

LOCAL GOVERNMENT REFORM IN MOZAMBIQUE

*(A paper submitted to the SADC Regional Information Centre,
Harare, Zimbabwe)*

By

Mr. V Antonio

Published by The SADC Regional Information Centre on Local Governance (Southern African Region).

Copyright The SADC Regional Information Centre on Local Governance (Southern African Region).

To copy in any other form, to publish, to post on servers, to redistribute, or to list, requires prior specific permission from the Publishers.

Request for permission to publish should be addressed to:

The Programme Coordinator

The SADC Regional Information Centre on Local Governance for Southern Africa
2nd Floor Local Government House
86 Selous Avenue, Harare
Zimbabwe
Tel : 263-4-700532/701458
Fax: 263-4-701458
E-mail: info@locgovinfo.co.zw

Text of this document can be freely downloaded from the website:
www.locgovinfo.co.zw/pubs.htm

About the Centre

The SADC Regional Information Centre on Local Government was launched in January 1997 and established as a collaborative effort between the Africa Union of Local Authorities (AULA), the Commonwealth Local Government Forum (CLGF) and the Municipal Development Programme (MDP)

The Centre operates in nine countries within the Southern Africa region viz. Botswana, Lesotho, Malawi Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe. It works through National Focal Points (NFPs). These are either national local government associations, ministries or individual local authorities.

The Centre aims to encourage good governance at local level by strengthening municipal administration and support systems. It identifies good local government practice, through inter-regional studies, exchange visits, study tours. The relevant information on good practice is collected, analysed and disseminated, across the participating countries and other collaborating institutions of the region.

The main objectives of setting up this Centre are:

- To enhance communication, information sharing, networking and mutual learning between all levels of agencies involved in local government in the participating countries of the region
- To support the current trends of local Government reform and restructuring in the region and in particular the move towards democratisation and decentralisation
- To support the process of bringing local government into the mainstream of national development through facilitation and strengthening of partnerships with central government
- To support institutional capacity building at all levels of the local government system in the countries in the region
- To create a region wide electronic network that will make available upto date information and data that will inform and help support the process of decentralisation and democratisation
- To create a one-stop knowledge centre for information and data on local governance in the region.

The Centre has identified through its activities, good local government practices, major issues of concern for each country, and a description of the common problems faced by local governments in the region. This publication is part of the good practices identified in the five focus countries. It will be distributed by traditional means through NFPs and their networks. E-mail and the website will also be used to distribute the publications to participating countries and collaborating institutions.

Contents

About the Centre.....	3
Introduction.....	5
Historical Background.....	7
Legal and Policy Framework.....	9
Local Government Reform Programme.....	10
Civic Participation in Municipal Governance.....	14
Lessons Learnt.....	15
Recommendations	16
Further reading	18
About the Author	19

1 Introduction

Mozambique is currently undergoing a process of social and economic transformation. The agenda includes the implementation of a decentralisation policy that can stimulate democracy, political equity and active people participation at local level through autonomous and democratically elected local governments. This will in turn enhance accountability, transparency and good governance. It is also expected that decentralisation will increase management efficiency, as well as efficiency in financial performance through increased revenue generation and rational expenditure decisions. It will also provide a better environment for public-private partnership (PPPs).

It has been recognised that development will not be sustainable unless it originates from the concept of local development, based on the efforts of local population who respect priorities that they themselves define¹. The need for local participation in development is a relatively new political concept. However, this conceptual perspective is gradually gaining recognition. People know their own needs and problems better, and are therefore able to set their own priorities for development. They need opportunities to have real power over the decision-making factors that affect their lives, and this means that a partnership approach to development, that allows a voice for each interest group is essential.

One of the crucial tasks of sustainable development is to create a common vision. This vision represents collective agreement about the future of the community and it can be achieved through a number of consultation and participation methods. However, a vision is not sufficient if the community has to wait many years to see any real change. It, therefore, should lead to immediate action.

¹ Knowles, Eleanor and Materu, Jossy (1999) Partnership for Sustainable Development: North-South Co-operation within the framework of Local Agenda 21, The Netherlands.

