

Democratic Governance and Security Sector Reform: Realities from post-war Mozambique*

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Resumo

Governança Democrática e a Reforma da Segurança: realidades de Moçambique no pós guerra

A governação democrática é vista como uma das condições essenciais para a paz, estabilidade e desenvolvimento em África. Contudo, este argumento contrasta com a vivência de um Continente caracterizado tanto por progressos democráticos como por recuos. Esta realidade, quando inserida em cenários de reconstrução pós-conflito, cria espaço para as reformas no sector de defesa e segurança.

Atendendo às premissas enunciadas, o artigo incide nas reformas no sector da defesa e segurança que tiveram lugar em Moçambique após a guerra civil. Analisa também a legislação e a sua implementação prática; o processo de planeamento estratégico e de decisão e implementação política incidindo sobre as reformas levadas a cabo nas áreas da defesa e da segurança interna; o progresso da governação democrática em Moçambique.

Finalmente, apresenta um resumo do estado da governação em Moçambique, no que respeita ao sector da segurança, realçando os sucessos alcançados e os principais desafios que se impõem e almejam.

Abstract

Democratic governance has been increasingly acknowledged as one of the prerequisites of long-term peace, stability and development in Africa. However, the idealism inherent in this equation is impeded by the reality of a continent characterized by both progress and reversal of ongoing democratization processes, which when coupled with post-conflict emerging environments often lays the ground for security sector reform.

In light of this background, this article examines the security sector reforms that were undertaken in Mozambique following the end of the civil war. In order to accomplish this, the polity component is assessed through the analysis of legislation and its correspondence in practice. Policy elements such as strategic planning, policy-making, decision-making and respective implementation are also reviewed focusing on the reforms carried-out in the areas of Defence and Police. In addition, the politics of oversight is discussed against the background of the desirable progress to be achieved through democratic governance.

Finally, a summary of the status of governance in the Mozambican security sector is presented, highlighting achievements and underlying challenges.

* This paper was produced in the working context of the African Security Dialogue and Research (ASDR) project on "Security Sector Governance in Africa". The author has obtained permission from the Director of ASDR and project leader, Professor Eboe Hutchful, to publish the article in this format in the Revista Nação e Defesa. A slightly longer and modified version of this work (containing a section on justice reforms) has been submitted for publication in the book 'Governing Security Establishments in Africa', forthcoming in 2006.

Introduction

The conceptual use of the term ‘governance’ has been widespread, including too many undefined approaches by scholars of different areas and research traditions. Nonetheless, the term remains useful as an analytical concept, provided the boundaries of study are clearly defined. In the context of this paper, governance will be used as encompassing three different dimensions, namely those of the institutional properties (*polity*), actor constellations (*politics*) and policy instruments (*policy*)¹. The interactions between these dimensions create bargainings, which ultimately give rise to (formal and informal) systems of rules, shaping the actions of the state and remaining societal groups. These interactions will be examined against the background of the still fragile democratic governance framework established in Mozambique after sixteen years of war between the Government and rebel forces of Renamo.

Democratic governance has been increasingly acknowledged as one of the prerequisites of long-term peace, stability and development in Africa. More precisely, it is presented as the governing approach necessary to overcome the security dilemma that has long been plaguing the continent, i.e., that of equating the security of the regime to the security of the state, thereby creating oppositional dynamics between state security and human security. However, the idealism inherent in this equation is impeded by the reality of a continent characterised by both progress and reversal of ongoing democratization processes. When set against the backdrop of a post-conflict environment, this situation often provides the foundation for security sector reform. Such reform in turn represents an opportunity to reconfigure the relations between political, security, civil society and economic elites, advancing towards more responsive relations amongst them and aiming at building/restoring trust. Integral to this process of change is the establishment of legitimate and capable security forces able to provide security for the people. This endeavour implies legal and institutional restructuring, verification of the management practices in the security sector and above all transformation in the wider attitudinal and organizational culture. These multifaceted processes, when successful, will then help to build and consolidate the four quintessential characteristics of a democratically governed security sector, i.e., transparency, accountability, legal basis and oversight

¹ Treib, Oliver; Bahr, Holger; Falkner, Gerda; Modes of Governance: A note towards conceptual clarification, European Governance Papers Nr N-05-02, 17/11/05, available from <http://www.connex-network.org/eurogov>, accessed 03/02/06.

structures². The latter, however, present a generic and normative framework, which is not usually attainable in the immediate decades following conflict. In addition, it should be the responsibility of each country to determine its own workable model in which these elements can configure and take shape in practice. This does not happen often, as countries ravaged by conflict tend to lack the vision, authority and/or resources to independently decide how to restructure their security sectors. The result tends to be an excessive influence by donor institutions, tied to importation of foreign models, which diverge with the cultural settings and legacies of the country. The outcome of such a state of affairs becomes inappropriate to the needs on the ground, frequently generating unintended security dynamics that end up being harmful to the people.

The governance framework of the security sector in Mozambique has evolved within post-armed conflict circumstances of peace building and democratisation. Both processes developed in parallel with the common objective of ensuring that regression to armed conflict was prevented and peaceful ways of managing conflict were established. Additionally, as with most immediate post-crisis environments, a focus on political management was at the core of these processes, complemented by a short - to medium - term interest in stability. This happened without a simultaneous support of the country's institutional ability to develop frameworks for policy-making and implementation that would ensure long-term security and development. Among the resulting consequences of this state of affairs are shortcomings in governance since this multidimensional element was not entirely mainstreamed in the security sector reform processes initiated in the early phases of peace building.

2 The principles underlying sound security sector governance, in terms of management of security institutions, must outline:

- the roles and responsibilities of the political actors, including the role of parliament;
- the oversight responsibilities of the government;
- the chain of command within the different security organisations;
- the roles and tasks envisaged for each security organisation; and
- the broad democratic principles to which the security organisations should adhere in their conduct as professionals.

