Essay on Development Policy

Decentralization and Local Councils in Mozambique:

Overcoming the Institutional Constraints on Democratic Local Governance

Marco Faehndrich

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<tr>
<td>DFID</td>
<td>Department for International Development (UK)</td>
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<td>FDD</td>
<td>District Development Fund</td>
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<td>HSI</td>
<td>HELVETAS Swiss Intercooperation</td>
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<td>LOLE</td>
<td>Local State Organs Law</td>
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<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>NGOs</td>
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<td>PROGOAS</td>
<td>Governance, Water and Sanitation Programme</td>
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<td>SDC</td>
<td>Swiss Agency for Development and Cooperation</td>
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<td>SNV</td>
<td>Netherlands Development Organization</td>
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<td>UNDP</td>
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1. Introduction

1.1 A Young Democracy Faces Old Problems

June 2011, the District Local Council of Muecate is assembling for a meeting. Members of the local government, civil society and the local prosecutor are discussing who will receive the funds provided by the central government to support initiatives intended to improve agricultural production, to create jobs and to promote development. The local administrator reminds the members of the council that the funds are not a gift, but a loan, and that at present only 3% have been returned. Civil society members complain that some project proposals have appeared out of nowhere, bypassing the normal procedure. The local prosecutor warns that corruption is a crime.

This passage depicts a real picture of an ordinary meeting of a Local Council in the Province of Nampula, Northern Mozambique. It gives rise to different opinions: on the one side the optimistic view, seeing a young democracy dealing with big issues such as financial decentralization, corruption and accountability. On the other side the pessimistic view, criticizing the fact that this local “parliament” is composed of members of the executive, the judiciary and the legislative.

Since the writings of Montesquieu, separation of power is considered an integral part of “good governance”. Long-standing democracies have developed complex institutional systems of checks and balances that limit and sanction any abuse of power. At the heart of this mechanism lies an elected parliament, government, judicial power as well as a pluralistic and free civil society that acts as a watchdog together with the press.

But what happens if separation of power is not in place at the local level? In Mozambique, independent since 1975 and formally a multiparty democracy since 1990, this is the case in most of the country. In fact, in the rural Districts an administrator represents the national government without fear of sanctions from voters or a locally elected assembly.

This creates an enabling environment for corruption, clientelism or development ineffectiveness, depending on the (un)scrupulousness of the local administrator, the strength of civil society and local media and the independence of the local prosecutor. As a result, basic service provision and use is often very poor1, freedom of the people is far away from Amartya Sen’s

1 As an example, in 2008 the safe water consumption rate in the urban areas was approximately 70%, whereas in the rural areas it was about 30% (MDGs 2010: 95).
ideal of a life of capabilities and public resources are used for the benefit of only a few privileged. But what can be done against this, if the central government is not willing to loosen control on the rural areas and its numerous voters? What can be done if taxpayers and donors want their money\(^2\) to be spent on people that need the most support? For a growing number of citizens, experts and project managers the answer is democratic governance\(^3\). However, this does not mean that they have found the magic solution, since processes of change are the complex result of struggles, bargains and institutional arrangements.

1.2 Relevance and Structure of the Essay

Understanding how institutional constraints can legitimately and effectively be overcome in processes of change is of fundamental importance in a young democracy where the behavior, political participation and power of citizens are strongly shaped by institutions and the political spaces they create. In Mozambique the omnipresence of the state and of one dominant party makes it hard for civil society and donors to act as an autonomous catalyst for democratic consolidation and decentralization. Moreover, it becomes highly difficult for them to expand their room for maneuver without alliances that can undermine their credibility and effectiveness. Every democratic support strategy therefore has to carefully analyze its implications. This essay will present some reflections on how to deal with such a complex situation.

