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Transitional Justice and Its Discontents
Duncan McCargo
The year 2015 marks the fortieth anniversary of Mozambique’s independence and its twenty-first consecutive year of official multiparty political competition. In a country long torn by war—first for independence from Portugal and then between rival domestic groups—the last two decades have seen four presidential and parliamentary elections. All of them have been held on schedule, most recently on 15 October 2014.

This latest vote has led to a peaceful transfer of office but not of party control, as outgoing two-term president Armando Guebuza from the long-ruling Frelimo party has been succeeded by his defense minister, Filipe Nyusi, whose 57 percent vote share meant that he faced no runoff. Frelimo (its name is the Portuguese acronym of the Front for the Liberation of Mozambique) held onto its majority in the unicameral, 250-seat parliament but sustained a net loss of 47 seats and ceded control of three of the eleven provincial assemblies to the opposition (a first).

Yet all is far from well, and Mozambique’s democratic prospects must be called cloudy at best. The 2014 voting occurred amid the sharpest political and security challenges Mozambique has faced since 1994. These included a renewal of armed clashes between government forces and Renamo (the Mozambican National Resistance), which was Frelimo’s opponent during the postcolonial civil war of 1977–92 and remains its main competitor.

Trust between Frelimo and Renamo has sunk to a low ebb. The latter’s leader, presidential runner-up Afonso Dhlakama (he won 37 percent), at first rejected the official election results and ordered his party’s newly elected legislators to boycott parliament (the boycott ended in
February 2015). There is still not a great deal of trust between Frelimo and Renamo, or between either of them and the newer Movement for Multiparty Democracy (MDM), which has become a rising opposition force, especially in the cities.

Perhaps the troubled state of Mozambican democracy should not be surprising. Five years ago in these pages, Carrie Manning explained that Mozambique’s unbroken string of elections, while a significant achievement, had never been accompanied by the development of a level political playing field. She decried the “sustained decay” of the country’s democratic prospects.¹ Someone searching for countertrends might point out that Frelimo, despite its long possession of a two-thirds legislative majority, never tried to overturn term limits—something that has been a problem elsewhere in Africa. Yet there can be no denying that the ruling party’s grip on power remains tight, or that the return of bloody strife (the death toll from October 2012 through a September 2014 peace accord is thought to number in the thousands) and the opposition boycott are ominous developments.

The 56-year-old Nyusi is the first president of independent Mozambique who does not have “former national-liberation fighter” on his résumé. He is also the first member of the Makonde ethnic group and the first northerner (he hails from Cabo Delgado Province by the Tanzanian border) to hold the country’s highest office. His selection as Frelimo’s standard-bearer may be read in part as that party’s response to Renamo’s frequent complaints that Frelimo is dominated by southerners and neglects the interests of central and northern Mozambique (the regions that happen to contain most of the country’s natural resources). Belittled by some as nothing more than the outgoing president’s protégé, Nyusi has nonetheless shown signs of leadership ability: He ran a competent campaign amid difficult circumstances, and he has united Frelimo’s factions around himself, at least for the time being.

In 2014, Mozambique’s electoral system of closed-list proportional representation (PR) left Frelimo with 144 seats while awarding 89 to Renamo and the remaining 17 to MDM. Since no bill short of a constitutional change requires more than a simple majority, Frelimo continues to have a free hand to legislate despite its loss of seats. Since everything about Mozambique’s parliament from committee shares to speak-

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Valid Votes*</th>
<th>Vote Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afonso Dhlakama (RENAMO)</td>
<td>1,762,260</td>
<td>36.61%</td>
</tr>
<tr>
<td>Filipe Nyusi (FRELIMO)</td>
<td>2,761,025</td>
<td>57.03%</td>
</tr>
<tr>
<td>Daviz Simango (MDM)</td>
<td>306,884</td>
<td>6.36%</td>
</tr>
</tbody>
</table>


*In addition to valid votes, there were 213,310 null votes (spoiled ballots), and 290,186 blank votes (ballots with no selection registered).
ing time is governed by a rule of proportionality, the new seats won by
the opposition could set the stage for greater power-sharing within a
parliament that can act as a more vibrant player in national governance.
A more balanced parliament should be good news in terms of oversight
and accountability, especially if the parties make a serious investment
in training the many new MPs who won the voters’ approval in 2014.