Government responsibilities towards the security organizations must also be stated clearly and unambiguously. They must provide clear political leadership to the security organisations; prevent political interference in the chain of command by the political leadership of the country concerned; and seek to provide the security organisations with adequate resources to accomplish their constitutionally designated missions. In Ball, Nicole; Fayemi, Kayode. *Security Sector Governance Handbook*. Centre for Democracy and Development. 2004. P.9.

In the earlier stages of the conflict resolution process democratization was seen as the panacea that would ensure stability in the long term, but as analysis in the last ten years has shown, in reality it became entrenched in a minimalist and highly conflict-ridden process.³ High levels of donor pressure and dependency with correspondingly diminished levels of Government sovereignty restricted the developments in the security sector and within a post-war reconstruction phase.⁴ Thus, emphasis was placed on the reduction of the armed forces⁵ as a means to cut the defence expenditure and achieve a peace-dividend.

How the security sector would restructure itself to cope with the new peace reality did not merit great concern, beyond the training of a few battalions⁶, a clear institutional division between the armed forces and the Ministry of Defence (MoD), and assurance that a civilian would serve as a minister who would subsequently report before the Parliament. Though these were legitimate concerns from both an international and Mozambican Government (GoM) perspective, they were limited in terms of the transformational potential necessary to ensure good governance in this sector. The reasons for this void in the process were two-fold: firstly, because the understanding of the security sector remained largely limited to the defence arena, due to the GoM's reluctance to accept during the peace negotiations that substantial reforms should

3 Lala, Anicia; Ostheimer, Andrea. How to Remove the Stains on Mozambique's Democratic Track record: Challenges for the Democratisation Process between 1990 and 2003. Konrad Adenauer Foundation. Maputo. 2003.

4 Lalá, Anicia. SSR and the Defence Establishment in Mozambique, PADRIGU-CEEI /ISRI, (Allkopia Växjö). 2001. Malan, Mark. *Peacebuilding in Southern Africa: Police Reform in Mozambique and South Africa*. In Holm, Tor; Eide, Barth. *Peacebuilding and Police Reform*. Portland, Ore: Frank Cass. 2000. Woods, James. *Mozambique: The Cippol Operation*. In Oakley, Robert; Dziedzic, Michael; Goldberg, Eliot. *Policing the New World Disorder: Peace Operations and Public Security*. National Defense University Press. Washington D.C. 1998.

5 The General Peace Agreement (GPA) established the demobilisation of the armed forces and the creation of a new joined institution integrating both government and ex-guerrilla forces. The later were to join through a voluntary process and the GPA established that the force could not surpass the 30,000 men. Also, the declaration of Mr Dennis Jett, then US Ambassador to Mozambique was notorious "*It is always a matter of choosing between social expenditures and military expenditure. Choosing between guns and butter. You can't have both at the same time*". Quoted in Mozambique file, September 1995. p. 15.

6 The GPA prescribed UK, France and Portugal support in the training of the new armed forces. The BMATT troops trained a trainers' infantry battalion, France has been inviting the Mozambican armed forces (FADM) to participate as observers in their promoted Indian Ocean peacekeeping exercises and finally Portugal has been supporting with institutional capacity building, from legislative drafting to training the military police, for example. From the three countries Portugal has been the only one with consistent support throughout.

also take place in the areas of Police and Intelligence, in terms of creating integrated forces, including Renamo members, as happened in the new defence forces⁷; secondly, because the substantive⁸ processes that inform the governance approach were not given the required support and attention either by the International Community (IC) or the GoM.

In light of the above this paper reviews from a governance perspective the changes that took place in the Mozambican security sector in the post-armed conflict phase. A critical analysis concerning the evolution of the legislation (*polity, institutional properties*) and the extent to which practice has corresponded to policy is undertaken. An assessment of the ongoing reform processes including strategic planning, policy-making, decision-making and implementation (*policy, policy instruments*) will follow in the areas of defence and police. Furthermore, oversight (*politics, actor constellations*) is discussed in the context of the desirable progress that should be achieved through democratic governance. Finally, a summary of the status of governance in the Mozambican security sector is presented, highlighting achievements and underlying challenges.

1. The Facets of Governance

The process of re-structuring the security sector in Mozambique suffered from the underestimation of two main features from a governance perspective. On the one hand, the efficiency of the security forces⁹ and the process of establishment and management of new ministries with civilian personnel and oversight tasks in relation to those forces were all relegated before the economic imperative to concentrate on the social sectors. On the other hand, the forces' external oversight mechanisms like the Parliamentary Committee for Defense and Public Security did not receive specific security-related training to help them face their task in the new democratic environment. The civil society, which should be included in

7 The GPA contained however minimalist provisions for reform, i.e., that these forces were to transform and act according to democratic principles. Nonetheless, the non-integration of Renamo men, created a distrust that remains up to this date and is motive for serious political confrontation between Frelimo and Renamo.

8 By this I mean that there is both a legislative and an implementation factor, which corresponds to the practices, and both need to be taken into account.

9 Implying the areas of defence, police and intelligence.

these efforts, also refrained from developing a strong interest to intervene in issues related to the security sector.

In the last years of the war the perception developed that the security sector was almost exclusively the cause of the conflict and therefore the latter was not understood as being able to contribute to its solution. This misperception seemed to have evolved both on the part of the Mozambican society and the International Community.¹⁰

However, despite the Mozambican security forces having their share of mismanagement and even corruption, the forces always remained subjected to political control. Civilian control over the military, police and intelligence was exercised by Frelimo (the party in power) through the existence of political commissioners throughout the forces' structures to ensure that their behavior and performance conformed to the party's interests.

