MOZAMBIQUE

SUMMARY
Mozambique is a democratic republic with two spheres of government: national and local. Law No. 9/96, the local authority law, enshrines local government in the constitution while the municipalities laws establish municipalities in all 33 cities and 20 of the country’s 128 towns. Local government therefore only covers a proportion of the population, and is predominantly urban. The Minister of State Administration and Public Service is responsible for the administration of the laws overseeing local government. Following the 2014 national election, 39.6% of elected representatives, in 2005-06 local government expenditure was 1.8% of total government expenditure. Municipal budgets must be prepared and managed within the framework of the national government budget and municipalities are also responsible for collecting taxes and user fees. One of the main sources of national-local government transfers is the Municipal Compensation Fund, which represents 2% of fiscal tax revenue raised at national level according to the law. Local government has a number of statutory functions including economic, cultural and social programmes.

1. NATIONAL GOVERNMENT
Mozambique is a democratic republic with a unicameral parliament known as the Assembly of the Republic. The head of state and government is the president, who is directly elected through universal adult suffrage with a minimum of 50% of the vote. The president may serve a maximum of two consecutive five-year terms, after which the incumbent must wait a term to be re-eligible. The Assembly of the Republic has 250 members, elected to serve a five-year term under a modified version of the d’Hondt system of proportional representation. Parties or coalitions must secure 5% or more of votes on a national basis in order to qualify for a seat under the proportional system. Following the 2014 national election, 39.6% of assembly members were women. The president appoints the prime minister and a council of ministers (the cabinet). There are 11 constituencies, each corresponding to one of Mozambique’s provinces. The council of ministers is convened and chaired by the president, who can delegate this power to the prime minister. The first multi-party democratic elections were held in 1994. Mozambique has 11 administrative provinces, one of which consists of the capital city Maputo. The provinces are further divided into 154 districts and 407 administrative divisions, encompassing smaller localities and aggregated villages (povoacoes).

2. LEGAL BASIS FOR LOCAL GOVERNMENT
2.1 Constitutional provisions
Local government is enshrined in the constitution as amended by Law No. 9/96: ‘Their purpose shall be to pursue the interests of the local population, without prejudice to national interests and to the role of the State.’ The constitution defines two types of local authority: municipalities in the cities and towns, and village councils in rural areas. It also enshrines local democracy, requiring assemblies to be elected by proportional representation, and the president or mayor of a council to be directly elected.

2.2 Main legislative texts
- Law No. 9/96, the ‘local authority law’: amended the constitution and introduced a local government structure and revised electoral arrangements
- Law No. 2/97, the ‘municipalities law’: established municipalities in Maputo City and the ten provincial capital cities
- Laws Nos. 4/97, 5/97 and 6/97, established ten new municipalities
- Law No. 9/97, defined the roles and responsibilities of office-holders and members of the municipality
- Law No. 10/97: established as municipalities the remaining 22 cities and ten towns in the districts
- Law No. 11/97: established the financial framework for municipalities
- Law No. 1/08: redefines the financial and budgetary regimes of the municipalities and reformulates the municipal tax system instituted by Law No.1/97
- Law No. 11/13: established ten new municipalities
- Law No. 11/13: established 16 new districts

2.3 Proposed legislative changes
Parliament is currently working on constitutional amendments which will accommodate proposed decentralisation. If successful, it is envisaged that considerable changes will be made to the local governance framework to enhance democracy.

2.4 National urban policy
The Government of Mozambique is working with UN-Habitat to develop a National Urban Policy. The first draft has been released for consultation and is now awaiting cabinet approval.
### Table 27.1a Distribution of administrative divisions, municipalities and population

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabo Delgado</td>
<td>17</td>
<td>56</td>
<td>153</td>
<td>na</td>
<td>5</td>
<td>2,333,278</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Gaza</td>
<td>14</td>
<td>45</td>
<td>125</td>
<td>na</td>
<td>6</td>
<td>1,446,654</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Inhambane</td>
<td>14</td>
<td>26</td>
<td>73</td>
<td>na</td>
<td>5</td>
<td>1,496,824</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Manica</td>
<td>12</td>
<td>33</td>
<td>93</td>
<td>na</td>
<td>5</td>
<td>1,911,237</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Cidade de Maputo</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>na</td>
<td>1</td>
<td>1101,170</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Maputo Province</td>
<td>8</td>
<td>26</td>
<td>76</td>
<td>na</td>
<td>4</td>
<td>2,507,098</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Nampula</td>
<td>23</td>
<td>64</td>
<td>172</td>
<td>na</td>
<td>7</td>
<td>6,102,867</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Niassa</td>
<td>16</td>
<td>38</td>
<td>58</td>
<td>na</td>
<td>5</td>
<td>1,865,976</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Sofala</td>
<td>13</td>
<td>33</td>
<td>85</td>
<td>na</td>
<td>5</td>
<td>2,221,803</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Tete</td>
<td>15</td>
<td>37</td>
<td>127</td>
<td>na</td>
<td>4</td>
<td>2,764,169</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Zambézia</td>
<td>22</td>
<td>49</td>
<td>187</td>
<td>na</td>
<td>6</td>
<td>5,110,787</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Total</td>
<td>154</td>
<td>407</td>
<td>1,149</td>
<td>53</td>
<td></td>
<td>28,861,863</td>
<td>na</td>
<td>68.3</td>
</tr>
</tbody>
</table>

