mozambicans do not know the name of their representatives in the legislature (Figure 9.3). This reflects the closed list PR electoral system with large multimember districts. Instead of voting for individuals, Mozambican voters vote for a party list with high magnitude that is not disclosed during the voting day or even campaign.

Figure 9.3: Voters' Knowledge about their Legislators, 2008



Question: Can you tell me the name of Your Member of Parliament?

Support for the Legislature

Easton (1965) distinguishes between specific and diffuse support for political institutions. Specific support results from satisfaction with outputs – that is, how effectively or efficiently legislatures perform. This suggests that people support legislatures if they are satisfied with legislative achievement. In contrast, diffuse support is independent of the effects of daily achievement. It refers to an attachment to a political object for its own sake – what the legislature is. Regardless of the performance evaluation people may make to legislative institutions, “citizens must perceive the legislature as legitimate and view its existence as necessary and proper, supporting the legislature more for what it is – a representative and deliberative body symbolizing democratic control of government – than for what it does” (Mishler and Rose 1994:8). Specific support is short term support while diffuse support is long term (Denis 1981).

In this study I employ two indicators of support for legislature: the first is related to legislators - that is, approval of legislators’ performance. It is specific as it results from satisfaction with outputs. More specifically, citizens who are satisfied with the economy and the president, trust the president, identify with the winning party and are from the regions where the winning party has strongholds will tend to approve legislators’ performance. However, as they are low information citizens will less likely to support the legislature for what it is (Table 9.1).

The second is related to the legislature – rejection that election and parliament are abolished. It is diffuse as it is independent from whether the legislature did a great job or not. Citizens with high levels of information - that is, formal education and access to news media, engage cognitively with others discussing politics and are interested in public affairs, have sense of political efficacy – that is, believe that means to influence government are available to them (Balch 1974) and know their representatives will likely to support the legislature regardless of its achievement. On the other hand, as they have ‘high information’ and are critical displaying healthy scepticism about governance will less likely to approve legislators’ job (Table 9.1).

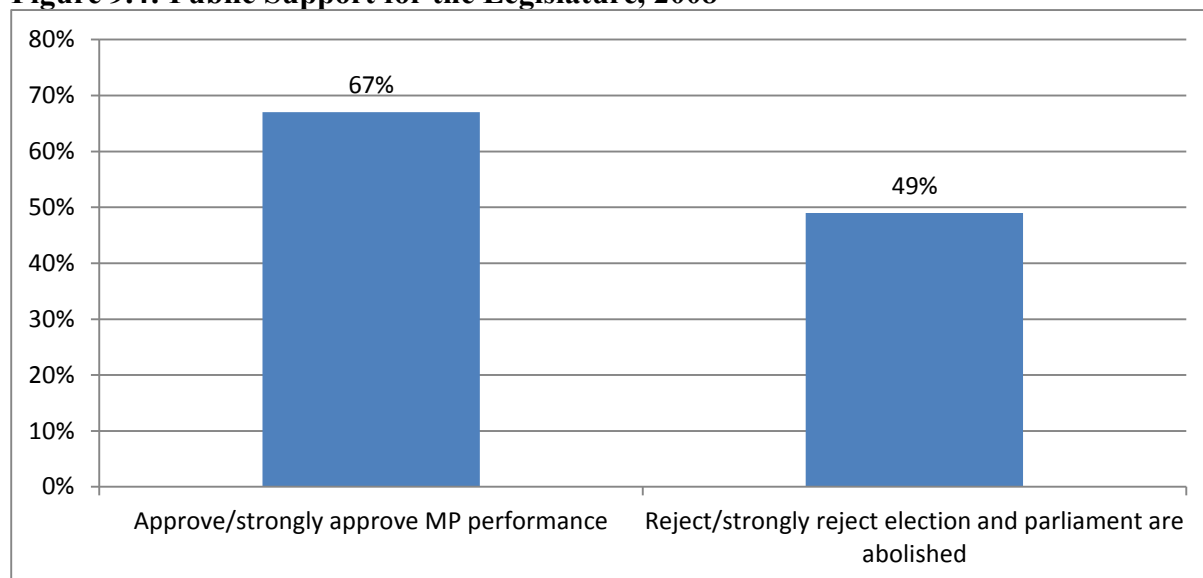
Table 9.1: Expected Model of Diffuse and Specific Support for Legislature

	Reject that election and parliament are abolished	Approval of legislators performance
<i>Diffuse</i>		
Formal education	+	-
News media (index)	+	-
Interest in public affairs	+	-
Discussion of politics	+	-
Political efficacy (make MP listen)	+	-
Knowledge about MP	+	-
<i>Specific</i>		
Satisfaction with economy	-	+
Approval of performance of the president	-	+
Trust president	-	+
Party ID with winner	-	+
Pro-winner regions	-	+

Mozambicans support less their legislative institution for what it is. The results in Figure 9.4 show that just less than half (49 percent) of Mozambican citizens reject that election and parliament are abolished so that the president decides everything. Mozambicans support more legislators for what they do. About two-thirds of respondents expressed that approve their legislators' performance (Figure 9.4).

The high scores that Mozambican citizens offer to the performance of their legislators do not necessarily means that they actually perform well. Mozambican citizens have been providing uncritical assessments. Mattes and Shenga (2013) found that Mozambicans often uncritically overrate the performance of democratic institutions and leaders and that this uncritical pattern of Mozambican citizens is a function in part of living in low information society indicated by low levels of political information necessary for full citizenship.

Figure 9.4: Public Support for the Legislature, 2008



Questions for the first bar: Do you approve or disapprove of the way you representative to the National Assembly have performed their jobs over the past twelve months?

Question for the second bar: There are many ways to govern a country: Would you disapprove or approve if elections and the Assembly are abolished so that the president can decide everything?

The Patterns of Explanatory Considerations

Mozambicans are ‘low information’ people as they present low levels of formal education and access to news media. They “suffer from extremely low levels of formal education (the adult literacy rate is 46 percent, compared to an average of 61 percent across all low income countries),¹³⁹ and extremely low levels of access to public information: the country has just three newspapers per 1,000 people (compared to 44 for low income countries), 14 television sets per 1,000 (compared to 84), and 44 radios per 1,000 (compared to 198).” (Mattes and Shenga 2013)¹⁴⁰

The 2008 Afrobarometer survey shows that only 5 percent of Mozambican citizens have completed tertiary education; 39 percent secondary and 46 percent primary education. While overwhelming majority (80 percent) access news media through radio, less than half does so through television (44 percent) and newspaper (28 percent). However, about two-thirds are interested in public affairs (66 percent) and discuss politics with others (68 percent). “Low rates of formal education, high levels of illiteracy and limited access to news media strike at the very

¹³⁹“ICT Dialogue: Mozambique,” *World Development Data*.

¹⁴⁰*World Bank Development Report* (2005): 310:312.

core of cognitive skills and political information that enable citizens to assess social, economic and political developments” (Mattes and Shenga 2013).

Mozambicans have low sense of (external) political efficacy - that is, “the individual’s beliefs that means of influence (government) are available to him” (Balch 1974). Only less than half (42 percent) believe that could make their MPs listen to their concerns about a matter of importance to the community. They also do not have knowledge about their representatives in the legislature. Only 13 percent were able to provide the correct name of their legislators.

On the other hand, Mozambicans grant their political leaders and institutions high levels of trust and approval. About 82 percent approve performance of the president and 71 percent trust the president even though only 28 percent are satisfied with the present country and individual economic conditions. Yet 66 percent identify with the winning party and 32 percent live in strongholds of the winning party.