Adopting the theoretical perspective of new institutionalism\(^4\), the next section will show how the (formal and informal) institutional context in which Local Councils work makes it difficult for their members to hold local governments accountable and promote local development. The paper will present the process of devolution and deconcentration in Mozambique, comparing their various implications for Municipalities and Districts. It will then focus on the Districts and the role of the Local Councils, as a political space characterized by participation and accountability, as well as clientelism and party dominance. The third section will analyze the main challenges and present some approaches that citizens, national and international Non-Governmental Organizations (NGOs) and donors can implement when working with

\(^2\) External aid amounts to almost 50% of the national budget.

\(^3\) The concept comprises quality, effectiveness and efficiency of local administration and public service delivery; the quality of local public policy and decision-making procedures, their inclusiveness, their transparency, and their accountability; and the manner in which power and authority are exercised at the local level (UNDP 2009: 5).

\(^4\) A key assumption is that “institutional arrangements can prescribe and proscribe, speed up and delay change; and a key to understanding the dynamics of change is a clarification of the role of institutions within standard processes of change” (March and Olsen 2005: 13).
Local Councils. The conclusion will summarize the author’s reflections on how to overcome institutional constraints for advancing democratic governance in the Districts.

2. Two-speed decentralization in Mozambique

2.1 Districts and Autarchias

The decentralization process in Mozambique started in the Nineties following 16 years of bloody civil war between Frelimo\(^5\), a Marxist-Leninist liberation movement, and Renamo\(^6\), a guerrilla organization. After the new Constitution of 1990 and the peace agreement signed in Rome in 1992, the military organizations both disarmed and became the two major competitive political parties in the first pluralist elections of 1994.

From the beginning, decentralization was characterized by a cleavage between supporters and opponents about how far the process should go. One side, among them donors and reformers, was convinced that transferring authority, responsibility and/or resources from the central to the local level would promote peace, social and economic development, democratization and reduce inequalities between regions. The other side, supporters of Frelimo, feared losing power and thus argued that decentralization would cause conflicts and problems, such as excessive bureaucracy, corruption and lack of an administrative capacity (Faria and Chicava 1999: 3-6).

This division led to some backslashes in the first reform steps: already before the 1994 multi-party elections, the one-party Parliament in power at the time passed a law that defined 23 urban and 128 rural municipal districts. This law, however, was never implemented, because the first multiparty elections indicated that Frelimo (which has held power since independence until the present) was stronger in the urban centers and that Renamo had much more support in the rural areas. The new law therefore divided the country into two complementary political spheres that still exist today in the 11 Provinces of the country: 128 Districts in the large rural areas are still controlled by the central government through its appointed representatives\(^7\); on

\(^5\) Frente de Libertação de Moçambique.  
\(^6\) Résistencia Nacional Moçambicana.  
\(^7\) This is a form of deconcentration, since the redistribution of decision-making competence and responsibility takes place within the state hierarchy (see Helvetas 2007: 18).
the other hand, there is also a gradually increasing number of urban municipalities\(^8\) (now 43) that have locally elected mayors and assemblies, and a higher degree of administrative, political and fiscal autonomy. Whereas most observers consider ‘gradualism’ in the Mozambican decentralization process to be a political tool of the ruling party, the Frelimo government contends that it depends on the maturity of the electorate and on the capacity of the towns to generate significant tax revenue (see AfriMap 2009: 142).

In the *autarchias*, the first trend was positive (see Linder 2009: 25), in particular in relation to service provision and the capacity to develop local revenue in the context of a highly centralized state and a limited financial devolution\(^9\). Formal elections resulted also in some victories for Renamo, who won the presidency in 5 municipalities (Beira, Angra do Heroísmo, Ilha de Moçambique, Nacala Porto and Marromeu) in the 2003 elections\(^10\).