Renamo’s strong 2014 showing was surprising. Its candidates won
a majority of the vote in the five provinces that lie roughly in the mid-
dle of Mozambique (see Map on page 147). These are the coastal prov-
inces of Nampula, Zambezia, and Sofala (running north to south down
the Indian Ocean seaboard), plus the two inland provinces of Tete and
Manica. General campaigning began on August 31, but Dhlakama did
not start personally stumping for the presidency till September 16, af-
after Renamo and the government signed a fresh peace accord. Rena-
mo’s impressive ability to mobilize backers—despite its late start, its
rallies were big—and its belief that it had done well in the peace talks
left the group’s leaders feeling restive in the face of defeat. Dhlakama
may have failed to hit even 40 percent in his race against Nyusi, but
within Renamo ranks the party’s robust overall performance in 2014
seems like his victory. Born in 1953 and the only leader Renamo has
had since 1979, Dhlakama has a stronger hold than ever on his party—
a circumstance that could jeopardize the internal reforms it so badly
needs.

Will the September 2014 peace deal hold? In the short term, the an-
swer is likely yes. The government promised a “peace and reconciliation
fund” (although it is not yet clear how this will be set up and paid for).
It pledged to integrate former Renamo fighters into the regular security
forces, and it threw in a sweetener for Dhlakama by passing a law that
grants special institutional status to the “official leader of the opposition.” As the holder of this post, Dlakham will receive each year 1.8 million euros, from which he may allocate his own salary and choose what to spend on housing and staff in addition to allowances for transport, security, and medical coverage for himself and his family. He receives a diplomatic passport, and the statute grants him legal immunity: He can be arrested and tried only by the Supreme Court; common courts cannot touch him.

But over the longer term, how much confidence is in order? Renamo has learned (or relearned) that violence and the threat of violence are still potent bargaining chips. It has seen that it can force Frelimo to negotiate, and that voters will reward such assertiveness toward a Frelimo regime that some view as sinking ever more deeply into a swamp of arrogance and self-enrichment. It is doubtful that most Renamo voters want a return to sustained armed conflict, but it may be fair to say that they are desperate to see someone take a stand against what appears to them as a growing party-state, and can tolerate the idea that it may take force to get Frelimo’s attention and make it compromise.

The elections’ third contender, the MDM, more than doubled its seats in parliament (from 8 to 17), but has been perceived as a loser owing to the high expectations stirred by its previous success in municipal voting. The MDM suffered from a combination of its own mistakes, Renamo’s resurgence, and Frelimo’s special hostility toward it as a “turncoat” group. Daviz Simango, the MDM’s founder and leader, is the son of a Frelimo vice-president. His party is not yet six years old and displays acute organizational flaws. It blundered badly in 2014 by nominating too many elite candidates while failing to add representatives of its core voters (the poor and urban young people) to its provincial and national lists. Although the MDM, like RENAMO, is something of a regional party with a central and northern base, its better than 40 percent showing in the far-southern port of Maputo (Mozambique’s capital and biggest city) suggests an appeal to disaffected urbanites that transcends mere regionalism.

The 2014 election, like others before it, somewhat resembled the classic film *Groundhog Day*, which tells the story of a man who lives the same day over and over. In Mozambique’s high-stakes, real-world, and decidedly not comic version of electoral *Groundhog Day*, the whole process was marred by a familiar level of sharp distrust among the parties, a familiarly partisan (pro-Frelimo) police force, familiar procedural irregularities, and an opposition that (as had been the case before) was poorly prepared to take part in overseeing the process. Campaign resources were, as usual, wildly unbalanced: Frelimo ran the costliest campaign the country has ever seen, with state media backing it to the hilt, while opposition messages could reach the public only through a few private media outlets. The implications
for democratization—to say nothing of Mozambique’s image in the
eyes of donors and investors—are not good. Recurrently less than
credible elections are a serious problem even if somehow “the show
goes on,” with Frelimo forming the government while the opposition
despite whom protests lodge objections.

In fairness, however, it must be added that the orderliness of the elec-
tions (there were just a couple of violent incidents) was remarkable so
soon after the eruption of the first serious challenge to peace in more
than twenty years. Mozambique watchers learned something about the
limits of reconciliation, but they also learned that Renamo and Frelimo
can control their supporters. Whether the calm will last remains to be
seen, however, as tensions arise not so much from elections themselves
as from deeper issues that linger in the wake of an incomplete reconcili-
ation process.

