



What is the use of a Provincial Governor where there is no Provincial Government?

Abstract

It is, fundamentally, a political *corpus* far removed from the essence of Renamo's key concerns as presented on the occasions of post-electoral conflicts of great proportions. It is, so to say, a Provincial Governor who – despite a strong appeal of legitimacy derived from the election by the Provincial Assembly and overloaded functions regarding the promotion of social and economic development in the province – in practice, lacks both land and men to govern!

Beginning in 1994 in the aftermath of the first general multiparty elections Renamo has always contested the electoral results with the allegation of electoral fraud and a diversity of other irregularities. And, in return, Renamo has always tabled the hypothesis of a *Government of National Unity* involving Renamo and Frelimo. The highest instance of the systematization of hypotheses, towards this end, took place following the disputed second general elections of 1999, that which were followed by a period of tension and escalation of conflicts in the country.

As well known the result of the 1999 presidential elections, strongly rejected by Renamo, gave 52% to the Frelimo candidate, Joaquim Chissano, and 48% to the Renamo candidate, Afonso Dhlakama. And, in the follow up of the electoral dispute, Renamo submitted to the government an assemblage of demands composed of the following: (1) recounting the presidential vote of the 1999 elections; (2) immediate abolition of the judicial system, given its malicious character and strong partisanship; (3) nomination by the Renamo-Electoral Union of provincial governors, district administrators and heads of the administrative posts, in those provinces where Renamo-Electoral Union commanded majority in the 1999 legislative elections; (4) dismantling of the local party structures in the administrative apparatus of the state; and (5) liberation of people

detained in the follow out of mass demonstrations of November 2000. Given the enormous pressure exerted by personalities and national civil society sectors, as well as by the international donor community, Frelimo and Renamo agreed to open the space for dialogue in view of giving a relevant political role to Renamo and its leader, Afonso Dhlakama, even if outside the parameters of the constitutional order.

Thus, in a table of "secretive" negotiations between Frelimo and Renamo that took place in the course of the year 2000, led by Tomas Salomão and Raúl Domingos, the then President Joaquim Chissano advanced the following hypothesis: for the provinces of Manica, Sofala and Zambézia, Renamo would submit a list made of three candidates for each province, and President Chissano would agree to nominate one of them. In the provinces of Nampula, Niassa and Tete, Frelimo would propose a list of three candidates, and President Chissano would agree to nominate the name that was to be chosen by Renamo. In this model, Renamo would attempt to reach an accord with those candidates proposed by Frelimo – for Nampula, Tete and Niassa – in order for them to come close to its basic needs, while Frelimo, on its part and in relation to those nominees for Manica, Sofala and Zambézia, would endeavor to choose the name most likely to execute the Government's five-year program and

be willing to work with the country's President. Afonso Dhlakama rejected this set of proposals, demanding instead the nomination of all of the six provincial governors and, in the last instance, sacked from the party its top negotiator, Raúl Domingos.

David Aloni¹ - who practically became the number two man of Renamo after the dismissal of Raúl Domingos - is quoted saying: "We accept the fact that the Governor represents the Head of State in the province and so s/he must implement the Government's five-year program. However, it is also expected that the Governor meets the aspirations of the people. The Governor is the boss in that domain and, therefore, enjoys enough discretionary powers to undertake independent actions"². In the view of David Aloni, the nomination of provincial governors was "important psychologically" and had the potential of contributing to political stability in the country since, in his conception, it would take on board the desire of the people to follow the orders of their own men, while on the other hand, it would create space for party-political cohabitation as it is usually the case in diverse European contexts.

Aborted as it was the hypothesis laid down by President Chissano, the question of the nomination of provincial governors - in its distinctive logic as part of a *Government of National Unity* - was abandoned for a long while. Nevertheless, it reappeared after the 2014 general elections with a similar fervor as before. As it is known, in the 2014 general elections Frelimo obtained 56% of the legislative votes and its presidential candidate, Filipe Nyusi, obtained 57%, while Renamo obtained 33% and its candidate, Afonso Dhlakama, 37%, in an electoral contest where the Movimento Democrático de Moçambique (MDM) - Mozambique's Democratic Movement - a novel political party founded in 2009, gained 8% of the legislative votes and its candidate, Daviz Simango, 6% of the presidential ballot. On this occasion, Renamo rejected again

the electoral results - citing the same allegations of electoral fraud and irregularities of a diverse nature - and started by demanding the installation of a short-term Managing Government. However, and shortly after, Afonso Dhlakama dismissed the possibility of a short-term handling Government and went back to the old demand of the nomination of provincial governors in the provinces where Renamo obtained majority in the legislative vote. Yet Frelimo, and most vehemently voiced by the Associação dos Antigos Combatentes da Luta de Libertação Nacional (ACLIN) - the Association of War Veterans of the National Liberation Struggle - rejected out rightly both the idea of a Managing Government as well as the possibility of Renamo nominating provincial governors in the provinces where it obtained majority in the legislative vote.