As a result the military never ruled over society, although they were instrumentalised and politicised by the Government, in a context where socialist rule made the state indistinct from the Frelimo party. In spite of this, in the population's perception the military had become a symbol of war and destruction. Such an image had not been developed since independence when the military enjoyed legitimacy as an institution that brought about the liberation of the country.¹¹

After the last armed conflict and re-structuring, the military's diminished capacity to perform did not help in the rehabilitation of its institutional image. Also, the Mozambican Defence Forces (FADM) have been assigned peacetime missions that include development-oriented tasks such as prevention and rescue of populations in case of catastrophes, and the guarantee of economic and social development.¹² In principle this should contribute to the regaining of legitimacy of FADM, but in reality raises expectations that do not correspond to their implementation capacity, hence distorting the perception of the wider rehabilitation process. Illustrative of this was the situation created by the massive floods of 2000, which demonstrated the very limited operational

10 Lalá. Op. cit 4.

11 At the independence the new armed forces were constituted by the ex-Frelimo guerrilla fighters that were involved in the struggle against the colonial regime. All the remnants from the colonial armed forces, even those that were native were disposed of for political related reasons, regardless of their competence or even of having been forced by the colonial authorities to engage in fight against their own country fellow-man. The impact of this on the professionalisation of the forces is an issue that has never merited profound academic research.

12 Defence and Security Law, 17/97 of 07/10. Art.3.

and deployment capacity of the FADM, and which resulted in appeals for substantial external intervention, both at the regional and international level.

Although with the end of the war defence was replaced by poverty reduction as the country's priority, brief references to defence were made in both Government programmes of the two post-war mandates. Unfortunately no ensuing follow-up was made in terms of seriously re-thinking the medium and long-term needs of composition, equipment, training and deployment of the FADM in the face of its new missions.

The above section of the paper demonstrated that, in terms of democratic governance of the security sector, efficiency of the defence forces was relegated in face of the economic and social needs. On the other hand, the aspect of control over the armed forces has always been present, even prior to the introduction of a multiparty system. However, the mechanisms in place for civilian control did not amount to democratic oversight.¹³ With the ongoing process of democratization and despite its frailties, in legislative terms, Mozambique has advanced in creating frameworks that acknowledge democratic governance of the security sector. The paper proceeds to analyse this feature.

1.1 Legislative Framework

The legislative frameworks are important because they encapsulate the legality of actions that are undertaken in the governing context. They encompass the primary step for the installation of the rule of law, and enhance the governing process by contributing to legitimise its procedures. However, the legislative frameworks by themselves cannot guarantee democratic governance. The latter depends on the democratic nature of the prescriptions contained in it.

¹³ David Chuter is eloquent in explaining the difference between civilian and civil control. Also, the use of oversight and control has slightly different impact, being that the first passes an understanding that armed forces have the right to their own institutional guidance in the conduct of their everyday business and are apt to do it, whereas control has the weight of the permanently dangerous which rule is to step over rather than act accordingly. In fact this has been the bulk of the situation in Africa, especially in West Africa with coups' d'etat, but the notion is not very constructive as in the event of democratisation with these forces attempting to adapt to the new situation, the wordage is harmful. Also, there is a linguistic barrier: it's difficult to translate oversight to Portuguese and Spanish for example, and thus the word control continues to prevail. Hence, efforts have to be made to always explain the core meaning of that word as being that of oversight. See Chuter, David. *Defence Transformation*. ISS. Pretoria. 2000.

Beyond this, the security sectors of authoritarian regimes have often been characterized by lack of legislation opening space for arbitrary and unaccountable decisions by its superior members. Legislation is useful to counteract the situation by allowing that an individual-centered decision-making process evolves towards one of a more institutional nature, and ends with the idea that the security sector can be a “state within the state”. Legislation in the security sector is also helpful as a step towards transparency and the build up of trust on the part of the overall society and the political community in the security forces.

In Mozambique a new Constitution was adopted in 1990, paving the way for democratisation and serving as the main anchor for political transformation. This document included the very basic tenets for Mozambique’s future defence and security policy. It prescribed the defence of national independence, preservation of the country’s sovereignty and integrity, and guarantee of the normal functioning of institutions and the security of citizens against any armed aggression¹⁴ as security priorities.

The Constitution also set the ground for the subordination of security forces by defining that the President is the Commander-in-Chief of the armed and security forces¹⁵, and invested in him the powers to declare a state of war and its termination, curfew or a state of emergency, although the National Assembly must sanction the latter two dispositions.¹⁶ The Constitution also prescribed the creation of the National Council for Defence and Security to act as a consultative body for the President.¹⁷

The general laws, however, that should tag along the Constitution in the regulation of the security sector did not follow immediately, since a transitional phase was being initiated. During this phase a legal vacuum was created and the only guiding document for this sector was the General Peace Agreement (GPA) drafted after October 1992. Despite the occurrence of the first general multiparty elections in 1994, new legislation in the area of Defence and Security was only passed in 1997 by the elected Parliament.

The Defence and Security law established general principles such as the prohibition of the defence and security institutions to have and express any political affiliation¹⁸, commitment towards a policy of peace only recurrent to force in case of legitimate

14 Constitution of Mozambique 1990, III - Ch. 5, art. 59.

15 *Idem* Ch. 2, art. 117.

16 *Idem* art. 122.a.

17 *Idem* art. 158.

18 Defence and Security Law, 17/97 of 07/10, art. 2.e.

defence, priority to the prevention, and negotiated solution, of conflict, commitment to contribute to a peaceful and secure climate in the region, continent and world.¹⁹

Specific aims related to the operationalisation of security goals, such as the guarantee of independence, sovereignty, territorial integrity and inviolability. These goals included the protection of state security (internal and external), but also established proviso for the security of the citizens and their possessions as well as respect for rights and fundamental liberties.²⁰

The law prescribed the separation of roles and consequent spheres of activity between the Defence and the Police. The Defence sector has external-oriented missions such as guarantee of the integrity of national territory and of sovereignty; pledge for the liberty of the citizens and the security of the means of development of the nation; participation in actions towards peacekeeping, the maintenance of peace and respect of international law".²¹

In contrast, the Police of the Republic of Mozambique (PRM) were assigned internally oriented missions that included, *inter alia*, the assurance of public order and respect to the legality, prevention and combat of crime, as well as of acts contrary to the law and the guarantee of border patrolling.²²

The responsibilities of compilation, researching, producing, analysing and evaluating of information for use by the security of the state were allocated to the Services for Information and Security of the State (SISE). This intelligence agency also retained the responsibility to prevent acts against the Constitution and the functioning of the state organs, and to combat espionage, sabotage and terrorism.²³ The agency worked under the President's Office and reported directly to the Head of State.