At the formal level, it does not appear that the opposition’s complaints
will be enough to overturn the 2014 results, though informally it does
seem evident—given the recent strife—that the process of dealing with
complaints must at least be perceived to be better than it has been in the
past. Renamo has rejected every election result since 1994, but is gener-
ally considered to have had its strongest grounds for doing so in 1999
and 2009. So far the opposition parties have been unable to provide full
evidence for their allegations regarding the 2014 elections. The Mozambi-
can judiciary has rejected their claims of irregularities while international
observers have found no fraud sufficient to have tipped the balance of
power. Interestingly, most of the disputes this time concern not the presi-
dential race, but rather the tabulation of votes for the provincial assem-
blies. It seems that Frelimo was worried about its grip on the provinces
(the results show that it had reason to be), and it is at the provincial level
that the charges of ruling-party fraud and intimidation are most credible.

Political and Economic Developments

Since the 1992 peace accord, Mozambique has become a darling of
the international donor community, attracting US$3.5 billion in foreign
aid between 2005 and 2012. Although it remains one of the world’s
poorest countries, its 8 percent annual growth rate and low inflation
have led to its being touted as a prominent success story from “emerging
Africa.” The OECD estimates that over the next decade, foreign direct
investment (FDI) is expected to add up to US$88 billion—a staggering
sum for a country whose nominal 2012 GDP was only about a sixth
of that amount. The main investment draw is hydrocarbon resources.
These consist not only of tar sands and coalfields (the latter in the north-
western inland province of Tete), but also of vast onshore and offshore
natural-gas deposits that lie in the Rovuma River basin of far-northern
Cabo Delgado Province. Already in 2013, contracts to explore the Ro-
vuma region for gas were bringing the government in Maputo an amount
derth of more than 4 percent of GDP. Mozambique, it seems, has joined
the ranks of those countries that live in severe poverty while the specter
and promise of wealth loom before them.

The discovery of natural riches in the center and north has raised fears
that regional separatism may gain ground. Renamo stoked these worries
when its secretary-general threatened in June 2014 to split the country if
his party’s demands were not addressed.4 Frelimo has long prided itself
on nation-building under the slogan “One people, one nation, one cul-
ture, from Rovuma to Maputo.” Although there is no particular region or
ethnic group with secessionist ambitions, Frelimo prizes national unity
and has seen to it that the constitution requires all political parties to
keep their main offices in Maputo. (Until 2004, there was also a law
stating that no party could receive any seats in parliament without win-
ning at least 5 percent of the total vote nationwide.)

Despite a simplistic impression that Frelimo is a purely “southern”
party while Renamo and the MDM are of the center and north, each has
members from across all ethnic groups and regions. Nor does religious
sectarianism seem to be a problem: Northern Mozambique is predomi-
nantly Muslim while the south is mainly Christian, but in all provinces
there is peaceful coexistence with no major incidents between religions
or ethnic groups.

Frelimo’s new cabinet, named on 18 January 2015, suggests a proac-
tive concern with regional diversity. Even though it has fewer members
than the previous cabinet (22 versus 28), there are now ministers from
Tete, Niassa, Nampula, Sofala, and Cabo Delgado, as well as the tradi-
tional Frelimo strongholds of Inhambane, Manica, and Maputo. Could the
opposition play the regionalist card in future elections? Possibly, though
the strong showing in Maputo of the MDM—a party with leaders mainly
from the north and center—may have done more for national unity than
any government cautions against its erosion. Why would the MDM, with
its proven transregional appeal to city-dwellers and younger voters in the
south, want to trade that for a regionalist strategy?

As indicated by the northern background of Nyusi and his two main
rivals for the Frelimo nomination, the ruling party is aware that its own
members want a more balanced distribution of power among the various
regions and ethnic groups. The way Frelimo put together its candidate
lists for the provincial assemblies provides additional evidence that the
different ethnic groups may not be questioning national unity but rather
are seeking more equity in party preferment.

As shown in Table 2 below, the opposition performed extremely well
in the central and northern provinces, improving significantly on its
2009 results. These provinces are rich not only in resources but in popu-
lation; Frelimo’s inclusion of central and northern representatives in the
new cabinet is completely understandable.
Although it was founded in 2009, the MDM got its real opening in 2013, when Renamo chose to boycott municipal elections. The MDM won control of four of the 53 municipalities in which it ran candidates, and garnered two-fifths of the total vote in Maputo and its large satellite city, Matola (together, the capital and its suburb are home to something like a fifteenth of Mozambique’s total population of about 25 million).