Explaining Support for Legislature

This study employs Ordinary Least Square (OLS) multiple regression model to explain support for the legislature (Tables 9.2). The model incorporates diffuse factors that are expected to be related positively with support for the legislature (rejection that election and parliament are abolished) and negatively associated with approval of legislators’ performance. It also includes specific factors that are expected to be associated positively with approval of legislators’ performance and negatively with the support for legislature.

Two diffuse factors appeared to have expected results while other two not. As expected the results in Table 9.2 show that people with high levels of formal education are more likely to support the legislature rejecting that election and parliament are abolished so that the president decides everything. Those with access to news media are less likely to approve the performance of legislators. As media accentuates the negative access to news media leads to negative attitudes toward legislatures (Rosenthal 2009). As unexpected, people who believe that the means of influencing government are available to them were less likely to support legislature and more likely to grant approval of legislators.

On specific factors three factors out of four appeared to have expected finding. As expected, people who approve presidential performance are less likely to support legislature and more likely to approve legislators' performance. Those who trust the president are also more likely to approve the job of legislators. As unexpected, who live in the winning party strongholds are more likely to support legislature. The model that explain support for legislature weigh very little (6 percent) while the one that explains approval of legislators' performance weigh great deal (37 percent).

Table 9.2: Multiple Regression Model of Specific and Diffuse Support for Legislature in Mozambique, 2008

	Reject that election and parliament are abolished	Approval of legislators performance
<i>Diffuse</i>		
Formal education	.163***	
News media (index)		-.104***
Interest in public affairs		
Discussion of politics		
Political efficacy (make MP listen)	-.074*	.121***
Knowledge about MP		
<i>Specific</i>		
Satisfaction with economy		
Approval of performance of the president	-.077*	.517***
Trust president		.066**
Party ID with winner		
Pro-winner regions	.079**	
Adjusted R Square	.06	.37

Not significant effects were removed from cells.

Note: Entries are standardized beta coefficients.

*** Significant at the level of .001; ** significant at the level of .01; * significant at the level of .05

Conclusions

This study, using the 2008 Afrobarometer survey, revealed that Mozambicans do not see so much difference between the legislature and the president. When the approval or trust of the president is high, support for the legislature tends to be strong. This reflects in part the Mozambican presidential system where there is concentration of powers in the presidency and the legislature cannot hold the executive president to account.

Second, it revealed that the approval of legislators' performance is very high than rejection of the abolishment of election and parliament. This does not mean that the actual performance of legislators is high but it reflects that Mozambicans are uncritical citizens living in low information society with low levels of formal education and access to news media.

Third, while some effects did not have an expected outcome, this study confirmed mostly the supported theory that specific support results from satisfaction with outputs while diffuse support depends on an attachment to a political object for its own sake – what the legislature is.

Further research has to consider the effect of other factors to improve the model to account for the variation of diffuse support for legislature. Rosenthal (2009) posits that individual political heritage, political experience and political instruction account positively for variations explaining legislative support. The political heritage explanation assumes that people who come from political families where their father, mother and/or a close relative have enjoyed an involvement in politics tend to be more supportive of legislative institutions. They grow up hearing positive accounts about campaigns or governing within the family. The political experience explanation assumes that “high school students who work as pages in Congress or at state legislatures or college students who intern on campaigns or in the legislature get a different impression from those who do not participate at all” (Rosenthal 2009:19). People with political instruction, that is, those who received teaching on politics would also have a sizable difference. Public opinion surveys have to consider incorporating questions about these explanations.

VI. CONCLUSIONS

Chapter 10: Conclusions

Introduction

This study investigated legislative development and performance in Mozambique covering the first three multiparty assemblies – the Fourth (1995-1999), the Fifth (2000-2004) and the Sixth (2005-2009). Before I assessed these I tried as much as possible to provide a snapshot of these aspects during the one-party era. In the one-party era the Mozambican legislature only exerted law-making function ratifying bills initiated by the executive. The functions of oversight, representation and constituency service were not performed as the legislature did not have those powers. One-party legislators were amateurs meeting only for about 16 working days in a year. The legislature was endowed with oversight, representation and constituency service powers, besides law-making, in 1990 with the constitutional change toward multiparty politics.

This study has revealed that, over the 15-year period 1995-2009, the Mozambican legislature has made progress not in all but most measures, including: 1) recruiting legislators with better qualifications; 2) reforming legislative rules of procedure, structures and working conditions; 3) professionalizing or creating capacity for legislators and the legislature; 4) institutionalizing; and 5) performing better in law-making, oversight and representation. While there is improvement, the levels of legislative development and performance are still shallow. Mozambican political context factors including the electoral system and party system appear to have had a negative effect on institutionalizing the legislature and also affected negatively legislative performance.

This study also investigated whether the progress the legislature has made has brought a greater legitimacy. The results reveal that Mozambicans are less likely to support the legislature for *what it is* (diffuse support) – which is more relevant for long-term commitment to the representative democratic institution (Denis 1981) - rather than *what legislators do*. Specific support for legislators, as indicated by approval of legislators' performance, results from satisfaction with outputs, such as: approval of the performance and trust of the president. The evaluations of the legislature is heavily coloured by the image of the executive president. When the approval and

trust of the executive president are high, there is a tendency of the approval and trust of the legislature and legislators to be strong.

Diffuse support for legislature (rejection that election and parliament are abolished) depends on an attachment to the legislature. When the model accounting for specific support for legislatures is applied to diffuse support, this study found that it explains very little, suggesting that further research needs to consider others factors. Rosenthal (2009) points out three indicators accounting for variation of legislative support: political instruction, political heritage and political experience.

This chapter summarizes and discusses the conclusions of all relevant chapters of this study. It draws implications for recruitment; rules of procedure, structures and working conditions reform; professionalization; institutionalization; law-making; oversight; and representation. It identifies limits for improving the levels of legislative recruitment, legislative behaviour and legislative support and issues for further research.

Recruitment

The Mozambican legislature has made progress recruiting legislators with political capital. It increased in the legislature the levels of formal education of legislators, their occupational status, and experiences of working in the government, political party and the legislature before they stood to the legislature. But the levels of the progress are shallow.

This study confirmed the theory that political, economic and social changes affect legislative recruitment (Matthews 1954, Le Vine 1968). In Mozambique political change came when ordinary citizens were allowed to participate and compete freely and equally with the adoption of the 1990 democratic constitution; economic and social change came when the state started reducing its intervention in the economy allowing privatization and free market from 1987 and 1990. Changes in patterns of legislative recruitment result from adaptation from external factors of transition to democracy and economic and social liberalization. As multiparty elections started being carried out in the country, at least a second party emerged and more political capital was brought into the legislature. As liberal economic reforms commenced being implemented, politicians with better qualifications were recruited to perform the new legislative functions.

Although Mozambican assemblies improved recruiting legislators with political capital over the period from 1995 to 2009, the question is whether the political capital affected the legislature reforming legislative rules of procedure, structures and working conditions in the same period; it helped the legislature professionalizing or creating capacity for itself and for its own members; or it impacted on legislative institutionalization. In sum, did legislator's political capital help the legislature to develop institutionally and perform better its functions? The response is positive as it is also summarized in the following sections.

Rules of Procedure, Structure and Working Conditions Reform

The Mozambican legislature has made progress in reforming legislative rules of procedure. The Fifth and Sixth assemblies strengthened the rules of democratic process adopted by the Fourth Assembly. The Fifth Assembly combined rules of procedure from the Fourth Assembly for making petitions, claims and complaints to the legislature by establishing the Committee of Petitions. In addition, it strengthened accountability by adding rules to review and scrutinize public accounts that did not exist before.