This legislative framework is a major breakthrough in terms of governance of the security sector in Mozambique, as since independence, legislation on these matters was barely existent and decisions were totally at the discretion of the high rank and file and ultimately the commander-in-chief.

To complement the Legislative Framework the law on Defence and Armed Forces was created. The law distinguished between the Ministry of National Defence (MoD) and the Armed Forces, stating the subordination of the latter to the political power, i.e.,

19 Idem art. 2.g, h, i, j.

20 Idem art.3.

21 Idem art 10.

22 Idem art 13.

23 Ibidem art 14.

the MoD and the state sovereignty organs.²⁴ The law also specified, *inter alia*, matters related to the Defence and the Military Strategic Concepts.²⁵

In the Defence arena further legislation was developed relating to military service and, more recently, to the responsibilities and competences of the MoD and the Organic Structure of the Armed Forces.²⁶

However, similar laws did not follow in the public security domain delineating the authorities and responsibilities of the Police (despite rumors of undergoing processes) or in the intelligence area, therefore contributing to a climate of suspicion and lack of transparency on how these institutions were governed.

In spite of this void at the higher level of legislation the Ministry of Interior produced certain legal documents, as was the case of the Organic Statute of the PRM, the Statute of the Police Officer,²⁷ the Salary Schedule and Remuneration and the Decree creating the Police Academy.

In general terms Mozambique advanced in terms of legislative frameworks, with the Defence having made considerable progress in comparison to the less visible performance of the Ministry of Interior and of the SISE. Legislation clarifying and specifying the roles, tasks and means of the latter would contribute to augment trust and to develop legitimacy of these security forces. Furthermore, this indicates that a link from the existent legislation to the more organic process of policy development rooted in the existing realities and needs is missing within security sector institutions.

1.2 *An Insight over Strategic Planning*

Despite the acknowledged improvement in existing legislation a disconnection exists between the formal law formulation process, that of policymaking and the implementation of the resulting policies. These gaps need to be addressed, as the legislation mentioned above was not the result of an overall encompassing process of rethinking the strategic level through a thorough threat analysis, security review or at least the elaboration of white papers for these areas. Rather, it was the result of the need to

24 National Defense and Armed Forces Law, 18/97 of 01/10, Art17, Ch I CH II.

25 *Idem*, arts 7, 22.

26 Presidential Decree 4/2003 of 27/11 and Council of Ministers Decree 48/2003 of 24/12.

27 This decree provides for the duties, rights and general rules of conduct guiding the Police personnel as well as the mechanisms for their promotion and career advancement.

have legislation that would root the sector within the rest of the state apparatus, allowing the minimal legal requirements to function within a democratic framework.

In the Defence arena it was also not a strategic defence review or its need that prompted the developments in the legislative domain. In fact, only currently is the MoD in the process of finishing a Defence White Paper. In the years subsequent to the first democratic elections, the drive towards the production of legislation came from the need to have a legislative framework in place *per se*, in order to be able to be allocated a budget. This obviously shows how the Defence sector has been subjected to more (political) pressure than the public security sector to conform in terms of budgetary requirements.

In light of this problem and faced with the need to rethink the organization of the Police, the Ministry of Interior undertook a strategic planning exercise that ended in 2003. This exercise entailed a consultative process that included various stakeholders at the national, provincial and local levels and contributed to the elaboration of the final strategic plan for the period 2003-2012. This plan, in turn, led to a compromise between what the PRM sought and what the remaining stakeholders had envisioned as being the role of the police. From the viewpoint of public consultation this was a laudable result.

However, there were inherent shortcomings of engaging in such a process without having a clear policy direction identified. An official working on this project expressed the view that some of the main areas that appeared to be in urgent need of addressing in the strategic plan concerned issues that should have been legislated in the public order law, if such existed.²⁸ The absence of this crucial instrument reveals core managerial limitations, entailing the unavailability of sufficient number of competent human resources to commit to the policy-making process given that the daily work, more often than not, was of an emergency nature and absorbed most of the available time.

The paragraphs above are highly revealing about the weaknesses that persist in terms of prioritising the policy formulation process. Time constraints and pressure to have legislation in place in order to be able to govern the country in the post-elections²⁹ period existed, and as much as the process might have progressed since then, clear difficulties prevail as to how to engage in a strategic planning exercise. The difficulties

28 Author's interview with an official from the Ministry of Interior, Maputo, 26/04/03.

29 The first elections after the signature of the GPA in 1992 took place in 1994, after a transitional period where the GPA was the legal document that guided every action.

also extend to the process of proceeding from strategic planning into a programming phase, ensuring the necessary links and feedbacks downwards and upwards. The result is a visible low level of operational and tactical success at the stage of implementation. The scarcity of time, financial and skilled human resources for these tasks clearly remains a problem, but even those that are available are not being maximized due to the vicious circle of poor policy-making/implementation.

Besides this three other crucial elements were missing from the overall policy formulation process related to the security sector. The first concerned lack of inter-institutional coordination between the defence, police and intelligence areas. The collective re-thinking at the strategic level of the existing threats and respective roles of each security force in dealing with them would have been positive from the point of view of finding complementarities and managing their resources in a more integrated and harmonized manner, instead of parsimonious approaches that engendered resentment.

The second missing element related to the low levels of participation from the parliament, which did play a role in sanctioning the laws but not in terms of contributing to its formulation. Finally, there was barely any civil society consultation in this process, and as said previously, the level of interest in this matter among the group was low.

The above highlights that the policy-making process does not always occur with the involvement neither of the necessary stakeholders nor within its ideal cycle, beginning with a vision and objectives that determine a strategy and guide implementation. This is especially true in countries facing multiple challenges within a post-war reconstruction environment such as in the case of Mozambique. Indeed, more often than not the result is that legislation does not conform to reality and it is only through lessons-learned and hindsight from the leaders that a new process begins, whereby practice informs new rounds of strategic evaluations and subsequent policy-making.

