

Democratic transition and consolidation in Africa

How to remove the stains on  
Mozambique's democratic  
track record: Challenges for the  
democratisation process between  
1990 and 2003

**ANÍCIA LALÁ**

GLOBAL FACILITATION NETWORK FOR SECURITY SECTOR REFORM  
(GFN-SSR) BASED AT CRANFIELD UNIVERSITY, UNITED KINGDOM

---

**ANDREA E OSTHEIMER**

KONRAD-ADENAUER-STIFTUNG, SOUTH AFRICA

© KAS, 2003

All rights reserved

While copyright in this publication as a whole is vested in the Konrad-Adenauer-Stiftung, copyright in the text rests with the individual authors, and no paper may be reproduced in whole or part without the express permission, in writing, of both authors and the publisher. It should be noted that any opinions expressed are the responsibility of the individual authors and that the Konrad-Adenauer-Stiftung does not necessarily subscribe to the opinions of contributors.

Published by:  
Konrad-Adenauer-Stiftung  
Rua Daniel Napatima 363  
Maputo, Mozambique

Telephone: +258 1 485 894  
Telefax: +258 1 485 875  
E-mail: [kasmoz@tvcabo.co.mz](mailto:kasmoz@tvcabo.co.mz)

[www.kas.de](http://www.kas.de)

Editing, DTP and production: Tyrus Text and Design, South Africa  
Translation: Julieta Grossinho, Portugal  
Reproduction: Rapid Repro, South Africa  
Printing: Central Impressora e Editora de Maputo, Sarl

# Table of contents

List of figures	v
About the authors	vi
Preface	vii
Introduction	1
Chapter 1: The starting point at 1990: Characteristics of the previous regime and democratic deficits	3
1.1 Liberation from Portuguese colonial rule	3
1.2 Establishing socialism in Mozambique	4
1.3 Rise of Renamo and the Mozambican civil war	5
1.4 Entering into a process of political liberalisation	6
1.5 Embarking on the process of democratisation	7
Chapter 2: Assessment of democracy	11
2.1 Human rights, civil liberties and minority rights	11
2.2 Rule of law	14
2.3 Participation and representation	19
2.3.1 <i>Institutional context: Elections and the electoral system</i>	19
2.3.2 <i>The historical, cultural, socio-economic and party political context</i>	22
2.4 Political competition	23
2.4.1 <i>Political parties</i>	23
2.4.2 <i>Civil society</i>	28
2.5 The separation of powers: Checks and balances	32
2.5.1 <i>Constitutional set-up</i>	32
2.5.2 <i>Relationship between the executive and parliament</i>	32
2.5.3 <i>The process of 'autarquização' and vertical policy implementation in a centralised political system</i>	34
2.6 Political culture: Understanding of democracy and support of democratic norms and values	36

<b>Chapter 3: Evaluation of the democratic transition process (progress or regression?)</b>	<b>43</b>
3.1 Socio-economic context of democratic consolidation	44
3.2 Institutional structures: Continuities and change	48
3.2.1 <i>Perils of presidentialism</i>	48
3.2.2 <i>State bureaucracy</i>	48
3.2.3 <i>The security apparatus (e.g. the police, the military and the secret service)</i>	49
3.2.4 <i>Behaviour patterns of political actors</i>	51
3.2.5 <i>Shortcomings of the political opposition</i>	51
3.3 Transition characteristics	52
<b>Chapter 4: Assessment of prospects for further changes</b>	<b>57</b>
<b>Chapter 5: External actors, their support for democratisation and areas for future engagement</b>	<b>59</b>
<b>Annexure</b>	<b>63</b>
<b>Bibliography</b>	<b>65</b>
<b>Glossary of acronyms</b>	<b>71</b>

## List of figures

- Figure 1: Sentences applied (1–8 years) for abuse of confidence, armed assault, burglary and mugging, homicide, violence, idleness and other offences in Maputo, 2001 16
- Figure 2: Human Development Index, Mozambique, 2000 45

## About the authors

**Anícia Lalá** holds an MSc in Peace and Development Studies and currently serves as deputy director for Africa in the Global Facilitation Network for Security Sector Reform project, based at Cranfield University. Previously she held a lecturing position in Conflict and Peace Studies at the Higher Institute for International Relations (Mozambique). Anícia Lalá also worked at the Mozambican Ministry of Defence with responsibilities in the fields of international cooperation, elaboration and revision of legislation. Her research focus has been in the field of democratisation and security sector reform in Mozambique in the post-armed conflict phase.

**Andrea E Ostheimer** is a political scientist specialising in democratisation processes in lusophone Africa. She has published widely on topics relating to Mozambique's political developments and currently serves as deputy representative of the Konrad-Adenauer-Stiftung in Johannesburg, South Africa.

## Preface

Since the *Third Wave of Democratisation* broke along African shores, many books and articles have been written about the particular transition processes. Nevertheless, ten years down the line there is still a lack of comparative research on a sound methodological basis as well as a deficit in elaborate case studies. The Konrad-Adenauer-Stiftung – a German political foundation – started in 2002 a series of assessments on democratisation processes in sub-Saharan Africa. On the basis of a common set of questions, the state and problems of democratic transition were analysed in order to enable a cross-country comparison. A first set of studies started in 2002 and covered Zimbabwe, Kenya, Nigeria and Burkina Faso. In 2003 the number of case studies was extended to include Malawi, Mozambique and Zambia. Decisive for the selection of the case studies became their defunct character of the democratisation process. In all seven countries the democratic transition process was either never successfully accomplished or was, after a very promising beginning, sooner or later reversed. To some degree the countries' democratisation processes can even be labelled as an “extended process of transition”.\*

The comparative approach of the study aims to highlight differences in the democratisation processes as well as to identify commonalities and roots of the problems encountered. Besides, the qualitative analysis attempts to provide an academic foundation for the development of adequate policies in support of democracy in Africa in general and for the Konrad-Adenauer-Stiftung in particular.

The seven case studies were conducted by teams of German and African scholars; the latter originating from the country under review. As a qualitative measurement of democracy, the studies are based on personal observations, approximately 200 interviews and on secondary sources that also encompassed empirical data gained from various surveys.

Drawing on the paradigms of democracy by Robert A Dahl and Larry Diamond the analyses focus on political competition and participation, civil and political rights, political and civil pluralism, the rule of law, and checks and balances. Additionally, the studies address aspects of political culture and the behaviour of key actors. In order to avoid the shortcomings of a mere assessment of the status quo which would fall short of identifying underlying causes for the obstacles to democratic consolidation, the analyses emphasise the process character and take into account developments within the transition process as well as historical legacies that still may have an impact.

The study on Mozambique's democratisation process comes at a time when the country is moving to another crucial stage of its democratisation process. Ten years after its first multiparty elections Mozambique can be characterised as an electoral democracy with regular, free and more or less fair elections. However, the consolidation of its democratic structures has continuously been challenged by a political culture shaped by

neo-patrimonial structures and endemic corruption within the state apparatus. This not only impacts negatively on the sustainable development of the country, which requires stable and accountable political institutions, but it also affects the state–society relationship and leads to an erosion of the state's legitimacy. Increasing discontent has already been noticed in the latest Afrobarometer Survey where 39% of the interviewees characterised the political system as a democracy with major deficits and only 10% saw Mozambique as a fully entrenched democracy.\*\* So far, this rather sceptical attitude has not resulted in high voter abstentions in national elections (1999: 69.5% voted). However, the still low voter turnout in the 2003 local elections – only 24.16% bothered to vote – should be read as a warning sign for those entering the political competition in 2004.

Lastly, the point must be made that the project entailed a high degree of cooperation and debate between the authors, in order to achieve a compromised position in relation to many of the issues raised and to produce an integrated version that would read coherently. On behalf of the Konrad-Adenauer-Stiftung we would like to thank the Mozambican co-author, Anícia Lalá for her dedication and excellent support during the project period.

*Andrea E Ostheimer*  
*Research Coordinator/*  
*Deputy Representative*  
*Konrad-Adenauer-Stiftung*  
*South Africa*

*Burkhard Margraf*  
*Resident Representative*  
*Konrad-Adenauer-Stiftung*  
*Maputo, Mozambique*

#### NOTES

\* G Erdmann, Neopatrimoniale Herrschaft - oder: Warum es in Afrika so viele Hybridregime gibt, in: P Bendel/A Croissant/F Rüb (eds.), *Zwischen Demokratie und Diktatur. Zur Konzeption und Empirie demokratischer Grauzonen*. Opladen 2002, pp. 323-342.

\*\* JCG Pereira/YD Davids/R Mattes, Mozambicans' view of democracy and political reform: A comparative perspective, Afrobarometer Paper No. 22, <[www.afrobarometer.org](http://www.afrobarometer.org)>.



# Introduction

According to the first president of Mozambique's Electoral Commission and chancellor of Eduardo Mondlane University, Brazão Mazula, Mozambique's democracy should encompass:

*“uma capacidade e oportunidade de convivência social-política-económica, na diversidade de ideias, opiniões e culturas, para a realização de um desenvolvimento real, em cada tempo e lugar.”<sup>1</sup>*

Although this study follows primarily an institutional approach towards the assessment of democracy (following the tradition of Robert Dahl, Juan Linz and Larry Diamond), it also takes into consideration aspects of political culture and the behaviour of political actors. In analysing the blocks to and weaknesses of Mozambique's process of democratic consolidation, it seems especially valid to recur to the philosophical approach (e.g. Habermas), which emphasises the dialogical nature of an ideal democracy and its aspects in the striving for consensus.

This study aims not only to provide a current assessment of Mozambique's political situation but also to take into account the development of its democratic transition. Specific characteristics – and above all, the democratic deficits and structures preventing a further consolidation of democracy – need to be identified, as they should be targeted in any programme that deals with aspects of the promotion of democracy. Unfortunately, the structure of analysis follows the classic approach of democratisation theorists and does not pay sufficient attention to the interdependence between democratic consolidation and economic development. As empirical surveys have shown,<sup>2</sup> most people in developing countries have associated democratisation with the hope for improvements in living conditions, but for the majority, this has not materialised.

*“Many people realised that it was not that nothing had changed; rather it was that things had changed, but not for them. There was a consciousness since liberalisation that some were taking advantage of the socio-economic conditions created to begin to accumulate wealth.”<sup>3</sup>*

As a qualitative measurement of democracy, this study is based mainly on personal

observations, on secondary sources and on a number of interviews. Nevertheless the authors tried to enrich their analysis with empirical data gained from various surveys conducted in Mozambique during the past five years.

Both authors, Andrea E Ostheimer of the Konrad-Adenauer-Stiftung (KAS) in Johannesburg and Anícia Lalá, lecturer at the Higher Institute for International Relations (Maputo-Mozambique), currently working at the Global Facilitation Network for Security Sector Reform (GFN-SSR) based at Cranfield University, have been monitoring closely the political situation in Mozambique over the past decade and were able to draw on a vast network of contacts for the study. Interviews were independently conducted in April and May 2003 but the researchers also drew on interviews recently conducted for a study on internal conflict in Mozambique,<sup>4</sup> as well as on an assessment of Mozambique's justice system.<sup>5</sup> The study also benefited from disclosures of political actors participating in the recent EISA/CEDE conference entitled, *Consolidating peace and democracy in Mozambique through election-related conflict management initiatives (Maputo, 22–23 July 2003)*. Although one author is a staff member of KAF, Johannesburg, the views expressed in the study do not necessarily reflect the opinions of KAF, either in Maputo or Berlin. Both authors contributed to the study in their personal capacities as an independent academic and political scientist, and as a peace and development researcher respectively.

To guarantee confidentiality and to protect sources, all information gathered for this study through personal interviews will not name the person interviewed. Instead, a general description of the person's function (e.g. government representative), will be given.

#### NOTES

- 1 B Mazula, As eleições moçambicanas: uma trajetória da paz e da democracia, in: B Mazula (ed.), *Eleições, Democracia e Desenvolvimento*, Maputo, 1995, pp. 26-77, p. 73. Translation: "the capacity and opportunity of living together socio-politically and socio-economically in a diversity of ideas, opinions and cultures for the realisation of real development at any time and space."
- 2 For example, O Jalilo/B Fungulane/MJ Brito dos Santos, *Democracia não se come. Estudo sócio-antropológico sobre democratização e desenvolvimento no contexto moçambicano*, Fundação Konrad-Adenauer/UCM, Maputo 2002 (unpublished working paper).
- 3 G Harrison, Democracy in Mozambique: The significance of multi-party elections, *Review of African Political Economy*, 67, 1996, p. 19-35, p. 26.
- 4 N Grobbelaar/A Lalá, Managing group grievances and internal conflict: Mozambique country report, Working paper 12, Netherlands Institute of International Relations, Clingendael, June 2003.
- 5 AE Ostheimer, Schwächen und Herausforderungen des mosambikanischen Justizsystems: Analyse struktureller Dysfunktionalität, DASP-Conference Paper, December 2002.

# Chapter 1

## THE STARTING POINT AT 1990: CHARACTERISTICS OF THE PREVIOUS REGIME AND DEMOCRATIC DEFICITS

### 1.1 LIBERATION FROM PORTUGUESE COLONIAL RULE

Although the impact of colonial legacies on post-colonial political processes should not be overestimated and mono-causal explanations should be avoided, the influence of colonial rule in Africa remains evident. Whereas the French and British colonies became independent in the 1950s and 1960s, Portugal under the dictatorial rule of Salazar rejected independence to its *provincias ultramarinas* until the military revolution of 1974 – *revolução dos cravos*. While indigenous elites in French and British colonies had access to academic education in their respective mother countries and had come into contact with democratic values, Salazar (1932–1968) and Marcelo Caetano (1968–1974) held up an autocratic and corporatist regime supported by the Catholic Church, the military and the secret police, the PIDE. Characteristic for the Portuguese *Estado Novo* under Salazar became its strong anti-communist stance and its violent approach towards any opposition.<sup>6</sup> Additionally, in Portugal's overseas provinces the concept of *assimilação*<sup>7</sup> ran contrary to its semantic content and prevented a proper formation of the indigenous population, the advancement of local elites and their possibilities to participate in socio-political structures.

But it was not only the contact with or experience gained from democratically shaped cultures that have to be seen as variables of influence for political developments after independence. Post-colonial power structures have also been shaped by the way in which states became independent. According to Christian Coulon, for example, Senegal's moderate and rather democratic leadership style can be seen as a result of a decolonisation process that did not involve mass mobilisation or a revolutionary liberation struggle.<sup>8</sup>

In the case of Zimbabwe, however, Masipula Sithole has identified that the commandist nature of mobilisation and politicisation under clandestine circumstances later gave rise to politics of intimidation and fear.<sup>9</sup>

In the case of the former Portuguese colonies, and particularly of Mozambique, political culture was shaped by the armed liberation struggle. Frelimo (*Frente de Libertação de Moçambique*) – like MPLA (*Movimento Popular pela Libertação de Angola*) in Angola and PAIGC (*Partido Africano de Independência de Guinéa Bissau e Cabo Verde*) in Guinea-Bissau – still derives much of its legitimacy from its historic role in the liberation of the country. Lack of 'competition' and 'participation' became characteristics of the political systems in all Portuguese-speaking African countries (PALOP). After

attaining independence, the new governments never sought legitimacy through elections. Instead, hierarchies of indirect political representation developed in the context of one-party systems. At each level (local, regional, national) party members elected or announced new cadres for the next level of the '*assembleias populares*'. However, these elections only took place randomly. Political participation was bound to party membership and therefore occurred only indirectly. In the case of Mozambique only a small group of elites qualified ideologically to be members of the vanguard party, Frelimo. An even smaller circle within the party took decisions regarding the composition of national governments. As in the case of Samora Machel in Mozambique and Agostinho Neto in Angola, changes in political leadership often only occurred after the death of the first generation. Socio-political or party-political competition was non-existent due to the incorporation of civil society forces – such as trade unions, other associations and the media – into socialist one-party structures. Oppositional forces that still existed after independence either had to go into exile or decided to enter into an armed struggle; which was the case in Angola and Mozambique. In this context, social pluralism was mainly reduced to the existing churches.

## 1.2 ESTABLISHING SOCIALISM IN MOZAMBIQUE

When the authoritarian Caetano regime in Portugal was overthrown in 1974, Frelimo<sup>10</sup> – which had been fighting its war of independence since 1962 – was already in control of three of Mozambique's 10 provinces. Under the pressure of ongoing fighting, Frelimo forced the former colonial power to leave the country early and to hand over power without previous elections (Lusaka Agreement, 7 September 1974). The interim government, which was established before independence (25 June 1975), comprised mostly Frelimo ministers as well as a Frelimo prime minister. With Mozambique's independence in 1975, a constitution came into force stipulating the role of Frelimo as the leading force in state and society and legitimising a one-party regime. Any form of social pluralism was extinguished. Traditional authorities were abolished by decree and were substituted with local party committees, the *grupos dinamizadores*.<sup>11</sup> Frelimo dissidents and members of the political opposition who did not go into exile, soon found themselves in 're-education' and working camps in Niassa Province (*operação produção*).

Whereas the 1970s can be largely described as the phase of Frelimo's consolidation of power, the 1980s showed the first symptoms of a state in crisis. In terms of structural and material economic conditions, the concept of the state<sup>12</sup> as the exclusive agent responsible for national economic development proved to be a failure. The establishment of communal villages and the resulting resettlement of people by force were met with fierce resistance by large parts of the rural population. The traditional peasant subsistence economy had no place in the socialist model of development, and major segments of rural society became further marginalised and disillusioned with the ruling government.<sup>13</sup> Large segments of the population felt excluded from a political system that bore all too familiar patrimonial features. The state became a source of privileges and material resources for those who had access to it.

### 1.3 RISE OF RENAMO AND THE MOZAMBIKAN CIVIL WAR

The enforced resettlement of people, the almost non-existent state services and the eradication of traditional structures eroded Frelimo's social foundation. This discontent was used by Renamo<sup>14</sup> to form its own support base within the Mozambican population. While Renamo continued to gain support in the central provinces of Sofala and Manica, as well as new support in the Northern provinces, the grouping remained primarily a military movement that Christian Geffray has characterised as:

*“La Renamo n'est certes pas une association de brigandage, contrairement à ce que laisse entendre la propagande du Frelimo [...]. Mais elle n'est certainement pas non plus une organisation politique, elle ne nourrit aucun projet pour les populations du pays qu'elle saigne abondamment depuis près de quinze ans.”*<sup>15</sup>

Frelimo's hopes that Renamo would lose its external support after the Lancaster House Agreement and the overturn of the Smith regime in Zimbabwe (1980), and that a military end to the conflict would therefore only be a question of time, proved to be wrong. Logistical support for Renamo continued and in fact became part of South Africa's military concept of the 'Total National Strategy'.<sup>16</sup>

The complexity of Mozambique's transition process and its problems can be attributed to the political situation in the country which was dominated by a civil war, and was entangled in the conflict structure of Southern Africa at that time. Successful democratisation in Mozambique did not merely require changes to the institutional framework and the adoption of a multiparty system. Prerequisites for democratic transition in Mozambique were to bring an end to the civil war and to create a stable environment for the peace process. Two interdependent processes were therefore required, each determined by internal and external factors.

Contrary to Angola, the civil war in Mozambique was never a proxy war of the superpowers. Although Mozambique received military aid from the USSR and other Warsaw Pact countries, Frelimo never followed Moscow ideologically, as did the MPLA in Angola. The Mozambican government always tried to conduct an independent foreign policy<sup>17</sup> and continuously denied requests from the USSR to establish military bases on Mozambican territory.<sup>18</sup> Moreover, Renamo never achieved Unita's (*União Nacional para a Independência Total de Angola*) level of legitimacy within the US State Department.<sup>19</sup>

Although the international dimension of the Mozambican conflict remained less developed than in Angola, regional entanglements provided their own dynamics.<sup>20</sup> A decisive aspect of the initial steps towards peace talks was the growing awareness of changing regional and international realities, and thus the growing reality of a military stalemate. With the change in South Africa's regional foreign policy,<sup>21</sup> Renamo's logistical support ceased and it had to rely increasingly on weapons captured from Frelimo. Additionally, Renamo's brutal *modus operandi* was documented in the US State Department's Gersony Report, thereby discrediting Renamo's international reputation. The terror spread by Renamo within the rural population reduced the movement's popular support and provoked a certain amount of passive resistance.<sup>22</sup>

At the same time, increasing economic constraints were placed on the government to bring an end to the civil war. Financial aid from abroad dried up and the structural adjustment programme (SAP) implemented in 1986 had not alleviated the poverty of ordinary people. Militarily, there was a stalemate. The FAM (*Forças Armadas Moçambicanas*) forces had failed to achieve any mentionable successes and were largely dependent on Zimbabwean contingents. Zimbabwe, confronted with its own fragile economy at the end of the 1980s, considered the withdrawal of its troops. Furthermore, the USSR announced in 1989 that its military advisors would leave in the next two years. It is within this context that a first round of peace talks started in Nairobi in August 1989, and continued through additional rounds in Rome from July 1990 onwards.

#### 1.4 ENTERING INTO A PROCESS OF POLITICAL LIBERALISATION

Alongside the peace talks, the government in Maputo went ahead with its process of political liberalisation. At the fifth party congress in 1989, Frelimo separated the state from the party and removed references to Marxism-Leninism from the party statutes. Renamo's *raison d'être* of a continuing war slowly diminished.<sup>23</sup> The constitution of November 1990 finally included everything Renamo had been fighting for, namely:

- a guarantee of individual basic rights such as freedoms of belief, opinion and association;
- party pluralism;
- independence of the courts;
- free and secret elections; and
- a direct vote of the president.

At first, these unilateral reforms guided by Frelimo had a negative impact on the peace talks. Renamo saw itself caught in a dilemma: its bargaining position had been reduced. Renamo either had to accept the rules of the game set by Frelimo and hope for success in the elections despite its political and programmatic weaknesses, or it could boycott further negotiations and resume hostilities with the knowledge that the war could not be won, thereby enhancing international support for Frelimo. The path taken by Renamo has been characterised by Alden and Simpson as "to be as obstructionist as possible, in the hope that Frelimo would make concessions that might favour them during the elections".<sup>24</sup> Despite these difficulties the peace negotiations in Rome moved forward slowly, resulting in the General Peace Accord (GPA) that outlined a framework for democratic transition.<sup>25</sup> The treaty also created an environment that enabled Renamo's structural transformation and guaranteed the survival of the party in times of peace.

With the lessons learned in Angola, successful demobilisation of both forces became a precondition for multiparty elections. The United Nations' (UN) mandate encompassed surveillance of the implementation of the peace treaty, provision of humanitarian aid and election monitoring. Despite some initial difficulties regarding the implementation of the peace treaty and demilitarisation, the UN successfully demobilised both forces and managed to prepare for national elections in October 1994.

Mozambique's transition highlights an instance where external factors were crucial for the initiation of democratic transition. The peace process and the subsequent implementation of democratic structures in the run-up to the October 1994 multiparty elections were shaped by pressure from the international community. But the institutional framework of democratisation was primarily determined by the former belligerents: Frelimo and Renamo. As the multiparty conference for a draft electoral law showed, other political forces – the so-called non-armed parties, established from 1990 onwards – had only a few opportunities to influence and shape the transition process.<sup>26</sup> The opposition, feeling excluded, assumed that every political step Frelimo took was for the party's own advantage. This feeling of mistrust was not only nurtured but also confirmed by the ruling party which dictated the conditions and the conduct of the democratisation process.