The Fifth Assembly also improved rules for reviewing and scrutinizing specific bill clauses. Besides reviewing the general bill principle and reporting their opinion to the plenary, which was the feature of the Fourth Assembly, from the Fifth Assembly committees started reviewing specific bill clauses, debating and voting on them and reporting their outcomes in plenary. Nevertheless, the Sixth Assembly reduced the law-making power of the legislature by setting up rules that allow the executive also to enact bills through 'legislative authorization bills'.

The legislature also made improvements on its structure. It improved its working space. By renovating the old building and constructing a new one from the Fourth Assembly, the legislature obtained a completely renewed plenary building and new office building in the Fifth Assembly. This reform resulted in modern and additional working space for the plenary and standing committees to do their job generally but it did not provide office space for legislators individually. Besides the speaker and deputy-speakers, only committee chairs, rapporteurs and staff were provided with office space as a result of this reform. Committee chairs and rapporteurs had to

share their office space with their committee staff. All other committee members as well as rank-and-file members were not provided office space.

In terms of the formal legislative structure, although the legislature improved the number of committees from the Fourth to the Fifth Assembly, it declined in the Sixth Assembly. The established committee system replicated executive ministries, however most committees cover many ministries, reducing their prospects to specialize and specialize their members (Strøm 1998). The Fifth Assembly also strengthened the supporting structure of the legislature by making it bigger as a result of the approval of the legislature strategic plan.¹⁴¹

Implications for Reform in the Legislature

Political capital had implications for rules of procedure, structures and working conditions reform in the Mozambican legislature. The reform of legislative rules of procedure, structures and working conditions that started improving from the Fifth Assembly resulted from the consolidation of internal factors of recruiting legislators with better qualifications or political capital. Legislator's educational abilities increased in the Fifth and Sixth assemblies while legislator's higher occupational status and government experience at local level improved in the Sixth. Legislator's political capital helped the legislature in improving legislative reform, although the Sixth Assembly reduced the law-making power of the legislature and number of committees. Legislative reform improved as legislator's political capital increased. This confirms Seligman (1964) theory that political skill is the cutting edge of change.

However these reforms cannot only be attributed to internal factors starting from the Fifth Assembly. Adaptation from external pressures of the transition to democracy is also important. As the country transitioned to democracy in 1990 with the democratic constitution and 1994 with the multiparty legislative election it had to adapt or reform to suit fundamentally to democratic principles from the Fourth Assembly (1995-1999).

¹⁴¹ PEAR – Strategic Plan of the Assembly of the Republic.

Professionalization

This study found that legislative professionalization or capacity of the Mozambique legislature is very low but the legislature has improved in creating capacity for both the legislators and itself. The legislature improved in three of the four measures of professionalization. First, although most of legislators in the legislature and committees do not have staff, the legislature commenced improving recruiting better-qualified staff in the Fifth Assembly. Committee meetings as well as plenary sessions were subsequently being served by staff with university degrees from the Fifth Assembly.

Second, the average member's monthly compensation increased by 48 percent in the Fifth Assembly and about the same level in the Sixth. Third, the legislature expenditure or budget increased one-third in the Fifth as well as the Sixth Assembly. Fourth, however, the legislature did not improve on the time legislators spend for their service. Besides spending only about 146 working days sitting in ordinary and extraordinary sessions, contacting their constituents in constituencies and overseeing government institutions, the time spent on their duties remained about the same from the Fourth to Fifth Assembly and declined in the Sixth Assembly.

Of these the time spent on service, legislative expenditure and staff has a direct impact on the way legislature works as they are institutionally connected measures (Rosenthal 1996:175). Member compensation, however, is an individually connected indicator; it does not have a direct impact on the way the legislature work.

Implications for Professionalization in the Legislature

Political capital also had implications for professionalizing the Mozambican legislature. The capacity improvements of the legislature derived from the consolidation of internal factors of recruiting better-skilled legislators in the Fifth and Sixth assemblies. As the legislature started recruiting legislators with political capital over time, legislators commenced demanding more legislative capacity in terms of the budget and staff and also themselves in terms of compensation.

But improvement on legislative capacity also results from the consolidation of improvements in legislative rules of procedure, structures and working conditions. Professionalization increased as reform improved. Rules of procedure and structures developed from the reform that occurred in the Fifth and Sixth assemblies. This confirms Rosenthal's position that one of the underlying objectives of legislative reform is to make legislatures more professional bodies (Rosenthal 1996:171). Structures, working conditions and rules of procedure reform influenced the recruitment of professional staff to plenary and committee meetings, more legislators' compensation and subsequently the increase on legislative budget. After the legislative office building was finished in the Fifth Assembly, the new secretary-general of the legislature secretariat (S-GAR) recruited in 2001 the first wave of staff with university degrees to serve committee meetings and plenary sessions.¹⁴² This also confirms Squire that legislative reform was extremely successful in building a professional legislature (Squire 1992:1031).

Professionalization improvement also derives from adaptation to the transition to democracy. As Mozambique transitioned to democracy, the country created capacity to adapt to the democratic legislature. The multiparty legislature had to improve on measures of legislative capacity from their one-party predecessors.

Institutionalization

In two out of five measures the Mozambican legislature has not moved toward greater institutionalization. The membership tends to be unstable with frequent turnover and entry of outsiders in the legislature tends to be relatively easy. In addition, from 1995 to 2009 there was no difference between the party machinery within the legislature and the party machinery outside of the legislature. This reduced autonomy of the party within the legislature from the outside intruder.

In the other three measures, the legislature has moved towards greater institutionalization. Firstly, the legislature improved managerial autonomy approving itself its own organizational structure in the Fifth Assembly, even though it still has to negotiate with the executive to approve its own

¹⁴²I was one of them.

budget. Secondly, leaders tended to be selected from within the organization and have substantial tenure in office. Thirdly, particularistic and discretionary methods tended not to be followed for distribution of legislative positions of power. The method for selection to positions of power in the legislature is driven by legislator's political capital. Rather than selecting members based on favouritism and nepotism, the legislature selected those members whose level of formal education is high and who had served in the legislature at least one term.

Implications for Institutionalization in the Legislature

Political capital has affected institutionalization in the Mozambican legislature. Legislative institutionalization improved as political capital patterns of legislative recruitment improved. The legislature institutionalized as a function of consolidation of legislative recruitment pattern of political capital. The selection to leadership positions of power within the legislature with substantial tenure in office as well as legislative autonomy commenced in the Fifth Assembly when the legislature started recruiting better qualified legislators.

Legislative rules, structures and working conditions reform also had implications for institutionalization of the legislature. The changes in rules of procedure of the organization of the legislature provided the legislature with managerial autonomy vis-à-vis the executive. In the Fifth Assembly, especially 2003, the legislature adopted its own organizational structure whereas before it was adopted by the executive.

Although the signs of institutionalization appeared in the same period together with professionalization in the Fifth Assembly, it is difficult to state that professionalization drove institutionalization. First, the level of legislative professionalization was very low. Second, the financial incentive such as salary and benefits are too low for membership stability for the majority - i.e. the rank-and-file members. Only the minority, the legislators at leadership positions of power, adopt a long-term career in the legislature.