Among other drastic measures, Renamo went so far as to suggest the convening of a Referendum to divide the country, in December of 2014, or simply, to make it impossible the function of the state institutions resulting from the 2014 October general elections. Nonetheless, and following the high level meeting between President Filipe Nyusi and the Renamo leader, Afonso Dhlakama, the solution appeared to be found in a new hypothesis, this time around in the shape of Municipalities of a provincial level - *Autarquias provinciais* in its Portuguese denomination - profusely commented and explained by Gilles Cistac³, a Professor of Constitutional Law at the Eduardo Mondlane University in Maputo (UEM). The proposed bill - for the creation of Municipalities of a provincial (*Autarquias provinciais*) level submitted by Renamo to the National Assembly - was disapproved by it with a decisive vote by Frelimo's Parliamentary majority in April, 2015, with the allegation that it contained insane legal vices. For Renamo, however, the bill of *Autarquias provinciais* would amount to a hypothesis that would allow Renamo, and its leader, to nominate provincial governors in those provinces where it obtained majority in the legislative vote, this turn, with a proper constitutional backing, in an exerci-

1 David Aloni was Deputy Head of Renamo's Parliamentary bench following the 1994 first general multiparty elections, was later to become Chief of Renamo's Presidential Cabinet, and on the occasion of his passing in August, 2008, was a member of the Council of the State.

2 A comprehensive coverage of the contents relating to the negotiations - as well as the points made by the principal Renamo leaders - can be found in the *Bulletin of the Peace Process in Mozambique* n°26 of the 10th April, 2001, published by AWEPA, edited by Joseph Hanlon and translated by Maria de Lurdes Torcato.

3 Gilles Cistac, a Mozambican Constitutional expert of French origin, was gunned down on the 3rd of March, 2015, along the avenue Eduardo Mondlane, by to date unknown assailants and lost his life afterwards.

se that, according to Renamo and its leader, would contribute to the consolidation of democracy and the process of administrative decentralization.

Nevertheless, the idea of Municipalities of a provincial level (*Autarquias provinciais*) rejected by Frelimo's Parliamentary bench gained new overtones and in September of 2015, Renamo submitted a reformulated version of the bill – designed to avoid the shortcoming of lacking constitutional basis as argued by Frelimo's Parliamentary bench – and so, this time around, Renamo proposed that the provincial governors would be nominated by the Head of State following the proposal submitted by the respective Provincial Assemblies. In this vein, Renamo would propose the candidates for Provincial Governors for the nomination by the Head of State – given the fact of it enjoying majority in the Provincial Assemblies of Manica, Sofala, Zambézia, Nampula, Tete and Niassa – this, of course, without contradicting the dispositions of the Constitution of the Republic in the view of Renamo. And, in effect, Renamo defended this idea with the assertion that it would enhance the sovereignty of the people while contributing for the consolidation of democracy. Strangely enough, on this occasion of the debate, very few analysts reflected on the similarity of this proposal with the old solution-hypothesis advanced by the then President Joaquim Chissano fifteen years earlier in the now infamous secret negotiations led by Tomas Salomão and Raúl Domingos. Likewise, it did not seem to have occurred to the observers that the aspiration of Renamo – of governing in those provinces where it obtained majority in the legislative vote – was made within the framework of a *Government of National Unity* involving Frelimo and Renamo both in the perspective of strengthening popular sovereignty and allowing for party-political cohabitation⁴. However, this time again the National Assembly rejected the bill for the revision of the country's Constitution in December, 2015. The argument put forward by

Frelimo's Parliamentary bench in rejecting this bill was twofold: it objected to the idea of Provincial Governors being proposed at the provincial level, and it refused the possibility of what Frelimo's Parliamentary bench considered as being the transfer of the attributions of the State to the Municipalities of a provincial level (*Autarquias provinciais*).

