

# Mozambique political process bulletin



Issue 33a – 28 November 2006 – e-mail extra

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Published by AWEPA, the European Parliamentarians for Africa

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Formerly *Mozambique Peace Process Bulletin* (Issues from number 18 available online: <http://www.mozambique.mz/awepa>)

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## Provincial parliaments: just talk or local power?

Provincial parliaments will not have great power under the law approved by parliament on 22 November. Nevertheless, they are an important step in decentralisation and transparency, and could be a spur to local democracy. But with governors still nominated by central government, there is also a real potential for conflict.

Renamo's proposals were surprisingly similar to those of the government, and it accepted the government proposal with just a few changes.

The main role of the provincial assemblies is to "approve the programme of the provincial government and to inspect and verify its fulfilment" (*"aprovar o programa do governo provincial fiscalizar e controlar o seu cumprimento"*) as is set out in the constitution. But this power is substantially restricted because the provincial assembly in practice can only "approve the proposed provincial plan and budget submitted to the Council of Ministers", which makes the final decision.

Nonetheless, this does give the assembly a veto power over the governor, and the law takes this seriously. If the provincial assembly rejects the plan and budget twice, the national parliament (*Assembleia da República*) can dissolve the provincial assembly and call new elections.

In practice, the main power of provincial assemblies will be informal – to promote local ideas and opinions, and to investigate and perhaps expose government actions. They are to "promote the participation of citizens and groups" and assembly commissions can organise local meetings.

Provincial assemblies are expected to monitor a wide range of activities including the execution of

contracts and programmes. Commissions have the right of call provincial government officials and others to hearings, can hire experts, and have access to confidential government documents. This oversight may prove to be their greatest strength.

Powers of the provincial assemblies relate entirely to plan and budget. There is not even a suggestion that the assemblies could pass provincial laws or regulations.

Although provincial assemblies have the opportunity to be an important element of decentralisation, they may also be a focus of conflict. Governors are appointed by the President, and all members of provincial and district governments are appointed centrally. Renamo won large majorities in two provinces in 2004, Zambézia and Sofala, and would be expected to win majorities in provincial assemblies. This could lead to clashes between the provincial government and assembly.

### District base could increase local power

District lists will be the basis of provincial assembly elections, and citizens' lists will be allowed to stand. With the government's strong emphasis on the

district as a base of development, and the parallel growth of a wide variety of local associations, this could give communities a real voice in provincial assemblies.

This will be reinforced because there is no minimum threshold to be passed, which makes it possible for a small party or list to elect a single member to the provincial assembly. At national level, there is a 5% threshold (to have an MP, a party must gain at least 5% of the total national vote), which implies a minimum of 11 members.

The Provincial Assemblies law was approved last week and parliamentary debate on the draft election law was scheduled to begin yesterday. It is proposed that provincial elections follow the same system as national elections, with two important changes. Election will still be by a party list system, but constituencies will be districts, meaning a separate list for each district.

"Groups of citizens" will be allowed with two limitations. They must register before the period in which candidates can be presented, and any list must contain one and a half times the number of seats available in a district (to allow supplementary candidates if people withdraw).

But it would appear that citizens groups and parties are free to stand candidates in some districts and not others.

To be eligible to stand, a person must have lived in the province for six months.

Following proposed simplifications at national level, candidates will only have to present one document – a certificate of no criminal record.

## Voting and counting

Voting will be on one day only. The following electoral calendar is proposed:

- At least 120 days before the election, the date is set by the President of Mozambique. Elections must be on the same day throughout the country.
- 90 days. The National Election Commission announces the number of seats in each provincial assembly. (No date is specified for the number of seats assigned to each district.)
- 75 days. Candidates lists must be presented.
- 30 days. Start of campaign.
- 48 hours. End of campaign.

Vote counting will be in the polling station and will follow present procedures. Under the draft proposal, the provincial election commission will do count at the next level, but then the National Election Commission would do its own count. This is likely to be revised, however, because Renamo and Frelimo have agreed to give a larger role to District Election Commissions in the national election count (see *Bulletin* 33, p 5). Also, there seems no point in the National Election Commission doing its own count for provincial assemblies.

In sharp contrast to national elections, it is proposed the invalid votes (*nulos*) not be reconsidered by an election commission.

## Frelimo has second thoughts

Frelimo in parliament reduced the power of the provincial assemblies in a key way, with changes made to the provincial assemblies law presented in August. The initial version gave provincial assemblies power to inspect (*fiscalizar*) and comment on various actions of central government, but this was deleted. This has the effect of linking the provincial assemblies entirely to the provincial government, and not to either the national parliament or the national government.

The law prohibits the provincial assembly from having any oversight over elected municipalities (which also are not under the governor). Assemblies can speak out on the conduct of other lower levels of provincial administration (district and below). but cannot "interfere in their activity" ..

In the original draft, the provincial assembly could invite the governor and provincial government to attend. In the revised version, the governor and provincial government have the right to attend and speak in debates.

Renamo's proposed law, first submitted in March, was much shorter than the government proposal (34 articles compared to 122), but did not suggest many things which the government did not accept. Renamo wanted provincial assemblies to have the right to comment on the appointment of governors and to name provincial judges, as well as the right to set provincial policies. It would have had the assembly meet more often and for longer sessions. But Renamo would have given the assemblies few additional powers.

In sharp contrast to discussions about election commissions, Renamo had proposed that the provincial assembly be *smaller* than the initial government proposal. In the end the law says that the assembly will have 50 members if the number of registered voters is 400,00 or less, rising in jumps of 10 members to 80 for provinces with between 600,000 and 700,000, then rising by 1 member of each 100,000 additional voters.

The law says that districts are to be represented in the assembly "in proportion to the number of registered voters", but does not say this should be done – probably just as well since the law for the national parliament make an arithmetic mistake on this issue.

The provincial assemblies will meet twice a year and for no more than 10 days in each session. Commissions would meet four times a year. A standing committee headed by the assembly president would meet twice a month. Clearly being a member of an assembly is seen as a part time job,

and employers are required to give time off to members of provincial assemblies.

Salaries would only be paid when assemblies are in session or commissions are working. Finance Minister Manuel Chang estimates that the salaries of ordinary assembly members will be 8.8 million new meticaís a year and of the 10 standing committees, 1.4 million Mtn, a total of about \$400,000 per year. But a study by Swiss Development Cooperation makes the point that this does not include all the other costs – buildings, telephones, cars, etc.

## **Corruption checks**

The law imposes some restrictions on members of assemblies. In particular, they cannot discuss or vote on any issue in which they or family members are involved, and this includes cousins, in-laws and nephews. Members of a provincial assembly cannot have contracts with the provincial government. In contrast to practice in many other countries, members of provincial assemblies are still subject to libel and defamation laws.

Members of central and local government cannot be in the provincial assembly, but ordinary civil servants can be.

The president of the assembly is to be elected by secret ballot. All other posts are filled either by open election or by selection by the main parties.

## **Should \$27 million election be delayed?**

Finance minister Manuel Chang estimates that the provincial elections will cost 687 million Mtn, about \$27 million.

The constitution and present legislation requires provincial elections in 2007, local elections in 2008, and national elections in 2009. There are strong feelings across the political spectrum that elections in three years in a row are too expensive and too time consuming, and that provincial elections should be delayed and done at the same time as either local or national elections. This would require a constitutional amendment and thus agreement of both Frelimo and Renamo, but so far each side has been afraid to suggest it for fear that it would be seen as a sign of weakness.