Different than reform and professionalization, institutionalization does not result from immediate adaptation to the democratic transition. Legislative institutionalization did not occur immediately in the founding multiparty assembly. It only started taking place after the founding multiparty assembly. As "institutionalization is a process by which organizations acquire value and stability"

(Huntington 1968), it cannot occur immediately in the beginning of emerging multiparty assembly. It takes time to occur.

Law-making

In observing legislative law-making as a process rather than product, this study revealed that the Mozambican legislature committee system performed relatively well in three out of five dimensions of law-making. It performed relatively well in the *referral* of legislation as a substantial number of bills were referred to committees. It performed reasonably well *shaping* legislation, as it made changes in proportionately more of the bills it proposed for passage on the floor, but the levels of modification of bills was shallow. It performed relatively well on *the passage* of legislation. But committee choices were often the choices of party caucuses that orient them to follow party discipline.

Comparing assemblies, there were significant progressive changes on measures of committee performance in law-making. The referral of legislation improved from the Fourth to the Fifth Assembly but it declined in the Sixth as the legislature authorized the executive to enact bills in the form of decree-law. Shaping of legislation increased from the Fourth to the Fifth and the Sixth Assembly; and passage of legislation improved from the Fourth to the Sixth Assembly. Nevertheless, screening of legislation declined from the Fourth to the Fifth and the Sixth Assembly.

Based on these four dimensions of committee performance in law-making, the Mozambican committee system can be classified into three categories: *better-performing committees* including Committee of Legal Affairs, Human Rights and Legality, and Committee of Planning and Budget. *Average-performing committees* including Committee of Agriculture, Regional Development, Public Administration and Local Government, Committee of Social Affairs, Gender and Environment, and *Ad hoc* Committee for Review of Electoral Legislation. *Poorer-performing committees* including Committee of Economic Activities and Services, and Committee of Defence and Public Order, *Ad hoc* Committee for Review of the Constitution, and *Ad hoc* Committee for Review of the National Anthem. Two standing committees - Committee of Petitions and

Committee of International Relations - did not perform any law-making function as no bills are referred to them.

Implications for Law-making in the Legislature

Committee performance in law-making depends in part on the relation between the recruitment of legislators with political capital and institutional development of the legislature. The Mozambican legislature improved recruiting legislators with political capital as well as made progressive changes reforming rules of procedure, structures and working conditions, creating capacity for the legislature and legislators and institutionalizing. The implication of the association of these factors had a consequence for committee performance in law-making. The committee system of the legislature performed relatively well in law-making because the recruitment of better-qualified legislators was associated with the development of legislative institutions.

Oversight

The analysis of legislator's orientations toward legislative functions showed that the legislature neglects oversight. But institutional analysis revealed that oversight is being performed within the legislature. The problem with legislators' orientation approach is that by focusing on the individuals, it counts each legislator equally. But not all legislators should be counted equally as oversight is performed only by the few – those affected by *institutional incentives* (Rosenthal 1981, Rosenthal 2009), which in the Mozambican context were found to be mainly those who are members of special and standing committees.

The Mozambican legislature performed relatively well on four out of five measures of legislative oversight employed. It did not establish a legislative auditor but it created a functional organization for oversight with special and standing committees. One special committee was established in the Fourth Assembly and two in the Fifth. A special standing committee, the Committee of Petitions, improved performing investigative oversight over time.

The legislature established a budget and public account committee for oversight. The budget and public account committee conducted oversight during the budgeting and law-making process by hearing the executive as well as holding the executive to account on public revenues and expenses. Together with special committees, the budget and public account committee conduct more oversight than any other committee in the legislature.

Oversight is an activity that also occurs during the law-making process. During law-making, standing committees conducted hearings with the executive to bills the executive initiated. They held the executive to account. However, committee performance conducting executive hearings varied according to the number of bills they received. Committees that received more bills from their parent chamber, held the executive to account more. They conducted more executive hearings.

Lastly, the committee system developed information to conduct oversight. Committees produced reports of the reviews and evaluations they conducted when the legislature was out of session. These reports have been helpful for committee members to ask questions to the executive in plenary on the mid-term review of the implementation of the social and economic plan and state budget.

Implications for Oversight in the Legislature

The recruitment of legislators with political capital associated with institutional development of the legislature had implications for legislative oversight. The increase of legislator's political capital helped those legislators with obligation of oversight to perform this function.¹⁴³

Regarding legislative rules of procedure and structures reform, the progressive change of the legislative process in the Fifth Assembly, allowing committees to review the specific clauses of bills and report them to plenary, led committees to hold executive ministries to account in front of committees on bills the executive initiated. The improvement of the legislative structure also

¹⁴³ The percentage of standing committee members with university education increased from the Fourth (57 percent) to the Sixth Assembly (63 percent). Note that the special oversight committee members from the Committee of Petitions are also included in these figures but inquest committee members are not as most of them are also standing committee members (see Appendix to Chapter 7).

helped the legislature to develop a structure for oversight. The development of a legislative secretariat aided the committee system to develop information for oversight through committee staff.

On legislative professionalization, the increase in professional staff helped committee members to develop information for oversight as well as to provide them with technical support during oversight visits. The increase in the legislative budget also enabled committees to travel to perform oversight visits.

With regard to legislative institutionalization, the legislative boundedness indicated by managerial autonomy, selection of leaders within the legislature with substantial tenure in office and the use of universal criteria for the distribution of members to positions of power led legislatures to develop a structure for oversight, conduct oversight visits and develop its own information necessary for oversight.

Representation

This study revealed that the policy preferences of legislators did not reflect those of the voters. Legislators expressed that the first most important problem that government should address is poverty or destitution while the public said unemployment. The basket of public policy preferences also included health, education, water supply and food shortage or famine but of legislators included inflation, crime and security, and farming. As a reflection of dominance of the executive over the legislative associated with the closed list PR and multi-member district electoral system, which widens the gap between voters and legislators, legislators' policy preferences may have reflected considerably those of the executive, which is much more in contact with legislators during law-making.

Legislatures exert the function of representation by organizing and carrying out public hearings. This study found that civil society organizations have attended public hearings organized by committees, thus influencing law-making by airing their view. While civil society organizations were effective in attending public hearings in some committees, in general they managed to incorporate their input in only 24 percent of bills reviewed by committees.

Legislatures also represent voters when they respond to petitions voters may send to them. The Mozambican legislature created rules for citizens and organized groups to appeal to it by directing petitions, complaints and claims. It also established a committee to deal with petitions - the Committee of Petitions. The legislature increased its effectiveness in responding to petitions in the Fifth Assembly when it set up the Commission of Petitions to review and scrutinize petitions, investigate them and report their outcomes to the plenary.

In terms of constituency service, Mozambican legislators tend to express that the role orientation toward their job is to be a constituent servant. But when they take a position about an issue in the legislature, they were likely to express that they play a partisan role. This reflects strong partisan discipline and control in the legislature with result from the list-PR electoral system with large multi-member districts. When they travel to their constituencies during the interim period, the majority said they stayed in their constituency at least once a month. During their stay more than half said that they listened to constituents, talked to groups or held meetings with constituents. One-third said that they worked for their party and the rest expressed that they performed both constituency and party services.

Implications for Representation in the Legislature

Such as law-making and oversight, representation performance derives in part from the relation between the institutional development of the legislature and recruitment of legislators with better qualifications. The Mozambican legislature performed relatively well in representation as it did the same on legislative institutional development and recruiting legislators with political capital.