This mistrust continues even today. On Renamo's side it led to the maintenance of Dhlakama's armed guards, which according to the GPA were meant to be disarmed after the first democratic elections in 1994. For Frelimo, mistrust prevented an integration of Renamo combatants into the police force. With a new army comprising the militaries from both sides, the ruling party tried to maintain within the police force, and particularly within the rapid intervention forces, troops loyal to the party.

#### 1.5 EMBARKING ON THE PROCESS OF DEMOCRATISATION

With a peace accord in place (1992) Mozambique embarked on its process of democratisation. The first multiparty elections in 1994 not only formally marked an end to the civil war, but were the first step on a challenging path to political stability and the implementation of democratic structures. Mozambique's developing multiparty system was shaped from the onset by the former conflict structure as well as by the antagonism that existed between Frelimo and Renamo. Despite these bipolar features of the party system, Frelimo has managed to dominate the political landscape. Following 1994's successful parliamentary and presidential elections, Mozambique's democratic transition faced its first litmus test when local elections were held in May 1998. The boycott by Renamo, as the senior and dominant opposition party, and the low voter turnout of 14.58%, cast doubts on the transition process.

The December 1999 national parliamentary and presidential elections indicated that Mozambique remains far from a consolidated democracy. Although the balloting itself can be declared as 'free and fair', the late disbursement of campaign funds, biased media reporting and the use of state resources by Frelimo, all called into question the existence of a level playing field. Furthermore, the credibility of the electoral process was undermined by technical problems during the tabulation of votes. A general lack of transparency fuelled political suspicions and finally led to the split-up of the *Comissão Nacional de Eleições* (CNE – National Electoral Commission). For the electoral alliance and largest opposition party, Renamo-*União Eleitoral* (Renamo-UE), this was proof enough to cry fraud and to refuse acceptance of the election results, even when the Supreme Court declared them as valid. In the following months, Renamo tried to revoke the court decision by delivering ultimatums and by threatening to destabilise the country.

What in the beginning remained political rhetoric later turned into political violence (Montepuez, November 2000). Frelimo in turn clung to a centralised political and administrative system, thereby preventing any power-sharing mechanisms and sustaining a winner-takes-all situation. Currently, Mozambique provides an example of a 'third wave democracy' whereby the gap between electoral democracy and a liberal and consolidated democracy is yet to be closed.

## NOTES

- 6 M Soares, *Portugal's struggle for liberty*, London, 1975.
- 7 The concept of *assimilação* was established in the first Republic in Portugal (1910). Its idea was to give Africans the same rights as Portuguese citizens. To achieve the status of *assimilado*, one had to be over 18 years old, be fluent in Portuguese, earn a certain income, and have a birth certificate and a certificate of health. Additionally, two letters of reference and a confession of loyalty had to be shown. As only a small group of Africans was able to fulfill these criteria, the majority of the indigenous people remained in the group of *indigenas*. Belonging to that group meant forced labour and curfew restrictions. One was excluded from the state school system and had to carry a specific passport (W Van der Waals, *Portugal's War in Angola, 1961-1974*, Rivonia, 1993, p. 35).
- 8 C Coulon, Senegal: The development and fragility of semidemocracy, in: L Diamond/J Linz/SM Lipset (eds.), *Democracy in Developing Countries, 2, Africa*, Boulder; London, 1988, pp. 141-178., p. 161.
- 9 M Sithole, Zimbabwe: In search of a stable democracy, in: L Diamond/J Linz/SM Lipset (eds.), *ibid*, pp. 217-258, p. 248.
- 10 The *Frente de Libertação de Moçambique* had come into existence in 1962 with the merger of three liberation movements (UDENAMO, UNAMO, MANU). When its first president Eduardo Mondlane died in 1969, leadership was taken over by Samora Machel. After his death in an airplane crash in 1986, Machel was succeeded by the current president of Frelimo, Joaquim Chissano.
- 11 J Cabaco, *A longa estrada da democracia moçambicana*, in: B Mazula (ed.), *op cit*, pp. 79-114, p. 82.
- 12 Main aims were a socialisation of rural areas by establishing state-run farms and communal villages, the development of a national heavy industry, education and training of skilled labourers for state administration and a planned economy.
- 13 J Cabaco, *op cit*, p. 93.
- 14 Renamo was formed in 1976/7 with the support of the Rhodesian intelligence establishment. It initially consisted mainly of Frelimo dissidents and former members of the Portuguese military and security apparatus. Renamo's attacks targeted Zimbabwean resistance movement (ZANLA) bases operating from Mozambique. It was hoped that carefully directed acts of sabotage would put the Frelimo government, which allowed ZANLA operations on Mozambican territory, under pressure. However, reducing Renamo merely to an instrument manipulated by external actors bears the burden of monocausality. In his study, Christian Geffray highlights the internal dynamics of the Mozambican conflict and the possibilities provided by Renamo for the local population to resist Frelimo's rule.
- 15 C Geffray, *La cause des armes au Mozambique. Anthropologie d'une guerre civile*, Paris, Nairobi, 1990, p. 41.
- 16 The apartheid regime tried to establish a *cordon sanitaire* of countries around South Africa to make it difficult for the African National Congress (ANC) to find any military or political support. In Mozambique, liberation groupings close to the ANC had been active since 1978.
- 17 In 1983 Mozambique tried to lose the stigma of a Soviet client state by reviving its diplomatic relations with the US. G Kuhn, *Die Politik der Reagan-Regierung im Suedlichen Afrika. Zur Aussenpolitik der USA unter besonderer Beruecksichtigung innenpolitischer Faktoren*, Frankfurt a.M. [et al], 1995, p. 157.

By accepting the Standard-Berlin-Klausel (1982), Mozambique hoped to intensify its contacts



- with the European Community and wished to increase its financial aid. B Weimer, *Die mozambiquanische Aussenpolitik 1975-1982. Merkmale, Probleme, Dynamik*, Baden-Baden, 1983, p. 187f.
- 18 R Weitz, Continuities in Soviet foreign policy: The case of Mozambique, *Comparative Strategy*, 11(1), 1992, pp. 83-98. p.85.
- 19 CA Crocker, *High Noon in Southern Africa. Making Peace in a Rough Neighbourhood*, Johannesburg 1994, p. 293.
- 20 South African support for Renamo has to be seen in the context of its 'Total National Strategy'. Malawi under President Banda allowed Renamo drawbacks on its territory until 1986 and provided logistical support. One reason for this was to secure its own supply routes via the Nacala Corridor. Kenya hosted exiled Mozambican dissidents for some time, and from 1984 onwards had an official Renamo office. In the first phase of the peace process Kenya's President Moi acted as a mediator but later lost much of his influence during the Rome talks. Zimbabwe was a key actor during the war as well as during the peace process. President Mugabe was Frelimo's closest ally and the movement received massive military support from the Zimbabwean government. Besides a feeling of solidarity, Zimbabwe's support was mainly driven by its national interest to secure the Beira Corridor, and therewith Zimbabwe's economic independence as a landlocked country. However, when it became obvious in 1988 that a military solution to the conflict was not likely, Zimbabwe tried an autonomous approach towards Renamo. A Vines, *Renamo. From Terrorism to Democracy?*, London, 1996.
- 21 South Africa officially ended its military support of Renamo after a meeting between Chissano and Botha in Songo in 1988.
- 22 Active resistance first erupted in the 1990s by the neo-traditionalist Naparama movement comprising peasants from Zambezia province. C Alden/M Simpson, Mozambique: A delicate peace, *Journal of Modern African Studies*, 31(1), 1993, pp. 109-130, p. 122f; O Roesch, Mozambique unravels? The retreat to tradition, *Southern Africa Report*, May 1992, pp. 27-30.
- 23 M Simpson, Foreign and domestic factors in the transformation of Frelimo, *Journal of Modern African Studies*, 31(2), 1993, pp. 309-337, p. 331.
- 24 C Alden/M Simpson, op cit, p. 122f.
- 25 The Rome treaty included conditions for: party law (Prot. II); electoral legislation and the conduct of parliamentary and presidential elections (Prot. III); the rights of the media and basic civic and human rights (Prot. II and III); and amnesty for political prisoners. S Fandrych, Mosambik: Transformation vom Krieg zum Frieden durch <sensibles> Peace-keeping, in: V Matties (ed.), *Der gelungene Frieden. Beispiele und Bedingungen erfolgreicher Konfliktbearbeitung*, Bonn, 1997, pp. 220-249.
- 26 JM Turner, The 1993 multiparty conference on Mozambique's draft electoral law: A transition process in microcosm. Unpublished paper presented at the Thirty-Seventh Annual Meeting of the African Studies Association, Toronto, 1994, No. 1994:181.



# Chapter 2

## ASSESSMENT OF DEMOCRACY

Confronted with Mozambican realities in the context of political transition, the academic discourse of conceptualising democracy has to be used in order to assess Mozambique's democratic progress. Conceptualising democracy necessarily leads to an academic discourse based on Schumpeter's definition, which considers procedural elections as the essence of a democratic system.<sup>27</sup> The most influential elaboration of Schumpeter's definition comes from Robert A Dahl. His concept of 'polyarchy' highlights that political competition (*see below 2.4*) and participation (*see below 2.3*) presupposes pluralism and political rights (freedom of speech, press, association etc.; *see 2.1*). People must be enabled to form and express their political preferences in a meaningful way.<sup>28</sup>

Taking this notion of 'electoral democracy' further, Larry Diamond posits his model of 'liberal democracy'.<sup>29</sup> In addition to regular, free and fair electoral competition and universal suffrage, a liberal democracy requires the absence of reserved domains of power for the military or social and political forces (including external powers) that are not either directly or indirectly accountable to the electorate. In addition to 'vertical' accountability of the executive (through regular, free and fair elections), liberal democracy demands horizontal control of the executive by independent institutions, such as the legislature and an independent judiciary (*see below 2.5*). Especially in the African context, and considering the challenges posed to any nascent democracy by corruption, clientelism, patrimonialism (*see below 2.6*) and other abuses of power, horizontal accountability as an aspect of democracy gains increasing importance and requires more attention.<sup>30</sup>

Liberal democracy also encompasses extensive provisions for political and civic pluralism (*see below 2.4*). These are seen as relevant not only in the context of electoral competition and participation, but also as essential for ensuring a wide range of democratic features (e.g. alternative sources of information and independent media) to which citizens have unfettered access.<sup>31</sup> Beyond these elements, a liberal democracy provides substantial acknowledgement and protection of personal and collective rights.

### 2.1 HUMAN RIGHTS, CIVIL LIBERTIES AND MINORITY RIGHTS

The 1990 Constitution of the Republic of Mozambique (CRM) comprehensively recognises and protects the most important civil and political rights. The phrasing of some

provisions is taken from the Universal Declaration of Human Rights and other relevant treaties, indicating that Mozambique has moved ahead in adopting standards of international law.<sup>32</sup> However, the discrepancy between the law and socio-political and judicial realities is still virulent. Art. 66 proclaims the equality of all citizens before the law and guarantees the equality of men and women. However, discriminatory practices based on gender still prevail in Mozambican society, partially derived from customary practices but also due to gender imbalances found in Western societies. Art. 70 guarantees the right to life and physical integrity, and forbids torture and cruel or inhuman treatment. As with most civil rights, Art. 70 is violated mainly by the abusive behaviour of the state security organs. Only a small number of cases relate to a political background, such as the violent dissolution of mass demonstrations by the opposition in November 2000 and the subsequent death by asphyxiation of 119 prisoners in the town of Montepuez. The lack of knowledge by police regarding human and citizen rights is seen as a reason for the continuation of serious abuses, as well as the torture and beating of ordinary citizens. Added to this, however, are attempts by police officers to extort money and to secure additional sources of income, leading to physical and mental abuse.

Although violations of citizens' rights to life and physical integrity are declining in the public sphere, cases of reported domestic violence are increasing. The Mozambican non-governmental organisation (NGO) *Associação Moçambicana Mulheres de Carreira Jurídica* (AMMCJ), which provides legal assistance particularly to women and youth, reported an increase in the number of new cases from 23 in 1996 to 179 in 1999.<sup>33</sup> In 2000, the number of pending cases had increased to 683.<sup>34</sup>

Although these statistics cannot necessarily be read as an increase in the incidence of domestic violence *per se*, it definitely means that more women have become aware of their legal rights and have the confidence to report cases and to seek legal assistance.

Freedom of expression and information is enshrined in Art. 74 of the CRM. Mozambique has a relatively liberal media law that specifies freedom of the press as well as the individual's right to information. However, freedom of expression encounters constitutional as well as socio-political and socio-cultural limits. Art. 71 deals with the right to honour, good name and reputation, and the right to privacy. In the interpretation of the courts, the right to defend one's public image is closely related to the right to freedom of expression and information as enshrined in Art. 74.<sup>35</sup> However, increasingly a government perspective can be noted which distinguishes profoundly between freedom of expression as it applies to citizens and to journalists. There seems to be a growing feeling among officials that critical and investigative journalists are abusing their rights by exaggerating facts, not checking facts thoroughly or by selling off information received in confidentiality.<sup>36</sup> A recent case in this respect was that of Justice Mário Mangaze, President of the Mozambican Supreme Court, who took the newspaper *Zambeze* to court on charges of defamation after the weekly had published a report alleging Mangaze's interference in the judicial process of an institution in which he supposedly had a conflict of interest.<sup>37</sup> Additionally, the murder of Carlos Cardoso demonstrated that investigative journalism – particularly in the areas of corruption, organised crime and the involvement of political elites – can be dangerous for those investigating. While there are independent

news sources such as the daily newsmagazines and weekly newspapers (*Demos, Savana, Zambezia*), self-censorship is becoming increasingly apparent. Despite the existence of more than 30 newspapers, media pluralism can hardly be found beyond the capital and Maputo province. One of the rare journals that can be purchased in all provinces is the Frelimo-friendly daily, *Notícias*. The only medium that disseminates information nationwide and in local languages is Radio Moçambique which, despite the fact that it is owned by the state, has a reputation for independent journalism of good quality.

When reflecting on freedom of expression in Mozambique one should also draw attention to what has been labelled as the “cultural inhibition to criticise people in the same social network”.<sup>38</sup> Many Mozambicans seem reluctant to criticise those in the same social group or network or even to denounce corruption or other illegal practices. In this context, the findings of the 2001 National Opinion Survey are interesting. The majority of the 2,265 people interviewed nationwide believed that Mozambicans who spoke badly about the government and/or the political system should not have the right to vote, to demonstrate, to run for public posts, to speak on television/radio or to teach.<sup>39</sup> Linked to this inhibition to criticise government may also be a fear of reprisal, particularly within those groups that are part of the state patronage system.

“A critical state employee could lose his job or be suddenly transferred to a remote district. Even a businessperson with independent sources of income could find that his applications for licenses languish interminably, and access to subsidised government credit is curtailed.”<sup>40</sup>

Arts. 75, 76 and 77 provide for freedom of assembly and association, and the freedom to form political parties, but articles 75 and 76 are limited by the executing laws.

After manifestations of opposition parties in November 2000 were dissolved by violent means as those protests were illegal according to Mozambican law at the time,<sup>41</sup> the Mozambican parliament has subsequently modified the law according to the needs of a plural and democratic society. Controversially discussed was Renamo’s suggestion to redefine the current concept of an illegal demonstration (against the constitution, law, moral and public order, as well as against the rights of collective organs and individuals) since the opposition party considered the interpretation as open to subjectivity. Also, the Renamo demand that police should under no circumstances be allowed to use lethal weapons was met with suspicion and distrust on the government’s side. In both cases, compromises acceptable to both sides were eventually reached and a new law was ratified in 2001.

With national independence Mozambique was transformed from a confessional state whereby the Catholic Church held a privileged position, into a secular state whereby religious groups were respected and all were considered as equal (Art. 9 CRM).

Despite the ethnic heterogeneity of the Mozambican people, Frelimo succeeded in establishing an identity of ‘Mozambicanness’ through its anti-colonial liberation struggle and the subsequent establishment of socio-political and socio-economic structures. Particularly during Samora Machel’s era, racial and ethnic questions were considered as a

political taboo. As internal conflicts within Frelimo always bore a racial and regional connotation and often led to breakaways and opposition, the government tried to prevent ethnic and regional division whilst introducing multiparty democracy. The initial law on political parties therefore demanded a minimum number of signatures in each province before a party could be legally registered.<sup>42</sup>

However, the centralism inherent in Mozambique's state structure and concentrated in the south of the country, as well as the dominance of the southern ethnic groups in government and administration, led to the alienation of regional groupings. This was perpetuated by the identification of the state with the political ideology of Frelimo, resulting in further marginalisation of distinctive elites. Besides localised conflicts,<sup>43</sup> ethnic cleavages are nowadays overlapped by regional human development disparities. For example, the human development index (HDI) for Maputo Province is 0.622 while the HDI for Zambezia Province is 0.202. As regional cleavages become obvious in the voting behaviour of Mozambicans, place of birth has increasingly turned into political capital of great importance for Frelimo. As one source stated, in the era of Samora Machel posts were distributed according to qualification and competence and therefore many whites and Indians could be found in the cabinet. Nowadays, the current minister of justice, for example, holds his position because he is a Makwa,<sup>44</sup> allowing Frelimo to mobilise voters in the centre-north provinces where it has increasingly lost votes to the opposition. Today, Frelimo's strongholds are limited to the south and the far north of the country whereas Renamo dominates the central and centre-north provinces.

Existing regional asymmetries are unfortunately instrumentalised and turned into political cleavages. The resulting political discourse, however, ignores the historical processes that led to them<sup>45</sup> and instead denounces these asymmetries as the deliberate product of one dominant group excluding the others. This reduces the space for debate on alternative policies that could solve these problems.

Mozambican citizenship is defined at length and regulated in the constitution. The political elite both from government and from the opposition have so far abstained from publicly questioning the Mozambican identity of whites and Indians. The official political discourse is truly anti-racist. However, racial intolerance towards those groups is increasing in the public realm and on the street. This type of racism is mainly directed at the privileged socio-economic position those groups enjoy and could easily be used by a political party to instigate further radicalisation against whites and Indians.<sup>46</sup>

## 2.2 RULE OF LAW

The symbiosis of state and party during the socialist era and the retention of a presidential system not only supported the hegemony of the ruling Frelimo party but also impacted negatively on the independence of the judicial system. The appointment of Supreme Court judges and the attorney-general by the president called into question their political neutrality. Parliament did, however, pass a bill last year establishing the Constitutional Council (CC). Up until now, tasks of the *Conselho Constitucional* – as laid down in the constitution – have been undertaken by the Supreme Court (*Tribunal Supremo*).

However, the neutrality of the *Tribunal Supremo* provoked severe concern among opposition politicians, especially when it came to the judgment on complaints of fraud during election time. The new CC comprises five judges appointed by parliament. The president appointed the presiding judge, and the other members elected the seventh member of the CC. This procedure was reached as a compromise, since Renamo had insisted for a long time that the body should be totally politicised (as is the case with the CNE). The CC is responsible *inter alia* for checking that laws and party statutes conform to the constitution. It is also the deciding judicial body in cases of inter-institutional quarrels. As the outcomes of the electoral disputes surrounding the local elections of 2003 have shown, the CC through its high degree of professionalism and impartiality was not only able to bestow credibility on the electoral process but also managed to criticise constructively the shortcomings of the CNE.

It has become evident that the position of attorney-general needs a strong personality capable of standing up to political pressure as well as to the formal and informal influence of the executive. Even the incumbent Joaquim Madeira, who seems committed to reforms, has been showing his limits. In his 2001 report to parliament, Madeira openly referred to illegal activities of the political elite who ignore summonses to the Department of Public Prosecution, knowing that they are untouchable.<sup>47</sup>

As a USAid evaluation report has pointed out:

“[...] rhetoric notwithstanding, the culture of legality in the government is very limited. Hierarchical pressures from senior to more junior judges – for example a cell phone call from a higher court judge, uninvolved in the case, instructing that a prisoner be released – are also common and distort not only the equal application of the law but also the professional culture among the nation’s magistrates.”<sup>48</sup>

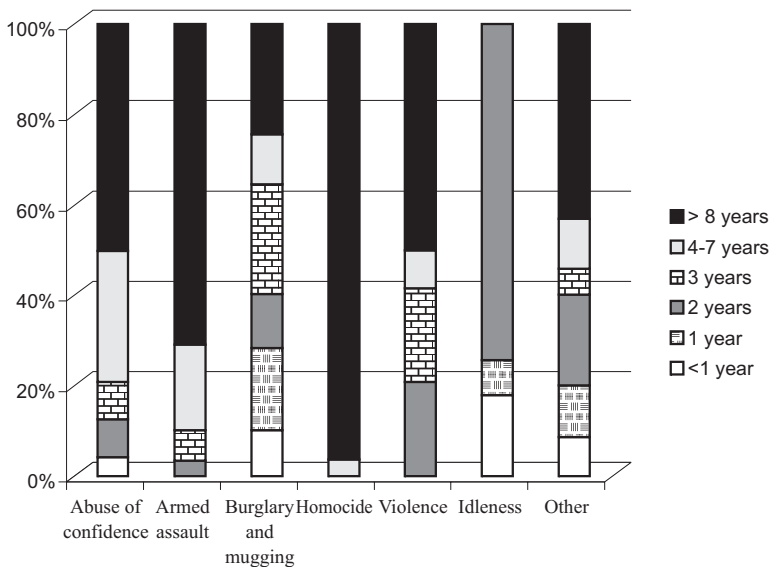
Although Mozambique has an adequate legislative and regulatory framework for the rule of law, historical, cultural and institutional factors impede a proper implementation of the rule of law. The 1990 constitution guarantees all relevant and important basic rights (right to life, liberty, property, etc.), and decrees regulate the respective laws passed by parliament. However, the implementation of the rule of law is constrained by the structural dysfunctions of the justice system. Mozambique’s justice sector suffers from a lack of territorial expansion, adequately trained staff and financial resources. According to the Ministry of Justice, only 90 of the 128 rural districts have district courts. Independent analysts even reduce this number to 80, considering the legal status and the fact that some of those considered as district courts are actually community courts.<sup>49</sup> As a study in the mid-1990s showed, Mozambique’s justice system was short of 120 judges. Of the existing 122 judges, only 27 held an academic law degree (including seven judges of the Supreme Court). The concentration of educated and trained judges particularly at provincial level leads to further congestion of the justice system.<sup>50</sup>

In 2000 criminal courts at provincial level had to cope with 95,445 pending cases from previous years. With 12,488 new cases and 10,315 cases that were closed, the final amount for 2000 increased to 97,618 pending cases.<sup>51</sup> However, annual reports released

by the Supreme Court reveal inconsistencies between the various years and highlight a general problem for statisticians in the Supreme Court. Non-trained staff mainly compiles court statistics at the lower levels and files often include cases that have lost their right of admission due to contraventions against the Criminal Procedure code. Spot-checks in the Maputo city court have shown that of 44,421 cases declared as pending, only 1,890 were indeed pending. Additionally, statistics for 2001 are difficult to compile since files were lost during the floods of that year. Of 6,864 registered cases in the province of Gaza, only 1,135 files survived the floods of the Limpopo River.<sup>52</sup> Dysfunctions of the justice system are not only related to the lack of human resources or structural deficits but are also linked to the ethos of advocates. It is well known that advocates deliberately abuse the weak structures to gain continuances and to move cases to the next instance. In the case of the Supreme Court this means that besides the responsibilities of first jurisdiction resulting from Art. 34 of law 10/92, the Supreme Court becomes the court of appeal for all trials dealt with in provincial courts. With seven judges, several of whom have other obligations (for example, the president of the Supreme Court remains in charge of court administration and Judge Trindade is director of the *Centro de Formação Jurídica e Judiciária*), the Supreme Court in 2000 had to cope with a backlog of 1,152 cases and 223 new entries. Only 188 cases could be finalised.<sup>53</sup>

The bulk of criminal cases of first jurisdiction is accumulated at provincial level, as second class district courts are only able to decide on cases with an expected sentence of less than two years and first class district courts are only responsible for criminal offences

**Figure 1: Sentences applied (1–8 years) for abuse of confidence, armed assault, burglary and mugging, homicide, violence, idleness and other offences in Maputo, 2001.**



Source: Graph designed according to data provided by L de Brito, *Os Condenados de Maputo, Maputo, 2002, p. 14.*



with a sentence of between two and eight years. Criminal sentences over eight years fall under the jurisdiction of a provincial court.<sup>54</sup> Taking into account the sentences handed down for various offences, it is clear that the Mozambican criminal justice system is extremely harsh on those who are eventually caught.