Source: MAEFP communication with CLGF and Census 2017 preliminary results.

### 3. STRUCTURE OF LOCAL GOVERNMENT

#### 3.1 Local government within the state

Only a portion of Mozambique has local government. There are 53 municipalities, covering Mozambique’s 33 cities and 20 of the 128 towns in the districts.

#### 3.2 Ministerial oversight

The Ministry of State Administration and Public Service (Ministério da Administração Estatal e Função Pública - MAEFP) is responsible for overseeing the administration of the laws governing local government.

#### 3.3 Council types

The committees that local authorities are required to establish depend on their size, in terms of population and land area, and the responsibilities that have been devolved to them. It is recommended that standing committees for the main services provided by the authority be established eg finance, administration and social services. The president of the council, or mayor, is head of the executive and appoints councillors (vereadores) to the executive municipal council. The presidency is a full-time position, while councillors may be either full or part-time. Presidents and full-time councillors are not permitted to undertake other paid employment. Municipalities are required to have annual activity plans and budgets. These are proposed by the municipal council and must be submitted for approval to the municipal assembly.

### 4. ELECTIONS

#### 4.1 Recent local elections

Elections last took place in all 53 municipal councils on 20 November 2013; the turnout figure was approximately 25% (27). The next elections will be held in 2018.

#### 4.2 Voting system

Mozambican municipalities are composed of two distinct bodies: the municipal assembly, which acts as a legislature, and the municipal council, which holds executive powers. Members are elected to the municipal assembly under the d’Hondt system of proportional representation for a term of five years. Unlike the national system, there is no requirement to secure 5% of the total vote to qualify for a seat. Voting for an assembly is conducted on the basis of city and town-wide party lists. There are no wards. The members elect from amongst themselves a president of the assembly, or speaker.

#### 4.3 Elected representatives

The president of the council, or mayor, is directly elected for a term of five years and must secure more than 50% of the vote. Where no candidate achieves this, a second election must be contested between the two top candidates within 30 days of the publication of the results. A person may stand simultaneously for the presidency and also be named on a party list for the local assembly. The democratic system is uniform across the municipalities. To field candidates, political parties must obtain signatures from 1% of registered voters. Law No. 6/97 allows citizens, citizen groups or political parties which are not recognised also to campaign in elections for the office of president or seats in the municipal assembly. The decision-making process begins with the executive council drawing up an action plan and a budget, which are presented to the municipal assembly for approval. After approval is received, they are displayed for wider public information.

#### 4.4 Women’s representation

The total number of female councillors or council leaders was not available. Following the 2013 municipal election, 69 municipal councillors were women and 411 municipal assembly members. At the same elections, there were 5/53 (9.4%) female mayors, and 6/47 (11.3%) female municipal assembly chairpersons - giving 11.0% (11/100) female council leadership. After the 2003 local election, 22.0% of municipal councillors were women, down from 29% in 1999.

### 5. SYSTEMS FOR COMMUNITY INVOLVEMENT

#### 5.1 Legal requirement

Decree no. 15/2000 defined the principles by which the local state bodies should interact with community authorities which included traditional leaders, secretaries of suburban neighbourhoods or other legitimate leaders.

#### 5.2 Implementation

A number of municipalities, such as Maputo, Dondo and Nampula, have undertaken a number of rounds of participatory budgeting.
Table 27.1b Women councillors and mayors following the last three local elections