To a very definitive effect, these concerns raised by Frelimo's Parliamentary bench were taken on board in the deliberation and approval of the revised constitutional law nº1/2018, of the 12th of June, designated "Partial Revision of the Constitution of the Republic of Mozambique". What is even more apparent – in a basic and retrospective reading – is the abandonment of the idea of party-political cohabitation in the realm of a *Government of National Unity* that Renamo and its leader always defended since the events following the post-electoral crisis of 1999. Contrary to the proposals put forward by Renamo to date, the approved model of "Decentralized Entities" states clearly that in these the State central authority will maintain its representatives to carry out the exercise of its sovereign and exclusive functions. The "Decentralized Entities" will be subjected to the State administrative tutelage, though being allowed to recruit and maintain its own personnel as defined by the Law.

In order words, the new Provincial Governors – created in the ambit of the statutes of "Decentralized Entities" – are no longer an integral part of the *Local Organs of the State* defined according to the Law as: "...those charged with the function of representing the State at the local level for the administration and development of the respective territory and contributing to the national integration and unity"⁵. Instead of the Provincial Governors, these functions are to be performed by the Secretary of the State in the Province, that who, from now on, shall: "...oversees and supervises the Services of State representation at the provincial and district

4 José Manteigas, Spokesperson of Renamo argued on that occasion in relation to the bill that: "This legal act is designed to provide the country with a legal constitutional frame most likely attuned to our social and political realities in order to give due respect to the legitimacy brought by the Mozambican people following the (elections) of 15th October, 2014". This in the sense that, the bill that instead of the creation of Municipalities of a provincial level (*Autarquias provinciais*) now called for the inclusion of a constitutional command through which the Provincial Governors would be nominated by the Head of State following the proposal of the Provincial Assemblies it would amount, in practical terms, to Renamo indicating the provincial governors in those provinces where it claimed electoral victory in the general elections of 2014.

5 According to the definition of the Local Organs of the State found in chapter IV, article 262, of the Constitution of the Republic approved in 2004.

levels”⁶. The current “Provincial Governor” lacks the prerogatives that made it unacceptable its nomination starting from a provincial level and, obviously, will not perform in the province the attributions of the State central authority. Designed in this way, and not included in the ambit of the State Local Organs, the current “Provincial Governor” is just a mechanism that propels the extension of regulatory and political endeavors of the Provincial Assemblies without altering, in a meaningful sense, the distribution of power between the State central authorities – and its local representatives – and the organs of the Local Power (*Autarquias*). It is, fundamentally, a political corpus far removed from the essence of Renamo’s key concerns as presented on the occasions of post-electoral conflicts of great proportions. It is, so to say, a Provincial Governor who – despite a strong appeal of legitimacy derived from the election by the Provincial Assembly and overloaded functions regarding the promotion of social and economic development in the province – in practice, lacks both land and men to govern!

Nevertheless, and given the fact that the country is enjoying a moment of a possible entrenchment of effective Peace – despite the events of violence, destruction and death that are spreading in the province of Cabo Delgado and, somehow, adding to it the sporadic violent acts perpetrated by Renamo’s

Military Junta – it is acceptable to celebrate the consensus achieved by the parties in the country’s National Assembly regarding the institutionalization of the “Entities for Decentralized Governance” on the grounds that it laid the basis for the signing of the Maputo definitive Peace Accord, by President Filipe Nyusi and the current Renamo leader, Ossufo Momade and, to a certain extent, it constitute a step forward in the consolidation of democracy in the country.

However, and considering before-hand that tensions are more likely than not to occur between the elected Provincial Governor and the Secretary of the State to be nominated by the Head of State, it is worth thinking on a variety of spaces and spheres for political dialogue that will be created by this new dispensation in order to prevent the undesirable effects of an inefficient management of the loci of competence and authority in the interventions of these new leaders in the national political milieu. Most probably, and taking into consideration the very limited formal competences of the new Provincial Governors, it would be advisable to afford to them the previous prerogatives of Provincial Governors, namely, the existing palaces, the official protocol of the State and official precedence vis-à-vis the Secretary of the State who, as a matter of fact, is the one entrusted with heading the Services of State representation at the provincial and district levels.

⁶ According to article 142-A about the Secretary of the State in the Province contained in Law nº1/2018, of the 12th of June, of the Partial Revision of the Constitution of the Republic of Mozambique.



Property: Centro para Democracia e Desenvolvimento (CDD)
Diretor: Prof. Adriano Nuvunga
Team: Prof. Adriano Nuvunga, Selma Inocência, Narciso Cossa, Déborah Capela, Agostinho Machava, Denise Cruz, Isabel Macamo
Layout: CDD

Address: Rua Eça de Queiroz, nº 45, Bairro da Coop, Cidade de Maputo – Mozambique

CDD_moz
E-mail: info@cddmoz.org
Website: http://www.cddmoz.org

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