

## BRIEFING

### Separatist tensions and violence in the ‘model post-conflict state’: Mozambique since the 1990s

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The assassination of Professor Gilles Cistac, shot down in a busy Maputo street in broad daylight on 3 March, sent shockwaves across southern Africa and focused renewed attention on the worrying and complex condition of contemporary Mozambican politics. As a French-born Mozambican citizen Cistac was both insider and outsider: he was also professor in constitutional law at Eduardo Mondlane University, a discipline widely regarded as fundamentally incompatible with leftist or progressive politics (Seidman 2008). At the time of writing his assassins have not been identified, let alone arrested, and their motives have consequently not been definitively established. Nonetheless, passions have run high, and observers have cited Cistac’s recent and publicly expressed opinions on constitutional matters as a plausible and indeed probable reason for his murder.

The current constitutional question on which Cistac took a controversial position goes to the very core of Frelimo’s conception of Mozambique as a *unitary state*, a key idea that can be traced back to the years of the armed struggle against the Portuguese. Frelimo was originally formed by the merging of different nationalist movements, and in the conditions of armed struggle the fear of ethnic, regional or

ideological fragmentation and the need to prevent it was a political constant, fuelled to some extent by the negative example of Angola. Key Frelimo figures such as Uria Simango were eventually sidelined and indeed killed primarily over this issue.

The assertion of a need for *national unity* is an unbroken thread running through the discourse of Samora Machel especially – and Frelimo in general – from the 1960s onwards. But Renamo has no such deeply rooted tradition, and has indeed raised secessionist proposals from time to time, challenging Frelimo ideologically at a fundamental level. After its fifth successive defeat in the general elections of late 2014, Renamo began, in February this year, to demand autonomous control of those central and northern ‘regions’ (a term that it subsequently abandoned) where it could claim significant support – Manica, Nampula, Niassa, Sofala, Tete and Zambezia. This was not a new demand. If such control were not conceded juridically through legislation, the party threatened, then it would seize it by means of a ‘generalised rebellion’ (Anon. 2015b). Several separate issues can be distinguished here, quite apart from the historic enmity between Frelimo and Renamo. One is a judicial question: are ‘autonomous provinces’ *legally* permissible? Another is the incoherence and opportunism of Renamo’s position: would such provinces be workable? But it is also important to recognise that broader anxiety over the implications for nation-building of decentralisation of

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any kind, and the empowering of local elites in general (Weimer and others 2012, 66), means that Renamo's *specific* demand has hit an especially sensitive nerve in Frelimo.

The question of whether provincial autonomy is *even possible* within the existing constitutional framework, or whether a constitutional amendment would be required, has thus assumed immediate importance. At present, the 2004 constitution defines Mozambique as a unitary state, and in recent weeks Frelimo leaders have continued to emphasise that selective decentralisation of the kind demanded by Renamo would violate the constitution (e.g. Anon. 2014), and could not be achieved merely by passing a new law. However, Cistac took a different position, arguing that in fact the constitution *did* permit the creation of new administrative structures at the local level (although 'regions' as such could not exist). Oddly enough, the long-time Renamo supporter André Thomashausen, an academic based in South Africa, had earlier dismissed this view as 'opportunistic and against common sense' (Thomashausen 2015). In any event, in the period before his death, Cistac's opinion attracted vitriolic abuse in social media, diatribes that stooped to 'an extremely low and shameful intellectual and moral level' (Macamo 2015).

Lourenço de Rosário, a senior academic and a Frelimo member, subsequently criticised his own party for failing to protect Cistac in the weeks preceding his death, and affirmed his belief that Cistac was killed for his opinions (LUSA 2015). Another commentator, in the online newspaper *@Verdade*, argued on 12 March that the governing party, Frelimo, bore moral responsibility for Cistac's death regardless of who was actually behind it, since he had been the target of such intemperate attacks in social media, while the Frelimo government took no steps to guarantee his personal safety. Frelimo had permitted its members to vilify Cistac, Frelimo had ignored Cistac's criminal complaint to the

Attorney-General, and Frelimo failed to take a public position after the assassination. No special investigative unit had been set up, and the government had not even declared a day of mourning (Mahadulane 2015). These immediate reactions to Cistac's death were certainly coloured by the shock of yet another assassination, after the killings some years before of the investigative journalist Carlos Cardoso (in 2000) and the economist António Siba-Siba Macuácuca (in 2001). Nevertheless, it is unclear whether Cistac could have been perceived, like the others, as a threat to criminal interests, unless he was killed for reasons unconnected to his constitutional opinions; he was an academic who had provoked controversy by expressing legal – and hence, of course, political – opinions.