<table>
<thead>
<tr>
<th>Election</th>
<th>2003</th>
<th>2008</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>Female councillors</td>
<td>na</td>
<td>22.0</td>
<td>na</td>
</tr>
<tr>
<td>Male councillors</td>
<td>na</td>
<td>88.0</td>
<td>na</td>
</tr>
<tr>
<td>Total councillors</td>
<td>na</td>
<td>100.0</td>
<td>na</td>
</tr>
<tr>
<td>Municipal councillors</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>Female councillors</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Male councillors</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Total municipal councillors</td>
<td>na</td>
<td>100.0</td>
<td>na</td>
</tr>
<tr>
<td>Municipal assembly (MA) councillors</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>Female MA councillors</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Male MA councillors</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Total MA councillors</td>
<td>na</td>
<td>100.0</td>
<td>na</td>
</tr>
<tr>
<td>All mayors/chairpersons</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>All female mayors/chairpersons</td>
<td>na</td>
<td>na</td>
<td>11</td>
</tr>
<tr>
<td>All male mayors/chairpersons</td>
<td>na</td>
<td>na</td>
<td>89</td>
</tr>
<tr>
<td>Total mayors/chairpersons</td>
<td>na</td>
<td>100.0</td>
<td>na</td>
</tr>
<tr>
<td>Municipal mayors</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>Female mayors</td>
<td>na</td>
<td>na</td>
<td>5</td>
</tr>
<tr>
<td>Male mayors</td>
<td>na</td>
<td>na</td>
<td>48</td>
</tr>
<tr>
<td>Total mayors</td>
<td>na</td>
<td>100.0</td>
<td>53</td>
</tr>
<tr>
<td>Municipal assembly chairpersons</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>Female MA chairpersons</td>
<td>na</td>
<td>na</td>
<td>6</td>
</tr>
<tr>
<td>Male MA chairpersons</td>
<td>na</td>
<td>na</td>
<td>41</td>
</tr>
<tr>
<td>Total MA chairpersons</td>
<td>na</td>
<td>100.0</td>
<td>47</td>
</tr>
</tbody>
</table>

Source: MAEFP correspondence with CLGF and Electoral Institute for Sustainable Democracy in Africa 2008

Table 27.2a Aggregate income and expenditure for local government 2006

<table>
<thead>
<tr>
<th>Income</th>
<th>US$m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centre-local transfers</td>
<td>Adminstration</td>
</tr>
<tr>
<td>Restricted</td>
<td>na</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>na</td>
</tr>
<tr>
<td>Locally raised revenue</td>
<td></td>
</tr>
<tr>
<td>Property taxes</td>
<td>na</td>
</tr>
<tr>
<td>Licences and fees</td>
<td>na</td>
</tr>
<tr>
<td>Other</td>
<td>na</td>
</tr>
<tr>
<td>TOTAL INCOME</td>
<td>na</td>
</tr>
</tbody>
</table>

Source: MAEFP communication with CLGF

6. ORGANISED LOCAL GOVERNMENT

The National Association of Municipalities of Mozambique (ANAMM) was established by the municipalities in 2006 to promote cooperation and solidarity among all municipalities, and contributes to training and professionalisation of municipal staff.

7. INTERGOVERNMENTAL RELATIONS

At district level a district council, convened on a three-monthly cycle, acts as a consultative body. The council’s membership is drawn from the district government (the district administrator, the directors, and the chiefs of administrative posts), together with the presidents of any municipal councils, community authorities, and representatives of economic, social and cultural organisations in the district.

8. MONITORING SYSTEMS

Financial scrutiny is exercised by the Office of the General Inspector of Finance of the Ministry of Economy and Finance under Law No. 11/97, reviewed by law 17/2008, Mozambique’s Administrative Tribunal, the highest jurisdiction in administrative matters, adjudicates in cases of alleged breaches of administrative law. This power is vested in the Minister of State Administration and Public Service, who may delegate functions to the provincial governors.

9. FINANCE, STAFFING AND RESOURCES

9.1 Local government expenditure

Currently municipal budgets must be prepared and managed within the framework of the national government budget. The aggregate revenue for local authorities in 2006 was approximately US$36m. The main sources of income were: head or poll tax, income taxes, property taxes, licences and fees, government transfers, and charges for services.

9.2 Locally raised revenue

Municipalities are responsible for collecting taxes and user fees. The Municipal Taxation Code governs the taxes available to local government.

9.3 Transfers

Under Law No. 1/2008, an update of Law 11/97, the national government transfers funds to municipalities through the Municipal Compensation Fund, which in 2006 represented 3.5% of all tax revenue raised at national level. The fund provides a general grant distributed between the municipalities under a formula published in the annual budget, and based on the following criteria: surface area, population, level of development and success in collecting taxes.
In the first year of the fund’s operation national government made available MZN49bn, almost doubling the funds allocated to the cities and towns before they became municipalities. Further financial support is provided for local development projects. A percentage of revenue from certain national taxes is also transferred to local government - for example 30% of the tourism tax collected by local establishments, 75% of vehicle taxes, and certain income taxes for people working locally. Most municipalities own primary schools, as well as dispensaries and other health facilities whose staff are paid directly by the national government.

