

Dilemmas in the Decentralized Governance in Mozambique

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Abstract: This article comes about with the objective of analyzing the dilemmas that come out in the current configuration of power in Mozambique particularly in the decentralized governance. The main argument that guides this article is that in the Mozambican political scenario, there is a paradox in decentralized entities, because of geographical coincidence between the municipality and the district, and the spaces of governmental protection of each power are intertwined. However, this overlapping of powers at the local level, that is, the existence of local authorities, the provincial governor, the secretary of state in the province, in the places where there is a geographical coincidence between the municipality and the district forms a dilemma for the effective decentralized governance. The question that guides this research is: "What are the dilemmas arising from the decentralized governance package in Mozambique?" This article was developed from a qualitative approach, which privilege to the legal-multidisciplinary perspective, centered on the political history of Mozambique, observing the procedure of critical reflection from a political perspective of documents related to the process of decentralization in Mozambique. Therefore, it is possible to conclude that with the creation of the decentralized governance package in Mozambique, the central government intends to continue to control as it always did, the decentralized areas, by instituting the figure of the Secretary of State. This constitutes an adulteration or interference with the autonomy that decentralized areas enjoy by law.

Keywords: Decentralized Governance, Local Authorities, Mozambique, Democracy

1. Introduction

This article analyses the dilemmas that prevail in the current configuration of power in Mozambique and especially in the decentralized governance. In order to understand the role of decentralized governance entities in Mozambique, it is necessary, above all, to understand the political chessboard built after independence, as it was guided by socialism as the political system that would lead the country.

The central argument that guides this article is that in the Mozambican political scenario, there is a paradox in decentralized entities, because of geographical coincidence between the municipality and the district, and the spaces of governmental protection of each power are intertwined.

After verifying the ineffectiveness of socialism, in 1990 a new Constitution was conceived that advocated the ideals of multi-party democracy in Mozambique. Only from this period onwards, mainly in 1992, after the signing of the General Peace Agreement of Rome, is it possible to talk

about the decentralization process that took place when was conceived the law 3/94 of September 13th, preceded by the Program of the Reform of Local State Bodies [1].

From this period onwards, the decentralization process began, which had little progress and many setbacks until the punctual revision of the Constitution that take place in 2018. This revision led to the election - for the first time in Mozambican political history - of provincial governors in a process of blocked lists, where the voters has no possibility of electing their worthy representative, but it is the political parties who do that.

This article was done, because, the new constitutional configuration brought new costumes to the Mozambican political chessboard, when the entities of provincial and district decentralized governance were conceived, on the one hand, and the local authorities on the other. It should be noted that the provinces until this period were not part of the decentralization package, and the attribution of provinces and districts as decentralized entities brought dilemmas in Mozambique governance [2].

Far from guaranteeing the participation of citizens in

solving problems of local interest, the recourse, albeit precarious, of discourses and practices of decentralization and deconcentration had and have the benefit of redistributing local power and, thus, resolving impulses of violent conflict between FRELIMO and RENAMO. Such processes represent, at the same time, a balance point for the reproduction of FRELIMO's hegemonic power, and also a set of gaps in the centralist political chess that allow some (although incipient and unstable) diversification of actors in the spheres of power [3].

This article was developed from a qualitative approach, which privilege to the legal-multidisciplinary perspective, centered on the political history of Mozambique, observing the procedure of critical reflection from a political perspective of documents related to the process of decentralization in Mozambique.

This article is divided into three parts, besides this introduction and conclusion. The first part presents the theoretical debate on decentralization, deconcentration and local governments; then is analyzed the issue of decentralized entities as a problem or a solution for local governance in Mozambique and, finally, is presented the prevailing paradoxes in the articulation between decentralized entities at the local level.

2. Decentralization, Deconcentration and Local Governments: A Literature Debate

The debate on decentralization and deconcentration is undeniably much broader than the issue of local governance *per se*, however, despite the existence of a semantic uncertainty between these concepts, the literature converges to mention that in them there is always a transfer of power from the central government to local elected bodies.