In the District, the peak was the enactment of the Local State Organs Law\(^11\) in 2003, allocating more competencies and creating mechanisms for citizens’ participation in local governance, the *Instituições de Participação e Consulta Comunitária*\(^12\) (IPCCs), commonly known as Local Councils or *Conselhos Consultivos*\(^13\) (DFID 2010b: 7). These institutions are put into place and overseen by the district administrator at the district level, or by the respective government representative at the sub-district levels (*Posto Administrativo* and *Localidade*\(^14\)). According to the law (MOZ 2009: art. 36), special quotas try to assure an equal representation of community leaders (40%), women (30%) and young people (20%). Representation of different parties on the other hand is not a legally relevant criterion, although the legislation explicitly states that political convictions should not be a reason for exclusion (MOZ 2009: art. 14) and that the different social and interest groups should be represented (MOZ 2009: art. 18).

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\(^8\) Commonly known as ‘autarchias’. Here we are speaking of devolution since there is a transfer of power for decision-making, finances and management from the central administration to independent local governments (see Helvetas 2007: 17).

\(^9\) There is a cap on fiscal transfers to municipalities whose legal maximum corresponds to 1.5\% of the national owned budgetary revenue (DFID 2010b: 18).

\(^10\) In the 2008 elections, however, only in Beira was elected a mayor of Renamo, which led to complaints of electoral fraud.

\(^11\) Commonly known as LOLE.

\(^12\) Institutions for Community Participation and Consultation.

\(^13\) Consultative Councils.

\(^14\) Recently, a new unit was included in the LOLE, the *povoação*, further increasing the institutional complexity and difficulties.
2.2 The Role of Local Councils

Local Councils were established as catalysts for the well-being of rural communities: their aim is to propose, discuss and give opinions on governmental policies at the local level, and subsequently, to encourage popular participation on a wide range of issues. Especially issues related to the district development plans that District governments draft, submit to the provincial and central level and finally implement (AfriMAP 2009: 145).

De facto, however, the only decision competence that Local Councils have is to select and approve (as described at the beginning of the introduction) the projects to be financed by the so-called 7 million fund or local initiatives investment budget, currently named the District Development Fund (FDD\textsuperscript{16}). This fund was created under the current President Armando Guebuza, in line with his vision that the District is the ‘hub of development’ and should have more money at its disposal (but not more political autonomy). At the same time many observers criticized the fund, arguing that it attempted to seek support and loyalty for the dominant party, that its impact had not yet been well studied and that its effects were more distributive than redistributive\textsuperscript{18}.

Local Councils are also entitled to give their opinion on several other issues, but what is of utmost importance is that they are legitimated to monitor the local development plans, even though the relevant article (MOZ 2009: art. 35 2m) is unclear and supervision of local executives is the competence of the Ministry of State Administration and the Ministry of Finance. The vagueness of the legislation has however been exploited by various NGOs as an entry point for advancing accountability at the local level, despite the fact that the law makes it clear that the focus of Local Councils’ activity should be to foster the participation of the citizens and interaction between communities and the state. For this purpose, citizens’ activity was also structured through local forums, community committees and community funds, whose role, however, was also not defined very clearly.

2.3 Local Councils’ Institutional Constraints

It is quite obvious from the institutional setting presented above that Local Councils have very limited powers and are very dependent on the local government in terms of access to information, funds and influence. Despite this, some authors consider the process promising (Mon-

\textsuperscript{16} Fundo de Desenvolvimento Distrital.

\textsuperscript{18} I am grateful to Ilidio Nhantumbo (HELVETAS Swiss Intercooperation Mozambique) for this point.
teiro 2011: 30 / AfriMap 2009: 145), since it fosters citizen participation and its identification with the state.

A DFID (2008: 9) study, however, identifies several problems with Local Councils in Mozambique: their representativeness is disputable and they therefore lack the citizens’ legitimacy and are not necessarily accountable to the citizens; they are based on a top-down centralist model with considerable government influence; there are weak links between the community-based organizations and the government decision-making structures; there is a poor democratic culture due to the youth of the democratic system in Mozambique and the legacy of the one-party regime.