Further, in order for sustainable governance to emerge, strong leadership capabilities and civil society empowerment are needed, particularly at the local level. Government institutions and administrative machinery need to be capable of stimulating economic development, managing mechanisms of conflict resolution and prevention and delivering programmes for social development. The appropriateness and success of these policies and operations depend on widespread people's participation in policy dialogue as well as implementation strategies that involve private, non-governmental and community-based organisations.

The successful implementation of decentralisation and democratisation in the rural areas of Mozambique requires the re-establishment of legitimacy and trust between the citizens and structures of local administration. It is believed that such legitimacy and trust can be created by establishing democratically elected institutions at that level, and providing them with adequate resources to enable them to fulfill their mandate to the people.

Further, to enhance the local mobilisation of resources and create a sustainable tax base at local level, the government has resolved to support local economic development. In this regard, the government has embarked on local economic development programmes designed to increase local production as a basis for increased local mobilisation of resources and the creation of a viable local tax base.

The government has also introduced capacity building programmes for rural municipalities to enhance the administrative, financial and institutional capacities of the local authorities. These capacity building programmes were introduced following the realisation that the poor level of professional and technical capacity as well as the shortage of material and financial resources tended to limit the operations and impact of local authorities.

2 Historical Background

Local government reform in Mozambique began as part of the process of dismantling the colonial state apparatus, immediately after national independence in 1975. The Mozambican administrative reform laws replaced the colonial administrative structures and constructed a new system of governance at the national, provincial and local levels.

Local government systems are, however, not new in Mozambique. They can be traced back to 1933 when a legal diploma - the Overseas Administrative Reform (RAU)- was established to institutionalise local government into town councils (*Camaras Municipais*), municipal commissions and local juntas (*juntas locais*). The three were then integrated in what was called administrative bodies (*corpos administrativos*). Unfortunately, this system of local government was very discriminatory in nature especially since it was mostly found in the urban areas where the Portuguese settlers lived.

After independence, Mozambique adopted a system of centralised administration. Each and everything was planned and decided at the centre of political power, in Maputo. The approach was an answer to meet the needs of the state, to safeguard and consolidate national independence, to achieve planned socio-economic measures, to use rationally the scarce resources and to consolidate a unitary state.

The colonial local government system was abolished in 1978 by-laws Number 5/78 and 6/78 of 22 April and were replaced by executive councils as the executive bodies of the cities and districts assemblies, established by-law Number 7/78 of 22 April. The executive councils were composed of a chairman or administrator appointed by central government and three to five members appointed or elected by the city or district assembly, whatever the case might be. One criticism levelled against this form of local administration was that the centrally appointed chairperson or

administrator deprived the city or district council of its autonomy. Another criticism against the executive councils was that they were charged with the responsibility of directing, co-ordinating and controlling subordinate directorates and services without supporting instruments and resources to ensure that their decisions were implemented.

The lack of human and financial resources resulted in a sharp deterioration of social and economic infrastructures. It also led to the inability of executive councils to render basic services to the population, thus defeating the purpose for their establishment. This led to the strengthening of a centralised rather than decentralised state.

The forth congress of FRELIMO held in Maputo in 1987 recognised that the state was top-heavy at the central level, and very weak at provincial and district levels. This led to a national debate on decentralisation and autonomy of the local organs. The debate was held at various levels within the country's politico-administrative organisation.

The national debate on decentralisation and autonomy of local government motivated the people's assembly to pass by-law number 2/87 of 19 January 1987. In this law, the council of ministers (The Government) was authorized to formulate statutes of administrative and financial autonomy. The cabinet, therefore, was authorised to grant such autonomy to bodies and institutions whose nature justified it, and which could gradually become financially self-sufficient.

The law number 2/87 was two-fold. Firstly, it sought to promote greater popular participation and accountability of the district assemblies and their executive councils. Secondly, it sought to provide for close co-ordination between the cabinet and provincial governments in the decentralisation of administrative and financial powers to districts. This second phase of local government reform came to an end after the adoption of the 1990 Mozambican constitution.

3 Legal and Policy Framework

In 1990, a constitutional reform of multiparty democracy was approved, and in 1992, the General Peace Agreement was signed in Rome. Further in 1992, a Local Government Reform Programme (PROL), sponsored by the World Bank, was set up within the Mozambique's Ministry of State Administration (MAE). It aimed at reformulating the existing local government system, endowing local authorities with own legal status distinct from that of the state, and with administrative, financial and patrimonial autonomy. The Local Government Reform (PROL) carried out municipal development projects in five provincial capitals: Maputo, Beira, Quelimane, Nampula and Pemba, producing structure plans for all.