From a criminal psychological perspective it is not the severity of sentencing that deters a criminal from committing a crime, but rather the chance of getting caught. This, of course, links directly to the efficacy and integrity of the police to investigate and prosecute cases.

One, if not *the* key institution for crime prevention and the combating of crime is the police. At the end of Mozambique's civil war, the *Polícia da República de Moçambique* (PRM) was confronted with the challenge to comply with requirements contained in the new democratic constitution and the Rome GPA (1992), which demanded an apolitical police force. Although Renamo combatants had been integrated in to the armed forces after 1992 this, however, was not the case with the police force. Particularly with the *Polícia de Intervenção Rápida* the Frelimo government kept up a troop loyal to the party and the state.<sup>55</sup>

The police constitute an integral part of society as well as an instrument for the state – they are agents of both state and society.<sup>56</sup> For the citizen–police relationship in Mozambique it became indicative that PRM staff saw themselves primarily as authorities of the state to which the citizen has to succumb *a priori*. However, in a democratic environment the aspect of the police as providers of services has to gain momentum. PRM's transformation process has since 1997 received logistical, technical and material support from the United Nations Development Programme (UNDP) (project MOZ 95/015; MOZ/00/007). Its main objective is to strengthen the capacity of the PRM to prevent and suppress crime and to foster an internal culture that upholds both the rule of law and civilian and political rights. With the newly founded police academy, ACIPOL, the PRM receives additional support for the formation and education of senior police officers.

The first phase of the UNDP project (1997–2000) concentrated mainly on the re-organisation and restructuring of the *Comando Geral*. However, without substantial input from PRM's side and a lack of discussion on transformation in the organisation, the process of restructuring has lagged behind. Some 49 suggestions had to be elaborated before three were accepted, and even these were only hesitatingly implemented.<sup>57</sup> A general problem facing the PRM is its heterogeneity resulting from the merger in 1992 of the formerly independent transit police, the criminal police (PIC) and the migration and border police. As additional reforms inevitably would mean the loss of power and position for certain people, resistance in those ranks remains high. The case of the PIC becomes even more complicated as these officers used to have a special ranking above ordinary police agents but are now treated as equals.<sup>58</sup> The PIC has the reputation of being a closed and non-transparent unit, particularly hostile to reforms.<sup>59</sup> The alarming state of the PIC became obvious during the 2002 attorney-general's report to parliament.<sup>60</sup>

According to this report, attorneys have to conduct their own investigations as evidence collected by the PIC is rudimentary or deficient and legal proceedings cannot be instituted. It seems common that files get lost or requests by public prosecutors are

ignored. The level of corruption within the PIC induced the attorney-general to establish a new police unit, *Policia Judiciaria*, which in a mid-term perspective is supposed to take over tasks currently the responsibility of the PIC.<sup>61</sup> However, the status of and questions relating to the integration and subordination of the *Policia Judiciaria* were still unclear during the final phase of this research.

When addressing the issue of corruption within the police force one has to distinguish between 'petty corruption' found at the lower levels and the mafia-style structures that exist within the PIC. Petty corruption – such as arbitrary arrests, confiscation of goods, body searches, extortion of small amounts of money – strains relations between citizens and the police and reduces citizens' confidence in state institutions. Extortion of large sums of money in order to circumvent and paralyse the justice system undermines state authority and threatens the legitimacy of state power. It is hoped that the newly established anti-corruption unit under the auspices of the attorney-general will redress this situation, but success here depends on the political will to implement existing laws thoroughly and to bestow the anti-corruption unit with the necessary financial and legal means.

As an integral part of the criminal justice system, prisons reflect equally the crisis of the justice sector. Mozambique's long sentences for minor offences contribute to an overcrowding of prisons, with the number of inmates three times higher than originally planned. This aggravates serious violations of human rights and violates the Code of Criminal Procedure. A 2000 UNDP study revealed that although the period spent in prison on remand is legally limited to 150 days (120 +30) it exceeds in most cases two years. According to the study, 37% of detainees in Ministry of Justice prisons had been on trial, while 63% were still awaiting trial. The situation was even worse in Ministry of Home Affairs' prisons, with 74% of detainees still awaiting a judicial hearing.<sup>62</sup>

Long periods of detention before trial are the result of a lack of legal assistance in defence, a deficient prison administration and chronic congestion of the justice system. Additionally, the number of advocates is limited (approximately 220 advocates are registered with the Bar Association) and is concentrated in Maputo. The *Instituto do Patrocínio e Assistência Jurídica* (IPAJ), which is meant to supply free legal aid and services, provides assistance almost exclusively on a paid bases. Most imprisoned Mozambicans cannot afford this and few know of the NGOs that provide legal counselling. Most detainees or their families are therefore unaware of the possibility to leave prison on bail, but then again, most could not afford bail anyway. Against this background the perception exists that Mozambique's justice system reprimands the socially weak within society, while those with the financial means to hire qualified legal assistance or to bribe their way through the institutions, are able to circumvent a verdict.

When analysing the rule of law in Mozambique, attention has to be drawn to the fact that the abovementioned formal judicial system does not stand on its own. Mozambique is a society characterised by judicial pluralism. Various institutions for conflict resolution exist, each with its own historical and cultural legacy. These include *grupos dinamizadores* and community courts (which are mainly linked to Frelimo), *régulos* and other traditional authorities (which are often close to Renamo), as well as civil society institutions and the

recently established Centre for Arbitration which engage in the field of justice. However, political initiatives to frame these often parallel and complementary – but in some cases antagonistic – judicial configurations do not exist.<sup>63</sup> Considering the dismal state of the formal justice system that is not only limited to the criminal justice system but also extends to civil law, it becomes evident that Mozambique’s judicial pluralism needs to be recognised officially. An overall reform of the justice system requires that extralegal mechanisms for conflict resolution are recognised, overlapping competences are regulated and that there is a clear demarcation of spheres for the formal judicial system, community courts and traditional authorities.<sup>64</sup>

## 2.3 PARTICIPATION AND REPRESENTATION

### 2.3.1 INSTITUTIONAL CONTEXT: ELECTIONS AND THE ELECTORAL SYSTEM

Elections in Mozambique (first multiparty elections in 1994, local elections in 1998, parliamentary and presidential elections in 1999) are not only an indicator of democratisation and an important instrument for the population to participate in the political process, they are also a source of conflict.

The 1994 elections were conducted in a climate of mistrust. Renamo threatened to pull out after the first election day, claiming that fraud was taking place. However, Renamo returned to the ballot boxes under pressure from the international community and after it was decided that the elections would be extended for another day. Mozambique’s first elections revealed the bipolarisation of politics and the strong regionalism of support. Frelimo won 44.3% of the votes cast in the parliamentary elections, Renamo secured 37.8% and 5.1% went to a smaller party, the *União Democrática* (UD). In the presidential elections,<sup>65</sup> Joaquim Chissano (Frelimo) already received in the first round an overwhelming majority of 53.3% of the votes cast, with the main opposition leader, Afonso Dhlakama (Renamo), winning 33.7%.

Even before the elections Frelimo had rejected a government of national unity, and with a Frelimo president and an absolute majority in parliament (129 seats), the opposition had no say in the governing of the country. In the years that followed, Frelimo retained its exclusive governing style and little was done to build up confidence or to stimulate dialogue among the main antagonists.

Mozambique’s democratic record received its first setback with the 1998 local elections when the opposition boycotted the voting<sup>66</sup> and 85% of the electorate abstained from the ballot box. Certainly, the lack of alternatives to Frelimo,<sup>67</sup> the boycott by Renamo, organisational deficiencies and inadequate civic education (aimed at explaining the background to and importance of local elections) contributed to these ‘elections without voters’. However, the poor turnout might also be ascribed in part to growing apathy and disillusionment among the population. The victory of Frelimo mayors in all communities (independent candidates succeeded only in the elections to the municipal assemblies) consolidated existing power structures at the local level and added to a growing alienation between the political leadership and its support bases. Renamo even became further marginalised and remained in a position of inferiority that did not

correspond at all to its strength in the 1994 elections.<sup>68</sup> Clearly, Mozambique did not pass the first litmus test of democratisation at the level of local government.

One year later, in December 1999, the results of the national parliamentary and presidential elections<sup>69</sup> indicated that Mozambique was far from being a consolidated democracy.<sup>70</sup> Considering the low voter turnout of the local elections, it has to be remarked positively that voter participation in 1999 did reach 68.5%, thereby giving both parliament and the president a sufficient degree of legitimacy. However, the international community's certification of the elections as 'free and fair' can only be attributed to the balloting itself.

If 'fair' is interpreted in the broader sense to mean equal treatment that presupposes the application of political rules to each actor in the same way, and that interprets equal opportunities as equal access to relevant resources, then the 1999 electoral process is more ambivalent. 'Fair' in such a sense covers a spectrum that implies:

- abstention from the use of state resources by the ruling party during the electoral campaign;
- equal access of party representatives to polling stations;
- equal treatment of complaints regarding irregularities; and
- acceptance of election results by all participants.<sup>71</sup>

In Mozambique, however, the late disbursement of campaign funds,<sup>72</sup> biased reporting in the media<sup>73</sup> and Frelimo's use of state resources,<sup>74</sup> all call into question the existence of a level playing field. The credibility of the electoral process was further undermined by technical problems that emerged during the tabulation of votes. A general lack of transparency fuelled political suspicions and led to the split-up of the CNE.<sup>75</sup> The electoral alliance and largest opposition party, Renamo-UE, refused to accept the election results and brought two cases before the Supreme Court.

The first case referred to the non-acceptance of approximately one million votes as protocols of polling stations (938 for the presidential and 1,170 for the parliamentary elections) were declared invalid due to errors such as a lacking number of total votes in the ballot boxes, lacking numbers for candidates, parties, no indication of valid votes etc. Those protocols came from areas of oppositional strongholds and with a difference of votes between Chissano and Dhlakama of 205,593, the non-acceptance of approximately 370,000 votes was interpreted by the opposition as fraud, denying Renamo its electoral victory. A second case brought before the court related to the discrepancy between the number of votes cast in the presidential election compared to those cast in the parliamentary election. CNE's argument was that more protocols relating to the parliamentary election had had to be declared invalid and therefore the number of valid votes in the presidential election was higher, despite a simultaneous voting process.

Both Renamo complaints were finally rejected by the Supreme Court, thereby aggravating a climate of mistrust. As Mozambican political scientist, Luis de Brito, noted:

*"trata-se de uma paz sem confiança entre as principais forças políticas."*<sup>76</sup>

Subsequent attempts by Renamo to revoke the court decision by delivering ultimatums, together with its campaign of intimidation to destabilise the country, clearly indicate that politics in Mozambique does not function on the basis of generally accepted rules of the game. Renamo's protests at what it claims were rigged elections were initially of a political (delegates refused to take up seats in parliament) and legal nature – albeit accompanied by tough rhetoric from its leader, Afonso Dhlakama. Renamo also continuously threatened to form separate governments in the six northern and central provinces where the party had won the majority. In addition, Dhlakama had on several occasions threatened publicly to paralyse the country and to make it ungovernable if a power-sharing agreement could not be reached.

On 9 November 2000, Renamo's verbal attacks finally expanded into nationwide demonstrations by its supporters. Some of these ended in violent clashes between Renamo and the PRM, resulting in over 40 deaths. Although all protests were illegal in terms of Mozambican law,<sup>77</sup> they were tolerated in places like Maputo and did not provoke any violent reaction. The worst excesses occurred in the town of Montepuez, Cabo Delgado province, where former Renamo combatants and *Naparama* peasant militia had regrouped. The local prison and police headquarters were overrun and weapons were stolen. For 24 hours Montepuez was under effective Renamo occupation: 25 people were killed in the riots, including seven policemen. The district administration offices, the police command and the jail were completely destroyed, as was the telecommunications infrastructure that had been erected just a few months before.

Whereas the situation in Montepuez and other districts in Cabo Delgado suggest that violent provocations by Renamo posed a serious threat to law and order, situation reports from other provinces suggest equally that, in some places, excessive police force was used to deal with those who were merely expressing their political conviction. According to the Mozambican Human Rights League in Nampula, the police opened fire without provocation by the Renamo demonstrators. In an attempt to disperse the crowd gathering outside a sports stadium, the police started shooting. The use in some instances of lethal ammunition by PRM for crowd control, raises the question of whether the circumstances really justified such means, and whether more appropriate riot control measures could have achieved the same objective. What happened clearly highlights the need to intensify the current retraining of PRM officers and to provide a sound human rights education in order to limit the still endemic tendency within PRM ranks to revert to violence when challenged.

The incident in Montepuez and its aftermath (culminating in the death by asphyxiation of 119 detainees incarcerated in a 21 m<sup>2</sup> prison cell) clearly demonstrates the 'benign' neglect of civil rights in the country and the fragile state of the rule of law. According to reports presented by human rights associations and Civil Society,<sup>78</sup> most of the detainees were taken into custody after the riots. Police agents went from house to house looking for people who had been denounced by others as riot participants. In these operations, police agents provided neither specific search warrants nor any warrants of arrest. Withholding food and water to the imprisoned, it became only a matter of time before they would die of dehydration or asphyxiation.

As the last elections in Mozambique have demonstrated, political institutions are still substantially weak and the occurrence of political violence remains a threat to the stability of the country. A fundamental problem is the lack of confidence between the main political antagonists – at national but sometimes even worse at local level – and the absence of any mechanism that would include the opposition in the ruling of the country. In a certain way, Mozambique's electoral system has to be seen as one factor *inter alia* that contributes to such political instability. For Mozambique's parliamentary elections, a system of proportional representation with party lists and a threshold of five per cent of the votes at national level are used. In the presidential elections, a candidate needs to receive more than 50% of the votes, with two rounds if necessary. Although the country applies a proportional system that in general supports the diversification of representation, Mozambique is one of the rare examples where proportional representation in fact has the impact of a majority system, contributing to the bipolarisation of party politics. Taking into account an almost close equilibrium between the two main opponents, this could result in the next elections in what is known in the French context as *cohabitation*, whereby a directly elected president comes from one party, while the parliamentary majority is held by the opposition. Such a situation could lead not only to a total deadlock in government but could also put the fragile Mozambican peace at risk.

Besides the fact that Mozambique's electoral system supports the non-representation of large parts of the population (particularly those in the centre and centre-north provinces) the congruence of provinces with constituencies leads to super-large electoral districts (e.g. Nampula with 1,434,764 voters) and increases the distance between voter and parliamentarian. The fact that candidates enter parliament via party lists diminishes the voter's ability to hold politicians accountable.<sup>79</sup>

The exclusion of large segments of the population and the lack of responsiveness between politicians and the population may already be reflected in the growing abstention of voters (13% in 1994 and 30% in 1999) – although the 1994 elections were of a special nature as people were voting for peace, and those special circumstances may distort the real picture.

### 2.3.2 THE HISTORICAL, CULTURAL, SOCIO-ECONOMIC AND PARTY POLITICAL CONTEXT

The participation of a large number of Mozambicans in the political life of the country is impeded by a variety of structural factors dating back to colonial and post-independence times. The Portuguese concept of *assimilação* clearly constricted the levels of participation for most Mozambicans. The authoritarian nature of the post-independence state later limited participation for those not in line with the socialist policy, and once the civil war began, a politically incorrect statement could easily lead to the loss of a job or even to deportation to a 're-education' camp. This historical legacy characterises the mistrust which still exists in Mozambican society. Although the majority of Mozambicans (57.8%) consider a democratic government as the best political system, and that problems should be resolved with the participation of all (84.5% reject an autocratic government), the

perspective that Mozambicans have on their relationship with government reveals an interesting picture. When asked in a national survey whether government should be like a father taking care of his children or whether they prefer a government that is at the service of the people who control it, 76.1% expressed their wish for a paternalistic government.<sup>80</sup> This attitude is reflected in the level of participation in Mozambique's socio-political life. Mozambican citizens have a very weak relationship with political institutions as well as with civil society. Governmental bodies or political parties are hardly ever called on for assistance (only 6.6.% and 7.2% respectively had approached representatives of those organs). The almost non-existent level of citizen participation becomes obvious when asked about consultations in relation to issues of local concern with: traditional leaders (never 42.8%; sometimes 22.4%); NGOs (never 50.5%; sometimes 12.8%); or state institutions (never 29.1%; sometimes 30.4%).<sup>81</sup>

Participation is further restricted by structural constraints such as poverty, isolation and illiteracy. With 69.4% of the population living below the poverty line and with a literacy rate amongst women of 25.9% (rural areas 14.9%) and amongst men of 55.4% (rural areas 43.6%), awareness of, and participation in, the socio-political life of the country encounters natural obstacles.

However, any discussion regarding participation in a democratic context must take into account the set up of the political system. Within the bipolar confrontation of Mozambican politics and the exclusion of at least 38.81% (Renamo votes) of the population, participation could also mean a sharing of power – particularly locally. Increased citizen participation via political forces other than the ruling party is currently limited. And out of fear of losing control and power, the governing elite is not willing to open up new channels – be that by way of increasing the number of autonomous municipalities or by integrating federal elements into the political system.

## 2.4 POLITICAL COMPETITION

### 2.4.1 POLITICAL PARTIES

Democracy requires viable and effective political institutions, and the structure of the party system plays a decisive role in the functioning of a political system. In a democratic context political parties ideally present personal and functional alternatives. The impulse and drive of any opposition to come into power normally ensures control over the governing party. However, an essential precondition for efficient control is the existence of a competitive party system. Beyond formal party pluralism, the opposition must have a real chance to take over power in the next elections. Ultimately, democracy thrives on the likelihood of a power change.

#### 2.4.1.1 *Renamo*

Mozambique's democratisation process hinged on whether it would be possible to develop such a pluralistic party system with a competitive structure. Democratisation also required the successful transformation of Renamo from a primarily military movement into a political party. Moreover, Renamo was confronted with an unusual problem

seldom encountered by African political parties. In general, African political parties are groups concentrated in urban areas and focused on the intellectual elite. Most of the time, they struggle to create a support base in rural areas. Renamo, however, lacked a support base in the urban centres of the country.

By the mid-1980s, Renamo had already established a political wing and finally consolidated its political structures at the first party congress in 1989. The new party leadership encompassed well-trained party politicians who had previously worked closely with Renamo leader Afonso Dhlakama. Furthermore, the new leadership became ethnically heterogeneous and dispelled the stereotype of Renamo as an ethnic movement dominated by the Ndaus ethnic group and concentrated in central Mozambique. However, one of the biggest problems regarding parliamentary work became the lack of staff with higher education. An essential human resource base for the party were administrators in formerly Renamo controlled areas and former clandestine Renamo sympathisers.<sup>82</sup> The latter as part of Mozambique's intellectual elite, became increasingly important for parliamentary work. In the first democratically elected parliament only 18 of 112 Renamo parliamentarians had fought in the bush during the civil war. Quite often those newly recruited technocrats created tensions with long-serving former guerrilla fighters and in turn were confronted with accusations of opportunism.<sup>83</sup> Despite these structural weaknesses and consolidation problems it can be argued that Renamo did succeed in transforming itself into a political party since:

- far-reaching demobilisation of combatants took place;
- core structures of a political party were developed; and
- the party was able to establish itself in urban centres.

Renamo is the only party that currently has the power to overturn the government in the next elections. The regional distribution of votes in the 1994 and 1999 elections indicate that Renamo managed to mobilise voters on the basis of its ethno-regional discourse in the central provinces of Sofala, Manica and Tete, the north-central parts of Zambezia and Nampula, as well as in Niassa in the north. Renamo's support base can best be described as the coalition of the marginalised, comprising the neglected rural population, frustrated urban elites and Frelimo dissidents. With the strategic formation of an electoral coalition, Renamo also succeeded in broadening its intellectual capacity. However, due to financial constraints, the party has still not delivered on promises to its former combatants, thereby fostering an unruly potential for social destabilisation. Beyond that, intra-party democracy remains a crucial and unresolved issue.

Although Renamo held its first and long-postponed party congress after the war in October 2001 and elected its president for the first time, the way in which this was done and those presented as competitors of Dhlakama puts into question the state of Renamo's intra-party democracy. Antonio Perreira and Agostinho Murriel ran with Dhlakama for the party presidency. Whereas Perreira became famous for his threats to expel all Shangana-speaking people from the centre and north of Mozambique, Murriel was unknown to the public and also had a low profile within the party. With one competitor



representing the hardline wing within the party and another ‘no name’ candidate, intra-party elections were for observers much more of a ‘fake’ than a real democratic undertaking. It highlighted the suspicion that Dhlakama is not willing to tolerate strong people alongside himself. With the expulsion of Raul Domingos in 2000 under rather dubious allegations, it became already obvious that Dhlakama wants to rule the party in his own style. Joaquim Vaz, who became the General Secretary of Renamo at the Fourth Party Congress in November 2001, shared a similar experience. As Joaquim Vaz did not surrender his longstanding personal friendship with Raul Domingos for political reasons, he became successively marginalised within his own party. Joaquim Vaz was finally removed from office in July 2002. Another example is Chico Francisco who was responsible for Renamo’s international relations, and who was forced to resign from his party positions and expelled from Renamo when he obviously became too strong and independent minded for the party leadership.<sup>84</sup> Although the Fourth Party Congress had postulated the objectives of greater transparency in the internal decision-making process and financial administration, little progress seems to have been made. For the internal renovation and democratisation of the party this will become one of the larger obstacles in the future. Within the party it will create further frustrations for those who might prefer a different political approach but are held short in fear of any emerging rivalry. In the long run, such a stagnant party atmosphere may lead either to more departures of ambitious politicians – who may possibly defect to a third political force– or it may lead to such an explosive climate under the lid that an intra-party coup against Dhlakama will be considered as the only viable exit strategy from the party’s stagnative course.