Like other troubling fixtures in Mozambican politics, Renamo’s penchant for distrust and boycotts is nothing new, and indeed has crystallized over the decades. Renamo began as an armed guerrilla movement, and seems still to have not quite embraced life as a “regular” political party. Even when observers have found elections fair, Renamo has questioned the integrity of the vote. Renamo leaders put distance between themselves and state institutions. They frequently refuse, for instance, to attend national events such as the annual June 25 Independence Day ceremony. Turning to Frelimo, we see an organization that has nominally adapted to multiparty politics, but which in many ways acts like a party-state. Frelimo too began (in 1962) as a group dedicated to armed struggle (against Portuguese rule), and for most of its history till 1990 it professed a commitment not only to nationalism, but also to Marxism and the creation of a socialist order.

Before the renewed violence of recent years, the low point of Frelimo’s relations with Renamo came in 1999 and the years after. The 1999 elections were close enough both to bolster Renamo’s already robust readiness to believe it had been cheated and to throw a scare into Fre-
When the next general election came around in 2004, Frelimo’s new leaders were “on guard” to prevent a repeat of 1999 and looked askance at dialogue and openness as too risky.

Even so, before 2012 the peace settlement did not seem to be in jeopardy. Starting in that year, however, fighting between Renamo and government forces became a daily occurrence along portions of the national road that runs through Sofala Province. It is true that in January 2010 Dhlakama had shifted his official residence from Maputo to the northern city of Nampula in protest against the 2009 election results. Yet at the same time, 16 of Renamo’s 51 MPs were defying his orders to boycott parliament—the most prominent challenge to the Renamo leader ever to come from members of the party. Even while still in Maputo during the term of the previous parliament, Dhlakama had been holding press conferences at party headquarters to contradict the statements or votes of Renamo MPs. His move to Nampula was thus a tactical ploy to help him restore his grip on his own party.

Then Dhlakama began talking about a return to war, but no one in Maputo seems to have taken him all that seriously. In early December 2011, President Guebuza did meet Dhlakama in Nampula, but this appears to have been intended to create political cover before a planned government move against the Renamo leader. That maneuver came in March 2012, when national riot police surrounded Dhlakama’s residence. Shooting broke out from both sides, and there were several casualties. Exchanges of recriminations followed this exchange of gunfire until, on 17 October 2012, Dhlakama abandoned Nampula and relocated to an old guerrilla base in Sofala Province. On October 21, the army attacked this base in an operation whose goal was never made clear to the public. Dhlakama fled to the bush where he remained in hiding until 2014. Until peace was restored in September of that year, the number of dead mounted. The exact number is hard to determine, but estimates run to several thousand.

This violence and uncertainty rekindled painful memories of the civil war and underscored how its legacy continues to haunt Mozambique. Demobilizing and disarming Renamo have become urgent agenda items, even as Renamo hurls charges of discrimination at the government in connection with the planned integration of Renamo fighters into the ranks of the national forces. Over the last two years, Renamo and the government have held more than ninety dialogue sessions. The importance of dialogue in any form cannot be overstated, but we must also note that formal state institutions—and above all parliament—are hardly playing any role. Three special representatives from each party are doing the talking; parliament was neither consulted about who the trio of official envoys would be, nor asked to ratify those whom the president selected. Worse yet, parliament itself has meekly accepted all this, revealing how weakly institutionalized and dependent on the executive it remains.
Unlike its neighbor South Africa with its Truth and Reconciliation Commission and resolve to “forgive but not forget,” Mozambique has tried simply to look away from past misdeeds. Such organized attempts at promoting healing as have occurred were mainly the work of religious groups (including the Roman Catholic and Anglican churches) operating at the grassroots level. Their watchword was “Ask not who is to blame. Ask how they can contribute to peace.” A desire to “move on” from the pain of a civil war is certainly understandable, but the continued festering—and violent eruption—of issues left over from that time suggests that it is not the best approach. Narratives across the political spectrum diverge radically, but there is no forum in which they can be hashed out and reconciled. As bad as it was, the nature of the recent fighting suggests that the provision of such a forum may help. Unlike outbreaks of strife seen elsewhere, the conflict in Mozambique was instigated and led from the top, not the grassroots. In other words, it was a quarrel of elites rather than a matter of ordinary people laying waste to neighboring villages. Perhaps more formal and institutionalized reconciliation efforts involving these elites can draw off some of the energy that might otherwise go into physical combat.

The Future of Democracy

Although Mozambique’s troubles have led to its being downgraded on well-known indices of democratization (Freedom House has kept it off the annual list of “electoral democracies” since 2009, for instance), the reality is more complex than a label such as “democratic reversal” or “stalled transition” can entirely capture. A number of important civil society organizations are at work in the political and economic spheres, although they are still more concentrated in Maputo and more reliant on foreign funding than they should be. The media continue to promote
public debate of national issues, and a third party has larger representation in parliament than ever before.