In the case of Africa, decentralization processes emerged during the outbreak of the third wave of democratization [4], and constituted a tortuous and long process of State reforms [5], until then centralized, which culminated in the process of the delegation of powers from central power to local authorities.

Therefore, decentralization is a process of state reform, comprising a set of public policies that transfer responsibilities, resources or authority from higher levels of government to lower levels, in the context of a specific type of state. Given that these policies aim to reform the state, its content and its interaction with broader political and economic systems, they become highly dependent on the type of state they seek to reform [6].

In accordance with this quote, in Mozambican, the type of State that was sought to reform with decentralization process is the one with a centralizing tendency of a Marxist-Leninist nature adopted soon after independence [7], which lasted until 1990. This second Constitution was adopted as a prelude to multi-party and representative democracy based on the principles of democratic State.

Decentralization, at least for the Mozambican case, does not necessarily imply the definitive transfer of decision-making and implementation powers of any public policy at the local level without the knowledge of Central State's administration, or at the most that these local bodies have to justify themselves to the central government [8, 9].

Furthermore, the leading literature on this topic conceives decentralization as process that involves the decision-making centers - until then centralized - and often constitutes a stage of conflict between central and local government. These autonomy that local governments enjoy by law are called into question, because of political centralism and the hegemony of the local government, which always maintains a subordinate relationship to those bodies.

Deconcentration constitutes a "dispersion of agents/officials, roles and responsibilities from the higher levels to the lower levels of government" [8]. In deconcentration, the central government does not delegate any power, since deconcentrated entities are scouts and worthy representatives of the central government, with a specific mission to fulfill tasks and implement decisions taken by the central government in a command with a top-down approach, but with accountability of button-up approach.

In addition, deconcentration happens without necessarily implying a definitive transfer of authority, decision-making and implementation power, from the central government to entities outside it [9].

Still in this debate, there is deconcentration when in fact "activities are distributed from a center to peripheral sectors or from higher to lower levels, within the same entity or the same legal entity" [10]. In other words, on this distribution of activities, a hierarchical link between the central government and the deconcentrated entity must always remain, as the case of Secretaries of States in the Mozambican case, who constitute deconcentrated bodies of power.

In general, deconcentration "consists of delegating certain decision-making powers to lower, provincial or local levels of government. Deconcentration has a peculiar characteristic, as it is in fact a form of centralization [...] Local administrative leaders still depending on the central government for their appointments, assignments, and salaries" [11].

In the context of this article, the concept of local governments has a functional equivalent to that of local authority or municipality and most of the literature states that the institution of local governments in Africa and in particular in Mozambique was intended to create well-being and improve the income and quality of life of citizens, which was achieved through the local economic development, to providing better services in each community. This would depend on the resources generated and available in the respective communities, and developing urban services in direct relation with the increase in municipal revenues, whereby priority would be given to the area of local development in the municipalities [1].

The quote above denotes the idea that local governments

are the means to facilitate the process of political participation of citizens through community forums, in the sense of being close to decision-making centers. Therefore, the institution of local governments or local authorities in Mozambique was a means used by the country to return power to local bodies.

Local authorities or local governments are “public legal persons endowed with their own representative bodies that aim to pursue the interests of the respective populations, without prejudice to national interests and of the participation of the State” [12]. From this definition, it is inferred that local governments or local authorities represents the locally elected bodies arising under decentralization.

To show that the debate in Mozambique is still inconclusive, local governments are the “main promoters of change towards decentralization and devolution, respectively, either individually or collectively, through its coordinating body, named, National Association of Municipalities of Mozambique” [13].

In the midst of this debate, in Mozambique in particular, the prominent literature shows that the approach to this issue came before the conception of the 1990 Constitution, precisely in 1987, when the country adhered to the Bretton Woods institutions, and precisely when it applied the assumptions of market economy. In this period started the structural readjustment program that culminated with the conception of the Economic and Social Rehabilitation Program. These structural adjustments contributed to the transition from a centralized, socialist one-party system [14], to a democratic and multi-party system with decentralizing tendencies [15].

