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New law stresses municipal power

The new municipalities law underlines the huge devolved power of elected local authorities. In some ways, the new law increases central power (see the next article). But primarily the law approved by parliament in August returns to the decentralisation ideals of the first 1997 law.

The new law underlines that municipalities have responsibility for "local economic and social development". They can collect and spend local taxes, and create municipal companies and services. The law calls for municipalities to take over water, electricity, public transport, and primary health and education. They have responsibility for urbanisation, construction and housing. And the law stresses that they have autonomy and control over administration, property and finances and must be transparent.

The 1997 law had been changed multiple times, leaving many gaps and unresolved problems. Some are resolved in the new law, which also states that the Council of Ministers has 180 days to issue regulations which should fill most other gaps.

[CIP has published a more detailed report](#) by Ivan Maússe, with a good table of changes. Law 12/2023 is on <https://bit.ly/Moz-12-2023>.

But more Maputo power for parties and President

The most unexpected change was strengthening the power of Maputo parties headquarters to choose mayors. In earlier laws, the mayor was elected directly. But the main parties thought that allowed mayor to develop too much local political power. So that was changed to the mayor automatically being the head of the list for municipal assembly with most votes. Under that law, if the head of list resigned, their place was taken by number two. But under the new law if a head of list resigns, the party can choose any member of the municipal assembly to replace them. That will encourage parties to choose prominent local people to head their list and immediately resign, to be replaced by a party hack who takes instructions from Maputo.

The other change is the abolition of secretaries of state appointed by the president, who often had competing functions to the mayor. (Maputo city which is both a municipality and a province is the


only municipality to continue with the anomalous secretary of state.) The local district administrator, also appointed by the President but who responds to the provincial governor, now becomes the representative of central government in the municipality. This keeps a direct chain to the Maputo presidential palace, but administrators have more clearly defined functions which should reduce conflicts.

Gradualism better defined

The law 27 years ago set the principle of "gradualism" - more municipalities would be created gradually (which has happened every five years) and they would assume more power gradually as they gained staff and funds (which did not happen). The new law clarifies that transferring responsibilities such as primary schools requires negotiating an agreement with the ministry in Maputo, and that funding must be provided. But the new law also promises additional legislation and regulation to make this possible.

As at present, new elected municipalities are created by the Council of Ministers with approval of parliament. But there is an important change. Until now, no one knew who set the boundaries and could change them, and often local people did not know where their own municipality ended. Now boundaries must be published and approved by parliament. But these are all government actions - there is to be no public discussion about boundaries or which towns should become elected municipalities.

The law also formalises a decentralised structure, with municipalities divided into municipal administrative posts, neighbourhoods and blocks.

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