The obvious implication, in the case of the security sector, is that coherence and sequencing of the reforms within the various areas of the security sector will be relegated creating gaps and disconnections that can turn into snowballs that will adversely affect the safety and security of the people.

This flawed policy-making process implies neglect from a governance perspective. However, the implementation of the laws is the most problematic issue as it implies the loss of comfort zones by some actors and creates excluded people which act as spoilers of the process of change. The management of change is at the core of the

transitional process, but it is complex when the country in question is undergoing various simultaneous transitions, as in the case of Mozambique.

2. Transitional Legacies and Piece-meal Approaches to Reform

Mozambique's multiple transitions, from peace to war, from a centralised model of economy to a market economy, from one party regime to a plural democracy, resulted in a fast pace of change. This simultaneity implied that the three processes, more often than not, generated results that contradicted each other's aims.

The transition from a centralised model of economy to a market economy, entailing the admission of the country into the Bretton Woods system and the liberalisation of the economy implied the reduction of the state apparatus. Hence, a correspondent reduction in the state budget resulted in personnel cuts, as well as a transitional period where many of those skilled to carry out the change process were made redundant and reverted to the private sector. This has affected the need to reform the security sector, especially in terms of staff at the ministry levels. A situation was created whereby the new personnel at the Ministry of Defence and, to a certain extent, at the Ministry of Interior as well, were too unfamiliar with the institutions to deal with the task. The majority of the remaining personnel wanted, at best, to maintain the *status quo*, and at worst, to attempt to block change. Also, economic prioritisation contributed to constrain simultaneous reform in the armed forces and at the level of police. Following the same logic, reforms of the judiciary also did not take place in tandem with justice sector reforms, allowing gaps to develop between reforms that needed to be harmonised in order to effectively assure security and safety of the people.

Another example of these contradictions was visible in the security arena with the reintegration of ex-combatants into civilian life, as the corresponding economic activity was constrained by economic liberalisation, which was contracting the labour market. On the other hand, the "mushrooming" phenomena of private security enterprises took place demonstrating peoples' perception of insecurity due to rampant crime and the reduced capacity of the police to deal with it effectively.³⁰

³⁰ The law that regulates private security companies is flawed and encompasses numerous ambiguities. Although it prescribes legal requirements for the functioning of these companies and for control and monitoring by the Ministry of Interior, infringements are penalised with ridiculous fines. It does however

This development highlighted the growing gap between the rich and the poor and increasing ground for societal conflict, when the overall aim was to create an environment of safety, security, inclusiveness and opportunity for all.

The process of reforms in the security sector was not consistently addressed from the immediate post-war transitional phase. In terms of the United Nations Mission in Mozambique (UNOMOZ) work, relative success was experienced with the demobilisation process, from the point of view of ensuring peaceful elections. With regards to disarmament a more problematic situation occurred, as the combatants did not return all the weapons in their possession and both the Government and Renamo were reluctant to provide information about all the arms depots. Also, even when that situation was overcome the weapons collected were not properly handled, contributing to the large availability of small arms and light weapons in the country and region.³¹ Reintegration also consisted of a longer process initiated within the UNOMOZ mission framework but that extended over a lengthy period of time and multi-actor participation.

Reforms in the defence area, apart from the integration of the Government and Renamo troops into single armed forces and procedural institutional changes, were not coherently pursued in a way that could establish processes towards change of the old organisational culture or that would ensure institutional efficiency to deal with its new challenges. Rather, the process of change has, after the exit of UNOMOZ, been evolving in an incremental manner over the last ten years, but without a clear strategic vision or threat analysis guiding it.

Importantly as well, the actual Police reform did not have its origins in the UNOMOZ mission. The Civilian Police (CIVPOL) component of peacekeeping missions was then in its infancy. The CIVPOL unit that worked alongside UNOMOZ had as its main task to oversee the neutrality and the compliance of human rights by the police force during the transitional process. It was mainly a monitoring and investigative role and there was no mainstream function to retrain the police force or to support any institutional building of the Ministry of Interior.

regulate the areas for intervention of the private security companies by forbidding them to participate in any criminal investigating activities and by stipulating forms of security activities limiting them to guard, garrison, and patrol. Procedures for hiring staff are also stipulated, stating that the person cannot have criminal or police records. Training however is to be left to the companies themselves, which is a reckless measure since most of the recruits of these companies are former military and should undergo adequate training to deal with the public and act accordingly, something which military training does not address.

³¹ For an overview of the disarmament situation and proliferation of Small Arms and Light Weapons see Leao, Ana. Weapons in Mozambique, Reducing Availability and Demand. ISS Monograph nr 94. January 2004.

As was argued elsewhere³², the relationship between CIVPOL and the Mozambican authorities was oppositional. CIVPOL was perceived as surpassing its role and questioning the Mozambican state sovereignty, when monitoring the Mozambican police activities, based in the latter's headquarters. Also, law and order maintenance and investigation of breaches of the criminal code remained a task for the national police (PRM).³³ Hence, CIVPOL was not able to counteract the GoM's decision and actions of transferring some of the ex-armed forces personnel (especially for the high command posts) and arms to the PRM. This action to strengthen the PRM was a reaction of the GoM to a situation of perceived insecurity, since the demobilisation process was affecting the armed forces. The result was Renamo's complaints and the adoption of a dynamic of regime survival by the Government, with consequences of mistrust between Renamo and the Government continuing till present.

In addition, the leader of Renamo who kept his personal guards unit, which should have been demobilised, also displayed regime security dynamics. Since he did not trust the police, both UNOMOZ and the GoM condoned his actions. At present the personal guards unit is no longer needed, but no provision has been made for their economic subsistence. In 2004 they created public disturbances, harassed populations and have even blocked a police station in one of the central provinces of the country. Political tensions rose as a consequence but none of the authorities involved has immediately taken responsibility or presented a solution to solve this group's problem. The situation deteriorated to such point that in 2005 the GoM finally made concrete proposals for the integration of the guard patrols within some of the Police units.