Another problem is the relationship of clientelism between the members of local governments and the community leaders (Forquilha 2008: 11). As a result, community leaders are often more interested in representing the opinions of their patrons rather than being the spokesmen of their communities, especially during elections times. This tendency is generally present in the state apparatus, with Frelimo establishing itself increasingly as a dominant party that controls all state organs for its benefit (Forquilha and Orre 2011: 38). It is also reflected in the Local Councils, where members of the dominant Frelimo Party are often overrepresented, especially amongst women and young people (Forquilha and Orre 2011: 43). This is further encouraged by the fact that the selection process of Local Council members does not take place through a secret and universal ballot, but is driven by local authorities, which may also invite and propose influential civil society representatives (without, at the least, the right to vote) (MOZ 2009: art. 36/9).

In this context, it is not surprising that Local Councils only have a marginal role to play in the decision-making process and are more occupied with their only real competence, distributing the money of the FDD. For example, in 2007 an analysis of the minutes of the meetings of 75 Districts showed that the District Development Plans were discussed in only one third (36%) of the minutes, whereas the FDD was discussed in 77% (Forquilha and Orre 2011: 50). The marginal role is also confirmed by the fact that Local Governments are only providing scarce funds and support for the functioning of the Local Councils, despite a clear legal obligation to do so. A survey conducted in November 2011 by the Governance, Water and Sanitation Programme\(^\text{20}\) in 4 Districts of the Nampula and Cabo Delgado Provinces (Nacarao, Erati, Mecufi and Ancuabe), with 57 members of Local Councils, showed that most interviewees com-

\(^{20}\) PROGOAS, implemented by HELVETAS Swiss Intercooperation and co-financed by the Swiss Agency for Development and Cooperation (SDC).
explained about difficulties concerning transportation to the meetings and access to information, which is often sent late and without an agenda or documentation.

These problems are generally perceived more critically than, for example, weak representation, influence or accountability. For all those who are interested in working with Local Councils and in giving a voice to the priorities of the communities in local governance, this difficult institutional context poses serious questions concerning the impact of their work. In the next section, main challenges are identified and possible solutions are discussed.

3. Advancing Democratic Governance through Local Councils

3.1 Main Dilemmas and Challenges

As shown in the previous section, the decentralization process in Mozambique is not only a bureaucratic issue, but also a highly political one (Plagemann 2009: 6), since it has an effect on the power relations between (central and local) institutions, parties and interest groups. If one does not bear this in mind, a risk arises that only the appearances will be changed without transforming the true nature of democracy in Mozambique (see Forquilha 2011). This becomes even more pertinent in the Districts, where decentralization is firmly controlled by the central government. In such a political space, citizens, (national and international) NGOs, donors and politicians that are seriously committed to improve democratic governance face a range of interrelated dilemmas and challenges that will be analyzed in this section.

3.1.1 Institutional Change or Status Quo Legitimation?

The first challenge is to be able to work with local institutions without doing harm or legitimizing the role and the centralistic system that has been established by the dominant party. As previously discussed, the institutional setting, especially in the Districts, presents various problems, inter alia no formal elections, one party dominance, weak Local Councils, that can only be changed with political dialogue and advocacy work at the central level. On the other hand, one must acknowledge that institutional reforms take a long time, are subjected to party politics and that one cannot ensure that they will be implemented accordingly or fairly (in the case of formal elections, fraud and conflict may arise). Of course, it is possible to adopt both strategies, promoting institutional transformation with legal reforms (top-down) and behav-
ioral changes with capacity building (bottom-up). But working on and in institutions can create conflicts of interest, legitimizing mechanisms that one would like to change.

3.1.2 Ownership or External Agenda?
Promoting democratic governance, most donors and actors focus on inclusive participation, which they think will lead to a greater influence of civil society in decision making. In Districts this influence is however limited by institutional constraints and therefore it is even more important that citizen participation continues both during and after implementation, through the monitoring of plans and the budget. This is, however, where a second challenge emerges: who is interested and legitimized in promoting a task that is obviously not central in legislation and often not welcome by local government representatives? And how much external pressure can be justified before it results in a contradiction with the ownership-principle of development and democracy?