In 1994, parliament passed by-law number 3/94, on the institutional framework for municipal districts. Under this law, rural and urban municipalities were to be elected. Later in 1994, the first multiparty general and presidential elections took place. FRELIMO – the ruling party, won both the local government and general elections. However, the opposition political parties represented in the parliament (MNR and UD) gained a substantial number of seats in the parliament.

The opposition political parties asked for a new law to be drafted. The first amendments to the constitution (law number 6/96) introduced the Local Power (*o poder local*) under which is accommodated the legal framework for decentralisation and municipalities in Mozambique. In 1997, the Mozambican parliament approved local authorities legislation, comprising the legal and institutional framework for local authorities (law number 2/97), and local finances (law number 11/97). According to law number 2/97, the local authorities were established as population and territorial units, endowed with their representative (the municipal assembly) and executive bodies (municipal council) with administrative, financial and patrimonial autonomy.

The law of local finance gives powers to local authorities to raise their own revenues and to conduct their finances in an accountable and transparent manner. Local authorities must prepare a financial plan in accordance with a municipal plan (a five-year plan) in respect of all their powers, duties and objectives. Municipal authorities may impose taxes on income, property, economic activities in areas of industry, trade and provisions of services. Their own revenues also include fees for advertisements, constructions, cemeteries, some permits and various licenses for economic and professional activities. The central government continues to collect and disburse taxes, since the municipalities do not have a proper structure for revenue collection.

Taking into account that financial needs are higher when compared with the capacity to raise local revenues, central government collects and transfers funds via the Municipal Compensation Fund. In addition, central government may transfer funds for local investment in order to complement and reinforce the local investment capacity.

4 Local Government Reform Programme

The 1990 Mozambican constitution laid the foundation for the third phase in the evolution of the organisation and operation of local government. This constitution opened the Mozambican political system to multiparty democracy and the economic system to market economy. These political and economic reforms demanded transformation in the structure and objectives of the political and administrative organisation of the state so as to bring it into line with the new political and economic model.

Chapter IX of the 1990 constitution introduced far-reaching change. When compared with the 1975 constitution, this chapter provides for a model of organization and operation for local government, which found

its first legal expression in the institutional framework for municipal districts' law number 3/94 of 13 September. This local government reform programme resulted from an evaluation of the state of local government since independence in 1975 and the national debate on decentralisation and autonomy of local bodies.

The underlying philosophy of the Mozambique's Local Government Reform Programme (PROL), is that the establishment of municipalities in terms of the municipal government system be enshrined in law number 3/94. The new municipal government system is based on the following constitutional principles:

- The principle of autonomy, which includes administrative, financial and patrimonial autonomy
- The principal of multi-party democracy and popular participation;
- The principal of representativeness or representative democracy, which allows citizens to elect their municipal councillors and mayors
- Respect for, and collaboration with, traditional authorities.

The institutional framework from the municipal law also incorporated the principal of gradualism. The principle of gradualism was not based on the need for central government control, but on the need for building the essential factors for administrative, financial and patrimonial autonomy and the rehabilitation of productive activities in the urban and rural areas so that they could form the objective and subjective bases for collecting the municipal functions. In other words, the principle of gradualism is adopted for the purposes of building capacity before any locality is transformed into a municipality.

The first multiparty elections were planned for 1996, but were held only in June 1998 after being postponed three times. They took place in thirty-three municipalities (23 cities and 10 boroughs). The elections were

characterised by vote-apathy, with less than 15% of the voters turning out. The opposition political parties boycotted the elections. In some places, there were several independent candidates. FRELIMO – the ruling party, gained the posts of mayors and got the majority in the municipal assemblies of all the elected local governments (municipalities).

Each municipality has the following bodies or office holders:

- The municipal assembly is composed of members elected directly by the population in a universal suffrage. The parties appoint their list of candidates in a preference order, and voters vote only for a party list;
- The president of the municipal council or the mayor - who is the singular municipal executive organ is also elected directly by the general public;
- The municipal council – the collegial executive organ is composed of the mayor and town councillors nominated by him. At least 50% of the town councillors must be drawn from the municipal assembly. The number of town councillors varies according to the number of voters.