#### 2.4.1.2 *Frelimo party and government*

After the death of Samora Machel in 1986, his successor Joaquim Chissano initiated a de-ideologisation and technocratisation of the party leadership. This enabled the introduction of a structural adjustment programme as well as the first steps towards peace talks. Political liberalisation and re-orientation led in the early 1990s to the first intra-party schisms within Frelimo. The opposition between orthodox socialists and young technocrats became obvious and manifested itself in the critical approach towards the government’s economic policy and subordination of regulations laid down by the Bretton Woods institutions. The cabinet structure after the 1999 elections and the introduction of a ministry for former liberation fighters already indicated the still unbroken influence of the hardliner faction. Final proof of the vivid influence of the *antigos combatentes* came with the almost unanimous election of Armando Guebuza as the next Frelimo presidential candidate – despite Chissano’s attempts to promote someone from the younger generation. The orthodox group receives its support not only from *antigos combatentes* but also from Frelimo-affiliated civil servants who fear that reforms in the public administration will mean a loss of their privileged positions and access to state resources. Currently, it seems that the Frelimo wing led by Armando Guebuza also receives strategic support from Frelimo cadres of Indian and Portuguese origin (such as Marcelino dos Santos and Oscar Monteiro) who strongly oppose a third term for Chissano or the candidacy of one of his allies. In opposition to the conservative, orthodox forces stands a

small group of the party elite who benefited from the privatisation process of state-owned enterprises to become members of the economic elite.

In general, Frelimo managed its transformation into a party within a multiparty democracy substantially well and it has been able to retain its dominant position in the political process. Solid party structures, a public administration that is strongly affiliated with the party and access to new resources from a free market economy all boosted Frelimo's position, as did the lack of credible alternatives on the political scene. Frelimo supporters can mainly be found in the rural areas of the southern region, in Cabo Delgado province, as well as in the urban zones nationwide. Particularly in rural areas, Frelimo still derives much of its legitimacy from its role in the independence struggle.

However, decisive for the party's future will be whether it will be able to reconcile all three wings within the party and whether it can mobilise large parts of the population for a continuation of the more than 25 years of Frelimo rule. The party is increasingly being used as an instrument for self-enrichment by certain elites and their progeny. For young Mozambicans, however, Frelimo's historic credentials as a liberation movement means less and less, and for those not directly benefiting from the party's redistribution system, the need for change is becoming increasingly vital.

#### 2.4.1.3 *Other opposition parties*

Although the outcome of the Mozambican elections in 1999 has shown that the unipolar structure of a *de jure* multiparty system will dissolve as Frelimo starts to lose its hegemonic position, recent intra-party developments within the opposition may lead in the medium-term to the dissolution of the bipolar structure of the party system. The development of another one-party/Frelimo-dominated party system in the sense of Giovanni Sartori, is likely. The successive exclusion of disgraced Renamo party members has led to a reduction of Renamo's pool of politically skilled, experienced and internationally renowned staff. Raul Domingos, who remained an independent member of parliament (MP), established the NGO *Instituto Democrático para Paz e Desenvolvimento* (IPADE). On the 11th anniversary of the Peace Agreement (4 October 2003) Domingos founded a new party, *Partido para Paz, Democracia e Desenvolvimento* (PDD), which will stand in the 2004 elections. Until now, Domingos's status in parliament did not allow him to form a new party as he would have lost his mandate by joining a new party.

Certainly such a third force led by Domingos will be able to mobilise support and will become a corrective factor in the next national elections. Domingos still has contacts and support within Renamo, mainly in the group of demobilised soldiers and former Renamo cadres integrated into the Mozambican Defence Force; the group of Renamo exiles of the so-called '*grupo de Lisboa*'; the faction that was quartered in the Renamo headquarters at Maríngué during the civil war and among former clandestine Renamo supporters. It can also be expected that frustrated Frelimo cadres that cannot show open support for other parties, as this would mean losing privileges, are going to opt for a new political party. As it reads at the moment Domingos's party will have a major comparative advantage against the other smaller parties. Via IPADE he has been building up a party structure from the bottom up covering most districts and developing party structures and programmes in a

participatory way. By contrast, of the 32 political parties that have registered since the 1990 multiparty constitution came into effect, most seem to be little more than manifestations of their leaders' personal megalomaniacs. Parties have often become insignificant due to split-ups and walkouts based on personal rivalries. None of the numerous so-called 'unarmed parties' has been able to consolidate their founding bases of 1994 and to expand their influence. With exception of the parties united in the Renamo-UE electoral coalition, none of the personality and urban concentrated political groupings was able to get into parliament in 1999.

UD representation in the first parliament can even be ascribed to a historical coincidence. The UD – like President Chissano for the presidential elections – had the last place on the ballot paper for the parliamentary elections. It is widely assumed that many of Chissano's voters voted by association, and in that way, the UD managed the five per cent threshold.

Despite the fact that most minor parties have no significant influence on the political development of the country, they highlight the cleavages that exist within political parties and the elites. As Luis de Brito et al have elaborated, four groups of smaller parties exist at present:<sup>85</sup>

- A first group are parties whose leadership comprises former Frelimo members, such as the liberal democratic party PALMO founded by former Frelimo students trained in Eastern Bloc countries; the PALMO split-up SOL (Social Liberal and Democratic Party); PANADE, the national democratic party established by a former Frelimo member who was jailed in the early 1980s on charges of spying for the CIA; and PADEMO, the democratic party of Mozambique which dates back to an initiative by a foreign ministry cadre and former Frelimo fighters in the civil war.
- A second group are parties emerging from opposition against the colonial regime and being exiled during the one-party rule of Frelimo. Those are FUMO, established by Domingos Arouca and MONAMO, founded by Maximo Dias.
- A third group emerges from the young academics of post-independence Mozambique, such as the National Convention Party (PCN) and the Patriotic Action Front (FAP).
- A fourth group encompasses parties whose origins date back to Mozambican emigrants in particularly East African countries, such as PADELIMO (Democratic Party for the Liberation of Mozambique) and the Mozambican People's Progress Party.

Most of the smaller opposition parties are unknown to the voters. When asked in the 2001 National Opinion Survey which parties people knew of: 70.2% mentioned Frelimo, 65.7% knew of Renamo, and 19.1% had heard about PADEMO. 17.4% were acquainted with PIMO and 10.3% with FUMO. SOL and MONAMO were only known to 6.8% and 5.9% of the people. Not more than 5.1% and 4.7% had heard of UNAMO and PALMO respectively. Knowledge of the party coalition, UD – which was even represented in the first multiparty parliament – was even lower at 4.4%.<sup>86</sup> These figures clearly indicate the lack of incorporation of smaller parties within Mozambican society. This can *inter alia*

also be a result of the structural and especially financial weakness of opposition parties that is still striking. As law prohibits direct financing by external sponsors, party financing remains problematic.

The stability of inter-party competition in Mozambique is also demonstrated by the application of Pedersen's index of electoral volatility.<sup>87</sup> Between 1994 and 1999 legislative volatility in Mozambique reached 8.9% and volatility in the presidential elections was 14%. Compared to the African averages of 28.4% and 29.6% respectively, this underlines the stability of the bipolar party system, but also indicates the deeply embedded confrontation between Frelimo and Renamo.<sup>88</sup>

#### 2.4.2 CIVIL SOCIETY

Mozambique has seen a proliferation of civil society movements and organisations with the advent of peace and democracy. Civil society in Mozambique should be understood as encompassing NGOs but also religious groupings, traditional authorities, trade unions, academia, civil-political organisations, women's groups, human rights associations and the independent media. Within this myriad of actors there is no concerted or homogeneous plan regarding their activities. They organise themselves around different interests and may sometimes assume common as well as divergent stands. Their role in Mozambican society is slowly earning space and recognition, but this varies according to the type of civil society organisation (CSO) one is referring to.

The increasing emergence of NGOs since 1991 (approximately 200 in 1991, 400 in the late 1990s and 813 registered in 2002),<sup>89</sup> does not necessarily mean the existence of a vibrant civil society. The first NGO activities started even before 1991 when organisations with predominantly religious or professional goals contributed to emergency and relief activities during the war. With the new Law on Associations (18/91) within a democratic transition process, NGOs started to focus more on issues related to civic education, human rights, elections, democratic accountability and plural participation – that is, supporting the emergence of a democratic culture. This was a valid contribution to people's awareness of the political changes that were taking place and particularly to the three electoral processes that have taken place to date. Only towards the end of the decade did NGOs begin performing activities linked to development and advocacy with the aim of influencing policy formulation.<sup>90</sup> The former is aimed at widening their bases in the rural areas while the latter could be seen, for example, in their engagement in debates related to external debt, the campaign against landmines, HIV/Aids, land and electoral and family law discussions. Despite these developments, CSOs are neither 'self-organising' nor relatively autonomous from the state or from donors. Most NGOs comprise urban elites and lack a sense of mission and of clear socio-political objectives, not to mention their weak management capacity. This raises concern about their ability to engage proactively in advocacy activities and to react promptly to major government policies that may be decisive for society. Most NGOs are service providers orienting their activities along the interests of donor agencies, even if they are complementing the role of the state in the performance of service delivery. An additional

shortcoming is that most donors provide support and financing on a project-approach basis instead of on a programme basis, which would allow for longer-term activities and simultaneously for the creation of capacity building. There is also poor coordination among donors as regards their support activities to NGOs.

Regarding the coordination of NGOs' activities, a positive effort is being made by LINK – a network of NGOs – to group them under its umbrella as a way of keeping track of who is who and who is doing what. LINK also organised a conference earlier this year to debate issues related to civil society in Mozambique. Regarding NGOs' interface with government, a gap still remains in terms of the existence of a formal institution to act as interlocutor and to debate the problems and initiatives facing NGOs. Progress seems to have been made concerning government understanding of NGOs, in the sense that some of them, as a result of their good performance, start to be considered as valid partners to certain activities. A recent example of this was the fact that the government consulted NGOs prior to the preparation of the African Union Summit held in Mozambique in July 2003.

However, NGOs' social bases remain limited and they are often open to the influence of certain personalities. This is amplified in smaller communities where the structures of civil society are often entangled with the ruling party or are attributed to the opposition. Lack of adequate information via local media and the non-existence of a critical and self-conscious public, provide fertile ground for political rumours, particularly at the communal level.

Indeed, it is vital to evaluate the reputation of NGOs among people; however, the information available can be contradictory, according to the different methodologies and samples used in conducting the surveys. A report done on behalf of the Catholic University of Mozambique in Nampula-Rapale revealed that 96.5% of the population in that area was not part of any national NGO, and those who were affiliated, mentioned Kulima and OMM. Their knowledge about NGO activities in this area is also of concern since 86.5% said they did not know of any NGO activity in that zone, and of these the best informed were women. HIV/Aids was regarded as the subject most often dealt with by NGOs, but a striking 95.75% gave no answer. They also claimed that there is no significant support by foreign NGOs and 75.5% thought that the latter would not help in maintaining peace. When asked if NGOs admitted members from the communities in which they work, 74.5% said 'no' and only 2.25% said 'yes'.<sup>91</sup>

Another more nationally representative study revealed that 37.5% know of NGOs while 52.3% do not. Of the former, 32.9% showed a considerably high level of trust in NGOs, against 12.1% who showed no trust at all, 19.3% who expressed weak trust and 29.3 who showed average trust.<sup>92</sup> However, of the CSOs, religious communities received the highest level of trust at 50.5%, followed by trade unions at 9.2%. Political parties in general reached the highest level of non-trust with 7.8%.<sup>93</sup>

The religious groups have been known for their remarkable work towards peace and reconciliation since the beginning of the peace process, during the peace negotiations as well as in the transition period. Their efforts have included appealing to dialogue when political tensions rose, campaigning for reconciliation, understanding and the healing of

society, engaging in local conflict resolution, and engaging in practical activities towards poverty reduction and the development of communities. Political sensitivities have always existed regarding the role of religious communities in terms of their relations to certain political parties. The Catholic Church, for example – widely linked with the colonial regime and marginalised during the socialist regime – is redeeming its image, while the Christian protestant movements are increasingly seen as being favoured by the ruling party. Rumours have mounted with the appointment of Reverend Arão Litsuri as the new president of the CNE, especially after the previous president was also affiliated to the Christian Council of Mozambique. Despite this, interviews reveal that religious groupings remain the most credible institutions to transmit valid messages since they do not depend on donors and are represented countrywide.<sup>94</sup>

Another strong and prolific category of CSOs are the socio-political organisations which play an influential role in congregating people around region, area or zone identity. This applies largely to associations calling themselves 'friends and naturals of district or province so and so'. They are mostly concerned with the development of their own areas and lobby government in order to get favourable policies and commitments towards their region, as well as to promote their shared cultural values. Examples are Protete in Tete, Mociza in Zambezia and Sotemaza in the central part of the country.

Trade unions – though active in negotiating salary increases and dealing with labourers' complaints about working conditions and the results of privatisation – seem to have limited impact since they are mostly an urban phenomenon and lack the power to challenge the country's macro policies. An additional CSO with limited impact is academia, whose role should be that of generating constructive criticism and engagement in the public affairs debate. The fact that this group has also become part of an elitist strand of society, and that the higher education sector is going through a major transformation, has resulted in people becoming sensitive to criticising the power structures openly, fearing to compromise their positions. Additionally, academics earning low salaries as public sector employees dedicate more time to finding alternative sources of income. They therefore become rather service orientated instead of assuming the role of society's critical conscience. It will be some time before this stratum begins to play a more proactive role.

Civic-political associations emerged as an urban phenomenon, particularly after the experience of the 1998 local government elections. Their aims were largely to allow people to participate in the public management of their localities and to constitute pressure groups for or against the implementation of local policies.

The Mozambican constitutional provision ensures citizens the right to freedom of association (art. 76) and the legal framework regulates this right through Law 18/91, Decree 21/91 (establishing its recognition by the Ministry of Justice) and the ministerial diploma 31/92 (regulating registry procedures). There are no legal impediments for people to represent their interests and to participate in CSOs, however, the lack of distinction between these and any other associations, such as business, seems to constitute an obstacle to their development since it does not reflect an adequate legislation to deal with fiscal, commercial and labour issues, especially in what concerns NGOs.<sup>95</sup> The

constraints, which have already been referred to, include financial dependence on donors, a lack of skilled personnel, and the alleged lack of political will that is preventing the creation of specific law, allowing for the growth of CSOs in an organised and institutionalised manner.<sup>96</sup>

The media is civil society's main source of information and vehicle of expression. The safeguard of its activity is enshrined in Article 74 of the constitution, which establishes the right to freedom of expression, press liberty and the right to information.<sup>97</sup> This sector is characterised by the predominance of radio since this medium easily reaches most of the population. Newspaper circulation is very limited (reaching provincial capitals and sometimes districts), and access to television is even more restricted, bearing in mind the economic difficulties of the population. Another major constraint is the high level of illiteracy, which stands at about 60.5% overall – 33% in urban areas and 72.2% in rural areas.<sup>98</sup> The problem is exacerbated by the use of Portuguese, which is an obstacle to the wider dissemination of information since only a limited part of the population uses this language; of the 39.6% who can speak Portuguese, 72.4% are concentrated in urban areas and 25.4% in rural areas.<sup>99</sup>

Media diversity is ensured with the existence of various newspapers and with capital coming from both the public and private sectors. Despite the openness of the government towards the media, problems exist especially regarding intimidation by organised crime elements. This situation has worsened, specifically in terms of investigative journalism, since the assassination of Carlos Cardoso, a prominent social communications character. The result is mixed: some professionals have maintained their outspoken and critical attitudes, while others have begun refraining from involvement in the investigation of 'critical dossiers'. This implies the need for an improved and well-trained class of journalists who can give credibility to information passed on to the public, since protection of sources is an argument widely used by the media not to justify the origin of certain information of a polemic character. Also controversial is the nature of the sector, which although open, is not pluralist.<sup>100</sup> Despite the increased number of newspapers, radio stations (UNICEF has a wide project to increase the number of community radio stations) and television channels as well as the diversity of ownership, the ideas expressed are "hostage [to] the political class".<sup>101</sup> The public voice receives less attention than the ideas of the opposition parties in the privately owned media, and of the government in the state-owned media. This process also needs time and will consolidate alongside the democratisation process. Various other means of political expression for parties need to be strengthened, and a culture of openness and expression in a society that was only acquainted with participating in a political party framework and its disciplinary rules, must develop. Meanwhile, the notion of tolerance towards the expression and accommodation of different political stands is in itself an achievement.

Despite all these constraints to the development of CSOs, one must recognise that even if diffused, small victories have been achieved. These can be seen in the areas of press liberty, human rights, indirect participation in the electoral process, the land issue, salary revisions, the 'cashew nut' issue, the 'Madjermanes' case and pressure regarding the Cardoso and Siba-Siba cases.

The main achievements of civil society in Mozambique over the past ten years have been its own establishment and its attempts at recognition within society. Its main challenges remain developing credibility through a more critical and interventionist posture in the democratisation process (its watchdog role), as well as decreasing its dependence on donors, government and political parties in order to contribute genuinely to providing solutions to the country's problems.

## 2.5 THE SEPARATION OF POWERS: CHECKS AND BALANCES

### 2.5.1 CONSTITUTIONAL SET-UP

The continuation of the 1990 constitution under the new democratic dispensation of the General Peace Agreement, is today seen as a major impediment to political reconciliation. The constitution, elaborated under the one-party regime of Frelimo, endorsed a presidential system and made no provision for power-sharing arrangements at national or lower levels. Provincial governors are still nominated by the president and the provinces are controlled by the central power authority.

Paradoxically, the attempt to introduce a semi-presidential system in 1999 was brought down by the resistance of Renamo. The draft of a new constitution, elaborated by a proportionally composed parliamentary commission after four years of consultation, made provisions for a semi-presidential system with a prime minister elected by parliament and a state president with mainly representative duties. The introduction of a National Council, which would include opposition leaders, was meant to advise the president on crucial national issues such as the dissolution of parliament and government, states of emergency, and war. It also aimed to improve the position of social groupings. However, the proposal was vetoed by Renamo, which suddenly and just before the 1999 elections, considered a semi-presidential system as inadequate for African societies where the 'chief' is supposed to rule.

A major concern within the ambit of horizontal accountability is the independence of the judicial branch. This remains questionable since the president and vice president of the Supreme Court, as well as the president of the Constitutional Council (the highest authority in juridical-constitutional issues) are appointed by the state president.

### 2.5.2 RELATIONSHIP BETWEEN THE EXECUTIVE AND PARLIAMENT

Vertical accountability is maintained by the constitutional provision for elections, which must happen every five years both for presidential and legislative effects. The presidential mandate can only be renewed twice consecutively (art. 118, CRM). However, horizontal control mechanisms are equally of extreme importance since the quality of a democracy is not only restricted to its electoral provisions, but depends also on the qualitative aspects that make it more participative. It is in this area that most shortcomings may be observed.

Although separation of powers (legislative, executive and judicial) is formally enshrined in the constitution, the relationship between them is questionable. There is, at least *de jure*, some provision for checks and balances between the legislative and the



executive, manifested for example in the right of interpellation. Article 155 of the Constitution of Mozambique, 1990 establishes that the prime minister (assisted by his ministers) must present before parliament the Government Programme, the Planning and Budget proposal as well as the government reports. (This article is not under the competences of the parliament, but under the chapter regulating the activities of the Council of Ministers.) These presentations are followed by a question-and-answer session involving MPs and ministers. The first two documents must be approved by parliament before being implemented, but if parliament fails to approve the Government Programme for a second time, the president may dissolve it. These presentation sessions have introduced a new dynamic since the government is compelled to prepare itself for questioning, and the feeling of impunity and lack of accountability have diminished, even if not to the desired degree. One positive effect of these sessions, especially concerning Planning and Budget issues, is that parliament is increasingly raising difficult questions as regards transparency. For instance, MPs raised the debate over funds provided by donors and NGOs on a project basis and which are not reflected in the accounts, and requested that the technical system of accounting be revised to include these categories. Despite other positive examples, such as questioning regarding the conduct of the privatisation processes and the cashew nuts industry problem, this activism does not seem to extend to other matters in their area of competence.

Parliament has the right to set up committees of inquiry and to control commissions; however, the work of these groups tends to fail because of the high prevalence of disputes. For example, the commission established to investigate the Montepuez deaths was unable to present its report findings due to the last minute refusal of the opposition leader within the commission to sign the report, alleging that the investigation had been partial.<sup>102</sup>

With parliament dominated by the governing party, in practice parliament's oversight function on government is almost non-existent. Strong party discipline within Frelimo ensures that there are no contradictions between government and the main faction. When tensions emerge they are often rooted in the existing cleavages and frictions between different Frelimo wings. As the opposition constitutes the minority in parliament, levels of influence remain low. The majority of bills are proposed and drafted by the executive. Only when it comes to constitutional amendments where a two-thirds majority is required, does the opposition come on to the stage. While parliamentary debates in the first legislature (1994–1999) were of a high quality with both parties cooperating to a certain extent, the current legislature is mainly characterised by intolerance, confrontation and sabotage. This was clearly illustrated when in December 2002 Renamo parliamentarians, against the standing order of parliament, demanded that the mandate of those deputies who had resigned or had been expelled from Renamo be withdrawn. The opposition has so far made no substantial input in terms of questions or challenging statements either during the president's state of the nation address or during the annual budget debate. The opposition is silent even while ministers are obviously not performing satisfactorily and while entire ministries are drowning in inefficiency. De facto ministers seem to be almost untouchable. This may be due to President Chissano's management style, which gives his ministers discretion to lead their departments. It could, however,

also be related to certain loyalties rooted in the socialist period. Considering what has happened within the realm of the Ministry of Home Affairs – the killing of unarmed protestors, the death by asphyxiation of 119 people in one prison cell (in Montepuez), the main suspect in the Carlos Cardoso case walking out of prison and the minister commenting in parliament that this happens throughout the world – there is clearly no accountability on the part of ministers; neither politically nor legally.

Apart from the political deadlock, structural factors also limit the control function of parliament. Even if the government does not obstruct access to information (since it knows parliament's limitations anyway) its capacity to search for and access information, as well as its level of technical analysis, remain limited. The sustainability of a technical office to support legislators with data and in the drafting of laws and decrees cannot be guaranteed as donor funding is running out and no provision has been made on the Mozambican side to take over this financing. Additionally, parliamentarians elected via party lists guarantee strong party discipline on both sides. This leads to a situation whereby deputies are accountable to their party leadership and not to their constituencies. Dialogue between MPs and their electorate exists only when travel funding is available from the party leadership or through a donor-financed project.<sup>103</sup>

The continued identification of the state with Frelimo is also related to the fact that an independent and apolitical state bureaucracy has not developed. For Max Weber, an independent and efficient state bureaucracy is one of the core elements of democracy. Most public servants in Mozambique are members of the ruling party and benefit from this. The identification of state and party dates back to the communist principle of democratic centralism and the double subordination of administrative units under the state and the party.

