

THE LOCAL GOVERNMENT SYSTEM IN

MOZAMBIQUE



1 INTRODUCTION

The Republic of Mozambique (República de Moçambique) is a unitary state on the coast of south-east Africa; its location makes it a gateway to six hinterland countries. It has a

population of 20,905,585¹ and a land area of 799,380 sq km.² Mozambique joined the Commonwealth in 1995, the first country to be admitted which was not a former British colony. The official language is Portuguese.

The unicameral parliament – the Assembly of the Republic (Assembleia da República) – has 250 members, elected to serve a five-year term under a modified version of the d'Hondt system of proportional representation. Legally constituted 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. There are 11 constituencies, each corresponding to one of Mozambique's provinces (provincias).

The president, who is head of state and head of government, is directly elected to serve a five-year term, and must receive at least 50% of the vote. The president may be re-elected for a further term, but may not stand again until a further period of five years has elapsed.

The president appoints the prime minister and the council of ministers (the cabinet). The council of ministers is convened and chaired by the prime minister, under powers delegated by the president.

Mozambique has 11 administrative provinces, one of which is the capital city, Maputo. The provinces are further divided into districts, administrative posts and localities.

Only a portion of Mozambique presently has local government. There are 33 municipalities covering Mozambique's 23 cities (cidades) and 10 of the 116 towns (vilas) in the districts. Over time more local authorities (autarquias locais) are to be established in the remaining towns and the rural areas.

2 POLITICAL AND ORGANISATIONAL STRUCTURE OF MOZAMBIQUE

Elections for the National Assembly and the president were last held in December 2004. The FRELIMO³ party (Partido FRELIMO) won the election with 160 seats (62% of the vote) and the RENAMO⁴ secured 90 seats (30% of the vote). No other party gained at least 5% of the national vote. Armando Gueuzbuza, of the FRELIMO party, was elected president with 63.7% of the vote. RENAMO is contesting the election results and has announced it will boycott the National Assembly.

The next assembly and presidential elections must be held no later than December 2009.

2.1 Position of local government in the state

Since the mid-1990s, the Mozambique government has been implementing a programme of market-oriented reforms, together with a two-fold approach to improve public service delivery.

Under its de-concentration approach, administrative responsibilities are being transferred to the provinces and districts, the sub-divisions of the state.

Under its decentralisation initiative, a number of autonomous municipalities have been created.

Both strands of public service reform follow the principle of gradualism. As capacity is developed, further central government responsibilities are to be transferred to 'local organs of state', and the number of local authorities will be increased, with greater fiscal autonomy. Donor demand has played a significant role in driving forward the decentralisation process, initiated under the pilot Local Government Reform Programme (PROL). Sponsored by the World Bank in 1992, the programme operated in five provincial capitals. The first multi-party democratic elections were held in 1998.

The Minister of State Administration has overall responsibility for local government matters, with authority to accept or reject the municipal budget, development plans and the staffing plan of any authority, together with any local borrowing with a term of more than one year. There is no power to modify: the proposals must be accepted or rejected. Rejection is possible only where the budget, plan or loan is unlawful or contravenes existing programmes.⁵ Central government must be satisfied that local authorities are operating within the law, but, under the constitution as amended, is precluded from reviewing the merits of any administrative acts unless this is clearly specified in national law.⁶ The legislation gives local authorities considerable autonomy.

The Minister of State Administration exercises these powers under Law No. 7/97.

The Minister of State Administration intervenes when a local authority does not observe administrative matters as prescribed in the municipal law. The Minister of Finance takes action if legislation on financial matters is breached.