Legislature's improvement in recruiting better-qualified legislators contributed for the legislature to perform relatively well on representation. The improvements on legislative reform allowed public debates and/or hearings on bills referred to committees. It allowed citizens and interest groups to direct complaints, claims and petitions to the legislature when they feel that their rights are being subverted. It assigned standing committees with the responsibility to conduct public debates/hearings and the Committee of Petitions the responsibility to deal with petitions. It allowed legislators to contact constituents in their constituencies. The improvement on legislative professionalization allowed legislators to perform a constituency service programme. The

development of capacity provided allowances and a four wheel vehicle to legislators to enable them to travel to perform constituency service; and allowances for the committee system to conduct public debates/hearings.

However, the strong party control inside the legislature, resulting partly from the multi-member district electoral system, led many legislators to express themselves that they play a partisan rather than constituency servant role toward their job. The relative dominance of the executive over the legislature led to legislator's policy preferences to reflect those policy preferences of the executive rather than of the public. The rules reform influenced the decline on civil society effectiveness in attending public hearings.

The Limits of Reform in the Legislature

The reform that the Mozambican legislature has made developing institutionally has been limited. Although the space reform provided office space to the speaker, deputy-speakers and to some extent committee chairs and rapporteurs; plenary and committee meetings; and the legislature secretariat, it did not provide offices for committee members and rank-and-file legislators. The structure reform established a committee system replicating executive ministries, but it corresponded each standing committee to many executive ministries; and allowed multiple membership of standing committee members to *ad hoc* committees, constraining the possibility of standing committee members to specialize. In addition, the committee system did not develop enough: The number of standing committees did not increase from eight in each assembly and *Ad hoc* and inquest committees declined to nil in the Sixth Assembly.

The legislative rules of procedure reform provided powers to the legislature to do its job generally but it first, reduced the legislature's power to make laws as it authorized the executive also to enact bills. Second, it reduced legislative representation as with legislative authorization civil society cannot approach standing committees to incorporate their inputs on policies; legislative authorization bills are not reviewed by committees. Third, it reduced the legislature's power to oversee the executive president as it did not allow the head of the executive to account to the legislature on major policy issues.

Although the legislature improved in three of four measures of professionalization, the legislature budget; member's compensation; professional staff; and the time that legislators spend attending plenary and committee sessions, controlling the executive and representing constituents and organized groups are low. In addition, the legislature secretariat did not recruit research staff at all. On legislative institutionalization, the majority of members turned over after serving their first term in office. While the legislature improved its autonomy vis-à-vis the executive, it did not in relation to political parties within the legislature. There is no difference between the party machinery outside the legislature and party machinery within the legislature.

The recruitment of individuals to the legislature by political parties has been also limited. The legislature made progress recruiting legislators with political capital but the proportion of legislators with university education was low. The number of legislators with government experiences was also low. Whilst the majority had high occupational status – professional, managerial or white collar, the proportion of lawyers, economist, administrators or social scientists was very low.

If the Mozambican legislature is to improve its performance more and Mozambique is to move from an ambiguous regime and improve to a liberal democracy, it has to develop a strong legislative institution of countervailing power. More specifically the legislature has to improve more recruiting legislators with political capital and it must develop institutionally more by reforming legislative rules of procedure, structures and working conditions, creating capacity for itself and legislators and institutionalizing. Mozambican legislative policymakers should learn from this first comparative effort at theorizing about the process of legislative development in Mozambique to make more progressive changes. Those interested in strengthening democracy in the country, including the international donor community, should concentrate much more their effort supporting legislative institutions as they are the most important institutions of countervailing power for democracy than civil society, media, judiciary, anti-corruption unit, etc. However, Mozambique may need to consider, above all, change to its electoral and party systems so as to foster legislative autonomy (institutionalization) and then performance positively.

Further Research

As with any other study this study did not cover everything about the process of legislative development in the Mozambican context. As this study approached recruitment from the perspective of *'who'* obtained legislative seats (i.e. background approach), further research in Mozambique has to consider *'how'* officials were recruited to become MPs (the process of recruitment approach) and/or *'why'* they recruit themselves to become MPs (rational-actor approach) (see Matthews 1985, Moncrief 2002, Norris 1997a, Seligman et al 1974, Laswell 1948).

This study approached legislative performance as an outcome that is a function of the association between the institutional development of the legislature and recruitment of legislators with political capital. However, it did not interact these two predictors of performance considering other factors. Further research in Mozambique on the subject may consider including data that can interact measures of legislative development and the recruitment pattern of political capital.

Considering that this study revealed that its model explaining legislative support accounts relatively well for specific support but not for diffuse support, further research has to take into account other factors. These may be political heritage, political experience and political instruction. Rosenthal (2009) posits that individual political heritage, political experience and political instruction account positively for variations explaining legislative support.

Further research has to continue to track changes over time to monitor the process and progress of legislative development and performance of the Mozambican legislature. As the Seventh Assembly (2010-2014) is about to complete, efforts have to continue comparing the process of legislative development and performance of the Mozambican legislature by adding new assemblies.

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APPENDIXES

Appendix to Chapter 2

Recruitment Patterns by Caucus and Gender, 1995-2009

Fourth Assembly (1995-1999)

Political Capital

Formal education

Member of Parliament level of formal education, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
Primary educ.	12%	19%	22%	13%	22%	15%
Secondary educ.	55%	60%	44%	58%	54%	57%
University educ.	33%	21%	33%	29%	25%	28%

Occupational status

MP occupational status before he or she was elected, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
Managerial, professional or white collar	85%	73%	78%	77%	86%	79%
Manual workers	9%	6%		6%	10%	7%
Others	6%	21%	22%	17%	4%	14%

Government experience at national level

MP with experience working in government as minister or deputy minister, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	91%	100%	100%	93%	100%	95%
Yes	9%			7%		5%

Government experience at provincial level

MP with experience working in government as governor or provincial MP, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	87%	100%	100%	94%	91%	93%
Yes	13%			6%	9%	7%

Government experience at district level

MP with experience working in government as mayor, district administrator or local councillor, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	89%	99%	100%	94%	94%	94%
Yes	11%	1%		6%	6%	6%

Government experience at community level

MP with experience working in government as traditional ruler or ward secretary, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	99%	97%	100%	98%	100%	98%
Yes	1%	3%		2%		2%

Party experience at national level

MP with experience working in party head-quarters, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	67%	77%	44%	73%	64%	70%
Yes	33%	23%	56%	27%	36%	30%

Party experience at provincial level

MP with experience working in party provincial office, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	78%	69%	56%	70%	80%	73%
Yes	23%	31%	44%	30%	20%	27%

Party experience at district level

MP with experience working in party district office, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	83%	87%	100%	87%	80%	85%
Yes	17%	13%		13%	20%	15%

Party experience at community level

MP with experience working in party community office, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
No	86%	99%	100%	94%	87%	92%
Yes	14%	1%		6%	13%	8%

Fifth Assembly (2000-2004)

Political Capital

Formal education

MP level of formal education, 2000-2004

	Frelimo	Renamo UE	Male	Female	Total
Primary education	5%	6%	5%	7%	6%
Secondary education	67%	68%	65%	74%	68%
University education	27%	26%	30%	20%	27%

Occupational status

Occupational status of MP before he or she was elected, 2000-2004

	Frelimo	Renamo-Electoral Union	Male	Female	Total
Managerial, professional or white collar	84%	81%	81%	87%	83%
Manual workers	2%	4%	2%	5%	3%
Others	14%	15%	18%	8%	15%