### 2.5.3 THE PROCESS OF 'AUTARQUIZAÇÃO'<sup>104</sup> AND VERTICAL POLICY IMPLEMENTATION IN A CENTRALISED POLITICAL SYSTEM

When discussing democratic decentralisation in Mozambique one must measure the current situation against the objective of a devolution of political power to elected local authorities. This should result in extensive democratic local self-government, with enough legal, financial and human resources to connect with the citizens, to formulate policies in response to people's preferences and to implement policies effectively.<sup>105</sup> Mozambique is still a highly centralised political system with governors of the provinces and district administrators being appointed centrally in Maputo by the ruling party.

In order to consolidate democracy and to resolve the current political stalemate, a consensual reform of Mozambique's constitution and the establishment of a decentralised political structure is required. One way of limiting regional polarisation while at the same time incorporating Renamo into governance structures may be found in a reformed decentralisation programme. Communal self-administration was introduced in Mozambique in 1994 intending to turn all 128 districts into municipalities (Law 3/94, September 1994). However, this law was later declared unconstitutional. The final law on communal self-administration (Law 2/97 and 4-11/97) was much more limited in terms of territorial

coverage and in the scope of reforms, revealing the strength of the conservatives within Frelimo and demonstrating resistance towards any kind of power sharing.<sup>106</sup> The local elections of June 1998 constituted an integral part of the government's decentralisation programme but, as referred to above, the opposition boycotted those elections and only Frelimo and some civil society groups contested them. According to certain studies, the mass abstention is explained as "a vote of popular protest against the competing political elites and their inability to reach an agreement, and against the institutions of the state, charged with electoral administration and supervision".<sup>107</sup> Another contributing factor seems to be the general distrust of political parties because of their inherent centralism as well as the use of violent inflammatory discourses in their campaigns.<sup>108</sup>

The original idea of 'gradualism' and the increase in the number of municipalities and their scope of powers have been buried in the shelves of the Ministry of State Administration. Currently, 75% of the population (mainly in rural areas) remain excluded from decentralised structures. A study revealed that most people (between 89.7% and 94.9%) do not approach local institutions in order to find solutions to their problems.<sup>109</sup> Also, the president of a municipality is seldom contacted, which might indicate either that he is not publicly present or that people do not know that this local structure exists due to its limited implementation across the country.<sup>110</sup> This underpins the idea that the legitimacy of local institutions is very low, that democratic deficits exist and that the divide between urban and rural areas is being reinforced by a decentralisation process which, in theory, was supposed to address the gaps. Extended reforms within these same parameters and without adequate resources would only aggravate the situation and delegitimise the democratic decentralisation process.

Technical and financial constraints make it difficult for the 33 autonomous municipalities to act. The definition of the territorial set-up of communities was not guided by criteria of effectiveness. The municipalities have a weak economic base and are highly dependent on central government. Only in a few cases, such as in Vilanculos, was the mayor able to build partnerships with the private sector (Sasol's engagement in the transport sector), opening new sources of revenue for that municipality.<sup>111</sup>

Besides, district administration is incorporated in the centralised governance structure. This means that even in communities where the mayor comes from the opposition or where the opposition has the majority in a municipal council, control over economic resources remains with the governing party at central level. Considering the results of the local elections in 1998, the material content of Mozambique's decentralisation remains negligible. Conflict has burdened relations between institutions and unclear responsibilities impede a transparent governmental structure and the emergence of channels for communication and participation. An opportunity for effective poverty reduction is being wasted or postponed, since empowering locals to manage resources needs to be done according to local priorities and not based on central government priorities. Within early democratisation processes, the latter are often linked (especially within a majority government) with the maintenance of their local networks and with the promotion of short-term solutions, instead being based on longer-term and sustainable approaches to the resolution of problems.

Local government in Mozambique remains highly dependent on support from the donor community and on the emergence of new internally and externally initiated impulses for socio-economic development. But, on a positive note, municipal assemblies often invite people from civil society or even the unrepresented opposition to take part in debates on important decisions. Particularly in the cities, local government has become more responsive to a larger constituency and the administration tries to create governance that is embedded in local society.<sup>112</sup>

Financial and human resource constraints are not only an issue for municipalities but also impact on the vertical level of state administration, the district administrations and so-called *postos administrativos*. In many cases these local government structures are reduced to symbols of the state, hardly able to fulfil their role as service providers to the community. Increasingly, traditional chiefs and *régulos* are filling this gap sometimes in cooperation with, and sometimes in opposition to, the district administrator.<sup>113</sup>

In general, vertical policy implementation grows increasingly weak in Mozambique. What starts within government as a sound policy decision may be watered down in the respective ministry, may be reinterpreted at provincial level and may eventually (but in some cases not) reach the local public servant. A recent report on administrative barriers to investment in Mozambique noted that: "private investors have increasingly complained about the widening gap between the performance in Maputo and the central and northern provinces."<sup>114</sup> Also, the 'double subordination' of provincial representatives of ministries to both the provincial governor and the relevant ministry in Maputo leads to crossed lines of authority and creates major hick-ups in the administrative system.

These shortcomings show the need to rethink and restructure the decentralisation reform process, taking into account other major reforms (such as the public sector reform). This links into the issue of adequate technical and knowledgeable human resources. This process could be supported by the country's development agenda that is based on its Poverty Reduction Strategy Paper (PRSP) and the agenda 20-25. This will feed into how territorial governance structures should be organised in order to contribute to overall goals. The constitutional revision should also clarify the framework for institutional reforms, especially in relation to the inclusion of the subsidiary provision.

## 2.6 POLITICAL CULTURE: UNDERSTANDING OF DEMOCRACY AND SUPPORT OF DEMOCRATIC NORMS AND VALUES

Closely linked to democratic consolidation is the aspect of political culture. Within the multidimensional process of democratic transition, political culture can either have an inhibiting or an accelerating influence. Bearing in mind the core elements of democracy (competition and participation), a supportive political culture manifests itself in mutual tolerance, in a willingness by the main actors to compromise, in the ability of the parties to form a coalition, and in the acceptance of election results by the defeated party or parties. By contrast, certain elements of tradition, corruption, clientelism and politicised ethnicity as elements of a political culture impact negatively on any democratisation process.<sup>115</sup> Overall, the survival of any democratic system depends on the support of the political elite

and the population. There has to be an agreement between elites and the broader society that a democratic system is the best, albeit imperfect, form of government.<sup>116</sup>

As one interviewee pointed out, in Mozambique, the negative factors relating to political culture far outweigh the positive factors. This trend will continue unless new, cooperative political mechanisms are implemented, more education is provided and the economic imbalances are addressed.<sup>117</sup>

Economic liberalisation in Mozambique had a dichotomous effect: African values such as social solidarity were replaced by more individualistic and selfish principles, while the structural adjustment programme – *Programa de Recuperação Económica e Social* (PRES) – sustained what Abrahamsson and Nilson call the economy of affection (*a economia de afecção*).<sup>118</sup> The traditional redistribution system characterised by its informal, kin-based structure, led in a liberal environment to an economy that reflected the neopatrimonial structures of the state. In the process of privatising state assets, high-ranking officials have used their public office to place themselves in advantageous positions in the arena of private entrepreneurship. The ways in which politicians could take advantage of their connections, inside knowledge and perhaps direct control over privatisation, are widely referred to as ‘silent privatisations’ and were already addressed by the attorney-general in 1992 in a report to parliament.<sup>119</sup> Considering the highly polarised Mozambican context, it cannot be overlooked that democratisation in a neopatrimonial system means that the opposition threatens to take away, or take a share in, the economic privileges of the incumbents.<sup>120</sup> The extractive and non-productive nature of economic activities by the ruling elite puts them at high risk should there be a regime change. Benefits range from board memberships to unlimited bank loans; privileges that result from essential links to political circles with the skills and knowledge to manipulate the state bureaucracy.

A recent study conducted in three provinces (Maputo, Sofala, Nampula) by the local NGO *Ética* shows that corruption in Mozambique is widespread. Of those interviewed, 22.6% admitted that they had asked for money or had bribed someone in the past six months. With such a percentage, Mozambique ranks among the most corrupt regimes in the world, alongside Bolivia and Paraguay (26% and 19%). With the high prevalence of petty corruption in the state administration, faith in government and state institutions is in tatters. 70.2% believe that the police are corrupt, followed by the government (58.8%) and the courts (58.1%). Mistrust in state institutions such as the justice sector is alarming, as it cuts to the core of democracy. Whereas mistrust of government can be expressed come the next round of elections, lack of faith in the justice system may provoke the use of non-democratic and violent methods in order to resolve problems.<sup>121</sup>

Survey findings have also shown that the level of political tolerance is still low and that only limited political inclusion exists in Mozambican society. Many people believe that a person who “spoke badly about the government and the system of government should not enjoy the rights to vote, demonstrate, work in the civil service, talk on television or radio, or teach at school”.<sup>122</sup> A provincial breakdown of these results is insightful. The strongest correlation between intolerance and interest in politics and support for political parties was found in the province of Cabo Delgado,<sup>123</sup> whereas in the capital, Maputo, a low interest in politics correlated with a relatively high level of tolerance. A high level of

politicisation and political intolerance together with slow economic development constitutes a dangerous brew that could easily be used to destabilise the country. In view of this, the violent clashes between Renamo supporters and government forces in Montepuez/Cabo Delgado province were no coincidence.

There is also a strong cultural aversion to direct confrontation. This is striking in the context of Mozambique's political culture and against the background of over a decade of civil war. However, the fact that confrontation is rarely given expression does not imply that this automatically enhances the will for compromise and consensus. What exists is merely a phenomenon of containment of dissent that may erupt under certain and aggravated circumstances.

When asked whether the ideal democracy is a system whereby the majority of the people decide and rights and liberties are protected, or whether it is a system whereby people have equal access to food, shelter, health and education, most Mozambicans (44.5%) associated democracy with basic well being.<sup>124</sup> The state is considered as provider and protector, rather than as the servant of the citizens who elected it.<sup>125</sup> This is in line with an extremely paternalistic Mozambican culture, which highlights the coexistence of two different traditions and socio-political trajectories. The first appears in state discourses and relates to the pluralist democracy paradigm within a Western tradition, and the second is embedded in the African cultural tradition and which pervades the notion of rule.<sup>126</sup> It is nevertheless one vision that in general remains highly authoritarian, with the criteria of correctness set not by the application of depersonalised rules but by the will of the 'boss'.<sup>127</sup>

Although 62.1% said they were interested in politics and 58.3% said they were members of a political party, knowledge about the main state institutions, such as the Supreme Court, was very low.<sup>128</sup> Also, knowledge of the leaders of the main institutions (apart from the Head of State and the leader of the opposition) remained limited, with about 68.6% not knowing the president of the parliament, 84% unable to name one minister and 73% not knowing the name of any other party beyond Frelimo and Renamo.<sup>129</sup> Another worrisome trend is that the youth seem to be among those with the highest disinterest in politics,<sup>130</sup> leading one to believe that the development of a group that is interested in cultivating a democratic political culture, both now and in the future, is at stake.

Despite the fact that 57.8% of the survey samples considered democracy as the best form of government, it is difficult to escape the sense that commitment to the rules of liberal democracy in Mozambique remains superficial. The strong legacy of decades of authoritarianism and increased levels of poverty, illiteracy and isolation, all contribute to the deficits in Mozambique's democratic culture.<sup>131</sup>

#### NOTES

27 "[...] the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote." JA Schumpeter, *Capitalism, Socialism, and Democracy*, third edition, New York, 1950, p. 269.

28 R A Dahl, *Polyarchy. Participation and Opposition*, New Haven, London, 1971, p. 8.

- 29 L Diamond, *The End of the Third Wave and the Global Future of Democracy*, Vienna: Institute for Advanced Studies, Political Science Series No. 45, 1997.
- 30 H Waldrauch, Institutionalising horizontal accountability – a conference report, *Political Science Series*, 55, Vienna: Institute for Advanced Studies 1998.
- 31 L Diamond, Is the Third Wave over?, *Journal of Democracy*, 7(3), July 1996, pp. 20-37, p. 23ff.
- 32 L Mondlane, Mozambique: Nurturing justice from liberation zones to a stable democratic state, in: Abdullahi Ahmed An-Na'im (ed.), *Human Rights under African Constitutions. Realising the Promise for Ourselves*, Philadelphia, University of Pennsylvania Press, 2003.
- 33 Meeting with Latifa Ibraimo, AMMCJ, 16 August 2000.
- 34 L Mondlane, op cit, p. 206.
- 35 L Mondlane, ibid, p. 189.
- 36 Interview with government official, Maputo 2003.
- 37 *Telefonema de Mangaze anula sentença de tribunal*, in: *Zambeze*, 3 April 2003; *Presidente do Tribunal Supremo processa o Zambeze*, in: *Zambeze*, 17 April 2003.
- 38 S Levy/JM Turner/T Johnson/M Eddy, The state of democracy and governance in Mozambique. Evaluation report produced for the USAid Democracy Centre and USAid/Mozambique by Management Systems International, Washington, DC 2002.
- 39 Centro de Estudos de População/Universidade Eduardo Mondlane/USAid, *Inquérito Nacional de Opinião Pública 2001*, Maputo 2002, p. 27.
- 40 S Levy/JM Turner/T Johnson/M Eddy, op cit.
- 41 Protest marches were only allowed on Saturdays, Sundays and on public holidays, and only after 5 pm on weekdays.
- 42 L de Brito/A Francisco/JC Pereira/Domingos do Rosário, Mozambique 2003: An Assessment of the Potential for Conflict, Centro de Estudos de População/ Universidade Eduardo Mondlane, 2003.
- 43 In Beira, Catholics of the Sena and Ndau ethnic groupings have argued over which language should be used in religious services. In Maputo there was a demand from members of the Ronga ethnic group concerning who should be proposed by Frelimo for the post of mayor. And in Maxixe, a group of Bitonga residents sent a document to the municipal assembly, in which they urged the Tswa (whose presence was allegedly partly responsible for the degradation of the city) to return to their places of origin. Ibid, p. 38.
- 44 Interview with NGO representative, Maputo 2003.
- 45 Education for Mozambicans was mainly provided by the Protestant Church and particularly by Swiss missionaries. Since their main missionary stations were located in the south, more Mozambicans in the southern part of the country had access to formal education. Also, regional asymmetries derive from the colonial legacy of integration with the economies of the surrounding countries. Since South Africa has always had a stronger economy, this has had a corresponding effect in the southern part of Mozambique, as opposed to the central and northern parts of the country which are more integrated with the Zimbabwean, Zambian and Malawian economies.
- 46 L de Brito/A Francisco/JC Pereira/Domingos do Rosário, op cit, p. 39.
- 47 'PGR lança SOS na Assembleia da República', *Domingo*, 10 March 2002.
- 48 S Levy/JM Turner/T Johnson/M Eddy, op cit.
- 49 JC Trindade/J Pedroso, A caracterização do sistema judicial e do ensino e formação jurídica, in: B de Sousa Santos/JC Trindade (org.), *Conflito de transformação social: uma paisagem das justiças em Moçambique*, 1, Porto 2003, pp. 259-218, p. 269.
- 50 J Pedroso/JC Trindade/MM Ceitão Marquis, O sistema judicial: os recursos e o movimento processual, in: B de Sousa Santos/JC Trindade (org), ibid, pp. 319-350, p. 319.
- 51 Tribunal Supremo (ed.), *Estatísticas Judiciais 1999*, Maputo 2000.
- 52 Interview with Head of the Department of Statistics/Supreme Court, M Germano, 22 November 2002.
- 53 Ibid.
- 54 F Manhiça, O funcionamento das instituições de administração da justiça em Moçambique. Unpublished working paper.
- 55 J L Woods, *Mozambique: The CIVPOL operation*, <[www.ndu.edu/inss/books/policing/chapter5.html](http://www.ndu.edu/inss/books/policing/chapter5.html)>, 19 September 2000.
- 56 A Hills, Towards a critique of policing and national development in Africa, *Journal of Modern African Studies*, 34(2), 1996, pp. 271-291, p. 286.

- 57 Interview with Capitan J Gama, member of the Spanish Civil Guard involved in the training and capacity building project. Maputo, 22 August 2000.
- 58 Interviews with the General-Secretary of the Ministry of Home Affairs, Dr A Correia and the public relations officer, N Macamo, 21 November 2002.
- 59 Interview with UNOPS representative, J Taberné, Maputo, August 2000.
- 60 'Attorney-General paints sombre picture of justice system', *Aim*, 6 March 2002.
- 61 Interview with E Nhavote, assistant to Attorney-General Joaquim Madeira, 18 November 2002.
- 62 UNDP (ed.), *The Prison System in Mozambique*, Maputo 2000.
- 63 B de Sousa Santos/JC Trindade, Conclusões, in: B de Sousa Santos/JC Trindade (org.), *Conflito de transformação social: uma paisagem das justiças em Moçambique*, 2, Porto, 2003, pp. 525-580, p. 563.
- 64 B de Sousa Santos/ JC Trindade, Algumas ideias para a reforma das justicas, *ibid*, pp. 581-592, p. 581.
- 65 Mozambique is ruled by a presidential system whereby the president is directly elected by the people.
- 66 Renamo and nine other opposition parties accused Frelimo of irregularities during the registration process. However, as Renamo was unable to prove electoral fraud or any other major manipulation, speculation about the real reason for the boycott emerged. Several observers interpreted the boycott as a tactical manoeuvre to improve the party's chances for the national elections in 1999. The aim of abstaining from any political responsibility was to present the opposition as an impeccable alternative to the ruling party.
- 67 Bureaucratic obstacles and provisions within local elections law prevented numerous independent candidates and smaller parties from participating.
- 68 L de Brito, Sistema eleitoral e conflito em Moçambique. Paper presented at the EISA/CEDE conference, Consolidating peace and democracy in Mozambique through election-related conflict management initiatives, Maputo, 22-23 July 2003.
- 69 In the presidential elections Joaquim Chissano won 52.29% of the votes while Dhlakama won 47.71%. In the parliamentary elections Frelimo won 48.54% of the votes, while Renamo-UE won only 38.81%.
- 70 S Fandrych/AE Ostheimer, Die Parlaments- und Präsidentschaftswahlen in Mosambik: Auf dem Weg zur konsolidierten Demokratie?, *Afrika Spectrum*, 34(3), 1999, pp. 401-413.
- 71 J Elklit/P Svensson, What makes elections free and fair?, *Journal of Democracy*, 8(3), 1997, pp. 32-46.
- 72 Although the official election campaign started on 19 October, the CNE only decided on the distribution scheme and on the amount of money to be distributed among the parties on 8 November. Most parties received the first tranche (25%) three weeks after the campaign had already started. As in 1994, it became evident that the ruling Frelimo was in the best financial position and possessed the necessary resources to run an efficient campaign right from the beginning.
- 73 Article 19, an international organisation focusing attention on press freedom, confirmed that only Radio Moçambique provided unbiased coverage of the election process. State television TVM and the semi-private newspapers *Notícias*, *Diário de Moçambique* and *Domingo* all had a Frelimo-oriented slant when reporting about the election campaign. Article 19/Liga dos Direitos Humanos, Media monitoring project Mozambique elections 1999, <[www.ifex.org/alerts/view.html?id=5822](http://www.ifex.org/alerts/view.html?id=5822)>.
- 74 For example, on the election days, Frelimo cadres in the Magude district used state vehicles to travel from polling station to polling station. Own observation as election observer in 1999.
- 75 A detailed report on Mozambique's 1999 elections covering the whole process from voter registration up to the electronic processing of votes has been provided by the Carter Center's Democracy Programme. The Carter Center, Observing the 1999 Elections in Mozambique. Final Report. <[www.cartercenter.org](http://www.cartercenter.org)>.
- 76 L Brito, Sistema eleitoral e conflito em Moçambique, *op cit*, p. 8.
- 77 Demonstrations have only been allowed after 5 pm.
- 78 Comissão da Sociedade Civil (ed.), *Relatório sobre os Acontecimentos de Montepuez*, Maputo 2000.
- 79 L Brito, Sistema eleitoral e conflito em Moçambique, *op cit*, p. 10, 15.
- 80 Centro de Estudos de População/Universidade Eduardo Mondlane/USAid, *op cit*, Tab. 51 and Tab. 53.
- 81 *Ibid*, Tab. 21 and Tab. 24.
- 82 M Cahen, 'Dhlakama é maningue nice!'. Une Ex-guérilla atypique dans la campagne électorale au



- Mozambique, in: CEAN (eds.), *L'Afrique politique 1995. Le meilleur, le pire et l'incertain*, Paris, 1995, pp. 119-161, p. 132.
- 83 C Manning, Constructing opposition in Mozambique: Renamo as political party, *Journal of Southern African Studies*, 24(1), 1998, pp. 161-189, p. 187.
- 84 'Crise abala ,perdiz': Secretário-geral em ,maus lençóis' e Chico Francisco cessa funções', *Notícias*, 5 July 2002.
- 85 L de Brito/A Francisco/JC Pereira/Domingos do Rosário, op cit, p. 63.
- 86 Centro de Estudos de População/Universidade Eduardo Mondlane/USAid, op cit, Tab. 58.
- 87 The index measures the net percentage of votes that, from one election to the next, shift from one party to another. The lower the volatility, the more stable is the number of votes that parties receive over time and, as a consequence, the more stable the structure of the party system as a whole becomes.
- 88 GM Carbone, Emerging pluralist politics in Mozambique: The Frelimo-Renamo party system, internet published research paper.
- 89 I Lundin, Uma leitura analítica sobre os espaços sociais que Moçambique abriu para cultivar a Paz, in: B Mazula (ed.), *Moçambique 10 anos de Paz*. Imprensa Universitária, 2002, p. 118; UN, *Mozambique Common Country Assessment*, 2000, p. 103.
- 90 UNDP, *Governacao Democratica em Moçambique*, 2000.
- 91 Relatório da pesquisa 'Os caminhos da democratização em Moçambique', Universidade Católica de Moçambique, 2001, pp. 21-22.
- 92 Inquérito Nacional de Opinião Pública 2001. Centro de Estudos de População. Universidade Eduardo Mondlane, 2002, p.16.
- 93 Ibid, p. 13.
- 94 Interview with NGO representative, Maputo, 29 April 2003.
- 95 UN, *Mozambique common country assessment*, 2000, p. 103.
- 96 Interview with NGO representative, Maputo, 28 April 2003.
- 97 Constitution of the Republic of Mozambique, 1990.
- 98 INE, *Censo 97- II recenseamento Geral da população e habitação*, 1999.
- 99 Ibid.
- 100 UN, *Mozambique Common Country Assessment*, 2000, p. 100 ; E Namburete, Os Media, Paz e Democracia, in: B Mazula (ed.), *Moçambique 10 anos de Paz*. Imprensa Universitária, 2002, p. 84.
- 101 Excerpt translation by the authors. E Namburete, ibid.
- 102 This report was not presented in parliament, but was published in the press the day after the inter-party quarrel. It held that both the police and the Renamo demonstrators were responsible.
- 103 S Levy/JM Turner/T Johnson/M Eddy, op cit.
- 104 The term *autarquias* means self-governed cities and towns. All positions of power in the municipality are formally subject to electoral scrutiny, both directly and indirectly. The mayor is directly elected and sets up his municipal council – the local government. This operates within the guidelines set up by the elected municipal assembly. Half of the municipal councillors have to come from the municipal assembly. E Braathen, Democratic decentralisation in Mozambique?. Background paper for the LPD workshop, Local politics and development – focus on Mozambique, Oslo, 20 May 2003, p. 7.; AWEPA, *Os 'Laboratórios' do processo moçambicano de autarquização*, Occasional paper series No. 9, 2001, p. 12.
- 105 E Braathen, op cit, p. 2.
- 106 The 1994 law intended to turn all 128 districts into municipalities.
- 107 See Weimer 1999 and Serra 1999, mentioned in Braathen, op cit, 2003.
- 108 Ibid.
- 109 Inquerito Nacional de Opinião Pública 2001, Centro de Estudos de População, Universidade Eduardo Mondlane, p. 35.
- 110 Ibid, p. 34.
- 111 Interview with donor representative, Maputo, 23 April 2003.
- 112 E Braathen, op cit, p. 10f ; Weimar, 2002, op cit, p. 68.
- 113 B Weimer, *Demokratisierung, Staat und Verwaltung in Mosambik*. Unpublished paper, 6 April 2000.
- 114 Foreign Investment Advisory Service, Mozambique: Continuing to remove administrative barriers to investment (June 2001), cited in: S Levy/JM Turner/T Johnson/M Eddy, op cit.
- 115 R Tetzlaff, Einleitung. Demokratisierungschancen Afrikas – auch eine Frage der politischen Kultur,

- in: Meyns, Peter (ed.), *Staat und Gesellschaft in Afrika. Erosions- und Reformprozesse*, Hamburg, 1996, pp. 1-16, p. 2.
- 116 SM Lipset, *Political Man. The social bases of politics*, New York, 1963, p. 64f.
- 117 See interview with NGO representative, Maputo, 29 April 2003.
- 118 H Abrahamsson/A Nilsson, *Ordem Mundial Futura e Governação Nacional em Moçambique*, Goeteburg: PADRIGU, terceira impressão, 1998, p. 53.
- 119 G Harrison, Corruption as 'boundary politics': The state, democratisation, and Mozambique's unstable liberalisation, *Third World Quarterly*, 20(3), 1999, pp. 537-550, p. 543f; see also, MA Pitcher, *Transforming Mozambique, The politics of privatisation, 1975-2000*, Cambridge, 2002.
- 120 M Bratton/N van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, Cambridge, 1997, p. 87f.
- 121 Ética Moçambique, *Estudo sobre Corrupção em Moçambique*, Maputo, 2001.
- 122 Centro de Estudos de População/Universidade Eduardo Mondlane/USAid, op cit, Tab. 19B.
- 123 Ibid., Graph 9.
- 124 Ibid., Tab. 49.
- 125 Ibid., Tab. 53.
- 126 See this argument presented and developed in Brito's article, Os Moçambicanos, a Política e a Democracia, *Santos e Trindade, Conflito e Transformação Social: Uma paisagem das justiças em Moçambique*, Edições Afrontamento, Porto, 2003.
- 127 S Levy/JM Turner/T Johnson/M Eddy, op cit.
- 128 Centro de Estudos de População/Universidade Eduardo Mondlane/USAid, op cit.. Tab17, p. 21; Tabs 11 and 12, p. 10.
- 129 Ibid. Tabs 57, 58 and Graph 63.
- 130 See Brito, op cit, p. 183.
- 131 Centro de Estudos de População/Universidade Eduardo Mondlane/USAid, op cit.