The provinces and lower tiers of central government are administrative bodies. The 1990 Constitution (as amended by Law No. 9/96) gives these local organs of state 'the function of representing the state at the local level for the administration and development of the respective territory and to contribute to integration and national unity'.⁷ In carrying out

their activities these bodies act 'without prejudice to the autonomy of the local governments'.⁸

The president appoints the governors of the provinces. Special provisions apply in Maputo City, where the mayor also serves as governor.⁹

At district level, the district administrator – the senior director (dirigente superior) – is appointed by the Minister of State Administration, and is accountable to the provincial governor. Below the districts, the chief administrators (chiefs)¹⁰ are nominated by the Minister of State Administration and report to the district administrator. Chiefs of localities are the local representatives of central government, nominated by the governor, and are accountable to the chief administrators.¹¹

Law No. 8/2003 gave districts more

autonomy. They have their own budgets, and continue to raise a proportion of their own revenue through fees, licences and service charges. The districts have similar responsibilities to those of the municipalities but, in addition, implement central government programmes and provincial priorities.¹² The district administrator, other directors, and the chief administrators comprise the district government. Directors have dual accountability, reporting to the district administrator and one or more sector ministries.¹³

3 LEGAL BASIS FOR LOCAL GOVERNMENT

3.1 Constitutional provisions

Local government is enshrined in the 1990

Table 1. Population, distribution of local authorities, and number of elected members¹⁴

Province	Municipalities		
	Cities/towns ¹⁷	Population	No. of elected members
Cabo Delgado	Montepuz	56,433	17
	Pemba	84,897	31
	Mocimboa da Praia	25,506	13
Gaza	Xai-Xai	99,442	31
	Chibuto	51,454	17
	Chokwe	49,930	17
	Mandlakase	23,342	13
Inhambane	Inhambane	52,370	17
	Maxixe	93,985	31
	Vilanculos	19,840	13
Manica	Chimoio	171,056	39
	Manica	28,568	13
	Catandica	24,682	13
Maputo	Matola	424,662	46
	Manhica	19,006	17
Maputo City	Maputo City	996,837	61
Nampula	Nampula	303,346	44
	Angoche	85,703	31
	Ihla de Moçambique	42,407	17
	Nacala Porto	158,248	39
Niassa	Monapo	20,384	17
	Lichinga	85,758	31
	Cuamba	57,205	31
Sofala	Metangula	6,852	13
	Beira	397,368	45
	Dondo	71,644	21
Tete	Marromeu	118,551	13
	Tete	101,984	31
	Moatize	26,560	13
Zambezia	Quelimane	150,116	39
	Gurue	99,335	17
	Mocuba	124,650	21
	Milange	16,666	13
Total	33	c. 4,989,787	800

Constitution as amended by Law No. 9/96 which established the local power (o poder local):

'The tasks of local authorities are: to organise the participation of citizens in finding a solution to the community problems, to promote local development, and to strengthen and consolidate democracy within the framework of Mozambican state unity'.¹⁵

The amendment enhances the powers given to local government, including those to carry out economic, social and cultural programmes.

The constitution now defines two types of local authority: municipalities in the cities and the towns, and villages (povoacoes) in rural areas, which cover the areas of the administrators. It also enshrines local democracy, requiring assemblies to be elected by proportional representation, and the president of a council, or mayor, to be directly elected.

3.2 Main legislative texts

The legislation relating to local government is:

- Law No. 9/96
- Law No. 2/97, known as the Municipalities Law (Lei das Autarquias), establishes municipalities in Maputo City and the 10 provincial capital cities
- Law No. 10/97 establishes as municipalities the remaining 22 cities and 10 towns in the districts
- Law No. 11/97 establishes the financial framework for the municipalities
- Law No. 9/97 defines the roles and responsibilities of office-holders and members of the municipality
- Laws No. 4/97, No. 5/97 and No. 6/97 cover electoral matters.

The Minister of State Administration is responsible for the administration of these laws.

Law No. 2/97 revoked the earlier Municipalities Law No. 3/94. Following the first multi-party elections in 1994, held after Law No. 3/94 had been enacted, the National Assembly ruled it to be unconstitutional. Law No. 9/96 amending the constitution, as outlined above, introduced a new local government structure and revised electoral arrangements.