As operational decision-makers, town councillors supervise the implementation of municipal council decisions and policies. They also advice the mayor about procedures and regulations towards the implementation of municipal plans and its annual programme and budget.

Those cities that already had executive councils, only transferred their responsibilities, functions, personnel and property to the new elected bodies. The remaining ten cities and boroughs had to create everything from the beginning.

In some places, difficulties have arisen between the elected bodies (municipal assemblies and the mayor) and their respective municipal

councils. Occasionally, there have been some conflicts of interest when a municipality is separated from a district which was previously under the same government unit.

Those districts and fifty-eight boroughs, which were not included in the thirty-three municipalities, still remain as per previous establishment arrangement. Their leaders and administrators are nominated/appointed by the central government, and they are under strict tutelage of provincial government by delegation either by the minister of state administration or the minister of planning and finance, depending on the matter or the conflict that may arise.

Clearly, the creation of municipalities and de-concentration of resources is still in its embryonic phase in Mozambique. It has been agreed that the process be implemented gradually, thus the timetable remains unclear. It is foreseen that it might yet take several years to include or transform all the districts into municipalities. Further, the mechanisms to collaborate and coordinate with customary authorities or community leaders have been recently clarified by a decree of the council of ministers, decree number 15/2000 of 20 June. This has been seen as necessary because at community level, there are several potentially influential personalities and institutions such as religious leaders; heads of families and representatives of political parties.

Despite difficulties, the elected bodies (the mayors municipal assemblies and the executive councils) have started performing their duties. The first course organized by the ministry of state administration in 1998 for the elected bodies was a singular opportunity to harmonise a clear understanding about the new municipal legislation and pave the way forward for the implementation of the organisational structures and the functioning of the municipal organs.

5 Civic Participation in Municipal Governance

One of the “good practices in local government” in Mozambique, which this article attempts to highlight is the outstanding political will of the Government of Mozambique in introducing and implementing the decentralisation policy. This is reflected more in the political tolerance in local government affairs and the collective vision that exists among politicians of different political affiliations for the advancement of local government objectives. It is not uncommon for politicians of different backgrounds to discuss and agree on the best way of implementing local government objectives.

Secondly, government’s knowledge and understanding that sustainable development is not possible in the absence of genuine people’s participation has proved to be an advantage. As a result, it has enacted and put in place an enabling legal environment to guarantee that the philosophy of the envisaged social, economic and political changes will have a legal base.

Meanwhile, after the amendment of the 1990 constitution we witnessed the approval by the parliament of fundamental legislation to ensure social and economic development in the country. One such piece of legislation is that which allows people to participate fully in the ongoing social, economic and political activities. In this regard, on the 28th May 1997, Mozambique’s parliament passed law number 6/97 – municipal electoral law. Apart from political parties and citizens, this particular law allows those who do not belong to a political party, and non-politician citizens to campaign for municipal elections, for mayoral or municipal assembly positions. The citizens may campaign therefore, as independent or as part of a group, provided they obtain signatures from 1% of the citizens registered for electoral purposes from that particular municipality.

As evidence of this fact, in June 1998 Mozambique conducted local government elections for the first time in its history, in thirty-three municipalities. In some places independent candidates scored relatively high votes. For instance, in the Beira municipality, Group for Changes (GRM), obtained 39,9%; Citizens of Manhica (NATURMA) from Manhica municipality obtained 39,41%; Friends from Nacala-Porto (OCINA) from Nacala Porto obtained 25, 85%; and Together for the City (JPC) from Maputo city council, obtained 25,58%, of the vote.

6 Lessons Learnt

The lessons learnt from this practice are that despite political will and civic participation in the local government election process, political interference in some places is still eminent.

In addition, civic groups have been considered by the councillors from the ruling party as political parties while it is not true. They have always shown or portrayed the picture that they are a group of citizens attempting to contribute to the process of resolution of municipal problems. However, the contribution of these civic groups has been very instrumental in the resolution of most of the municipal problems such as management efficiency, accountability of public funds, revenue generation and so on.