Had simultaneous reforms been undertaken in the armed forces and the police, the regime survival dynamic could have been minimised, trust between the ex-belligerents would have grown, and due personnel recruitment policies would have been pursued within institutional arrangements.

32 Malan, Mark. *Peacebuilding in Southern Africa: Police Reform in Mozambique and South Africa*. In Holm, Tor; Eide, Barth. *Peacebuilding and Police Reform*. Portland, Ore: Frank Cass. 2000. Woods, James. *Mozambique: The Civpol Operation*. In Oakley, Robert; Dziedzic, Michael; Goldberg, Eliot. *Policing the New World Disorder: Peace Operations and Public Security*. National Defense University Press. Washington D.C. 1998.

33 Report of the U.N Secretary General, S/1994/89, Add1.

Indeed, the fact that these security problems were allowed to go unresolved during the transitional phase posed problems not only at the political level, but also at the level of long-term security reforms.

3. The Challenges of Policing in the Post-war

3.1 *Political Sensitivities*

The fact that Renamo troops did not integrate the new police force always constituted a problem. Nevertheless, Renamo did not have a police component within its own guerrilla movement and thus the operational element of the new PRM would have suffered dramatically as was the case with the new armed forces where semi-professional men had been integrated with non-professionals. One of the possible benefits could have been that this compromise would have prevented a confrontational political situation. Also, depoliticisation of the PRM would most likely have been dealt with more easily than it is being addressed at present. Indeed, one of the benefits of the integration of the FADM has been that they have been the example of national reconciliation and have demonstrated no public tendencies towards politically related issues. They have also been able to resist political manipulation attempts up to this date.

The politically sensitive discussion has always remained on the agenda. Developments that took place as a result of Renamo protests against internal parliamentary procedures³⁴ in 2004 led to a breach of order within this institutional premise. MPs from Renamo initiated disturbances in the form of singing, dancing and banging on furniture in such an uncontrollable manner that parliamentary work was suspended as police had to enter the building to help manage the situation. Force was not used but the presence of the police was interpreted as intimidation by the party in power and provoked outrage since MPs are the direct representatives of the people and part of a sovereign institution.

³⁴ Renamo was demanding that ex-members of their party (that had been expelled meanwhile) were replaced in the Parliament. However parliamentary rules were unclear about procedures to follow in this situation. The rules establish, nonetheless, that MPs represent the people who elect them in the first hand and only then the party. In light of this the president of the parliament decided those members should remain until the end of the mandate. This infuriated the remaining Renamo MP's.

In addition to the other institutional shortcomings, the types of issues just described demonstrate that in the context of transition the Police must receive as much attention as the military does.

3.2 *Addressing Reform*

Embryonic stages of reform of the PRM involved UNDP support to finance a study undertaken in 1995 by the Spanish Guardia Civil aiming to identify problems and priority areas for reform. Amongst the problems identified were the direct interference of the Ministry of Interior in police operations; the force's low level of education affecting its knowledge and respect for citizens' rights; reactive police performance instead of proactive action and a severe lack of equipment.³⁵

The Government, under pressure over growing crime rates with evident impact in relation to investors' confidence, was willing to engage in efforts to revitalise the police forces. Even the command structure of the PRM recognised the need for change, to face up to its ineffectiveness not only in dealing with ordinary crime and emerging transnational and organised crime, but also to address managerial difficulties.

Despite the recognition of problems it was only in 1997 that an agreement was reached between the UNDP and the GoM to advance with overall structural and training reform programs. The heavy procedural requirements both from the UN system and the Government could have been factors that influenced such a lengthy period of time to take action. However, other factors could have been reluctance from higher posts in the Police to open to external influence since once the programs started, their malpractices (some related to links to organised crime and corruption) would be exposed. In addition, there was uncertainty from the International Community (IC) in supporting reforms in an area considered to be at the core of the country's sovereignty.

A factor that contributed towards moving in the direction of support was possibly the approval of the Defence and Security law, perceived as a Government statement concerning the differing roles between the military and the police, as well as a commitment to achieve transparency and improving the security situation.³⁶

35 UNDP/UNOPS, Moz/95/015, "Support to the Mozambican Police Force," *Restructuring the Mozambican Police: A Mid-Term Evaluation* (Maputo, May 1999), p.7.

36 Another factor that could have generated momentum for this was the fact that contemporary events were showing that foreigners were increasingly becoming indirectly and directly affected by the crime wave. In

The UNDP program initiated its implementation phase only in 1998, with financing from Spain and Switzerland and the technical assistance of the Spanish Guardia Civil, in the areas of training, reorganisation and equipment. In addition to these efforts, a Police Academy (ACIPOL) was created in October 2000 and offered a four-year degree in Police Sciences including general academic education and specific police training to the new generation of police officers. According to a Mozambican senior decision-maker comprehensive reforms in the security sector must be underpinned by the thought that security is a means to serve the people's welfare and not as an end in itself. To operationalise this, there was need both to retrain old contingents and to train new people that would gradually substitute the old ones, bearing a new perspective and with a solid background in human rights dimensions as well as good governance practices.³⁷

Undoubtedly, the unconventional security threats that the country faces presently, such as drugs trafficking, money laundering, car robberies, flows of refugees, HIV/AIDS, *inter alia*, turn the need to possess an efficient internal security establishment into an imperative.

3.3 Policing in an African Democracy

Despite the efforts to train a new generation of police officers and against the background of the growing and intensifying criminality throughout Mozambique, the Government did not opt for total disbandment of the police forces, adopting instead an incremental approach whereby the serving police were retrained in short-term courses of six months enabling them to quickly return to action, whilst the new cadre of police was being formed within the usual four-year time framework.

Notwithstanding all the training efforts, the Police still have major operational and attitudinal shortcomings. The latter has been aggravated by the fact that the

fact, a prompt action from donors in financing the UNDP project to support police came after the occurrence of armed assaults to foreign diplomats and the unfortunate killing of a Spanish doctor in one of the most upper-class neighbourhoods of Maputo. It is said she was killed by chance, in an exchange of shots between a policeman and a criminal. Unfortunately this reveals that the main preoccupation in generating reforms was more linked to the need to create a safe environment for business and foreigners than to curb crime affecting native people.