However, as a fundamental historical landmark for this entire process, it is noted that from the conception of the Reform Program for Local State Bodies in 1992, a project entitled “Institutional Framework of Municipal Districts” was conceived, which gave rise to the conception of law 3/94 of September 13th. This law began a long process and winding that culminated with the first election of mayors, in Mozambique's history in 1998. These elections was boycotted by the opposition for alleging problems in the then electoral law and the deficient registration of populations' process.

In summary, the decentralization process in Mozambique encompasses a set of State reforms, as mentioned above, in the sense of redistributing power from the top to the periphery and is divided into three perspectives. The first is political decentralization, which politically refers to the devolution of power, to the development and autonomy of municipalities. The second is administrative decentralization or deconcentration, which consists on the delegation of functions, responsibilities of the central government to lower levels with the scope of strengthening the authority of the central government and, the third ones is the fiscal decentralization that consists on the transference of fiscal and tax resources from the central government to locally elected bodies.

3. Decentralized Entities: A Problem or a Solution for Local Governance in Mozambique

The current configuration of power at the local level in Mozambique has conceived two distinct figures in terms of structure, but at the same time interrelated, which reside in the same geographical space, the provincial and district decentralized governance bodies and local authorities, as previously mentioned.

Although the decentralization process in Mozambique dates back to the beginning of the 1990s, as a fundamental historical milestone for the realization of decentralization in Mozambique it is mentioned that the last parliament that only had a single party, Frelimo, approved law 3/ 94 of 13 September. This law advocated the granting of a place to district municipalities, within the scope of the Program for the Reform of Local Bodies. This program took place to define the legal and institutional framework of local state bodies.

There were reasons for making this decision, since, after verifying the excess of centralism in the public administration system, political, economic and social reforms were implemented in 1987, consolidated by an Economic and Social Rehabilitation Program. The adoption of the new Constitution of the Republic on November 2, 1990, opened a favorable space for the insertion of multipartyism and decentralization in Mozambique and consequently the end of the civil war (1992) and the signing of the General Peace Agreement (4 October 1992), which were preponderant factors for the reforms [16].

Notwithstanding the repeal of law 3/94 of 13 September and the approval of a new law, law 2/97 of 18 February, which contrary to the previous one limited the autarchization only to urban agglomerations, 33 municipalities were approved, for the first municipal elections in 1998. It is in this context that the plan for the reform of the State and public administration were developed, which includes the Program for the Reform of Local Bodies established through this last legal provision, which represented the first steps of decentralization in Mozambique.

In accordance with article 267 of law 1/2018 of June 12, in conjunction with article 4 of law 4/2019 of May 31, decentralization aims to organize the participation of citizens in solving their community's own problems, promoting local development, deepening and consolidating democracy, within the framework of the unity of the Mozambican State. Therefore, it is supported by the initiative and capacity of the populations and works in close collaboration with organizations for the participation of citizens.

There is a vast literature that makes an interconnection between decentralization and democracy, however, in the Mozambican case and looking at the political chess implemented, decentralization does not necessarily imply or deepen democracy, but rather is associated with the conflict resolution process between two parties, Frelimo and Renamo

[17], and is also considered an instrument of political concessions [18].

In this sense, they are decentralized entities, those that exercise power in areas that are not the exclusive competence of the State. In other words, there are non-decentralized areas at the site that are still under the control of the central government. This situation, at least in the Mozambican case, brings as consequences, problems in the relationship between these bodies and the representations of the central government in the local.

As previously mentioned, are the decentralized entities, the provincial and district decentralized governance bodies and the autarchies. The provincial and district decentralized governance bodies correspond to the bodies that are in the province - the Provincial Assembly, the Provincial Governor and the Provincial Executive Council - and in the district - the District Assembly, the District Administrator and the District Executive Council.

In fact, since the foundation of the first Republic in 1975, the central government under a proposal from the Ministry of State Administration and Public Service appointed these bodies. However, after political problems that led the then leader of Renamo, Afonso Dhlakama to complain - and threatening through war - to govern the provinces in which in 2014 elections, has had the highest votes, so, in addition to the municipalities, the provinces also became the object of decentralization.