Most citizens have recommended more civic education on the process of decentralisation and local governance to make the contributions of civil society and other stakeholders more sustainable, effective and efficient. Civic education would apply to everyone, including politicians as they make suggestions on ways of ensuring progress in the implementation of local government objectives.

Despite the ongoing social, economic and political challenges that face Mozambique today, it is regarded internationally as a model of successful political transformation. The country has successfully implemented a

transition programme from war to peace, from a one-party state political system to a fully-fledged multiparty democratic state. There is also a lot of respect for individual freedoms. All this has ensured a climate of political stability. Recently, its economic performance has been acclaimed worldwide as it marks yet another successful transition from a centrally planned, socialist oriented economy to market a economy. Over the last five years, Mozambique has enjoyed one of the highest growth rates in Southern Africa.

7 Recommendations

Local government reform in Mozambique is still in its embryonic phase. The elected local governments are only two years old compared to other SADC member states. On the grounds of reports presented by the municipal executive councils and municipal assemblies at national meetings, there are many issues that deserve attention. Some of these issues are:

- Lack of a good mood of conduct among the elected municipal organs (the executive council and the municipal assembly)
- Misunderstanding between the municipalities and the state organs at various levels
- Weak domain of the municipal legislation
- Lack of guidelines for the usage of the municipal legislation
- Lack of vital municipal complementary legislation, such as the municipal taxation code
- Most of the municipal employees have weak technical qualifications
- Lack of transparency in the application of public funds
- The services being rendered are not of high quality

- Delays in the elaboration of the municipal budget
- Lack of funds for investment in the projects that have high social and economic impact

Due to these and other constraints it is recommended, first of all, that suitable capacity building programmes should urgently be designed and implemented. Meanwhile, councillors and technocrats must be subjected to objective training programmes. The training should be in those subjects that are applicable to trainees daily responsibilities.

The municipal complementary legislation must be drafted and the municipal taxation code, in particular be carried out.

There is also need for coordination among and between the municipal executive councils and the municipal assemblies and the municipal organs with the organs of the state. This coordination needs to be carried out through the respective mayors and chairpersons or presidents of the municipal assemblies.

The study and dissemination of the municipal legislation must be carried out so that misinterpretation of it can be avoided. By doing so, each municipal organ would be in a position to know its competencies, responsibilities, rights as well as fringe benefits.

Civic education on the local government reforms should be done on a continuous basis and not when the elections are approaching. By so doing most of the citizens, primarily those living in the rural areas would be informed on the objectives of the local government reforms in Mozambique. The citizens will be made aware of their rights and duties, in this policy making process.

The municipalities should conduct study tours to other municipalities around the SADC region so that they can share experience, exchange information. This would also help them to solve some of the problems that they are facing.

8. Further Reading

Below is a list, though not exhaustive, of recommended sources of reading:

- The Mozambique's constitution of 1990
- A book on *The Autarquias Locais em Moçambique – antecedentes e regime Jurídico, 1998*. This is the most detailed book on Local Government Reform in Mozambique. Mr. Aguiar Mazula, Afredo Gamito, Fernando Macamo, ed el.
- *UNDP Report on National Human Development for Mozambique peace and economic growth: opportunity for human development, 1998*.
- *Evaluation Report on the Nacala Integrated Urban Development Project, 1999*.
- *Relatório/documento final da II Reunião dos Municípios, 2000* (the report of the Municipal National Meeting).
- *Local Government Conference towards Co-operation on Local Government matters in the SADC Region*.
- *Decreto n. 15/2000 de 20 de Junho*.
- *O eleitorado incapturavel, 1999*. By Professor Carlos Serra, UEM
- *A Descentralização da Gestão em Moçambique*. A discussion paper, by Dr. Jose A. da Conceição Chichava, The Minister for State Administration, 1996.
- *Abstaining from the 1998 Local Government elections in Mozambique: Some hypotheses*, a discussion paper, by Benhard Weimer, 1998.

9 About the Author

Mr. **Victor Antonio** holds a degree in Local Government Administration (1992) from the IDM Mzumbe, in the United Republic of Tanzania and a Certificate on Gender issues (1993) from the DPU, University College London. He has written and presented papers on Public Administration and local government at national and international seminars and workshops.

