

**Matrix comparing the G19 letter and the GoM response on political inclusivity, electoral reform and the fight against corruption**

Issues raised in the G19 letter of 10/12/2009	GoM response of 05/02/2010	Comments
<b>POLITICAL INCLUSIVITY AND ELECTORAL REFORM</b>		
<p>1. Blurred distinction between party and state</p>		<ul style="list-style-type: none"> <li>• Issue not addressed in the GoM response (not acknowledged/recognized as an issue for discussion with the G19), yet a very intrusive party can be considered a challenge to fundamental principles as equality and freedom of choice.</li> <li>• Recent declarations by Frelimo SG that party presence in state institutions will increase while the APRM Action Plan proposes the opposite, namely to abolish party cells in public institutions.</li> </ul>
<p>2. Electoral reform</p> <ul style="list-style-type: none"> <li>• Improve representativity</li> <li>• Depoliticise CNE and CC</li> <li>• Improve complaint and appeal mechanisms</li> <li>• Transparent calendar</li> </ul>	<ul style="list-style-type: none"> <li>• Every legislature has dealt with electoral reform based on recommendations from the Constitutional Council, reports from observers and civil society (par. 13);</li> <li>• Par. 16 says that after the PR's appeal to the Parliament at the inaugural session the initiative for electoral reform is now with the Parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Indicates that GoM considers this a "normal" activity; no break with the past.</li> <li>• On all other issue GoM assumes the legal initiative, but not on this one</li> </ul>
<p>3. Improve inclusivity through changes to the workings of Parliament</p>	<p>Reference is made to the elimination of the 5% threshold in the 2007 reforms</p>	<ul style="list-style-type: none"> <li>• The elimination of the threshold is an argument in favour of further reforms in the Parliament (e.g. minimum number</li> </ul>

		<p>off deputies to form a bancada)</p> <ul style="list-style-type: none"> <li>• The issue around the formation of a MDM bancada was a short term opportunity to prove commitment to inclusion, but not taken</li> <li>• In general emphasis is on participation (“joining us”) rather than on inclusion (allowing other opinions to</li> </ul>
4. Improve inclusivity through improved representation in local consultative councils	Revision of Law 8/2003 (LOLE) foreseen in the PES 2010 (par. 17)	<ul style="list-style-type: none"> <li>• We do not know what the objective of the proposed revision is, but there are indications that it may go in the direction of restricting the competencies of the District Consultative Councils;</li> <li>• GoM emphasizes participation and “open governance” rather than inclusion.</li> </ul>
<b>THE FIGHT AGAINST CORRUPTION</b>		
5. Deteriorating international indicators		No reaction, but a strong confirmation of commitment to fight corruption
6. Impunity	Between 2006 and 2008 4025 disciplinary actions were taken against public servants (56% was punished); corrupt actions constitute a main infraction (par. 54)	<ul style="list-style-type: none"> <li>• We do not know how many cases are related to crimes of corruption and at what level/scale, but it shows a different attitude and dynamic compared to the past</li> </ul>
7. Public and verifiable declaration of assets	<ul style="list-style-type: none"> <li>• Declaration of assets already exists conform Laws 4/90 and 7/98 for higher</li> </ul>	<ul style="list-style-type: none"> <li>• The “public and verifiable” part is overlooked.</li> </ul>

	<p>state cadres and public office holders: all submit annually a declaration to the Constitutional Council (par. 57-58).</p> <ul style="list-style-type: none"> <li>• The new statute of public servants opens space to expand the declaration to all management positions in the public service (par. 59)</li> </ul>	<ul style="list-style-type: none"> <li>• A chance was also missed when the Parliamentarians revised their statute last year.</li> <li>• No commitment to “fill the space”</li> </ul>
8. No enforceable provisions on conflict of interest	<ul style="list-style-type: none"> <li>• Par. 60: conflict of interest has been and is addressed in current legislation, but that will still be improved with the revision of Law 6/2004;</li> <li>• A separate law on conflict of interest is suggested as part of the revision of Law 6/2004 (par.62)</li> </ul>	<ul style="list-style-type: none"> <li>• GoM does not react on the “enforceable” element</li> <li>• The intimate relation between political elite and economic/financial interests blurs the distinction between self-interest and public interest. Only more transparency and enforceable measures can guarantee that public office holders give due priority to public interests.</li> </ul>
9. Weak procurement procedures	<ul style="list-style-type: none"> <li>• Affirmation that Decree 54/2005 is operational at all levels (par.44);</li> <li>• UGEAs have been put in place in all public institutions (par. 45)</li> <li>• Decree 54/2005 will be revised by the end of March 2010 (par. 46-47)</li> <li>• Website on public tenders will be improved (par. 47)</li> </ul>	<ul style="list-style-type: none"> <li>• We do not know on which points and in what direction GoM intends to revise Decree 54/2005.</li> <li>• Partners expect that changes should respond to the recommendations made in the CPAR and IMF-PSI</li> </ul>
10. No effective anti-corruption agency <ul style="list-style-type: none"> <li>• Needs powers to investigate and charge</li> <li>• Needs sufficient human and financial resources</li> </ul>	<p>This will be addressed by the revision of Law 6/2004 (par. 61) to be concluded in 2010</p>	<p>In March 2009 GoM committed to the G19 to conclude this revision by the end of 2009. Points 7, 8 and 10 can be combined under one heading.</p>

## **Issues raised by GoM outside what was raised by the G19:**

### *1. Political inclusivity and electoral reform*

- Emphasis put on participation instead of inclusion (par. 10-15). Participation guaranteed by Constitution, electoral laws and consultative bodies: District Consultative Councils, Private Sector Conferences, Tripartite dialogue between Government, trade unions and employers, Development Observatories, etc.
- Meetings of Head of State with Daviz Simango and the media are also a demonstration of the political will to go ahead with participatory governance (par. 4-5).

### *2. The fight against corruption*

- Par. 53 refers to measures taken in the justice sector: more internal control and discipline of the magistrates; creation of the Public Ministry; adoption of the Integrated Action Plan for the Judicial Sector.
- Par. 55 mentions the 2<sup>nd</sup> Governance and Corruption survey that will be concluded in 2010.
- Par. 56 Inspection and SISTAFE have been expanded (=increased control).

GoM also dedicates par. 64 to 68 to the implementation of the recommendations of the APRM Action Plan.

## **General appreciation of the letter from Government by the Governance Platform**

- The letter itself (length and care with which it is drafted) is a positive sign of engagement. There is explicit willingness to engage in dialogue.
- The tone of the letter is rather defensive but it is not aggressive.
- The letter is rather backward looking (summing up progress and achievements) rather than forward looking and indicating how current concerns will be addressed. This indicates that GoM views the current dialogue as “business as usual” and not as the need to demonstrate a break with the past on key elements of political governance. There is no indication that GoM is prepared to change the direction of travel on these elements (particularly in relation to part 1).
- On parts 1 and 3 there are no new commitments but some existing ones are more explicit (e.g. on the revision of the anti-corruption law).
- There is no response to fundamental concerns related to the quality and direction of travel of the political governance system (party-state relations and political inclusivity). This could mean that these fundamental concerns are not recognized as such.
- The letter exposes an important conceptual difference between participatory (“all are welcome to join our group and to contribute”) and inclusive governance (“space is allowed for different, competing views and groups”).
- GoM assumes the legal initiative on all legal reforms except for the electoral reform