4 LOCAL GOVERNMENT ORGANISATIONAL STRUCTURE

4.1 Main divisions

There are 33 urban municipalities, in a single tier, in the cities and certain towns. Over time further municipalities will be established in the remaining 106 towns, bringing the total number of urban authorities to 139.

All municipalities have the same responsibilities in law. However under the gradualist approach, not all responsibilities

have yet been transferred from the district administrations to the towns.

In the long term local authorities will be established in the rural areas of the districts in a single tier, creating 394 villages (povoacoes).

4.2 Distribution of local governments and population

The average population of Mozambique's municipalities is about 135,500. The smallest town is Metangula which has a population of 6,852 and the largest city is Maputo, with a population of 996,837. Some 28.6% of the total population lives in urban areas.

5 DEMOCRATIC AND POLITICAL STRUCTURES IN LOCAL GOVERNMENT

Mozambican municipalities have 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 (assembleia municipal) 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. The vote 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.

The president of the council (o presidente do conselho municipal), 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 for the presidency and also be named on a party list for the assembly. To be a presidential candidate or put forward a list for the assembly, political parties must obtain signatures from 1% of registered voters.

The democratic system is uniform across the municipalities. There is universal adult suffrage at age 18.

Law No. 6/97 allows citizens, citizen groups or political parties which are not recognised to campaign in elections for the office of president or seats in the municipal assembly. As for the recognised political parties, there is a requirement that the presidential candidate and the group lists are supported by 1% of the electorate.

In the first local government elections of June 1998 FRELIMO, several citizen groups and independents contested the elections. In the most recent elections, held in November 2003, six parties contested 890 council seats and mayoralties in 33 municipalities. RENAMO, the main opposition party, and

several smaller parties took part. The turnout was approximately 24%.¹⁶

The decision-making process begins with the executive council making action plans and a budget, which are presented to the municipal assembly for approval. After approval is received, they are displayed for wider public consumption.

One woman was elected as president of the municipal council in Manhica in the 1998 elections, but was not re-selected by her own party to stand in the November 2003 elections. 16% of councillors are women and there is one woman mayor in 33 municipalities.

5.1 The municipalities

The composition of committees that local authorities are required to establish depends on their size, in terms of population and geography, and the responsibilities that have been devolved to them. It is recommended that standing committees for the main services provided by the authority are established, for example finance, administration and social services.

The president of the council, or mayor, is head of the executive and appoints ministers (vereadores) to the municipal council. At least half must be members of the municipal assembly. The presidency is a full-time position, while ministers may serve on a full- or part-time basis. Presidents and full-time ministers are not permitted to undertake other paid employment.¹⁷

The municipalities are required to have annual activity plans and budgets, and also to prepare development, structure and staffing plans. These are proposed by the municipal council and must be submitted for approval to the municipal assembly.¹⁹ Municipal budgets must be prepared and managed under the principles of the central government budget.¹⁹

Municipal assemblies set the salary and expense payments of their own members, the president of the council and the ministers within strict legal limits. The total bill for wages and expenses for the assembly and the council cannot exceed 3% of the municipality's income (ie the money it raises, excluding government transfers). There is a ceiling on salaries of the president of the council and the ministers.²⁰

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%.²¹

5.2 Local government staffing

Recruitment and dismissal of staff is the responsibility of the municipality. Following the

first municipal elections in 1998, the staff of the former executive councils²² in the 23 cities were transferred to the new municipalities and became local government rather than central government employees. In the ten towns, given their limited capacity and fewer services, fewer staff were transferred. In the transitional period, within the geographic area of the towns, some services are being delivered by staff employed by the local authority, and others by employees of central (ie district) government.²³

The chief executive officer is the president of the municipal council. 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.

5.3 Independent scrutiny

Financial scrutiny is exercised by the Office of the General Inspector of Finance (Inspeccao General de Financas, or IDF) of the Ministry of Planning and Finance under Law No. 11/97, a law on municipal finance.