### Political violence and protest in pluralist Mozambique

For years after the signing in 1992 of the General Peace Agreement (GPA), Mozambique was widely regarded – with some qualifications – as a 'beacon of hope', a rare African post-conflict success story, and as a model of post-conflict reconciliation and economic growth (e.g. Manning 2002, ix, 5, 31; Phiri 2012, 223–225). This perspective has now largely unravelled. The abandonment, in the period between 1986 and 1992, of Frelimo's socialist modernisation project, and the shift to multi-party politics and to market economics, were socially traumatic changes, even though they were accompanied by the major benefit of an end to armed conflict. At one level, Mozambique has since then successfully held a series of general elections, has handled two presidential successions, has devolved some degree of central power to local level and has sustained impressive economic growth over a longish period. Nevertheless, conflict has continued to bubble under the surface, with explosive and violent popular protests over food and

transport costs in 1995, 2008, 2010 and 2012 (Brito and others 2015, 27), and with Renamo's return to lethal 'armed propaganda' in the run-up to the 2014 presidential and legislative general elections. Importantly, ongoing economic growth has hardly benefited the poorest members of society, and Mozambique's Gini coefficient, at 45.7, ranked it 178th out of 187 nations for income inequality (World Bank 2013).

The period of Mozambican history since the advent of political pluralism in 1994 is thus marked by two contradictory discourses, one an idealised narrative of economic growth and the institutionalisation of democracy, the other a story of political, military and social tension that has periodically erupted in violent protest and most recently in a partial return to low-level armed conflict. Driving these tensions are unresolved questions about the distribution of wealth, what it means to be a citizen and to exercise the rights of citizenship, and how the rules of the political game – currently understood by both major parties as more than merely the winning of elections – are to be defined. It is certainly true that the signing of the GPA between the government and Renamo in 1992 served to stimulate political and economic reform, which in turn resulted in the institutionalisation of new political structures and remarkable economic growth. However, these processes were accompanied by repeated conflicts both before and after elections, by a blatant merging of state and ruling party resulting in significant political exclusion of the opposition, and by incoherent social policy-making (Forquilha 2014, 13–14).

In the immediate aftermath of Cistac's death, the veteran Mozambican blogger Carlos Serra identified five main risks, namely that the 'ghosts of the past' would return, the emergence of a climate of crime-related fear, a potential loss of popular legitimacy by the state and by the political parties, and last, unspecified international repercussions (Serra 2015).

However, it may rather be that this assassination is *symptomatic* of the government's inability to resolve the problem of the decentralisation of power and democratic legitimacy, rather than a violent aberration, and that the consequences mentioned will emerge, if they do at all, from a much broader malaise than this one deplorable murder.

### The GPA as political framework

The negotiated decisions incorporated in the GPA of 1992 have been a touchstone for Mozambican politics for over 20 years. In October 2013, for example, when a Renamo spokesperson wanted to emphasise the seriousness of the conflict then developing between the government and his party, he stated dramatically that recent attacks by the army had 'marked the end of multiparty democracy in Mozambique ... and put an end to the Rome agreements' (Anon. 2013, emphasis added). Broadly speaking, the GPA and its accompanying measures, such as the legislation governing electoral procedures, were successful in bringing peace and democracy to Mozambique, in the sense that fighting stopped and voting took place. But they were only the beginning of a process of democratic transition that was itself – and remains – both the subject and the object of struggle.

Despite the focus of the GPA, 'democracy' in the Mozambican context may depend on, but can hardly be defined as being *contained within* institutional arrangements such as free elections, a multiplicity of political parties, constitutionalism and the rule of law. Indeed, it may be that democracy is not 'a form of government' at all, and can emerge, or exist temporarily or even disappear, within all kinds of different constitutional or institutional arrangements: in fact, democracy 'may reassert itself within the most diverse political constitutional forms' (Canfora 2006, 250). To take this argument further, electoral processes may function as

mechanisms for reinforcing the grip on power of the already powerful, to be ‘tamed’ by a ruling elite (116). The advent of democratic arrangements – as in the Mozambican case – can frustrate and lead to a public sense that ‘something has not worked’: indeed, it may end up ‘... disappoint[ing] all too often those who fought for it, and ... not produc[ing] the desired outcomes’. The ballot box may serve ‘to legitimise inequality, class contradictions, and a political class’ whose composition and character cannot easily be altered (Canfora 2009, 8–9).

That this kind of frustration with democratic outcomes is widespread in Mozambique is evidenced by the sporadic outbreaks of rioting over prices, by low levels of participation in electoral processes, by ongoing problems of corruption and by a noticeable tendency towards reliance on a ‘... centralist and authoritarian tradition stretching back nearly a hundred years’, with the corollary that both democratisation and decentralisation meet fierce resistance (Brito 2012, 9).