³⁷ Quoted in Lalá, Anicia. Op. Cit. 4 P.78.

Mozambican Government adopted a militarized model of Police and availed itself of the transfer of ex-military into the Rapid Intervention Police Unit, which has had questionable and aggressive behaviour towards the population.

Regretful examples are those of the events that took place as a consequence of political discontent with the results of the 1999 elections, and which gave rise to a countrywide demonstration organised by Renamo members. Although in most part of the country demonstrations proceeded peacefully, in some places the police used force against demonstrators. In the north of the country, in the district of Montepuez, demonstrators attempted to overtake a Police station and seize policemen's guns. This resulted in shootings and a number of deaths. The outcome of this situation was the incarceration of many people in atrocious overcrowded conditions. Approximately 89 people died overnight.³⁸ The degrading conditions of the prison establishments and the police professional neglect show that the human rights record is still lacking in the Mozambican security sector efforts' to assure security to its citizens.

In addition, when dealing with demonstrators formed by a group of Mozambican workers that had been in the former East German republic and which were claiming their due pensions to be paid by the Government, the Rapid Intervention Police Unit has made excessive use of force, killing a demonstrator on one of the occasions.

This equally raises the issue of human rights within the wider sphere of policing in a democracy. Professionalising the Police on its own (which to a great extent has not yet been attained in Mozambique) is not enough, there being a requirement for effectiveness in dealing with crime and in providing security for the people as a public good. However, this being a dimension with severe limitations in Mozambique does not excuse the need for substantial change in the practice of policing, i.e. that related to the respect for the citizen. Police can guarantee law and order by upholding unjust and discriminatory legal systems and can secure public order through violent and intimidating means. Yet this will not institute Police legitimacy in the eyes of the people and therefore police practices that will ensure trust must be established.

Models of community policing that try to ensure a closer cooperation between Police and the populations seem to be in an experimental phase in some urban neighbourhoods throughout the country. Results are thus far to be appreciated but there are some potential constraints to this endeavour. The fact that in the past people who collaborated with the police were integrated in a net of informants of a political-related

38 'Prisoners 'suffocated' in Mozambique'. 24/11/2000. In HYPERLINK <http://www.news.bbc.co.uk>

nature rather than criminally oriented one can convey a powerful image that prevent people from cooperating. Also, people will tend not to denounce criminals if they think the Police are also linked to the criminals in any way. Corruption is a serious obstacle, as there is always the possibility that the Police will be bribed to let the criminal free. Finally, a lack of confidence in the system might prevent people from cooperating if the Justice system is perceived as being ineffective, leading to the release of criminals through defects in the system.

A recent study shows that three main aspects impact Police performance in Mozambique: levels of co-operation with the community, economic reasons (low salaries and levels of policemen poverty), and corruption (including participation in criminal networks, lack of ethics, and bribery).³⁹ Although adequate training can go some way towards the partial addressing of these problems the PRM needs go beyond this aspect into structural matters since after several years of attempted reform very little has been achieved towards the emergence of a democratic police culture.

Furthermore, cultural aspects constitute a feature that needs to be taken into account at the level of policy, but above all the practice of policing needs to suit the context. In an interview undertaken by the author in a northern administrative post of Mozambique, Mitande, with the head of the Police post, he revealed that people were more likely to report to the traditional authorities and instances within the community to solve their conflicts and address crime. People were, according to him, more interested in getting compensation, as the majority of the crimes were of an economic nature. The head of the Police post said that, while the community was aware of the slow process of justice, some people would regularly present official charges to make the accused feel that serious proceedings would take place to redress the situation. More often than not charges were subsequently dropped, if they had reached a solution through the informal means of community conflict resolution. This was a cause of problems for the police who would waste time and resources in processing cases that were then dropped. Hence, due to the limited scope of actions available to him he acknowledged cooperation with the traditional authorities and the community. This way he appealed to the community to turn to the Police only as a means of last resort and follow the official complaint process only if they were serious about pursuing

³⁹ *In Leao, Ana.* Weapons in Mozambique, Reducing Availability and Demand. ISS Monograph nr 94. January 2004. Also, the study undertaken by Etica Mocambique a national NGO that advocates against corruption, demonstrates that 70.2% of respondents in a survey think that policemen are involved in corruption. In Etica Moçambique, Mozambique corruption report 2001.

judicial action.⁴⁰ This situation seems to be corroborated by a national survey⁴¹ and by a study undertaken by an ISS team which states that their respondents seemed more prone to first denounce criminals to the community authorities (defined as the community informal leader) then to the local authorities (defined as the secretary of the neighbourhood or government representative) and lastly to the Police.⁴²

This calls attention to the need to have adequate strategies to deal with different types of crime. So far the Mozambican police has been overwhelmed by everyday policing while still acting within the shadows of the 'law and order' perspective. A considerable shift appears necessary if long-term aspects of police reform are to be addressed. Concise and adequate integrated crimes fighting strategy, including crime control but moving beyond to include crime prevention as the main goal, seems to be the main need. Concrete target groups need to be identified and addressed with different approaches, according to their relation to a specific type of violation. The difficulty also arises when the system has deficient capacities to keep complete criminal statistics databases and when there is no capacity to estimate unreported crimes. Support in this area is badly needed. Dealing with criminality in a comprehensive manner requires more than just police intervention, as in fact crime is also the product of social and economic malfunctions.

4. Oversight

Parliamentary oversight is gradually evolving in Mozambique. Although legal frameworks are relatively well established to support this state of affairs one limitation arises from the polarised political situation between the main represented parties. In the context of bipartisan configuration and of intra-party dynamics characterised by highly centralised and non-democratic⁴³ tendencies, the parties retain strong control over their MPs. This prevents MPs from different parties to assemble positions in order to oppose the Executive. Though this is the nature of democratic politics,

40 Author's interview with Chief of the police post of Mitande, January 2000.

41 The national survey demonstrated that 76.2% of people do not contact the Police to ask help in solving their local problems. Inquérito Nacional de Opinião Pública, 2001, tab20.