## Chapter 3

### EVALUATION OF THE DEMOCRATIC TRANSITION PROCESS (PROGRESS OR REGRESSION?)

In general, democratisation can be defined as a transition from non-democratic to democratic regimes. However, in conceptualising democracy and in distinguishing between electoral and liberal democracy, one also has to distinguish between a first transition process from authoritarianism towards the installation of a democratically elected government by founding elections, and a second transition process towards a consolidated and institutionalised democracy.

In a teleological interpretation, one could also view the criteria for a liberal democracy set by scholars such as Diamond, as pre-conditions for a consolidated democracy. However, in introducing the terminology of consolidated democracy, a clear distinction must be made between consolidation in the classical sense – as used by Samuel P Huntington, where the survival of a democratic system instead of a backdrop to authoritarian structures is considered as consolidation<sup>132</sup> – and consolidation in a teleological interpretation, as used in this analysis. Consolidation in this context refers to its procedural and qualitative character, in the sense of enlarging and deepening democratic structures and moving away from a mere electoral democracy towards a liberal democracy.

Although Huntington's interpretation of democracy in his analysis of the 'third wave of democratisation' (i.e. the transition of non-democratic regimes to democratic regimes that began in the mid-1970s in Portugal) has to be seen as minimalist, he nevertheless elaborates on an important feature of 'third wave' democracies. According to Huntington, the threat for Mozambique as a classic example of a third wave democracy is not so much the risk of a coup or a structural implosion, but rather the prospect of a gradual erosion of democratic structures.<sup>133</sup>

Confronted with the challenge of gradual erosion, it is interesting to note that for the mere survival of a democratic system (short-term perspective or the classical interpretation of democratic consolidation) the same factors (or rather, their non-existence) play a significant role in stabilising and enhancing democracy (long-term perspective or teleological interpretation).

The survival of a democratic system depends on the support of the political elite as well as of major parts of the population. Both the elite and the population have to agree that democracy must be accepted as the 'least worse', if not the best, form of rule.<sup>134</sup> In Mozambique, this raises the question as to whether the ruling political elite – which in this

context is identical to the old elite who were socialised mainly during the socialist era – embraces a democratic system out of conviction, or whether it sees democracy merely as a means to secure power and influence – and because a ‘confession’ to democracy ensures the flow of donor money.

### 3.1 SOCIO-ECONOMIC CONTEXT OF DEMOCRATIC CONSOLIDATION

Demographic data	2001	Economic and social data	2001
Population	17,656,200	BIP p.c. (\$, PPP)	205
Population growth	2.4 %	Inflation rate	9%
Ethnic fragmentation <sup>135</sup>	26.4 %	Unemployment rate <sup>136</sup>	30-50%
HDI	0.322	External financing of state budget	47.9% (2000)
GDI	0.304 (2000)	Education budget (% of state budget)	23.1%
UN-Education Index	0.374 (2000)	HIV/Aids prevalence in population	Ca. 12%

Mozambique's transition from socialism (planned market economy) to liberalism and capitalism brought with it macroeconomic growth rates that came to be the envy of many countries in the region. From 1997 to 1999, the country boasted gross domestic product (GDP) growth rates of around 10%. Even after an economic stagnation in 2000 due to flooding in central and southern Mozambique, the country achieved economic growth rates of 13.9% (2001) and 8% (2002). For a second consecutive year Mozambique kept its export earnings over US\$500 million (2002: US\$680 million; 2001: US\$703.4 million).<sup>137</sup>

Mozambican compliance with the qualification criteria for the second round of the Heavily Indebted Poor Country Initiative (HIPC II) demonstrated not only the government's political will to implement monetary and fiscal austerity measures but also its success in reducing the country's debt burden by about US\$3.8 billion. Despite these positive developments regarding the external debt situation, an increase in the internal debt burden overshadows the sunny economic situation and highlights the severe structural problems in Mozambique's economy. From 2001 to 2002 interest payments on domestic debt rose from 270 billion meticaïs to 692 billion meticaïs.<sup>138</sup>

Internal debts are channelled into a re-financing of the crisis-ridden banking sector, which has experienced losses of approximately US\$400 million since *Banco Austral* and *Banco Comercial de Moçambique* were privatised. In 2002, 54% of Mozambique's state budget remained financed by international donors.

Mozambique's fantastic macroeconomic growth rates are mainly due to mega projects such as the aluminium smelter, Mozal (now going into its second expansion phase) and the Sasol gas pipeline running from Temane in Inhambane province to Sasolburg in South Africa. In capital terms, South Africa is now the major investor followed by Portugal, which has a higher number of projects running. The fact that investments do not come from more varied sources is a cause for concern, since Mozambique depends strongly on the good performance of these economies. In the banking sector, for example, there is practically a monopoly of Portuguese capital. If a crisis were to hit these major groups, Mozambique's financial system may suffer considerable backlash.

Mozambique's export sector is also changing: aluminium (53%) – as a result of Mozal production – and electricity (16%)<sup>139</sup> rank high, while agriculture and fishing – where the majority of the population (83%)<sup>140</sup> is economically active – is declining.

The 10 biggest companies (within the energy and transport sectors) generate 62% of total enterprise revenue. Medium and small enterprises therefore have little room to manoeuvre and struggle to survive, especially since the interest rate is at more than 30%.<sup>141</sup>

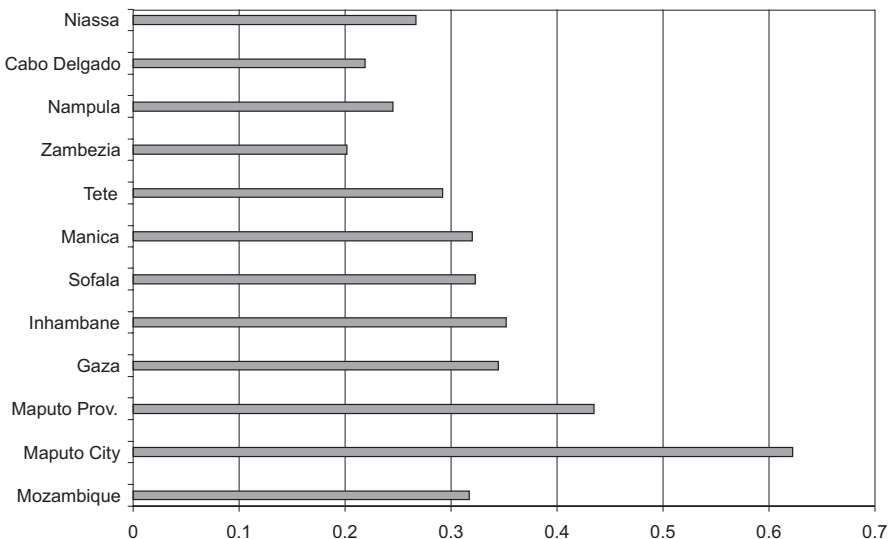
The above is only a partial analysis of the formal Mozambican economy garnered from the official data, but one should not underestimate the size and role of the informal sector.

Despite these positive economic features, a redistribution of these gains remains to be seen and the majority of the population have not experienced any substantial improvement in their living conditions. As one co-passenger on a flight to Maputo recently stated: “*A única coisa estável em Moçambique são os salários.*”<sup>142</sup> A solid middle class has not developed. Eighty per cent of the population live in rural areas and of those, 71.2% live below the poverty line (even in urban areas 62% live in absolute poverty).<sup>143</sup>

Although Mozambique's HDI is increasing steadily and reached 0.317 in 2001, the country remains in the category of low human development countries. Of particular concern for political stability is the high level of regional disparity between Maputo (HDI=0.622) and for example Zambezia (with HDI=0.202; *see Figure 2*).

As Seymour Martin Lipset pointed out decades ago, economic development that produces higher levels of education and that promotes a reduction of social disparities, reduces the possibility of extremist policies while at the same time supporting the

**Figure 2: Human Development Index, Mozambique, 2000**



Source: UNDP, (ed.), *Mozambique: Gender, women, and human development: An agenda for the future. National Human Development Report 2001, Maputo 2002.*

development of a democratic system and a stabilising middle class. Currently, this is only occurring in Maputo city. The majority of the country remains de-linked from the rapid economic development taking place at the southern tip of Mozambique.

Alarming from a developmental perspective is the stagnation of the education index since 1994. The literacy rate has only increased from 39.5% to 43.3%, and substantial regional differences can also be observed here: Maputo's illiteracy rate is 13%, while Cabo Delgado province has an illiteracy rate of 77.3%. Additionally, all expectations in the educational sector as well as in the health sector are overshadowed by the HIV/Aids epidemic. Life expectancy for Mozambicans increased from 41.7 years in 1994 to 44.6 years in 2000.<sup>144</sup> However, with the impact of Aids it can be expected that life expectancy will be cut by a third within the next 10 years.

The ethno-regional dominance of the south expresses itself not only in the tremendous economic gap related to investment concentration and developmental indicators but also in terms of political representation. It is also embodied in the hegemony of the former marxist-modernist, nowadays pragmatic-technocratic, elite within the state apparatus.<sup>145</sup> Notwithstanding attempts by the Frelimo leadership to diversify those in power along ethnic lines – sometimes even at the expense of efficiency – most leading positions within the state bureaucracy and Frelimo are filled by people from the south (Gaza Province, Inhambane).

Although the historical roots of ethno-regional dominance are in the legacy of colonial rule, the regional divide is serious in terms of conflict potential. It reveals strong elements of inequality which, when matched along political lines, can become dangerous, laying the ground for instrumentalisation.<sup>146</sup> The south is more economically developed and has attracted more investment despite government efforts to make investment conditions more attractive in the centre-north provinces. Although these provinces have potential they lack basic infrastructures.<sup>147</sup> A lethal convergence is created by the fact that, as mentioned, the majority of the country's leadership come from the south. Since Renamo's power is concentrated in the central and northern provinces, it is able to mobilise people on the basis that it is a party which gives a voice to the 'excluded'.

The urban-rural gap is also telling. About 70% of the population live in rural areas and about 30% in urban areas, with high economic disparities drawn along these lines. Urban areas tend to be dominated by Frelimo (which still has a strong rural network), while Renamo prevails in rural areas.

The last dividing line, though the least prominent of them, is that of ethnicity which, without constituting the exception to the rule in relation to the previous two divides, reinforces them. There are no majority or minority groups that may be associated with the holding of power. Ethnic groups are more or less numerically equal, apart from the Macua which is the biggest group. As a simple analysis, however, the Changanas prevail in the south and rule the country (Frelimo), while Ndaou and Sena are represented by Renamo. The validity of such an analysis comes into question, however, if one looks at the composition of higher ranks in the parties where a wider ethnic diversity is presented. The generalisation may, however, be considered in terms of the party-voters.

Fortunately, there are no major problems as regards land distribution. The country seems to have enough arable terrain for all, although the best land for cultivation is in the

northern and less populated provinces. Also, the fact that the land continues to belong to the state and that communities must be involved in any project relating to the exploration thereof, ensures that peasants will not be dispossessed of their land. This would have been the case if the outcome of the land debate had veered towards privatisation and liberalisation. The land debate is, however, still a focus of discussion in Mozambican society with some arguing that liberalisation would have allowed peasants access to loans, thereby improving agricultural activity and increasing production growth rates.

Within the regional context, however, the land issue and the way in which it was handled has seriously damaged the Mozambican economy; trade and use of the Beira Corridor has diminished. Also, Zimbabwe has failed to pay for use of the Beira Corridor and for water provision. As a consequence of the economic and political crisis in that country, some white Zimbabwean farmers have begun developing commercial farms in Manica province, which neighbours Zimbabwe. Despite the highly polarised debate in the media about their settlement, the issue is now less contested. The farms are performing well and the farmers seem to be working peacefully alongside the local populations.

In terms of the prospects for regional development, expectations of the Nacala Development Corridor – which will link Mozambique and Malawi, also connecting into Zambia – are high. The Corridor is expected to boost business and transport links between these countries. This project will be supported by the US Overseas Private Investment Corporation and USAID.<sup>148</sup>

Linked to business, however, is the high rate of corruption in Mozambique's private and public sectors. Those in power have tended to use their influence and decision-making powers to obtain revenues through, for example, the privatisation process. The BCM and Austral cases, for example, revealed that those who benefited from the unpaid loans – which led both banks to bankruptcy – had strong links to the ruling party. These cases were connected to criminal networks that are believed to have also led to the tragic deaths of Carlos Cardoso and Siba-Siba Macuacua. It also supports the more radical argument that Mozambique is an advanced example of a criminalised state.<sup>149</sup> This pro-corrupt tendency has been 'veiled' in the major ongoing projects in the country where a small group of Mozambican decision-makers is usually represented.<sup>150</sup> Corruption practices seem to be prevalent in the state bureaucratic structures, usually due to low salaries. However, a study conducted by Etica Moçambique with the support of Transparency International<sup>151</sup> revealed that in understanding the phenomenon, Mozambicans conceive of two notions: one moralist and one legalist. Most agreed that there was no point in distinguishing between 'big' and 'small' corruption since it is the attitude that is wrong. They also agreed that earning a low salary did not justify resorting to corruption. Political reasons and structural factors were also given as reasons for the pervasiveness of corruption in society. Most saw the government and donors as being responsible for corruption and that it was the responsibility of government to take action and to implement effective measures to combat it.<sup>152</sup>

Parliament has recently approved an anti-corruption law and a unit under the responsibility of the *Procuradoria da República* (attorney-general) has been established to combat corruption. Criticism has been levelled at the fact that this is, however, a

jurisdictional approach to the problem, whereas a multidisciplinary approach should rather have been taken (entailing education, research, etc.).<sup>153</sup>

The corruption debate is ongoing, with pressure from civil society and the international community increasingly being mounted at government. There are therefore enormous expectations of a new government resulting from the next general elections to tackle the problem effectively.

### 3.2 INSTITUTIONAL STRUCTURES: CONTINUITIES AND CHANGE

#### 3.2.1 PERILS OF PRESIDENTIALISM

As has been mentioned, the continuation of the 1990 constitution which endorses a presidential system may constitute a challenge for political stability in Mozambique after the next elections. Considering the bipolar structure of Mozambican politics and the closeness of the 1999 election results, a situation of '*cohabitation*' could be a likely outcome, where a Renamo president may govern against a Frelimo-dominated parliament, or vice versa. Within a culture of deeply rooted mistrust this can hamper any solid attempt at governance.

This aside, presidentialism as such is problematic as it operates according to the 'winner-takes-all' rule. Although parliamentary elections can produce an absolute majority for a single party, power sharing and coalition forming are fairly common and provide a space for smaller parties. The zero-sum effect of presidential systems is aggravated by the rigidity of a fixed term in office. Winners and losers are set for the duration of the term and there is no opportunity to shift alliances or to engage with new coalition partners, as is possible under a parliamentary system.<sup>154</sup> However, the opposition has not yet realised the advantages to it of reforming the system. This was made obvious when attempts to introduce a semi-presidential system in 1999 were quashed by resistance from Renamo.

#### 3.2.2 STATE BUREAUCRACY

As political scientist, Larry Diamond has noted:

"To be stable, democracy must be deemed legitimate by the people; they must view it as the best, most appropriate form of government for their society. Indeed, because it rests on the consent of the governed, democracy depends on popular legitimacy much more than any other form of government. This legitimacy requires a profound moral commitment and emotional allegiance, but these develop only over time, and partly as a result of effective performance. Democracy will not be valued by the people unless it deals effectively with social and economic problems and achieves a modicum of order and justice."<sup>155</sup>

In Mozambique, however, a situation exists today whereby without sufficient and effective control mechanisms, a new liberal environment has fostered corrupt practices.



This has impeded the development of functioning public institutions, or what Max Weber calls the essential element of an accountable state – the state bureaucracy.<sup>156</sup> As the late journalist Carlos Cardoso observed, Mozambique is moving away from a rule of law towards a rule of arrangements.

Additionally, Mozambican state bureaucracy is not only deeply entangled with the Frelimo party apparatus, but bears the over-formalised and over-bureaucratised features inherited from the Portuguese colonial administration. For Joseph Hanlon, the Mozambican bureaucracy provides a refuge for the incompetent:

“The Portuguese left behind a complex system requiring formal petitions, fax stamps and rubber-stamped signatures. Frelimo never dismantled this system, and for anything difficult or unusual, the answer is often that the petition is not right, another signature is needed, or someone else is responsible.”<sup>157</sup>

These characteristics have compounded the close connection that already exists between the state and the party and will impact on a slow pace of change. It is true that a new generation with different political affiliations is acceding to this bureaucracy; however, they too refrain from assuming critical positions and are fearful of reprisals, even if this scenario is now less frequent. The fact is that young people do not want to ‘tarnish’ their résumés or be involved in anything that would stunt their career paths.<sup>158</sup>

Any public sector reform should address these fears and expectations and should create a mindset whereby civil servants are encouraged, through improved management and efficiency, to better serve the citizens.

### 3.2.3 THE SECURITY APPARATUS (E.G. THE POLICE, THE MILITARY AND THE SECRET SERVICE)

With the signing of the GPA in 1992 the security sector was confronted with its own restructuring. This started with the demobilisation of 92,881 soldiers<sup>159</sup> from the armed forces, according to Protocol IV of the GPA, which laid down the basis for the creation of the new Armed Forces for the Defence of Mozambique (FADM). The FADM creation process comprised the complete disbanding of the existing government forces and Renamo guerrilla units, followed by the merger of volunteers from both sides on a 50:50 basis into the new army. The goal of 30,000 men was, however, never attained since few volunteers came forward. To address this shortcoming, a new conscription system has been instituted but this method has been shown to be flawed. Young people do not view the military as an attractive career option. The military is undergoing a slow restructuring process and is seen to be a low priority for both the government and donors. One problem with the restructuring is the difficulty of having to merge a guerrilla force with a professional armed force. This is currently undermining the overall effectiveness of the FADM, despite training and educational efforts to achieve more balance. From a political perspective, however, this integration is seen as being successful since the military integration went smoothly and reconciliation has been forged. This success can perhaps be attributed to the principles of discipline and hierarchy found in the military.

In terms of the military and democratic rule, there is no history of military attempts to rule in Mozambique. During the independence struggle and under the socialist regime, the military were intrinsically linked to, but always subordinated to, politics. This might explain the lack of coup attempts.<sup>160</sup>

The FADM still faces major challenges which relate to a much needed defence review and strategic analysis process. A thorough reorganisation of the sector is required in order to allow the FADM to fulfil its traditional task of defending the country, as well as to fulfil new tasks such as supporting the population in disaster situations and the involvement of troops in peace operations. Under Protocol IV of the GPA, bodies were established to control the secret service (the National Information Commission – Cominfo) and the police (the National Police Affairs Commission – Compol). People appointed by Renamo took part in these bodies, but since both institutions were dissolved after the first democratic elections – and in accordance with the GPA – Renamo lost its control over these sectors, which are today closely linked to Frelimo.<sup>161</sup> Whereas it seems highly unlikely that soldiers may become a threat to democracy, the loyalty of the police apparatus and the secret service to a non-Frelimo government has yet to be proven.

Transformation of the secret service into a state information agency seems to be under way; however, insufficient information is available at this stage to provide further analysis. The extent of the agency's reliability and effectiveness is of concern since its tasks have increased with the added responsibility of supporting the police in dismantling criminal networks and in developing the capacity to investigate possible terrorism-related activity arising out of the country and/or region.

But other structural concerns govern the development of these institutions within a democratic environment. For example, despite efforts to train the police on human rights,<sup>162</sup> the police force is still seen as one of the most corrupt state institutions<sup>163</sup> and receives the least trust from people in relation to other state institutions.<sup>164</sup> Lack of confidence is problematic from the perspective of state/institution legitimacy and social trust, as well as in terms of overall police operations and activities. This is corroborated by further survey findings which indicate that 76.2% of people do not contact the police to ask for help in dealing with local problems.<sup>165</sup> Such a lack of trust may undermine the new community policing initiative in which citizens are supposed to cooperate with the police in identifying criminals.