A significant weakness of the GPA as a political framework was its failure to address either the existing highly centralised system of governance and power, or ‘the unequal regional distribution of and access to political and economic power at lower levels’ (Weimer and Fandrych 1998, 271), although subsequent legislation in the mid 1990s did introduce some gradual and selective devolution to elected local authorities. Argument about whether decentralisation could be ‘constitutional’ began as far back as this period. The debate disguised what was essentially *political* opposition to decentralisation on the part of both bureaucrats and Frelimo conservatives, who feared ‘back door federalisation’ and an accompanying loss of control via local elections. Most importantly, such a process would threaten national unity as conceived of by Frelimo (274).

Nonetheless, electoral politics have been dominated by Frelimo since 1994,

partly because the concentration of power at the national level of the Mozambican state has made devolution and decentralisation slow and problematic, and partly because of the character of the opposition. Renamo as a political party has been weak, disorganised and largely ineffective, resorting repeatedly after defeats at the ballot box to allegations of voting fraud, poorly handled appeals to the Constitutional Council, boycotts, walkouts and threats of a ‘return to the bush’. These tactics have been deployed over and over again, starting with the first multi-party elections in October 1994, and can be seen partly as an indication of the level of Renamo’s frustration with its inability to turn voter support into power or patronage at any level of administration. Renamo did in fact win four municipalities in the 2003 local elections (the city of Beira, together with Nacala, Angoche and the Ilha; Renamo also won the presidency of the Assembleia in Marromeu), events described at the time as constituting a ‘seismic shift in Mozambican politics’ (Hanlon 2003, 1). But Renamo was unable to build on these local victories, not least because of the personality of Afonso Dhlakama. The Renamo president controls his party both personally and in detail. It has been reported that the deputy speaker of parliament, who is a Renamo member, takes instructions telephonically from Dhlakama while chairing sessions, which are televised. The departure from Renamo of such figures as Raúl Domingos and Daviz Simango may also be attributable to the potential threat that they represented to Dhlakama’s leadership (Hanlon 2015).

By contrast, Frelimo has used patronage effectively, has a ‘decentralised management structure’ and allows its officials a degree of autonomy within established policy frameworks; since 1992, it has successfully managed leadership transitions from Joaquim Chissano to Armando Guebuza and now to Filipe Nyusi. Even in 1986, after the death of Samora

Machel, Frelimo handled the transition to a Chissano presidency calmly and without drama.

Renamo's tactics – they are hardly a strategy – failed in Mozambique's first four national elections, as the opposition's representation in parliament plummeted from a high of 129 seats in 1994 to a low of 51 in 2004 (see Figure 1); Dhlakama's share of the vote in the presidential elections also fell sharply, from 48% in 1999 to 16% in 2009. Voter turnout dropped precipitously too, from 88% in 1994 to 45% in 2009.

In the light of this drawn-out decline, the long-threatened adoption of armed propaganda in 2013 – the 'return to the bush' – was therefore almost certainly an act of desperation, especially given the emergence of Daviz Simango's Movimento Democrático de Moçambique as a potential third force. In April 2013, armed Renamo fighters began to ambush buses and lorries on the main north–south highway, and also clashed with the army and attacked such targets as police stations and health posts. The party continued to demand the 'politicisation' of the National Electoral Commission (CNE), and the completion of the process of integration of Renamo cadres into the army at parity according to the provisions of the GPA, which had required a new standing army of 30,000 soldiers. Half were to come from the army and half from Renamo, but only 12,000 volunteers stepped forward, and this was the issue

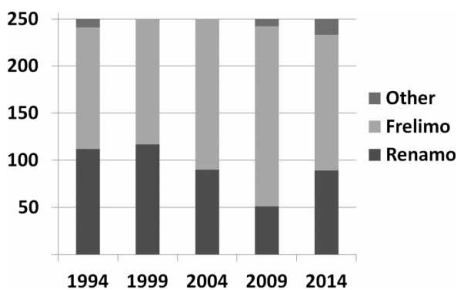


Figure 1. Party share of seats in the Assembly of the Republic, 1994–2014.

that Renamo continued to raise 20 years later. In February 2014 the government conceded on the question of party representation in the CNE, and eventually Renamo decided to stop fighting and participate in the elections at year's end.