In this diapason, it was only from 2019 that the governors of the provinces were elected for the first time in Mozambique, going through a process of an election with blocked lists in which only the political parties nominate the candidates for governors and not the voters *per se*. In fact, this sudden change was not peaceful and normal as we can imagine, all this went through the scrutiny of the revision of the 2004 Constitution - which in principle did not provide for the election of provincial governors - which was only possible through law 1/2018 of 12 of June.

This long process resulted in a victory for the most conservative position on Frelimo's Party, because of the pressure imposed through arms and with promises to close the roads that link the south with the center and the north of the country. In fact, it happened between 2014 2018 in which the then leader of Renamo, Afonso Dhlakama, for claiming to govern the central and northern provinces of the country where he had the most votes in the 2014 presidential elections, ended up the war arms, but always with a conservative bias.

Therefore, although with some necessary advances, Frelimo had to grant Renamo's claims and, allied to this. In this context, a new legal framework for local authorities was established in the same period. The Law 2/97 of February 18th was revoked, to give place to law 6/2018 of August 3, which unfortunately shows a clear setback compared to the law of 1997 [19], in which the mayors of municipalities are elected by list heads of political parties.

The current political chessboard of decentralized governance at the local level entails the presence of several

locally deployed powers, whose competences and attributions often overlaps, in the case of current Mozambican local authorities, there is a geographic coincidence between the municipality and the district [16].

Apparently, the current configuration of power at the local level proposed by decentralized entities in Mozambique, in addition to constituting a solution to the old problem of relationship between the municipality and the district, brought even more problems regarding the space of administrative supervision of each body, and to local governance in Mozambique.

4. The Paradox in the Articulation Between Decentralized Entities at the Local Level

From 1998 onwards - the year in which there were the first municipal elections in Mozambique - the configuration of power resulting from the implementation of decentralization created the problem of cohabitation and articulation between two distinct but interrelated entities, local authorities and local bodies of the State. Nowadays, the powers that emerged within the scope of decentralized entities still face the same problems because of the geographic coincidence between the municipality and the district.

The current legislation that regulates decentralized entities at the local level - law 6/2018 of 3 August and law 4/2019 of 31 May - in general does not clearly specify the areas of governance of each agency, since there is a geographic coincidence between the municipality and the district, as mentioned above. At first, this legislation states that there is a need for these two entities to articulate and coordinate, but in practice, this does not happen mainly in municipalities under opposition management.

Furthermore, although each entity has specific competences and attributions, however, in a detailed analysis of these competences and attributions, it appears that they all perform the same functions. The only difference is their nomenclature and the legitimacy of the local authorities, since their worthy representatives were elected by popular vote and local state bodies appointed by the central government on a proposal from the Ministry of State Administration and Public Service.

A current study carried out in 2019 by the Institute for Multiparty Democracy (IMD) reveals that the problem of competences of these bodies constitutes a legislative risk, in the sense that in the previous context of decentralization, the rules on cohabitation seem not to have managed to exhaust the conflicts between State bodies and those of local power. On several occasions, spaces for the presence of a State representative, where the municipality's territory coincided with the district, reported conflicts with varying intensity, depending on the party in power in the municipal administration (if it was from the opposition, as was the case in Beira municipality, the conflicts were intense). With the multiplication of decentralized entities, this potential for

conflict may deepen even further [2].

In the same context, in Mozambique there is often a geographic coincidence between the municipality and the district [9], what happens in practice is that in the district, there is a central government representative with powers to control all the activities developed by the municipality. This fact deserved a study, in which the conclusions led to suggest that, for this case, greater collaboration and coordination should be promoted between these entities deployed in the location. The collaboration is regarded to the same planning activities with the scope of ensuring a good integration of its objectives, considering that both are intended to provide goods and services to citizens living in their territory [20, 21].

Moreover, with the current creation of the figure of the Secretary of State in the province, appointed by the President of the Republic, which is not a decentralized entity of power, but a deconcentrated one, the local governance and/or intergovernmental relations in the local level will be even more complex. This comes about because, the Secretary of the State is a lookout of the central government, whose function is to control the activities of decentralized entities at the local level, mainly those won by the opposition, and has above all competences beyond the governors and with larger budget allocations.