42 *In Leao*. Op cit 31.

43 The trajectory towards the expulsion of certain members from Renamo and the highly concentration of power around the party president Mr Dlakhama have been motive of discussion in the Mozambican society.

it is harmful when the issue at stake is at the core of the national interest and gets neglected due to pure party rivalry.

In the security area, where specific expertise is necessary their legislative posture is purely reactive and attempts to improve their performance through hiring consultants to advance their knowledge is limited due to financial constraints.

Obstacles also exist as far as access to relevant information is concerned, either because the security institutions have bureaucratic and poor information databases, or because MPs face resistance from the members of the security forces. The Defence and Public Order Commission are limited in the number of visits that they can effectively undertake to security units established beyond the capital.

Though there are vibrant discussions with regards to public security and to a lesser extent defence, intelligence is never raised at the parliamentary level. It is likely to continue to be the case, until it is understood that policies in the intelligence area need to be discussed and that it is not enough to only have apolitical forces.

From the point of view of external oversight, the Parliament is well behind in the role it should play in mobilising other actors towards security sector discussions. There is little mention of joint Civil Society Organisations (CSOs) and Parliamentary discussion sessions, as it is, for example, the case in South Africa. It is a fact that CSOs in Mozambique have not shown much interest in the security sector thus far. However, many CSOs have lately entered the field of conflict management and resolution as well as of strengthening peace and democracy and, although none has pledged to have a specific security sector related work agenda, they could probably be influenced by a real need to look into it.

Finally, there are academic think tanks, which the Executive occasionally consults in matters related to policy-making. The Parliament, however, does not request such consultations as often.

5. Re-Assessing Governance of the Security Sector

This paper has demonstrated that progress from a governance perspective in the Mozambican security sector stems from two main factors: that of the weak institutional reform processes and that of oversight. The weak institutional reform processes are embodied in the shortcomings of the strategic planning and policy-making processes that do not take into account all the necessary variables, nor involve all the

required stakeholders, and are permeated by lack of inter-institutional coordination. The oversight process is characterised by weak mechanisms, with the internal institutional inspections being carried out deficiently due to lack of resources or lack of priority, and with the external instruments such as the Parliament equally suffering from severe resource constraints, diminished technical capacity to deal with security matters and generally overwhelmed by the bulk of work. Hence, one can speak of “oversight by proxy” – a feature that has been artificially developed within the adoption of a model of democracy, and which is alienated from the reality on the ground. Though these oversight mechanisms are slowly being worked upon to better suit the context, this is confirmed to be a protracted, expensive and often paradoxically legitimacy-eroding process.

Even so, on a positive note, none of the security forces interferes in the conduct of general policy and they are all subjected to civil authorities. So far they have respected the legislative order and have been accountable to the elected authorities. Also, they have attempted to undertake reforms within the limited scope of manoeuvre provided by the available resources and existing institutional weakness. Limitations exist with regards to the participation and input of civil society to the reform processes, since the latter is weak and lacks interest in the management of the security arena. On the other hand, channels for input of local level actors in the process of policy and decision-making (concerning not only security sector related matters) are very weak, uncovering also the frailty of the political decentralisation process and of the consulting practices by the state central organs.

The weight of past practices, both from the point of view of legacies from the colonial time and socialist rule have nonetheless slowed down the progress of democratic governance. Not only were these practices highly characterised by authoritarian means of rule, as populations were also highly indoctrinated with these ideologies. A similar process did not occur to the same extent in relation to democracy, and what should involve in the security sector. Despite civic campaigns to explain democracy and its rules to the people, a democratic political culture and corresponding social practice of participation is still in the early days of forging.

In the security arena a limitation observed throughout the sector and that could minimise this legacy is the need to have people adequately trained and skilled to deal with specificities of the security sector within a challenging simultaneous transitional process. This is required primarily, but not exclusively, for those directly concerned with the management and oversight of the security institutions, but also

for those elements of other relevant state institutions such as the ministries of finance and treasury, the civil society, the media and even the general public.

Finally, from the point of view of democratic governance of the security forces, though shortcomings have been identified, it is arguable that Mozambique has made progress in the last decade. The governance of the security sector is becoming more consistent with the rule of law, although severe institutional deficiencies constitute a stumbling block. In fact, currently, the main discouraging factor in the governance of the security sector in Mozambique is that democratic rule of law itself seems to be increasingly threatened due to its permeability to the maladies of petty and high level corruption as well as of organised crime.

Hence, the key lesson concerns the need for closer attention to the coherence and sequencing in planning and effecting reforms within the security sector, i.e., beyond defence to include intelligence, police and even the justice sector, and encompassing the penal area as well. It is important that the connections between these areas be identified and adequately addressed within security sector reforms in post-war reconstruction, since these linkages correspond to issues that tend to be at the heart of confidence building between conflict parties, contribute to the harnessing of state legitimacy and are the root of democratic governance in the security sector.

A word of caution must be left here as governance practices are also impacted by interaction with the external actors, especially the main donors and the IFIs, and those have only received brief attention in this paper. Nonetheless, it is safe to assert that the fault lines revealed by the Mozambican process demonstrate how early donor thinking about the nature of the security/development nexus and its links to conflict resolution and peace dividend were remarkably flawed. Despite the rhetoric about sustainability of peace in the long-term, the axis between humanitarian support and development aid was then still in its early days. The implications were that concern was often centralized in achieving peace, by focusing on attaining cease-fires and formal peace agreements, and dismantling the military apparatus, but no investment was made in the pillars and support for succeeding democratic governance in the security sector. Concomitantly, the fostered approach to security reforms was skewed and uneven, by not accounting adequately for the police and the intelligence apparatus, or being too wary of disturbing precarious power balances between the main national actors. Although this has served as a lesson learned for following conflict resolution attempts worldwide, donors still have to come to grips on how to support implementation of wide security sector reform agendas under conditions of extremely complex political tensions.