Another major challenge is the question of how to capacitate the police to deal with the trans-national criminal networks that are proliferating in Mozambique. These networks confront the country with increased threats that include drug trade, money laundering, the trafficking of human body parts, smuggling, vehicle theft, bank robberies, the organisation of assassination groups, the penetration of the state and business by criminal networks, obstruction of justice and corruption.<sup>166</sup> In the face of this, a major policy to deal with crime is needed. Although the Defence and Security Act (17/97) sets the framework for the activities and missions of the three security branches, the Internal Security Act dealing with police activity has never been completed. There is ongoing work to develop a strategic plan for the area, but this is appalling from a sequencing point of view, considering that a policy has not yet been decided on.

Much remains to be done in substantial terms concerning security sector reform. Besides providing technical military assistance, little effort was made by the international community to encourage the government to review the shape and structure of the sector, beyond making general appeals for the security forces to be brought under closer democratic control. The weaknesses of the key security sector oversight institutions – such as the defence, finance and interior ministries, the parliamentary commission on defence and public order, and relevant civil society groups – have received virtually no attention from the international community, and even less from a government burdened with the tasks of reconstruction, achieving macroeconomic balance and improving the education and health sectors.<sup>167</sup>

Certain ‘imperative’ political concessions regarding the security forces were made in the immediate post-agreement transition period. These unresolved problems are now resurfacing. Forces that were not demobilised and were allowed to remain armed, such as the Renamo president’s personal guards, have been involved in a number of violent activities in Gorongosa, Sofala province. The problem is that there is no longer a framework to demobilise and integrate these men into society, as were their colleagues. They are therefore using their weapons for dubious intent, although they claim it to be a matter of survival. Their acts are considered to be criminal, and inflammatory remarks by the governor of the province have denounced this situation, laying the ground for mounting political tension.<sup>168</sup>

#### 3.2.4 BEHAVIOUR PATTERNS OF POLITICAL ACTORS

As described, Renamo has in the past acted in a rather politically immature manner. It tried to instrumentalise the north–south ethnic and economic divide for its own purposes. This focus on regional differences may deepen ethnic cleavages, and could possibly bring up new conflict structures.

Instead of presenting itself as a credible alternative to the ruling party, Renamo continues with its confrontational and obstructive style of the past. But Frelimo has also shown an unwillingness to share power and lacks openness towards consensual mechanisms. Mistrust continues on both sides and hampers the work of crucial parliamentary commissions, such as the CNE and the constitutional reform commission.

#### 3.2.5 SHORTCOMINGS OF THE POLITICAL OPPOSITION

The structural and financial weaknesses of all opposition parties are still striking. As the law prohibits direct financing by external sponsors, party financing remains in general problematic. In the run-up to the 1994 election, the UN established a trust fund that gave Renamo US\$17 million. The main opposition party also receives an annual US\$1.4 million from the state. However, party finances remain the personal domain of the party leader and so far no public accounts on revenue spending have been published.<sup>169</sup> Money barely trickles down to the district level, and party infrastructures, even within the main opposition party, remain weak.

“Renamo’s branches on the ground are often little more than a flag on a member’s house.”<sup>170</sup>

Intra-party democracy remains a crucial and unresolved issue. There are strong centralising tendencies within both Renamo and Frelimo, although stronger resistance to this tendency is evolving within Frelimo.

Additionally, the programmatic outreach of the main opposition party is limited. Strategic papers by Renamo on salient topics are either nonexistent or are not made public. The last national election campaign showed, however, that Renamo’s programmatic policies are not that different from Frelimo’s.

Most of the smaller opposition parties have very little support within Mozambican society. Quite often, smaller parties become insignificant through split-ups and walkouts due to personal rivalries. None of the numerous so-called ‘unarmed parties’ has been able to consolidate their founding bases of 1994 or to expand their party bases. The smaller opposition parties seldom enter the political discourse and receive limited public and media coverage. The political discussion is therefore dominated by the two major parties. Renamo has in the past been constrained by its lack of political imagination that can conceive of little other than its well-known boycott strategy. At any rate, consolidation of democracy in Mozambique demands that the current discourse on power be replaced by a discussion on political alternatives.

### 3.3 TRANSITION CHARACTERISTICS

When, shortly after the 1994 elections, Brazão Mazula developed five scenarios<sup>171</sup> ranging from military instability to a real democracy, hopes were still high that Mozambique would develop in a teleological perspective towards a real democracy – or “*real convivência democrática*” in Mazula’s own words. However, up to now, Mozambique’s transition is mainly oscillating between situations of destabilisation (“*o cenário da anarquia e ingovernabilidade*”) and political co-optation and repatrimonialisation.<sup>172</sup>

A situation of destabilisation is characterised by mutual accusations, with the opposition opposing everything that comes out of government (“*faz-se uma oposição por oposição*” – opposition for opposition’s sake). Government in turn uses the media to tarnish the opposition’s public image. Tendencies to radicalise deep-rooted mistrust are prevalent. Although governing becomes increasingly difficult under such circumstances, a lack of financial resources and domestic support makes a turn of the situation into one of militarisation highly unlikely.

A situation of co-optation and repatrimonialisation refers to the characteristic that the winning party centralises power and tries to secretly co-opt oppositional forces in order to avoid an undemocratic image. Key groups that remained outside the power structures are now integrated into neopatrimonial networks and are invested with various benefits. The objective is to eradicate forces that may disturb the hegemony of the ruling party and to merge society and the state with the party (“*[...] torna a sociedade e o Estado suas propriedades*” – to turn society and the state into one’s property).<sup>173</sup> National

reconciliation is conditional and based on the interests of the hegemonic party. Such a situation only secures a temporary peace, characterised mainly by passive resistance within society, until latent social discontent erupts.

While the initial phase of Mozambique's transition (1990–1994) seemed to indicate that the country was on the path to democracy and democratic consolidation characterised by mutual respect between political actors, tolerance, dialogue and a climate of social trust, the years thereafter clearly highlighted the re-emergence of patrimonial structures and deeply rooted mistrust amongst political forces. Frelimo managed to dominate and steer Mozambique's transition process. It did so in the beginning when it initiated an economic and political liberalisation process,<sup>174</sup> and does so now. The entanglement of party and state, Frelimo's patrimonial networks and the corrupt behaviour of the political elite, constitute severe obstacles for Mozambique's progress towards consolidated democratic structures. Since the first elections in 1994, Mozambique has complied with the minimalist conditions of an 'electoral democracy', but no consolidation of democratic structures has taken place.

Sustainable development and successful economic reforms necessitate solid political institutions. Despite some reform attempts, the capacity of political institutions is still limited and the justice system in particular is characterised by inefficiency and corruption. Neopatrimonial networks and corruption have become constitutive elements of Mozambican political culture. Interaction between political parties is driven by mistrust: there is little will to reach agreement and even less when it comes to consensus. Political dialogue is currently paralysed, even in relation to the upcoming local elections. It seems that democratic minimalism will prevail, at least until the next general elections.

This study has attempted to understand in teleological terms the evolution of Mozambique's democratisation process, through primarily the identification of elements that appear to be blocking the process of democratic consolidation. However, positive accounts of this fragile democracy must also be acknowledged and revisited, as it is here that a constructive potential for change exists. It becomes particularly important not to just focus on the institutions but to look for actors of potential change.

The first of these could be the growing civil society sector, which has been discussed herein. If strengthened and made more independent, this sector may constitute an effective check to state activity; not as an alternative to it, but rather a 'compelling' voice of 'awareness'.

A second positive development is the work of various CSOs, NGOs, religious groups and traditional authorities in maintaining a conciliatory position concerning polarised issues, both at the national and local levels, as well as providing social services and alleviating poverty, especially in the rural areas.

The third factor is media freedom. Although critical journalism suffered a set-back after the death of Carlos Cardoso, the media seems to have maintained its position and has remained vocal and critical of the events in the country. This sector does, however, have a problem of polarisation whereby the two main currents – one pro-government and another pro-opposition – at times inflate conflict, rather than contributing to a more positive conflict-resolution process. This sometimes stifles possible alternatives.<sup>175</sup>

However, the liberty that is conceded by government in this area is remarkable, especially when compared to media freedom (or rather the lack thereof) in other countries in the region.

Another positive factor is President Chissano's decision not to contest in the next elections. This shows a mature democratic political awareness on the part of Mozambique's leader. In comparison, leaders in many other African countries are changing constitutional provisions to allow them to run for uninterrupted terms, or to rule for life. This is reversing the few gains (when these existed) of democratisation in these countries.

Many other positive factors could be found which have contributed to the partial success of Mozambique's democratisation process. Other actors – sometimes on the margins of main Western liberal democratic discourses – such as traditional authorities and the way families and communities as units and actors address these issues, feature in this respect.

#### NOTES

- 132 SP Huntington, *The Third Wave. Democratization in the Late Twentieth Century*, Norman, University of Oklahoma Press, 1993, p. 208ff.
- 133 SP Huntington, Democracy for the long haul, *Journal of Democracy*, 7(2), 1996, pp. 3-13, p. 8.
- 134 M Lipset, *Political Man. The social bases of politics*, New York 1963, p. 64f.
- 135 Percentage of largest ethnic group (Macua).
- 136 Rate of economically active population officially registered as unemployed (15–65 years old).
- 137 'Mozambique keeps up rapid economic growth', *AIM News Agency*, 11 April 2002.
- 138 'Growth rate expected to hit 14.8 percent', *AIM News Agency*, 2 January 2002.
- 139 The Economist Intelligence Unit, Mozambique Country Report, April 2003, p. 26.
- 140 In 1999, 83% of the workforce laboured in smallscale and subsistence agriculture, *Europa Year Book*, 2001.
- 141 The Economist Intelligence Unit, op cit, p. 25.
- 142 "The only steady thing in Mozambique are the salaries."
- 143 Ministry of Planning and Finance, Absolute Poverty Reduction Action Plan (2002–2004), Maputo, 2000, p. 13.
- 144 UNDP (Hrsg.), Mozambique: Gender, women, and human development: An agenda for the future. *National Human Development Report 2001*, Maputo, 2002.
- 145 The composition of government has become a prominent issue in intra-Frelimo discussions, especially with regard to achieving a balance between efficiency and political sensitivity. Indeed, a major criticism levelled at Chissano was that, apart from bringing young and inexperienced people into governance structures, the government comprised mostly technocrats with little political background and poor understanding of the need to keep strong ties with the party base. Those who argued this, capitalised on the backlash of the 1999 general election results, after which the government was restructured along more political and regional/ethnic lines.
- 146 See Grobbelaar/Lalá, *Managing group grievances and internal conflict: Mozambique country report*. Working paper 12. Netherlands Institute of International Relations-Clingendael, The Hague, 2003.
- 147 Centro de Promoção de Investimentos, CD-Rom, 2001.
- 148 The Economist Intelligence Unit, op cit, p.24.
- 149 See E Braathen, op cit, p.15; Bayart et al, *Criminalisation of the State in Africa*, 1999.
- 150 Some Mozambican-sounding names are connected to major investment projects. This does not necessarily mean that corruption exists, though suggesting it in some cases. See The Economist Intelligence Unit, op cit, pp. 22-24, 25.

- 151 See the report released at the Conferencia do Lançamento da campanha anti-Corrupção, Maputo, 21 April 2003.
- 152 Ibid.
- 153 Interview in Maputo, 29 April 2003.
- 154 J Linz, The perils of presidentialism, *Journal of Democracy*, 1(1), 1990, pp. 51-70, p. 56.
- 155 L Diamond, Three Paradoxes of Democracy, *Journal of Democracy*, 1, Summer, 1990, pp. 48-60, p. 49.
- 156 M Weber, *Wirtschaft und Gesellschaft*, 5th rev. edition, ed. by J Winckelmann, Tübingen, 1976.
- 157 Hanlon cited in: EA Alpers, 'A family of the state.' Bureaucratic impediments to democratic reform in Mozambique, in: Hyslop, J. (ed.), *African democracy in the era of globalisation*, Johannesburg, Witwatersrand University Press, 1999, pp. 122-138, p. 137.
- 158 Interview 10 May 2002.
- 159 For analyses on the successful demobilisation process see: S Barnes, Reintegration programmes for demobilised soldiers in Mozambique, UNDP Evaluation Paper, Maputo, 1997; S Barnes, The socio-economic reintegration of demobilised soldiers in Mozambique: The soldiers view, UNDP Evaluation Paper, Maputo, 1997.
- 160 The only registered attempt in Mozambique's recent history was that by the late General Mabote in 1991. It was, however, said to have been a coup forged by Frelimo to discourage future attempts. The case went to trial but there was not enough evidence to find the General guilty.
- 161 L de Brito/A Francisco/JC Pereira/Domingos do Rosário, *ibid*, p.72.
- 162 Concerning human rights, there is reportedly an improvement in terms of police maltreatment of prisoners. See Mozambique Country Report on Human Rights Practices 2000, US State Department, 2001.
- 163 70.2% of respondents to a survey undertaken by Etica Moçambique think that most policemen are involved in corruption. See Etica Moçambique, Mozambique Corruption Report 2001, Maputo 2001.
- 164 12% said they did not trust the police, while 6.2% did not trust the CNE and 6% did not trust parliament. When asked if they trusted them a lot, the answers were 23.6%, 33.6% and 27.4% respectively. See Inquerito Nacional de Opinião Pública, 2001, tab12.
- 165 *Ibid*, tab 20.
- 166 These threats have been widely described and discussed in Gastrow/Mosse, *Mozambique: Threats posed by the penetration of criminal networks*, 2002.
- 167 A Lalá, Donor conditionality and security sector reform, *Conflict, Security and Development*, 3(1) Carfax Publishing, 2003.
- 168 The Governor of Sofala, Felício Zacarias, publicly called them terrorists after they besieged the Maringue Police district command. See 'Governador diz que amotinados da Renamo são terroristas', *boletim de notícias da Aim*, edition 3222, 8 September 2003, <www.sortmoz.aimnews>.
- 169 GM Carbone, *op cit*; interview with academic.
- 170 *Ibid*.
- 171 1) o cenário da anarquia e ingovernabilidade; 2) cenário da cooptação política; 3) cenário da real convivência democrática; 4) o cenário misto e 5) cenário da instabilidade político-militar, in: B Mazula, As eleições moçambicanas: uma trajetória da paz e da democracia, in: B Mazula (ed.), *Eleições, Democracia e Desenvolvimento*, Maputo, 1995, pp. 26-77, p. 65f.
- 172 Braathen uses the term 'repatriomonalisation' since, along with the co-optation of opponents, the resurgence of neopatrimonial structures becomes apparent. *Op cit*, p. 3.
- 173 B Mazula, As eleições moçambicanas: uma trajetória da paz e da democracia, in: B Mazula (ed.), *Eleições, Democracia e Desenvolvimento*, Maputo, 1995, pp. 25-77, p. 66.
- 174 This started even before the peace agreements by pre-empting a situation in which it would have to lose power. As an example, the PRE started in 1987, but achieved few gains due to the war and the new constitution in 1990.
- 175 For more on this see E Namburete, *op cit*; de Maia, 'Savana e Domingo: Dois Extremos, o Mesmo Erro', in: B Mazula, *Moçambique 10 Anos de Paz*, Cede, Maputo, 2002.





## Chapter 4

---

### ASSESSMENT OF PROSPECTS FOR FURTHER CHANGES

The local elections held in November 2003 have been decisive for Mozambique's democratic future. Surprisingly, Renamo only managed to succeed in five municipalities (Beira, Nacala, Ilha de Moçambique, Angoche e Marromeu) and even lost strongholds such as Milange where the party had achieved its best result (76%) in the 1999 elections. Renamo's limited success made it easy for the ruling party to remain the competitor who generously accepts localised defeats. Particularly for the Frelimo secretary-general and presidential candidate Armando Guebuza, the overwhelming Frelimo victory in the local elections boosted his candidacy and closed the party lines behind him.<sup>176</sup> The timely set-up of the CC, responsible for electoral disputes, proved to be a major contribution towards the strengthening of democratic structures in Mozambique. In its professional and impartial ruling it gave the local elections credibility, thus allowing all participants to accept the final election results. Besides, the CC provided a thorough analysis of the weaknesses, errors and shortcomings of the electoral process and its key institutions, such as the CNE. With foresight to the upcoming presidential and parliamentary elections in 2004, a major challenge for all political parties, government and the international community will be to assist the electoral institutions and to address those deficiencies that currently put the transparency and credibility of Mozambique's electoral process at risk.

The outbreak of large-scale violent conflict in Mozambique seems rather unlikely, especially since the memories and scars of the civil war are still fresh for most citizens. As it was an ideological war instigated by the political elite from both sides and fought with forcefully recruited soldiers, the ability to mobilise people on a large scale appears to be limited nowadays. Mozambicans are more interested in securing their daily economic survival, with politics receiving secondary importance. However, this may not prevent the outbreak of violent clashes – such as in Montepuez – particularly in cases where people feel continuously neglected and marginalised by the ruling government.

Another factor limiting a possible violent outbreak is the availability of arms. Although hidden arms caches may – despite *Operation Rachel* – still exist, these weapons are probably not usable, given that they have been hidden for over 10 years in a climate that is favourable to rapid corrosion. Mozambique's donor dependence constitutes another significant factor. Contrary to their Zimbabwean neighbours, Mozambican politicians are sensible enough to realise that the country will remain on the 'drip' of the international donor community for some years to come, and that it is highly unlikely that the

international community would remain silent on the issue of continuous violent clashes between political antagonists.

Nonetheless, from a structural, institutional and even sociological perspective, the scenario of Mozambique developing into a 'society of fear' cannot be totally excluded. This is all the more likely considering the impunity of growing criminal activities by organised crime networks and the incapacity of the police and justice systems. The state will either become increasingly implicated in these criminal and corrupt networks or, even if this tendency is reversed, the state will remain weak in terms of control mechanisms that provide security to citizens.

A political outlook to the next parliamentary and presidential elections has to discuss what would happen if the opposition manages to win, and which scenario would become likely in the case of another Frelimo victory. In the latter case and under the current constitutional set-up (presidential system, governors announced by the central government), the best-case scenario would be that Renamo continues with its obstructive policy and rhetoric, creating a stagnant and counterproductive development climate. A worst-case scenario projects attempts by Renamo to create a climate of destabilisation in the provinces it wins, organising a civil disobedience movement.

In the case of an opposition victory, and assuming that Frelimo outwardly accepts a defeat, the crucial question will be whether the state bureaucracy acts apolitically and, in particular, whether the police – who never integrated Renamo members into their ranks – remain neutral.

Should the 2004 elections result in a 'cohabitation', the question will be whether Frelimo accepts power sharing and seeks a pragmatic solution to the situation. There is, however, a risk here that:

"Renamo's lack of government and state experience, together with the inevitable appetites aroused by controlling resources that the government provides would lead almost inevitably to a situation of conflict, instability and economic difficulties."<sup>177</sup>

A Renamo government obstructed by a Frelimo-affiliated state administration or a Renamo government trying to rid the state administration of Frelimo elements already can be predicted as a fallacy.

The best scenario for Mozambique's consolidation of democracy would be a situation whereby the 2004 elections are held in an atmosphere of transparency and mutual trust, guaranteeing the acceptance of election results by all parties, irrespective of the outcome. This could later create a fertile climate for addressing long-awaited and highly necessary institutional reforms.

#### NOTES

176 Guebuza's candidacy had not enjoyed unlimited party support so far, particularly not from his predecessor Chissano who would have preferred a candidate from the younger generation.

177 L. de Brito/A Francisco/JC Pereira/Domingos do Rosário, *ibid*, p. 7.

# Chapter 5

---

## EXTERNAL ACTORS, THEIR SUPPORT FOR DEMOCRATISATION AND AREAS FOR FUTURE ENGAGEMENT

As mentioned earlier, Mozambique was never a puppet of one of the superpowers during the cold war and the government always tried to conduct an independent foreign policy. During the civil war, Frelimo's closest ally was Zimbabwe under Robert Mugabe, while Renamo received much logistical support from apartheid South Africa. In the context of South Africa's inwardly directed political orientation, Mozambique is more of interest to the business community than to the political elite. Additionally, with the African Union's new political approach of continental integration, old loyalties and the hesitancy of African leaders to criticise their peers, the main external actor with any influence on Mozambican politics becomes the international donor community. For them, Mozambique became an infant prodigy and there was a tendency to overlook serious grievances. Certainly, there are other African countries where corruption and self-enrichment within the political elite is far worse or at least more evident, where media censorship is more rigid and where opposition is hardly tolerated. However, the latest developments surrounding the bank scandals, the assassination of investigative journalist Carlos Cardoso, the assassination of Siba-Siba, the court case of the President's son against the journalist Marcelo Mosse and the subsequent closure of the independent newsfax *Metical* which was owned by Carlos Cardoso, reveal symptoms of a serious and aggravating disease in Mozambican political society. Against this, the international donor community has kept surprisingly silent.

In 1995 the international donor community in Mozambique developed jointly with the Mozambican government, priority areas for the consolidation of democracy. These have been: parliament, elections, the justice sector, the police and the identification of Mozambicans with the political system as well as, at a later stage, the development of the media sector. Eight years down the line, these sectors still have to be seen as weak and in need of assistance. However, taking into account the ongoing support and the little progress that can be noted, in the programming of any activities one has to scrutinise closely the human resource and institutional capacity of project partners and the political will for implementation and sustainability.

The following illustrative recommendations are derived from the research conducted and intend to show a broad, but not necessarily comprehensive, spectrum of intervention.

The most serious obstacle for democratic consolidation in Mozambique at present seems to be a prevalent **political culture** characterised by corruption, patronage and a

superficial dedication to democratic values, particularly political tolerance. A culture of political tolerance needs to be fostered, especially amongst political actors. CSOs need to be motivated and trained in order to engage in pre- and post-election workshops aimed at supporting a culture of political tolerance. To prevent further disillusionment with democratic procedures (accountability of government) and to avoid a renunciation of the democratic order, it becomes crucial to re-establish the link between political/state institutions and society. In general, the participation of society in the political process needs to be enhanced and should not only remain restricted to the voting process. The roles of institutions and actors in the political process have to be known to the public, and the electorate has to have the capacity to use its vote purposefully.

This also necessitates a **consolidation of Mozambique's decentralisation process**. Particularly public servants at local government level in rural areas require further training, and local needs and particularities have to be taken into account. Besides, any training measure at local government level has to pay attention to mechanisms that promote the participation of local communities in the political decision-making process (no one-size-fits-all approach).

**Civil society** constitutes a crucial actor for political change and a consolidation of any democratisation process. Civil society has to be seen as the principal instrument for an emancipated society. In this regard citizen associations have to be further promoted. However, it remains important that those associations not only follow a polarised approach limited to the control of power, but promote concepts for consensual decision making and conflict resolution. Land exploration and use for commercial means could be one area of engagement, for example. Information on rights and duties could be provided to local communities and in accordance with the law citizen associations could represent the community in negotiations with commercial partners. Citizen associations actively engaged in such a process could additionally be an organ of control for state authorities during the implementation process of the respective projects. However, particularly in rural areas but also in urban zones, NGOs remain weak with regard to finances and human resources. Staff training and management as well as accounting procedures should be core areas of attention in order to capacitate Mozambican civil society.