Government experience at national level

MP experience working in government as minister or deputy minister, 2000-2004

	Frelimo	Renamo-Electoral Union	Male	Female	Total
No	89%	100%	92%	99%	94%
Yes	11%		8%	1%	6%

Government experience at provincial level

MP experience working in government as governor or provincial MP, 2000-2004

	Frelimo	Renamo-Electoral Union	Male	Female	Total
No	83%	99%	90%	94%	91%
Yes	17%	1%	11%	6%	9%

Government experience at district level

MP with experience working in government as mayor, district administrator or local councillor, 2000-2004

	Frelimo	Renamo-Electoral Union	Male	Female	Total
No	85%	99%	93%	89%	92%
Yes	15%	1%	7%	12%	8%

Government experience at community level

MP with experience working in government as traditional ruler, ward secretary, 2000-2004

	Frelimo	Renamo Electoral Union	Male	Female	Total
No	99%	99%	99%	100%	99%
Yes	1%	1%	1%		1%

Party experience at national level

MP with experience working in party head-quarters, 2000-2004

	Frelimo	Renamo- Electoral Union	Male	Female	Total
No	60%	57%	56%	65%	59%
Yes	40%	43%	44%	35%	41%

Party experience at provincial level

MP with experience working in party provincial office, 2000-2004

	Frelimo	Renamo- Electoral Union	Male	Female	Total
No	36%	65%	53%	42%	49%
Yes	64%	35%	47%	58%	51%

Party experience at district level

MP with experience working in party district office, 2000-2004

	Frelimo	Renamo- Electoral Union	Male	Female	Total
No	79%	82%	82%	77%	80%
Yes	21%	18%	18%	23%	20%

Part experience at community level

MP with experience working in party community office, 2000-2004

	Frelimo	Renamo- Electoral Union	Male	Female	Total
No	82%	95%	88%	87%	88%
Yes	18%	5%	12%	13%	12%

Sixth Assembly (2005-2009)

Political Capital

Formal education

MP level of formal education, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
Primary education	3%	11%	5%	6%	6%
Secondary education	62%	54%	54%	67%	59%
University education	36%	35%	41%	27%	35%

Occupational status

MP occupational status before he or she was elected, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
Managerial, professional or white collar	87%	83%	84%	88%	85%
Manual workers	5%	5%	5%	4%	5%
Others	8%	13%	11%	8%	10%

Government experience at national level

MP experience working in government as minister or deputy minister, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
No	95%	100%	96%	98%	97%
Yes	5%		4%	2%	3%

Government experience at provincial level

MP experience working in government as governor or provincial MP, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
No	92%	99%	94%	96%	94%
Yes	8%	1%	6%	4%	6%

Government experience at district level

MP with experience working in government as mayor, district administrator or local councillor, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
No	81%	98%	90%	82%	87%
Yes	19%	2%	10%	18%	13%

Government experience at community level

MP with experience working in government as traditional ruler or ward secretary, 2005-2009

	Frelimo	Renamo Electoral Union	Male	Female	Total
No	95%	98%	95%	98%	96%
Yes	5%	2%	5%	2%	4%

Party experience at national level

MP with experience working in party headquarters, 2005-2009

	Frelimo	Renamo Electoral Union	Male	Female	Total
No	67%	48%	58%	64%	60%
Yes	33%	52%	42%	36%	40%

Party experience at provincial level

MP with experience working in party provincial office, 2005-2009

	Frelimo	Renamo- Electoral Union	Male	Female	Total
No	36%	49%	42%	39%	41%
Yes	64%	51%	58%	61%	59%

Party experience at district level

MP party experience at local level, 2005-2009

	Frelimo	Renamo Electoral Union	Male	Female	Total
No	59%	71%	67%	57%	63%
Yes	41%	29%	33%	43%	37%

Party experience at community level

MP with experience working in party community office, 2005-2009

	Frelimo	Renamo Electoral Union	Male	Female	Total
No	76%	99%	89%	78%	84%
Yes	24%	1%	11%	22%	16%

Appendix to Chapter 4

Member Allowances

Besides monthly salary, Mozambican legislators receive allowances. According to the internal norms for the execution of the Assembly budget,¹⁴⁴ all Mozambican legislators receive annually *constituency service subsidy* for a period of 35 working days. The subsidy of constituency service for 2002 was 799.20 Meticaís (corresponding to \$29.60). Likewise all Mozambican legislators receive per diems, for accommodation, meals and transport when the Assembly is meeting for plenary or committee sessions. For plenary meetings the per diem in 2002 for those members who live nearby or where the parliament meets was 144.30 Meticaís (corresponding to \$5.30) while those living far away from parliament it was 288.60 Meticaís (matching \$10.70). For committee meetings the per diem in 2002 for those committee members who live nearby or where the parliament meets was 144.30 Meticaís (equivalent to \$5.30); those living far away from parliament received per diem of 810.30 Meticaís (corresponding to \$30). While the per diem for plenary sessions is for about 90 working days a year, the maximum per diem for committee sessions is 60 days a year and it does not match with the duration of plenary sessions.

The chairs, rapporteurs and members of an *ad hoc* or inquest committee receive *monthly honorarium*. In 2002 the chairs of an *ad hoc* or inquest committee received a monthly fee of 7,335 Meticaís (matching \$271.70), while the rapporteurs and members of an *ad hoc* or inquest committee received a monthly honorarium, respectively, of 5,995 Meticaís (corresponding to \$222) and 3,780 Meticaís equivalent to \$140. Unlikely standing committee members, the members of ad hoc and inquest committees do not receive committee per diem when they meet in the same period as the plenary meetings.

Besides these more general allowances, the deputy-speaker, caucus leader, member of the Steering committee, deputy-caucus leader, caucus rapporteur, committee chair, committee rapporteur and those legislators who rank first in the party closed list of the PR electoral system

¹⁴⁴*Normas Internas para Execução do Orçamento da Assembleia da República*. Maputo, 1st January 2002.

for each constituency receive monthly the *subsidy of representation*.¹⁴⁵ The representation subsidy of these members in 2002 was as follows:

Deputy-Speaker	7,000 Meticaís (\$259)
Caucus Leader	7,000 Meticaís (\$259)
Member of the Steering Committee	5,000 Meticaís (\$185)
Deputy-Caucus Leader	5,000 Meticaís (\$185)
Caucus Rapporteur	3,000 Meticaís (\$111)
Committee Chair	3,000 Meticaís (\$111)
Committee Rapporteur	1,863.30 Meticaís (\$69)
MPs who in each constituency rank first in the party PR closed list	1,863.30 Meticaís (\$69)

Calculation of Member Allowances

Based on this 2002 allowances data this study estimates the average of legislators' allowances for the Fifth Assembly; then relying on the percentages of legislator salary for each legislature it estimates allowances for the other two legislatures; and then calculates legislators' average compensation.

First, by selecting the most and less active legislators in the Mozambican Assembly, respectively, the committee chair and rank-and-file member, this study calculates the allowances average for the Fifth Assembly. Both of these members receive annually a constituency service subsidy of \$1,036 (that is, 35 days at \$29.60) per day plus plenary session per diem. Assuming that the rank-and-file member lives far away from where the parliament meets, as most do, he or she receives \$963 (that is, 90 days at \$10.70) annually for plenary session per diem. Because all of the committee chairs live where the parliament meets or nearby he or she receives annually a plenary session per diem of \$477 (i.e. 90 days at \$5.30) per day. Committee chairs also receive a maximum of 60 days committee session per diem of \$318 and a monthly representation subsidy of \$1,332. With these, this study estimates that the legislator annual allowance average for the Fifth Assembly is \$2,581.