9.4 Loans
No information is available.

9.5 Local authority staff
Municipal assemblies set the salary and expense payments of their own members, the president of the council and the officers, within strict legal limits. The total bill for wages and expenses for the assembly and the council members cannot exceed 40% of the municipality’s income (ie the money it raises, excluding government transfers). There is a ceiling on salaries for the president of the council and the officers. Members of the assembly are paid for the days they attend. The president of the assembly cannot be paid more than 10% of the salary of the president of the council, and members no more than 3%. Recruitment and dismissal of staff is the responsibility of the municipality. Following the first municipal elections in 1998, staff of the former executive councils in the 23 cities were transferred to the new municipalities and became local government rather than national government employees (Law No. 2/97, Article 20). In the ten towns, given their limited capacity and fewer services, fewer staff were transferred. In towns it is still the case that some services are delivered by staff employed by the local authority, and others by employees of national (ie district) government.

The president of the municipal council acts as the chief executive officer. The towns have a simple staffing structure. Until they are ready to assume more responsibilities, they typically operate with a finance department and an urban services department. There are a small number of senior officials who supervise the manual workers.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

10.1 Overview of local government service delivery responsibility
Local government has a number of statutory functions including the execution of economic, cultural and social programmes, delivering its action plan and implementing its budget. It shares many responsibilities with other spheres of government.

10.2 ICT use in service delivery
No information is available.

10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

Source: MAEFP communication with CLGF

| Table 27.2b Local government expenditure as a percentage of total government expenditure 2006/7 |
|--------------------------------------------------|---------------|
| Total government expenditure | 1.980 |
| Total local government expenditure | 36 |
| Local government expenditure as a percentage of total government expenditure | 1.8% |

REFERENCES AND USEFUL WEBSITES
27.1a Government of Mozambique www.portaldogoverno.gov.mz
27.1b Women in national parliaments. Inter-Parliamentary Union www.ipu.org/wmn-e/classif.htm
27.3b Ministério da Administração Estatal e Função Pública www.portaldogoverno.gov.mz/ porGoverno/Ministros
27.4a Mozambique Electoral Commission www.stae.org.mz. See also www.ecfsadc.org/index. php/cne-mozambique
27.4b EISA Mozambique Field Office 2008 www.eisa.org.za/wep/ mozquotas.htm
27.5 No reference for this section
27.6 National Association of Municipalities of Mozambique: (Associação Nacional dos Municípios de Moçambique) www.anamm.gov.mz
27.7 No reference for this section
27.8 No reference for this section
27.9a Municipal tax base in Mozambique www.die-gdi.de/uploads/media/DP_12012.pdf
27.9b Based on figure of US$36m as the aggregate revenue for local government in 2006 (see Section 9 above) provided by the Ministry of State Administration and of US$1,980m as total national government revenue for the same year.
27.11a UN statistics surface area 2006 http://unstats.un.org/unsd/ demographic/products/dyb/dyb2006/Table03.pdf

www.clgf.org.uk/mozambique
Annex 27a  Summary of service provision in different spheres of government in Mozambique

<table>
<thead>
<tr>
<th>Services</th>
<th>Delivering authority</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National government</td>
<td>Provinces</td>
</tr>
</tbody>
</table>

**GENERAL ADMINISTRATION**
- Police
- Fire protection
- Civil protection
- Criminal justice
- Civil status register
- Statistical office
- Electoral register

**EDUCATION**
- Pre-school (kindergarten and nursery)
- Primary
- Secondary
- Vocational and technical
- Higher education
- Adult education

**SOCIAL WELFARE**
- Family welfare services
- Welfare homes
- Social security

**PUBLIC HEALTH**
- Primary care
- Hospitals
- Health protection

**HOUSING AND TOWN PLANNING**
- Housing
- Town planning
- Regional planning

**TRANSPORT**
- Roads
- Transport
- Urban roads
- Urban rail
- Ports
- Airports

**ENVIRONMENT AND PUBLIC SANITATION**
- Water and sanitation
- Refuse collection and disposal
- Cemeteries and crematoria
- Slaughterhouses
- Environmental protection
- Consumer protection

**CULTURE, LEISURE AND SPORTS**
- Theatres and concerts
- Museums and libraries
- Parks and open spaces
- Sports and leisure facilities
- Religious facilities

**UTILITIES**
- Gas services
- District heating
- Water supply
- Electricity

**ECONOMIC**
- Agriculture, forests and fisheries
- Local economic development/promotion
- Trade and industry
- Tourism

The table uses the following symbols:
- **sole responsibility service**
- **joint responsibility service**
- **discretionary service**