3.1.3 Needs, Impact and Rights
Another dilemma that arises is the fact that the impact of democratic governance interventions is presumably more likely in municipalities, since capacity and capabilities are normally higher in urban areas and devolution also expands the scope of pro-democratic governance activities. However, the generally lower development indicators of rural areas suggest that it is even more important to work in such settings in order to fight poverty, diseases and corruption. Accordingly, one could adopt a human rights-based approach and also argue that political rights are a development objective per se. But it is still not clear how to work with local authorities and civil society.

3.1.4 Supply and Demand-Side of Democracy
A related challenge concerns providing the right combination of supply and demand in relation to democracy. Until recently, priority was given to the supply-side, in particular institutional capacity. But as a recent DFID (2010: 5) report underlines, “to counterbalance the negative elements of party control, more attention should be given to the strengthening of the demand side of the accountability process, helping societal actors to hold political and state actors accountable”. A balancing act is therefore necessary, since too much strengthening of
the demand-side can potentially lead to conflicts with the state or to disappointment in civil society if improvements (for example concerning service provision) are not visible.

3.2 How to Overcome the Institutional Constraints

This essay does not attempt to give a definite answer to the four shortly described dilemmas and challenges, but to discuss possible ways of overcoming the above-mentioned institutional constraints based on the author’s personal experience\(^ {21}\) in the Northern Provinces of Mozambique, especially Nampula. The decentralization process was pioneering in the region, in particular because the United Nations Capital Development Fund, the Swiss Agency for Development and Cooperation and the Dutch Embassy promoted pilot programs to improve citizen participation in District development and financial planning in the Nineties (Macuane et al. 2010: 21-22). The experience later led to the institutionalization of a similar program at the national level\(^ {22}\) and also influenced the LOLE. In addition, it created a demand for numerous local and international organizations, such as HSI and SNV, to improve the capacity of public officials, community based organizations and their representatives in the Local Councils (Macuane et al. 2010: 26).

3.2.1 Advocacy at the Provincial and Central Level

The strong presence of NGOs in the field makes it clear that they are often more focused on behavioral rather than institutional change: many actors have been present in rural areas for several years and they have not considered shifting their work to municipalities, provinces or to the central level in order to give a clear signal for institutional change in the rural Districts. They prefer to concentrate on their core business, the poorest of the poor, without attempting to reform the institutional context in which they are working. This may make their work a Sisyphean task, at least in terms of more democratic local governance.

Although it is understandable that realism forces many actors to work in such a difficult institutional setting, it is less understandable that they choose not to deal with a situation that can (and should be) changed at the national level. It is therefore recommended that their concerns are raised not only at the District Level, but also at the Provincial and National level. This will make institutional constraints a continuous subject of discussion throughout different channels.

\(^ {21}\) The views expressed in this paper are the sole responsibility of the author and do not necessarily reflect the view of the organization I was working with (HELVETAS Swiss Intercooperation).

\(^ {22}\) Programa de Planificação e Finanças Descentralizadas (PPFD).
(political dialogue, media, civil society platforms and also political parties). Thus, there will be no unilateral status-quo legitimization and institutional change will at least be stimulated.

3.2.2 The Citizen’s Voice at the District Level

If working on democratic governance in the Districts may prove to be very difficult, it is even more important to keep in contact with its key players. Many NGOs tend to focus on grassroots levels in order to respond to a community’s needs, but in reality all important local decisions are taken at the District or higher level. This holds especially true for the (re)distribution of the FDD, since the District Local Council may even approve initiatives that have not been proposed by the inferior levels. In order to have an impact on decision making processes, it would therefore make more sense to focus on the District level, improving its organization, transparency and accountability.

One could argue that institutional needs are greater at lower levels, but the above-mentioned survey of PROGOAS shows that differences in organization, representation, participation and accountability between governance levels are very small. So it would make sense to focus on the community level and the district level at the same time, creating a direct link between citizens’ priorities and authorities’ decisions. Since most members of the District Local Councils are always active at lower levels, using the Districts as good examples would also have a positive impact on sub-district levels.