This issue constitutes a paradox between the relationships of these entities at the local level. In fact, the relationship will be even more complex when, in 2024, the administrators with their executive board should be elected. In other words, from 2024 onwards, in Mozambique at the local level and in the same geographic space - if this still persists and the legislation is not changed - there will be 4 distinct powers, where each power will have its own executive council, and with a program of different governance to be implemented. The worst thing to be expected is when these powers belong to a different political party orientation.

Because of this context, it is clear that the Mozambican State still wants to continue to control the administrative machine, centralizing power, by conceiving a decentralized entity of power, appointed by the President of the Republic, which should cohabit with the decentralized entities of power in the local.

This situation contributes of the existence of a decentralized deconcentration that brought in the past and will bring political-ideological tensions in the future regarding the relationship of State institutions, which tend to favor Frelimo in a way, to the detriment of the opposition. Furthermore, tensions are "greater in municipalities under the administration of the opposition parties" [13].

Although the then legislation was conceived with the provision of principles of respect for local autonomy, competences and attributions of entities under the aegis of mutual articulation mechanisms, coordination, cooperation, technical support and the principle of popular participation, provided by the law 2/97 and 8/2003. These laws envisioned a landscape of healthy coexistence between local authorities and local state bodies, which share the same space, however reality dictates the opposite [22].

The above quote reflects the current scenario of the relationship between decentralized entities in the local, where a relationship of collaboration and good neighborliness and mutual benefit between these bodies was expected, but because of the differences regarding the political orientation of each entity, these problems arise, the political force representing the central government always prevails.

Regarding the articulation between decentralized entities at the local level, it is inferred that the lack of articulation between them can constitute an indication of ruptures between them, contributing to low quality and weak response capacity to the problems that plague local populations [13, 22].

What is at stake in this debate is that, until today, the problem of articulation and coordination between decentralized entities at the local level is still a paradox, an unsolved problem, and that actually constitutes an obstacle to the exercise of democracy that is intended to be democratic at the local level.

Therefore, looking at the Mozambican political chessboard, decentralization and deconcentration are still a challenge, and in order to achieve the necessary relationship between these powers, the articulation and coordination is needed, in order to achieve the democratic ideal of political participation of citizens in the resolution of their problems at the local level.

5. Conclusion

This article sought to analyze the dilemmas prevailing in the current configuration of power in Mozambique and in particular in decentralized governance, in order to understand the problems arising from the new pattern of decentralized governance in Mozambique, the decentralized entities at the provincial and district level and the local authorities.

The article showed that the building of decentralization and democratization has been under construction since the early 1990s from the first reforms. Is the case of the conception of the 1990 Constitution, the conception of law 3/94 of September 13, the conception of law 2/97 of February 18 and current law 6/2018 of August 3, which dictates the current legal framework for the election of mayors, the law 4/2019 of May 31, among other factors. This process, far from being built and concluded, the Mozambican central government never intended to favor any possibility of alternating power between Frelimo and the opposition.

What was denoted during this time was an attempt by Frelimo to lead the entire process, which was stained by political intolerance, competitive authoritarianism [23], and political centralism of the State [16]. These elements contributed to the conception of decentralization as a challenge for the construction of democracy, constituting an obstacle to the construction of such an important process for Mozambique. Furthermore, the institutionalization and the existence of administrative pluralism, especially in places where there is geographic coincidence between the municipality and the district, creates a political risk [18], for the exercise of sovereignty and power at the local level.

This article also showed that the local structures created within the scope of the decentralization process in Mozambique, in accordance with the analysis of the current situation, lead us to believe that decentralization will have an uncertain future, considering the way in which the process is currently being conducted. Besides the creation of autonomous local structures, the process of decentralization comes to solve the impulses of conflict between the central government and Renamo party [17].

This article draws the conclusion that the decentralization process was and is still a topic under the monopoly of Frelimo and Renamo's parties, looking at how the process started and how the dialogue that led to the revision of the Constitution in 2019, and the elections of the governors of the provinces was managed. This process above all, excluded other political parties and the civil society. In short, finding the right path towards decentralization is a task not only for Frelimo and Renamo parties, but also for all Mozambicans, being therefore a dilemma for its implementation.

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