The Administrative Tribunal, the highest jurisdiction in administrative matters, adjudicates in alleged breaches of administrative law. This comes under the auspices of the Minister of State Administration who may delegate functions to the provincial governors.²⁴

6 DISTRIBUTION OF SERVICE DELIVERY COMPETENCE

Local government has a number of statutory functions including the execution of economic, cultural and social programmes, the execution of its action plan and the implementation of its budget. It shares many responsibilities with other spheres of government.

7 FINANCE²⁵

The aggregate revenue for 2006 was approximately US\$36m.

7.1 Revenue

The main sources of income were:

- Head or poll tax
- Income taxes
- Property taxes
- Licences and fees
- Government transfers
- Charges for services.

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

7.2 Revenue-sharing

Under Law No. 11/97 central government transfers funds to the 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 four criteria of area, population, level of development and success in collecting taxes. In the first year of the fund's operation, central government made available MT49bn, 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 has also been transferred to local government; for example, 30% of the tourism tax collected by local establishments, 75% of vehicle taxes, and certain income tax for people working locally.

Most municipalities own primary schools, dispensaries and other health facilities whose staff are paid directly by the central government.

7.3 Expenditure

No detailed statistics on expenditure are available at this time.

8 ORGANISATIONS OF LOCAL GOVERNMENT

The National Association of Municipalities of Mozambique was established in 2006.

9 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 president of any municipal council, community authorities (autoridades comunitarias), and representatives of economic, social and cultural organisations in the district.²⁶

10 E-GOVERNMENT

The government website provides an overview of the National Assembly and central government activities, together with selected national statistics and information on matters such as the economy, health, the environment and tourism. Internet and email services are available.

The e-governance elements of the national ICT policy require the government to:

- Establish a plan for the provision of information on services provided by the state
- Define a further plan covering the state at all levels, members of the assembly, and leaders of autonomous bodies and community leaders
- Establish a network linking the central departments with each other and with their representatives in the provinces
- Make available, via the internet, information needed by citizens
- Encourage contact between officials and citizens via email and the internet, but not as a substitute for live contact
- Gradually introduce electronic voting and other forms of automation to the electoral process
- Create electronic systems to support decision-making.

Mozambique is exploring the feasibility of developing an e-government network (GovNet) throughout the country to connect different branches of government, and to facilitate the exchange of information between the provinces and the centre. The programme also includes an examination of the e-government projects and initiatives included in the ICT Policy Implementation Strategy.²⁷

It is estimated that in 2005 there were 138,000 internet users, which represents 0.6% of the population of Mozambique.²⁸

11 ENVISAGED REFORMS

The ongoing public-sector reform programme will, in the local government sector, focus on the building of capacity in localities and the establishment of new local authorities (see above). A strategic plan for the implementation and inspection of public administration reforms was introduced in 2006.

12 MISCELLANEOUS

The United Nations Capital Development Fund (UNCDF), together with the United Nations Development Programme (UNDP) and the governments of Mozambique and The Netherlands, are supporting an initiative to promote economic development and alleviate poverty through a participatory planning system. Piloted by the Ministry of Finance and managed and administered by the province of Nampula, the programme is intended to serve as an exemplar for the development of national policies and procedures for the planning and management of decentralised services nationwide.²⁹

Relationships between 'local organs of state' and community authorities (autoridades comunitarias) have been clarified by the Council of Ministers under a decree of 20 June

2000. Community authorities are defined as 'traditional chiefs and other leaders recognised by their respective local communities'. Other leaders include neighbourhood secretaries and local leaders (introduced by FRELIMO in the 1970s and early 1980s) who have gained local credibility, together with religious leaders, senior teachers, nurses and traditional healers. 'Local organs of state' are expected to work with community authorities through community councils to stimulate popular participation in the implementation of local development tasks. Collaborative working covers such matters as: employment, food security, housing, public health, education and culture, peace, justice and social harmony, civic education, environmental matters, and transport and communication. The decree also grants to community authorities the right to a uniform, state symbols and a proportion of the tax collected. The decree is seen as helping local state bodies to overcome their inability to provide services across their entire areas.