¹⁴⁵ Associated subsidy'. In Portuguese *subsídio de representação*.

Annual Average of Legislator Allowances for the Fifth Assembly (2002), in U.S. Dollars

	Constituency service subsidy	Plenary session per diem	Committee session per diem	Representation subsidy	Total
Standing Committee Chair	1,036	477	318	1,332	3,163
Rank-and-file Member	1,036	963	NA	NA	1,999
Average	1,036	720	318	1,332	2,581

NA means it does not apply.

Second, the percentages of legislators salary in the Fourth (\$563), Fifth (\$920) and Sixth (\$1650) legislatures are, respectively, 18 percent, 29 percent and 53 percent. Based on these figures this study calculates the allowance beginning from the point that the legislator’s allowance in the Fifth Assembly is \$2,581, which is equivalent to 29 percent. This study assumes that the change in salary is in the same proportion as allowances because these two aspects are always discussed simultaneously annually in the internal norms for the execution of the Assembly budget. The annual legislator’s allowances vary equally as salary following the percentage of 18 (\$1,579), 29 (\$2,581) and 53 (\$4,981) from where they were calculated.

Summary of the Estimation of Legislative Compensation in Three Assemblies, in U.S. Dollars

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)	Average of all assemblies (1995-2009)
Member salary	563	920	1,650	1,044
Member allowances	1,579	2,581	4,981	3,047
% of salary and allowances	18%	29%	53%	100%
Member compensation	695	1,135	2,065	1,298

Because legislator allowance data is annual it was divided by 12 to make it monthly as salary. Member compensation is sum of monthly salary and monthly allowances.

Third, legislator’s monthly compensation average in the three legislatures is equivalent to \$1,298. By comparing legislatures on compensation, the results show that legislative compensation is more likely to change progressively from assembly to assembly. In the Fourth Assembly the legislator’s compensation was \$695 but it improved significantly in the Fifth Assembly to \$1,135 and in the Sixth Assembly to \$2,065.

Appendix to Chapter 6

Enacted Bills by Assembly, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)	All assemblies (1995-2009)
Enacted bills	60%	65%	82%	70%
Not enacted	40%	35%	19%	30%
Total No of bills (N)	100	89	119	308

Amendments Made in Legislative Process by Assembly, 1995-2009

	Fourth Assembly (1995-1999)	Fifth Assembly (2000-2004)	Sixth Assembly (2005-2009)	All assemblies (1995-2009)
Amendments made in legislative process	62%	66%	74%	68%
No amendment	0%	1%	5%	2%
NA*	38%	33%	21%	30%
Total No of bills (N)	100	89	119	308

Note: amendment made in legislative process in the Mozambican Assembly were 'simply amendments' (typographical or grammatical).

** It means Not Applicable. The bill was either not put in agenda or is authorization bill.*

Appendix to Chapter 7

Political Capital of Committee and Non-Committee Members¹⁴⁶

Formal education by committee membership, 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
Fourth Assembly, 1995-1999				
<i>Formal education</i>	Primary	24%	4%	15%
	Secondary	56%	58%	57%
	University	20%	38%	28%
Fifth Assembly, 2000-2004				
<i>Formal education</i>	Primary	10%	1%	6%
	Secondary	68%	67%	67%
	University	23%	33%	27%
Sixth Assembly, 2005-2009				
<i>Formal education</i>	Primary	10%	2%	6%
	Secondary	65%	52%	59%
	University	25%	46%	35%

Occupational status by committee membership, 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
Fourth Assembly, 1995-1999				
<i>Occupational status</i>	Others	17%	9%	14%
	Manual worker	12%	1%	7%
	Professional, managerial or white collar	71%	90%	79%
Fifth Assembly, 2000-2004				
<i>Occupational status</i>	Others	16%	13%	15%
	Manual worker	4%	2%	3%
	Professional, managerial or white collar	81%	85%	83%
Sixth Assembly, 2005-2009				
<i>Occupational status</i>	Others	15%	4%	10%
	Manual worker	8%	2%	5%
	Professional, managerial or white collar	77%	94%	85%

¹⁴⁶This includes all 8 standing committees. As all the 8 standing committees perform oversight, this appendix is mainly related to the chapter on oversight (Chapter 7).

Government experience at national level, 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
Fourth Assembly, 1995-1999				
<i>Govt. experience at central level</i>	No	96%	94%	95%
	Yes	4.1%	5.7%	5%
Fifth Assembly, 2000-2004				
<i>Govt. experience at central level</i>	No	93%	95%	94%
	Yes	7%	5%	6%
Sixth Assembly, 2005-2009				
<i>Govt. experience at central level</i>	No	98%	96%	97%
	Yes	2%	4%	3%

Government experience at provincial level, 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
Fourth Assembly, 1995-1999				
<i>Govt. experience at provincial level</i>	No	91%	96%	93%
	Yes	9%	4%	6.8%
Fifth Assembly, 2000-2004				
<i>Govt. experience at provincial level</i>	No	91%	90%	90.7%
	Yes	9%	10%	9.3%
Sixth Assembly, 2005-2009				
<i>Govt. experience at provincial level</i>	No	96%	93%	94%
	Yes	4%	8%	6%

Government experience at local level, 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
Fourth Assembly, 1995-1999				
<i>Govt. experience at local level</i>	No	92%	96%	94%
	Yes	8%	4%	6%
Fifth Assembly, 2000-2004				
<i>Govt. experience at local level</i>	No	92%	91%	92%
	Yes	8%	9%	8%
Sixth Assembly, 2005-2009				
<i>Govt. experience at local level</i>	No	91%	83%	87%
	Yes	9%	18%	13%

Government experience at grass root level, 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
Fourth Assembly, 1995-1999				
<i>Govt. experience at grass root level</i>	No	98%	99%	98%
	Yes	2%	1%	2%
Fifth Assembly, 2000-2004				
<i>Govt. experience at grass root level</i>	No	99%	99%	99%
	Yes	1%	1%	1%
Sixth Assembly, 2005-2009				
<i>Govt. experience at grass root level</i>	No	99%	93%	96%
	Yes	2%	7%	4%

Membership Stability (Legislative Experience), 1995-2009

		<i>Committee membership</i>		Total
		Non-committee member	Committee member	
From previous assembly				
<i>Membership stability in the previous assemblies</i>	No	60%	56%	58%
	Yes	40%	44%	42%
From Fourth Assembly				
<i>Membership stability from the Fourth Assembly</i>	No	83%	78%	80%
	Yes	17%	23%	20%

Appendix to Chapter 8

Committee Performance in Representation by MPs Formal Education

	Formal education			Total
	Primary	Secondary	University	
Committee Planning and Budget		17%	17%	17%
Committee of Agriculture, Regional Develop., Public Adm. and Local Government		21%	11%	17%
Committee of Defence and Public Order	17%	21%	8%	16%
Committee of Economic Activities and Services	33%	17%	16%	17%
Committee of Legal Affairs, Human Rights and Environment	17%	10%	29%	17%
Committee of Social Affairs, Gender and Environment	33%	15.4%	19%	17%

Committee Performance in Representation by MPs Legislative Experience

	Legislative Experience from past legislature		Total
	No	Yes	
Committee Planning and Budget	20%	10%	17%
Committee of Agriculture, Regional Develop., Public Adm. and Local Government	17%	16%	17%
Committee of Defence and Public Order	20%	11%	17%
Committee of Economic Activities and Services	18%	15%	17%
Committee of Legal Affairs, Human Rights and Environment	12%	26%	17%
Committee of Social Affairs, Gender and Environment	14%	23%	17%

Committee Performance by Formal Education of Committee Staff

	Committee staff formal education		Total
	Secondary education	Higher education	
Committee Planning and Budget	17%	16%	17%
Committee of Agriculture, Regional Develop., Public Adm. and Local Government	19%	13.6%	17%
Committee of Defence and Public Order	20%	11%	17%
Committee of Economic Activities and Services	17%	17%	17%
Committee of Legal Affairs, Human Rights and Environment	11%	26%	17%
Committee of Social Affairs, Gender and Environment	16%	18%	17%

Note: These tables are based on legislative representation measure of civil society effectiveness in policy-making i.e. - civil society input into legislation). No civil society input was made to the bills of the Committee of International Relations and Committee of Petitions as no bills were referred to these committees.