In terms of **prevalent weaknesses in political institutions**, it is crucial to ensure that parliamentarians are fully informed on specific issues through the use of, for example, tailor-made workshops. This would enhance parliament's control function towards government.

A de-politicisation of the state administration has to be fostered, with specific training modules for public servants (including police officers) in order to enhance neutral and professional behaviour *vis-à-vis* the rule of law.

A discussion regarding exit strategies for high-ranking Frelimo officials in the state administration, who in the case of a regime change might lose their positions, has to be opened up.

The reform of the justice system towards efficiency and professionalism has to be promoted in order to create ownership by and to enlarge capacity within the Ministry of Justice for a thorough reform of the sector. So far, infrastructure improvement and enlargement has been one of the main objectives of the reform. But to consolidate the rule

of law a new focus for justice sector reform is definitely needed. This has to encompass a review of the legal system currently in place, the training of staff and an improvement of citizens' access to legal advice, and has to include institutions such as the office of the attorney-general and the police.

In the case of support for the transformation of the police – and despite the large involvement of donors such as Spain and Switzerland – further measures are needed. Potential areas are the development and constant updating of a crime data base including the training of staff, as well as the development of law on issues of public security, which could benefit profoundly from material assistance and the exchange of information on international best practices.

Against the present analysis it becomes necessary in the **party political realm** to contribute to the building of trust, moving from personal to institutionalised and impersonal trust.<sup>178</sup> The stagnation in Mozambique's transition process can be largely attributed to a lack of will to share power on Frelimo's side and a deeply embedded mistrust against its opponents on Renamo's side. Continuous political roundtables on virulent political issues, and with a limited number of party political participants, could be one way to build up confidence between the respective parties.

Mistrust also grows in a situation of perceived inferiority. Capacity building measures on the opposition side should therefore be reinforced. This also with regard to the fact that any opposition has to present itself as a credible government of tomorrow, which presents attractive alternatives.

However, to be accepted from both sides as a credible institution that aims for a democratic consolidation of the country, the perception of being biased has to be counter-balanced and a thorough dialogue has to be maintained with all political actors.

With regard to the **broader political system** in place in Mozambique, it becomes crucial to open up the discussion on how to create a win-win situation for both parties by modifying the constitution in such a way that allows governors to be appointed by the party who won in the respective province. Should Renamo in such a setting again lose the next national elections, this at least provides it with a share of the cake and the opportunity to gain experience in a governmental position. The ruling Frelimo would not only demonstrate its will to share power but also in the event of losing the elections, might still have some provinces of influence.

A reform of the electoral system has to accompany any constitutional reform. Both reforms should not be conducted in isolation but have to be fine-tuned and balanced against each other in order to avoid the exclusion of large numbers of voters and to enhance the accountability of MPs, while simultaneously reducing the party influence.

The international community's future engagement with and support of programmes such as those mentioned above, will have to demonstrate a commitment to enforcing principles of good governance. So far the political will to insist on the implementation of good governance values seems to be rather weak. This pressure has to be seen as crucial but must be applied sensitively, without undermining current positive institutional reform efforts. Attempts must be made at finding entry points which will not harm the pro-change element within the parties, the government or the state bureaucracy, and which

are trying to take reconciliation efforts, reforms and democratic principles forward. These elements need support in order to make their actions visible and productive, and if they are to convince the rest of the benefits of remaining engaged with the democratic project.

NOTE

- 178 E Braathen, Democratic decentralisation in Mozambique?, Background paper for the LPD workshop, Local politics and development – focus on Mozambique, Oslo, 20 May 2003, p. 4ff.

## Annexure

### LIST OF INTERVIEW PARTNERS IN ALPHABETICAL ORDER

- NINA BERG, Danida, programme coordinator of the Danida programme for assistance for the judicial sector, widow of journalist Carlos Cardoso.
- MIGUEL DE BRITO, USAid, Senior Democracy and Governance advisor.
- AMAD CAMAL, representative of the NGO *Movimento pela paz e Cidadania-MPC*.
- ABDUL CARIMO, director of the NGO *Ética Moçambique*.
- MÁXIMO DIAS, president of MONAMO, one of the smaller parties constituting the opposition coalition União Eleitoral, MP and advocate.
- AFONSO DHLAKAMA, president of Renamo, the main opposition party.
- RAUL DOMINGOS, independent MP, former party member of Renamo and chief negotiator for Renamo at the Rome Peace Talks (1990-1992), president of *Instituto Democrático para a Paz e Desenvolvimento (IPADE)* and founder of the party, PDD.
- RIKKE FABIENKE, programme officer, Governance and Environment Unit, UNDP.
- CHICO FRANCISCO, independent MP, former Renamo party member responsible for international relations.
- JOSÉ MANUEL GUAMBE, Ministério da Administração Estatal, director of the Department for Decentralisation.
- ABDUL ILAL, Decentralisation and Development Project (PDDM), GTZ.
- HIGINO LONGAMANE, national director for Public Service, *Ministério da Administração Estatal*.
- NATANIEL MACAMO, *Ministério do Interior*, responsible for public relations.
- JOSÉ JAIME MACUANE, consultant, *Unidade Técnica da Reforma do Sector Público*.
- EDUARDO MUSSANHANE, director for Human Resources, *Polícia da Republica de Moçambique*.
- SALOMÃO MOYANA, director of the weekly *Zambeze*.
- JOÃO GRACIANO PEREIRA, political scientist and IPADE member.
- HOLGER PFINGSTEN, German Embassy.
- HABIBA RODOLFO, programme officer, Governance Unit, UNDP.
- AMELIA MATOS SUMBANA, *Secretária do Comité Central para Relações Exteriores*, Frelimo.
- JUSTICE LUIS TRINDADE, judge of the Mozambican Supreme Court and director of the *Centro do Formação Jurídica e Judiciária*.
- BERNHARD WEIMER, senior programme officer, Decentralisation and Municipal Support Programme (PADEM), Swiss Agency for Development and Cooperation (SDC).
- BOAVENTURA ZITA, head of Communication Sector, Christian Council of Churches Mozambique.





## Bibliography

- Abrahamsson, H/Nilsson A. 1998. *Ordem Mundial Futura e Governação Nacional em Moçambique*, Goeteburg: PADRIGU, terceira impressão.
- Alden, C/Simpson M. 1993. Mozambique: A Delicate Peace, *Journal of Modern African Studies*, 31(1), 1993, pp. 109-130.
- Alpers, EA. 1999. 'A family of the state.' Bureaucratic impediments to democratic reform in Mozambique, in: Hyslop, J (ed.) *African democracy in the era of globalisation*, Johannesburg, Witwatersrand University Press, pp. 122-138.
- Article 19/Liga dos Direitos Humanos. 1999. Media monitoring project Mozambique elections 1999. <[www.ifex.org/alerts/view.html?id=5822](http://www.ifex.org/alerts/view.html?id=5822)>.
- AWEPA. 2001. *Os 'Laboratórios' do processo moçambicano de autarcização*, Occasional paper series, 9.
- Barnes, S. 1997a. *Reintegration Programmes for Demobilised Soldiers in Mozambique*, Maputo.
- Barnes, S. 1997b. *The socio-economic reintegration of demobilised soldiers in Mozambique: The soldiers view*, Maputo.
- Braathen, E. 2003. Democratic decentralisation in Mozambique?, Background paper for the LPD workshop, Local politics and development – focus on Mozambique, Oslo, 20 May 2003.
- Bratton, M/van de Walle, N. 1997. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, Cambridge.
- de Brito, L. 2002. *Os Condenados de Maputo*, Maputo.
- de Brito, L/Francisco, A/Pereira JC/Domingos do Rosário. 2003. Mozambique 2003: An Assessment of the Potential for Conflict, Centro de Estudos de População/Universidade Eduardo Mondlane.
- de Brito, L. 2003. Sistema eleitoral e conflito em Moçambique, paper presented at the EISA/CEDE conference entitled, Consolidating peace and democracy in Mozambique through election-related conflict management initiatives, Maputo 22-23 July 2003.
- Cabaco, J. 1995. A longa estrada da democracia moçambicana, in: Mazula, B (ed.), *Moçambique, Eleições, Democracia e Desenvolvimento*, Maputo, pp. 79-114.
- Cahen, M. 1995. 'Dhlakama é maningue nice!'. Une Ex-guérilla atypique dans la campagne électorale au Mozambique, in: CEAN (eds.), *L'Afrique politique 1995. Le meilleur, le pire et l'incertain*, Paris, pp. 119-161.
- Carbone, GM. Emerging pluralist politics in Mozambique: The Frelimo-Renamo party system, internet published research paper.
- The Carter Center. Observing the 1999 Elections in Mozambique. Final Report. <[www.cartercenter.org](http://www.cartercenter.org)>.
- Centro de Estudos de População/Universidade Eduardo Mondlane/USAid. 2002. *Inquérito Nacional de Opinião Pública 2001*, Maputo.

- Comissão da Sociedade Civil (ed.). 2000. *Relatório sobre os Acontecimentos de Montepuez*, Maputo.
- Constitution of the Republic of Mozambique, 1990.
- Coulon, C. 1988. Senegal: The Development and Fragility of Semidemocracy, in: Diamond, L/Linz, JJ/Lipset, SM (Hrsg.), *Democracy in Developing Countries. Volume 2: Africa*, Boulder; London, 1988, pp. 141-178.
- Crocker, CA. 1994. *High Noon in Southern Africa. Making Peace in a Rough Neighbourhood*, Johannesburg.
- Dahl, RA. 1971. *Polyarchy. Participation and Opposition*, New Haven, London.
- Diamond, L. 1997. *The End of the Third Wave and the Global Future of Democracy*, Vienna: Institute for Advanced Studies, Political Science Series No. 45.
- Diamond, L. 1996. Is the Third Wave over?, *Journal of Democracy*, 7(3), July 1996, pp. 20-37.
- Diamond, L. 1990. Three Paradoxes of Democracy, *Journal of Democracy*, 1, Summer 1990, pp. 48-60.
- Elklit J/Svensson, P. 1997. What makes elections free and fair, *Journal of Democracy*, 8(3), 1997, pp. 32-46.
- Erdmann, G. 2002. Neopatrimoniale Herrschaft - oder: Warum es in Afrika so viele Hybridregime gibt, in: P Bendel/A Croissant/F Rüb (eds.), *Zwischen Demokratie und Diktatur. Zur Konzeption und Empirie demokratischer Grauzonen*. Opladen, pp. 323-342.
- Ética Moçambique. 2001. *Estudo sobre Corrupção em Moçambique*, Maputo.
- Fandrych, S. 1997. Mosambik: Transformation vom Krieg zum Frieden durch <sensibles> Peace-keeping, in: Matthies, Volker (ed.), *Der gelungene Frieden. Beispiele und Bedingungen erfolgreicher Konfliktbearbeitung*, Bonn, pp. 220-249.
- Fandrych, S/Ostheimer, AE. 1999. Die Parlaments- und Praesidentschaftswahlen in Mosambik: Auf dem Weg zur konsolidierten Demokratie?, *Afrika Spectrum*, 34(3), 1999, pp. 401-413.
- Geffray, C. 1990. *La cause des armes au Mozambique. Anthropologie d'une guerre civil*, Paris, Nairobi.
- Gastrow, P/Mosse M. 2002. Mozambique: Threats posed by the penetration of criminal networks. Presented at the ISS Regional Seminar, Organised crime, corruption and governance in the SADC Region, Pretoria, 18-19 April 2002.
- Grobbelaar, N/Lalá, A. 2003. Managing group grievances and internal conflict: Mozambique country report, Working paper 12, Netherlands Institute of International Relations, Clingendael, June 2003.
- Harrison, G. 1996. Democracy in Mozambique: The significance of multi-party elections, *Review of African Political Economy*, 67, 1996, p. 19-35.
- Harrison, G. 1999. Corruption as 'boundary politics': The state, democratisation, and Mozambique's unstable liberalisation, *Third World Quarterly*, 20(3), 1999, pp. 537-550.
- Hills, A. 1996. Towards a critique of policing and national development in Africa, *Journal of Modern African Studies*, 34(2), 1996, pp. 271-291.

- Huntington, SP. 1993. *The Third Wave. Democratization in the Late Twentieth Century*, Norman, University of Oklahoma Press.
- Huntington, SP. 1996. Democracy for the long haul, *Journal of Democracy*, 7(2), 1996, pp. 3-13.
- INE. 1999. Censo 97- II recenseamento Geral da população e habitação.
- Jalilo, O/Fungulane, B/ Brito dos Santos, MJ. 2002. Democracia não se come. Estudo sócio-antropológico sobre democratização e desenvolvimento no contexto moçambicano, Konrad Adenauer Foundation/UCM, Maputo (unpublished working paper).
- Kuhn, G. 1995. Die Politik der Reagan-Regierung im Suedlichen Afrika. Zur Aussenpolitik der USA unter besonderer Beruecksichtigung innenpolitischer Faktoren, Frankfurt a.M. [et al].
- Lalá, A. 2003. Donor conditionality and security-sector reform in Mozambique, *Conflict, Security and Development*, 3(1), April 2003.
- Levy, S/Turner, JM/Johnson, T/Eddy, M. 2002. The state of democracy and governance in Mozambique. An evaluation report produced for the USAid Democracy Center and USAid/Mozambique by Management Systems International, Washington, DC.
- Linz, J. 1990. The perils of presidentialism, *Journal of Democracy*, 1(1), pp. 51-70.
- Lipset, SM. 1963. *Political Man. The social bases of politics*, New York.
- Lundin, I. 2002. Uma leitura analítica sobre os espaços sociais que Moçambique abriu para cultivar a Paz, in Mazula, B (ed.), *Moçambique 10 anos de Paz*. Imprensa Universitária.
- Manhiça, F. O funcionamento das instituições de administração da justiça em Moçambique, unpublished working paper.
- Manning, C. 1998. Constructing opposition in Mozambique: Renamo as political party, *Journal of Southern African Studies*, 24(1), 1998, pp. 161-189.
- Mazula, B. 1995. As eleições moçambicanas: uma trajetória da paz e da democracia, in: Mazula, B (ed.), *Eleições, Democracia e Desenvolvimento*, Maputo, pp. 26-77.
- Ministry of Planning and Finance. 2000. Absolute Poverty Reduction Action Plan (2002–2004), Maputo.
- Mondlane, L. 2003. Mozambique: Nurturing justice from liberation zones to a stable democratic state, in: Abdullahi Ahmed An-Na'im (ed.), *Human Rights under African Constitutions. Realising the promise for ourselves*, Philadelphia, University of Pennsylvania Press.
- Ostheimer, AE. 2002. Schwächen und Herausforderungen des mosambikanischen Justizsystems: Analyse struktureller Dysfunktionalität, DASP-Conference paper, December 2002.
- Ostheimer, AE. 2002. Liberalismus, Neo-Patrimonialismus und politische Exklusion. Mosambiks Weg in die demokratische Rezession, KAS/Auslandsinformationen, 9/02, pp. 40-63.
- Ostheimer, AE. 2001. Mozambique: The permanent entrenchment of democratic minimalism?, *African Security Review*, 10 (1), 2001, pp. 25-36.
- Ostheimer, AE. 1999. Transforming peace into democracy: Democratic structures in Mozambique, *African Security Review*, 8 (6), 1999, pp. 15-25.

- Ostheimer, AE. 1999. Demokratisierungsprozesse in den lusophonen Staaten Afrikas, Hamburg.
- Pedroso, J/Trindade, JC/Ceitão Marquis, MM. 2003. O sistema judicial: os recursos e o movimento processual, in: de Sousa Santos, B/Trindade, JC (org.), *Conflito de transformação social: uma paisagem das justiças em Moçambique*, 2, Porto, pp. 319-350, p. 319.
- Pereira, JCG/Davids, YD/Mattes, R. Mozambicans' view of democracy and political reform: A comparative perspective, Afrobarometer Paper No. 22, <www.afrobarometer.org>.
- Pitcher, MA. 2002. *Transforming Mozambique, The politics of privatisation, 1975-2000*, Cambridge.
- Roesch, O. 1992. Mozambique unravels? The Retreat to Tradition, *Southern Africa Report*, May 1992, pp. 27-30.
- Schumpeter, JA. 1950. *Capitalism, Socialism, and Democracy*, third edition, New York, Harper & Brothers Publishers.
- Simpson, M. 1993. Foreign and Domestic Factors in the Transformation of Frelimo, *Journal of Modern African Studies*, 31(2), 1993, pp. 309-337.
- Sithole, M. 1998. Zimbabwe: In search of a stable democracy, in: Diamond, L/Linz, JJ/Lipset, SM (Hrsg.), *Democracy in Developing Countries. Vol. 2: Africa*, Boulder, London, S. 217-258.
- Soares, M. 1975. *Portugal's struggle for liberty*, London.
- de Sousa Santos, B/Trindade, JC. 2003. Conclusões, in: de Sousa Santos, B/Trindade, JC (org.), *Conflito de transformação social: uma paisagem das justiças em Moçambique*, 2, Porto, pp. 525-580.
- de Sousa Santos, B/Trindade, JC. 2003. Algumas ideias para a reforma das justicas, in: de Sousa Santos, B/Trindade, JC (org.), *Conflito de transformação social: uma paisagem das justiças em Moçambique*, 2, Porto, pp. 581-592.
- Tetzlaff, R. 1996. Einleitung. Demokratisierungschancen Afrikas – auch eine Frage der politischen Kultur, in: Meyns, P (ed.), *Staat und Gesellschaft in Afrika. Erosions- und Reformprozesse*, Hamburg, pp. 1-16.
- Tribunal Supremo (ed.). 2000. Estatísticas Judiciais 1999, Maputo.
- Trindade, JC/Pedroso J. 2003. A caracterização do sistema judicial e do ensino e formação jurídica, in: de Sousa Santos, B/Trindade, JC (org.), *Conflito de transformação social: uma paisagem das justiças em Moçambique*, 1, Porto, pp. 259-218.
- Turner, JM. 1994. The 1993 Multiparty Conference on Mozambique's Draft Electoral Law: A Transition Process in Microcosm. Unpublished Paper presented at the Thirty-Seventh Annual Meeting of the African Studies Association, Toronto, 1994, No. 1994:181.
- UN. 2000. Mozambique Common Country Assessment.
- United Nations Development Programme (UNDP) (ed.). 2000. The prison system in Mozambique, Maputo.
- UNDP (ed.). 2002. Mozambique: Gender, women, and human development: An agenda for the future. National Human Development Report 2001, Maputo.

- US State Department. 2001. Mozambique Country Report on Human Rights Practices 2000.
- Van der Waals, W. 1993. *Portugal's War in Angola, 1961–1974*, Rivonia.
- Vines, A. 1996. *Renamo. From terrorism to democracy?*, London.
- Waldrauch, H. 1998. Institutionalising horizontal accountability – a conference report, Political Science Series No. 55, Vienna: Institute for Advanced Studies.
- Weber, M. 1976. *Wirtschaft und gesellschaft*, 5th rev. edition, ed. by J Winckelmann, Tübingen.
- Weimer, B. 1983. *Die mozambiquanische Aussenpolitik 1975–1982. Merkmale, Probleme, Dynamik*, Baden-Baden.
- Weimer, B. 2000. Demokratisierung, Staat und Verwaltung in Mosambik, unpublished paper.
- Weitz, R. 1992. Continuities in Soviet Foreign Policy: The Case of Mozambique, *Comparative Strategy*, 11(1), 1992, pp. 83-98.
- Woods, JL. 2000. Mozambique: The CIVPOL operation, <[www.ndu.edu/inss/books/policing/chapter5.html](http://www.ndu.edu/inss/books/policing/chapter5.html)>, 19.09.2000.

#### NEWSPAPER ARTICLES

- 'Presidente do Tribunal Supremo processa o ZAMBEZE', *Zambeze*, 17 April 2003.
- 'Telefonema de Mangaze anula sentença de tribunal', *Zambeze*, 3 April 2003.
- 'Crise abala "perdiz": Secretário-geral em ,maus lençois' e Chico Francisco cessa funções', *Notícias*, 5 July 2002.
- 'PGR lança SOS na Assembleia da República', *Domingo*, 10 March 2002.
- 'Attorney-General paints sombre picture of justice system', *AIM News Agency*, 6 March 2002.
- 'Mozambique keeps up rapid economic growth', *AIM News Agency*, 11 April 2002.
- 'Growth rate expected to hit 14.8 percent', *AIM News Agency*, 2 January 2002.



## Glossary of acronyms

ACIPOL	<i>Academia de Ciências Policiais</i>
AMMCJ	<i>Associação Moçambicana Mulheres de Carreira Jurídica</i>
ANC	African National Congress
CC	Constitutional Council
CEDE	<i>Centro de Estudos de Democracia e Desenvolvimento</i>
CNE	<i>Comissão Nacional de Eleições</i> , National Electoral Committee
CRM	Constitution of the Republic of Mozambique
CSO	Civil society organisation
EISA	Electoral Institute of Southern Africa
FADM	Armed Forces for the Defence of Mozambique
FAM	<i>Forças Armadas de Moçambique</i>
FAP	<i>Frente de Acção Patriótica</i>
Frelimo	<i>Frente de Libertação de Moçambique</i>
FUMO	<i>Frente Unida de Moçambique</i>
GDP	Gross domestic product
GDI	Gender Development Index
GPA	General Peace Agreement
HDI	Human development index
HIPC	Heavily Indebted Poor Country Initiative
IPADE	<i>Instituto Democrático para Paz e Desenvolvimento</i>
IPAJ	<i>Instituto do Patrocínio e Assistência Jurídica</i>
KAS	Konrad-Adenauer-Stiftung
MONAMO	<i>Movimento Nacional Moçambicano</i>
MP	Member of parliament
MPLA	<i>Movimento Popular pela Libertação de Angola</i>
NGO	Non-governmental organisation
PADEMO	<i>Partido Democrático de Moçambique</i>
PADELIMO	<i>Partido Democrático para a Libertação de Moçambique</i>
PAIGC	<i>Partido Africano de Independência de Guiné Bissau e Cabo Verde</i>
PALOP	<i>Países Africanos de Língua Oficial Portuguesa</i>
PANADE	<i>Partido Nacional Democrático</i>
PCN	<i>Partido de Convenção Nacional</i>
PDD	<i>Partido para Paz, Democracia e Desenvolvimento</i>
PIC	<i>Polícia de Investigação Criminal</i>
PIDE	<i>Polícia Internacional de Defesa do Estado</i>
PPPM	<i>Partido de Progresso do Povo de Moçambique</i>
PRM	<i>Polícia da República de Moçambique</i> , Mozambican Police
PRSP	Poverty Reduction Strategy Paper

Renamo	<i>Resistência Nacional Moçambicana</i>
Renamo-UE	<i>Renamo-União Eleitoral</i>
SAP	Structural adjustment programme
SOL	<i>Partido Social e Liberal</i>
UD	<i>União Democrática</i>
UDENAMO	<i>União Democrática Nacional de Moçambique</i>
UN	United Nations
UNAM	<i>União Nacional Africana Moçambicana</i>
UNAMO	<i>União Nacional de Moçambique</i>
UNDP	United Nations Development Programme
Unita	<i>União Nacional para a Independência Total de Angola</i>
US	United States
USSR	Union of Soviet Socialist Republics
ZANLA	Zimbabwe National Liberation Army