As with the democracy indices, influential media rankings such as the World Press Freedom Index have been downgrading Mozambique. The 2013 firings of three prominent newspaper and television editors, all from nominally private media outlets, have drawn much comment. The general impression has been one of Frelimo (or to speak more precisely, President Guebuza’s office) flexing its considerable economic muscle to dissuade private media from running unflattering stories about the chief executive.

If the government has a strategy to silence the media, it does not seem to be working. Mozambique’s private media outlets still freely criticize Frelimo and its leading figures. Newspapers, long hampered by the difficulty of securing timely print distribution outside the capital, have found a new lease on life via online social media. Thanks to the inexpensive scalability of the Internet, even small and politically vocal papers are being disseminated and publicly discussed as never before. Social-network discussions, primarily on Facebook, are emerging as a vital site of democratic debate, and formed a new factor in the 2014 campaign season. Journalists, ministers, war veterans, and students all share their thoughts on topics ranging from which party and candidates to support to news items such as crime in remote provinces.

Everyone in the political marketplace wants a piece of the democracy action, at least in speech: Frelimo claims the paternity of independence and self-rule, while Dhlakama based his entire 2014 campaign on his avowal that he is the “father of democracy.” The MDM, meanwhile, likes to call the cities that it governs “free zones.” All parties want to claim rhetorical credit for democracy; all share responsibility for its incomplete state. Regular changes to the electoral law and repeated bouts of postelection deadlock are symptoms of a country that has only superficially democratized. The brinkmanship that goes on around elections illustrates the frailty of the Mozambican state and reminds us that even prior to democracy the country never reached a sustainable and inclusive bargain among its key political players. The political elites struck formal deals in 1992 and again (after a renewed outburst of violence) in 2014. Yet the non-Frelimo elites still have no sense of being included, and future paper pacts can be expected to fail if critical figures continue to feel shut off permanently from access to the structures and resources of the state.
Mozambique’s formal political architecture of institutions matters, but without inclusive politics and solid “buy-in” from key opposition players, it can never be more than a house built on sand. Political organization needs to be designed and agreed to by political elites, but Frelimo also needs to make concessions that go beyond agreeing to political rules for the sake of stability. There is no simple recipe for true reconciliation, but dialogue should go beyond the two former belligerents. Religious and other civil society figures are present at their talks, but only as observers. The cause of reconciliation would benefit if they had a larger and more active role.

A stronger focus on decentralization might help as well. The current model combines elected provincial assemblies with presidentially appointed governors who have most of the real power. The reason for this is Frelimo’s fear—which in light of what happened in 2014 we must call well-founded—of an opposition victory in the provinces that could pose a threat to Frelimo dominance. Under this “halfway” model of decentralization, Renamo has won majorities in the assemblies of Sofala, Tete, and Zambézia, but even in those provinces finds itself with no effective role in or responsibility for governance. Thus Renamo still lacks incentives to compromise on policy issues, and instead is left free to follow any impulse it may have to take extreme stands, with reconciliation and democratization suffering in the process. Renamo should not be allowed to be only a voice “against” government with no need to compromise. There is an opportunity to make the provincial assemblies a test bed where Renamo and the MDM can be called to something more than antagonism, but the assemblies need to be given more power or the chance will be lost.

Is this too much to hope for in a country where the president has a free hand to hire and fire not only cabinet members (including the prime minister) and provincial governors but even university rectors? The Mozambican president must dismiss the premier and cabinet if parliament rejects the government’s program twice, but other than that there is little to hold him accountable. Parliament may question the prime minister but not the president, and the former is constitutionally no higher than any other minister and serves at the president’s pleasure.

This constitutional design, with its very strong presidency, can no longer be called the legacy of the one-party authoritarian regime that Frelimo ran before 1994. Through several rounds of constitutional revisions, Renamo has never challenged this system. Mozambique’s stalled democratization (the label does fit even if it is less than exhaustive) is partly due to the ruling party’s dominance, but it owes something to Renamo’s choice as well—for whatever reason, that opposition formation has signed on to a system that makes the opposition’s leader a perennial outsider. We may grant that political systems need to be designed internally without international blueprints, but there can be no denying
that systems do influence the behavior of the political actors who must move and work within them. A genuine debate on the design of the political system that considers the enhancement of local and regional powers could form part of a true reconciliation process, and it could be a force helping Mozambique to resume a climb up the ladder of democratization.

NOTES


7. See Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 9: “The more complex and heterogeneous the society . . . the more the achievement and maintenance of political community become dependent upon the working of political organization.”