This time around, Renamo's performance improved significantly, with the party winning 89 seats in the national Assembly, and Dhlakama gaining 37% of the vote in the presidential contest against the relatively unknown Frelimo candidate Filipe Nyusi. And so, with its hand strengthened, and with the evidence apparently pointing to the effectiveness of armed propaganda, but still without either power or patronage at its disposal, Renamo felt encouraged to return yet again to its venerable demand for control of the six provinces in the centre and the north.

Quite apart from the low level conflict of 2013–2014, there have also been intermittent outbreaks of violent unrest throughout the period since the 1994 general elections. This was facilitated by the fact that large numbers of small arms remained in the hands of the general population after demobilisation, although the true number is not known, as the UN never completed its verification process (Littlejohn forthcoming, Table 4). As large numbers of displaced people returned to the countryside, food riots broke out in 1995–1996 in Maputo over price increases for basic necessities (Anon. 1995, 11). The problem of 'banditry' (in a non-political sense) persisted into 1996 in the countryside, as the government struggled to re-establish control over former Renamo-held areas in the central provinces of Manica and Sofala (Hanlon 1995). In 2008 there was rioting in Maputo and Matola over fuel price increases, with four deaths after the police fired rubber bullets into the crowds. Two years later, violence continued over two days when the mobile phone network was used to coordinate demonstrations over utility and food prices; again, several people were killed in clashes with the police. In 2012 rural protesters

blocked a highway and a railway line near Moatize, and armed clashes between Renamo supporters and the police took place in Nampula (Brito and others 2015, 27–32). These events are an indication that the process which Charles Tilly (1997) termed the ‘parliamentarisation’ of discontent is some way from completion in Mozambique.

### **Conclusion: the rule of law and the separation of powers**

It is uncertain whether Gilles Cistac was physically eliminated because of his politics on the question of decentralisation, or for different reasons. He had other roles, such as advisor to the Tribunal Administrativo, and had taken public positions on other issues, such as the composition of the CNE. He was consequently in a position to cause serious embarrassment to the powerful and the corrupt. He was a constitutional lawyer, and consequently believed in the importance of the kind of guarantees that constitutions provide. Such a commitment to ‘constitutionalism’ is a double-edged sword, requiring a generalised acceptance of limits to the exercise of power, and a citizenry that exercises rights. It is far from clear that such broad acceptance by the political class, the bureaucracy or the population has been constructed in Mozambique. Indeed, the democratic transition that began in 1994 remains incomplete, and the weakness of ‘democratisation’ is indicated by the persistently low levels of electoral participation, continuous Frelimo majorities and Renamo’s relentless use of threats, violence and boycotts to assert its positions.

Constitutions are laws that *define hierarchies and relations of power*. It is therefore precisely for this reason that the question of Renamo’s demand for ‘autonomous provinces’ is a legitimate question for consideration by a constitutional lawyer such as the late Professor Cistac –

recognising, of course, that it is also a deeply political and ideological issue. Rightly or wrongly, Cistac believed that although Mozambique is a unitary state, the delegation of power to local authorities was permissible.

But the question is much more than a dispute over legal hermeneutics. It is important to recognise that the proposal itself, in all its varied forms over time, as well as in the draft bill now submitted to the legislature by Renamo, is in essence a coup, an attempt to ‘throw a legal cloak over a Renamo seizure of vast areas of the country’ (Anon. 2015a), rather than a reasoned step towards the democratic decentralisation of power in Mozambique. That such a coup can even be attempted is attributable at least partly to the government’s persistence in maintaining centralised control over the machinery of the state, in the ongoing struggle between the historical commitment of Frelimo to national unity, and the need to loosen centralised political control and to guarantee meaningful local inclusivity and participation in decision-making as part of the process of democratisation.

If and when the assassins are brought to account and the real and perhaps complex reasons for the killing are revealed, it may become possible to make an informed judgement on whether this assassination fits into the mould of the murders of Cardoso and Macuácuá. But for now, it seems reasonable to take the event at face value, as a political rather than a merely criminal act. In that case, it may indeed be true that

... Cistac’s comments were ill-timed and unfortunate, and constituted a low blow against the rule of law, as they concerned the demands of a political party that had attacked the rule of law, politicised the electoral machinery and having lost the elections, had opted for the path of irrational promotion of secessionist emotion . . . (Macamo 2015)

Nonetheless, as Rosa Luxemburg, who was herself assassinated for her political opinions, wrote nearly a century ago in words that are still entirely true today: ‘Freedom is *always* freedom for the ones who think differently’ (1922, 109, emphasis added).

### Note on contributor

Colin Darch, who is retired, is an honorary research fellow in the Democratic Governance and Rights Unit, University of Cape Town. He is webmaster of Mozambique History Net, and is presently preparing a new edition of the Historical Dictionary of Mozambique.

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