In the top three rows are poorer performing committees in representation while in the bottom three rows are better performing.

Descriptive Representation

Fourth Assembly (1995-1999)

Gender

MP gender, 1995-1999

	Frelimo	Renamo	Democratic Union	Total
Male	57%	88%	89%	72%
Female	43%	13%	11%	28%

Age

MP age, 1995-1999

Age	Frelimo	Renamo	Democratic Union	Male	Female	Total
26-35	9%	12%		13%	1%	10%
36-60	89%	80%	89%	81%	96%	85%
61-74	2%	8%	11%	6%	3%	5%

Marital status

MP marital status, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
Single	17%	33%	44%	26%	23%	25%
Married	77%	62%	56%	70%	67%	69%
Separated/Widow/Divorced	6%	5%		4%	10%	6%

Place of birth

MP place of birth, 1995-1999

	Frelimo	Renamo	Democratic Union	Male	Female	Total
Niassa	5%	3%		4%	4%	4%
Cabo Delgado	11%	6%	11%	9%	7%	9%
Nampula	15%	24%	11%	18%	20%	19%
Tete	4%	10%	11%	8%	4%	7%
Zambezia	12%	27%	33%	20%	19%	20%
Manica	5%	7%		7%	3%	6%
Sofala	3%	16%		11%	4%	9%
Inhambane	11%	3%	22%	8%	7%	8%
Gaza	13%		11%	7%	9%	7%
Maputo province	19%	4%		8%	20%	11%
Foreign country	2%	1%		1%	3%	2%

Descriptive Representation

Fifth Assembly (2000-2004)

Gender

MP gender, 2000-2004

	Frelimo	Renamo Electoral Union	Total
Male	59%	80%	69%
Female	41%	20%	31%

Age

MP age, 2000-2004

Age	Frelimo	Renamo-Electoral Union	Male	Female	Total
27-35	9%	7%	6%	13%	8%
36-60	76%	79%	76%	81%	77%
61-79	15%	14%	19%	5%	15%

Marital status

MP marital status, 2000-2004

	Frelimo	Renamo Electoral Union	Male	Female	Total
Single	23%	39%	28%	35%	30%
Married	66%	54%	67%	48%	61%
Separated/widow/divorced	11%	7%	5%	17%	9%

Place of birth

MP place of birth, 2000-2004

	Frelimo	Renamo Electoral Union	Male	Female	Total
Niassa	8%	4%	6%	7%	6%
Cabo Delgado	17%	4%	11%	12%	11%
Nampula	15%	17%	16%	16%	16%
Tete	8%	10%	8%	9%	9%
Zambezia	9%	32%	21%	18%	20%
Manica	6%	6%	6%	5%	6%
Sofala	2%	14%	10%	1%	7%
Inhambane	10%	5%	8%	8%	8%
Gaza	12%		5%	9%	7%
Maputo Prov	11%	4%	6%	12%	8%
Maputo City	3%	1%	2%	3%	2%
Foreign country	2%	2%	2%	1%	2%

Descriptive Representation

Sixth Assembly (2005-2009)

Gender

MP gender, 2005-2009

	Frelimo	Renamo-Electoral Union	Total
Male	55%	76%	62%
Female	45%	24%	38%

Age

MP age, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
26-25	8%	3%	5%	9%	7%
36-60	81%	82%	80%	84%	81%
61-89	11%	14%	15%	7%	12%

Marital status

MP marital status, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
Single	33%	39%	31%	42%	35%
Married	50%	54%	62%	35%	52%
Separated/widow/divorced	17%	7%	7%	23%	13%

Place of birth

MP birth place, 2005-2009

	Frelimo	Renamo-Electoral Union	Male	Female	Total
Niassa	4%	4%	5%	4%	4%
C Delgado	18%	3%	13%	13%	13%
Nampula	15%	18%	14%	18%	16%
Tete	7%	6%	5%	9%	6%
Zambezia	12%	33%	21%	17%	20%
Manica	6%	7%	6%	7%	6%
Sofala	3%	22%	15%	2%	10%
Inhambane	14%	2%	10%	10%	10%
Gaza	13%	1%	8%	10%	9%
Maputo Prov.	6%	3%	3%	9%	5%
Maputo City	1%			1%	0%
Foreign country	1%			1%	0%

Appendix to Chapter 9

Operationalization of Variables

Outcome variables

Specific support for legislators is measured by approval of legislator's performance to the question: "Do you approve or disapprove of the way your representative to the National Assembly has performed his/her job over the past twelve months?"

Diffuse support for legislature is measured by *rejecting that elections and parliament are abolished so that the president decides everything.*

Predicting variables

Formal education is measured by the question: "What is the highest level of education you have completed?"

News media access is measured by the questions: "How often do you get news from 1) radio, 2) television and 3) newspapers?"

News media access index. Factor analysis extracted a single unrotated factor with eigenvalue greater than one (1.521), and common variance of 51 percent. Reliability analysis: Cronbach's Alpha = .65. Factor loadings: rejection of news radio access=.776, news television access=.709 and news newspapers access=.593.

Interest in public affairs is measured by the question: "How interested would you say you are in public affairs?"

Discussion of politics is indicated by the question: "When you get together with your friends or family, would you say you discuss political matters: frequently, occasionally or never?"

Party identification with winner is measured by the question” Do you feel close to any particular political party? [If yes,] Which party is that?

Knowledge about legislator is indicated by the question: “Can you tell me the name of your Member of Parliament?”

Political efficacy is measured by the following question: “In your opinion, how likely is it that you could get together with others and make: your Member of Parliament listen to your concerns about a matter of importance to the community?”

Performance of the president is measured by: “Do you approve or disapprove of the way the president have performed his/her job over the past twelve months, or haven’t you heard enough about them to say?”

Trust parliament is measured by the question: “How much do you trust the parliament, or haven’t you heard enough about them to say?”

Economic condition is measured by *present, retrospective and prospective economic conditions*.

Present economic condition is measured by: “In general, how would you describe: 1) the present economic condition of this country; and 2) your own present living conditions?” *Retrospective economic condition* is measured by: “Looking back, how do you rate the 1) economic condition in this country, and 2) your living conditions compared to twelve months ago?” *Prospective economic condition* is measured by the question: “Looking ahead, do you expect the 1) economic condition in this country and 2) your living conditions in twelve months’ time to be better or worse?”

Economic condition index. Factor analysis extracted one unrotated factor (Eigenvalue=1.67), which explains 55.6 percent of the common variance. Index reliability (Cronbach Alpha=.60) is acceptable. Factor loadings: retrospective economic conditions evaluation =.59; present economic conditions evaluations=.57; and prospective economic conditions evaluation=.59.