3.2.3 Public and Social Accountability

Capacity building is the most common form through which NGOs promote democratic governance at the local level in the Northern Provinces of Mozambique. On the one side, the target groups are community based-organizations, such as Community Development Committees, that usually also have representatives in the different Local Councils, among them community leaders. The idea is to improve their participation in local governance (demand-side) and their capacity to solve problems at the community level. On the other side, the target groups of capacity building are also members of government and public officials that are responsible for the implementation of district development plans (supply-side). At a first glance,

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23 Accountability can be defined as the obligation of power-holders to account for or take responsibility for their actions. Public accountability is about the spending of public resources, the execution of public duties and responsibilities that serve the public. Social accountability is an approach towards building accountability that relies on civic engagement, i.e. in which ordinary citizens, civil society and/or media organizations participate directly or indirectly in exacting accountability and control political authorities (Malena et al. 2004: 2-3).
this combination appears to be very good, however it gives rise to the following problem: between the lowest level (community) and the highest local level (District) there are several governance levels that dilute the influence of community representatives.

A stronger focus on public and social accountability could help civil society broaden their influence on local institutions at all levels. An innovative and promising approach promoted by PROGOAS is the use of local governance self-assessments. This tool promotes dialogue between civil society and the government about local governance problems and solutions. At the same time, radio programs are an effective channel for improving transparency and public discussions.

3.2.4 Institutionalization of New Good Practices

A further step is to ensure that such accountability initiatives are owned by the Districts and its citizens. Two possible approaches arise: involving public institutions, officials and civil society in the facilitation of the tools from the beginning, as the Support to Municipal Development (P-13) Programme (co-financed by SDC) has been doing. And/or strengthening local civil society partners that have the ability to coordinate accountability initiatives at the District Level through citizen report cards, social audits and other tools such as community notice boards (see MS ActionAid 2010). In any case, to avoid promoting an external agenda, international and national NGOs should step back and focus their support strategies on their (boundary) partners that are rooted in the local context and are genuinely willing to promote democratic local governance.

4. Conclusions

Advancing democratic governance at the local level is a complex undertaking everywhere and more so in an institutional context such as the Districts that are characterized by party dominance, clientelism, poor capacity, weak civil society and authoritarian legacy. This essay discussed four main challenges/dilemmas and possible approaches that can be adopted to over-

24 On this subject, a common research project of HSI and Institute of Development Studies (IDS, University of Sussex) is currently on-going.
25 Based on positive experiences from Bangladesh and India, this tool helps District Local Councils and Community Development Councils to monitor their performance and improve their progress in the implementation of district and community plans.
26 In the outcome mapping approach, boundary partners are those individuals, groups and organizations with whom the project team interacts directly to effect change, anticipate opportunity for influence and engage in mutual learning (see http://www.outcomemapping.ca/).
come the institutional constraints, depending on the type of actor and the resources available. There is no magic solution, but a strong case for making more and better efforts. Democratic governance does not give results in a few days, but in the long-term can be a catalyst for more inclusive and equitable development. It is therefore suggested that all kinds of local governance intervention should address the institutional setting and be planned and implemented looking at the impact on local institutions and power relations.

An interesting analytical tool, also for Local Councils, is the “power cube”, which can be used flexibly to reflect on levels, spaces and forms of power and to seek a comprehensive and dynamic approach in a challenging institutional environment: “While not wanting to reduce social change to a formulaic solution […] those seeking to challenge power in all of its spaces, levels and forms need to search not for one solution, but to build multiple, linked strategies and in different sequences, depending on the starting point in any given context” (Gaventa 2006: 31). One thing is certain: closing one’s eyes and working in the dark is an easy solution, but not a powerful and effective long-term strategy to help local institutions become more democratic and responsive to people’s need and rights.

5. Bibliography


27 I am grateful to Ilídio Nhantumbo (HSI Mozambique) for his eye-opening remarks and to Lena Sokolic for her rigorous proof-reading. Any errors that remain are the sole responsibility of the author.