The decree does not specifically include local government, but it is expected that it will be seen as a model for cooperation by local authorities. Local government law states that 'local government organs may ask for opinions and suggestions from traditional authorities recognised by the communities as such' but are not required to do so.

13 SUMMARY

Local government exists in embryonic form in Mozambique. Since the first local government elections in 1998, there have been indications that popular perceptions are changing, and that local government can be effective.

Although the number of municipalities was not increased for the November 2003 elections, greater party political involvement is expected. RENAMO, as the main opposition party, is campaigning under an agreement with a number of smaller parties. For the first time this will bring full multi-party democracy, together with civic participation, to the local level. Mozambique has completed the transition from war to peace, and has embarked on a long-term public-service reform programme.

References

- 1 CIA World Factbook 2007
- 2 Commonwealth Yearbook 2002
- 3 Frente de Libertacao de Moçambique
- 4 Resistencia Nacional Moçambicana-Uniao Eleitoral
- 5 Mozambique Peace Process Bulletin (local election special issue), June 1997, pp.2-3
- 6 Mozambique Peace Process Bulletin, Issue 17, November 1996, p.2
- 7 Article 185
- 8 Article 186/1
- 9 Under Law No. 8/97, which also granted Maputo City the status of a province
- 10 The chiefs of administrative posts and the chiefs of localities are administrative appointments. They are not the traditional chiefs recognised as community authorities in Section 12
- 11 See Section 12
- 12 Mozambique Peace Process Bulletin, Issue 25, August 2000
- 13 Ibid.
- 14 1999 adjusted Census data, National Statistics Institute
- 15 Article 188/1
- 16 The FRELIMO party was unchallenged in most of the municipalities since the RENAMO party and most of the smaller parties withdrew from the electoral process and organised an abstention campaign. Overall turnout at the election was extremely low at less than 15%
- 17 J. Hanlon (ed.), 'Mozambique Political Process Bulletin 29', AWEPA, December 2003
- 18 Mozambique Peace Process Bulletin (local election special issue), June 1997, p.4
- 19 Ibid., p.5
- 20 Ibid., p.2
- 21 Law No. 2/97, Article 20
- 22 Mozambique Peace Process Bulletin (local election special issue), June 1997, p.5
- 23 Ibid., p.5
- 24 The executive councils with a nominated 'president', established under Law No. 7/78, were de-concentrated units of central government with some discretionary powers
- 25 The currency unit is the metical (MT). Meticals 23,352 = US\$1 on 13 October 2003
- 26 Mozambique News Agency, AIM Report No. 141, August 1998
- 27 Mozambique Peace Process Bulletin, Issue 25, August 2000
- 28 www.mozambique.mz
- 29 Magda Ismail, 'Mozambique eReady?', Information Technologies Group, The Center for International Development, Harvard University, May 2001.

Service	Delivering authority				Remarks
	Central	Provinces	Districts	Municipalities	
GENERAL ADMINISTRATION					
Police	●				
Fire protection	●	●			
Civil protection	●	●			
Criminal justice	●				
Civil justice	●				
Civil status register					
Statistical office					
Electoral register	●				
EDUCATION					
Pre-school		●			
Primary	●				
Secondary	●				
Vocational and technical	●	●			
Higher education	●				
Adult education	●	●			
SOCIAL WELFARE					
Kindergarten and nursery		●			
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					
Theatre and concerts	●	●			
Museums and libraries	●	●			
Parks and open spaces	●		●	●	
Sports and leisure	●		●	●	
Religious facilities	●	●			
UTILITIES					
Gas services	●	●			
District heating					
Water supply	●	●	●	●	
Electricity	●	●		●	
ECONOMIC					
Agriculture, forests and fisheries	●				
Economic promotion	●			●	
Trade and industry	●	●		●	
Tourism	●	●		●	