

On May 9, 2007, Joao Gune, a minibus taxi driver in the southern Mozambican city of Matola, was stopped by two municipal policemen who found that one of his documents was out of date. They demanded 200 meticaais (US\$8) from him.

This money was not a legitimate fine but a payment to let him go. Gune refused to pay, and he was told to wait. As he waited, he watched the two policemen preying on other drivers. They put the money they seized from their victims in two bags they were carrying. Gune decided to denounce this extortion publicly. When the two policemen were momentarily distracted, he seized the bags containing the money and made his way first to the private television station STV, then to the offices of the Human Rights League (LDH — Liga dos Direitos Humanos). Inside the bags, he found the phone number of one of the policemen. An arrangement was made to give the bags back. An STV reporter was stationed nearby, but the handover was so quick that it proved impossible to film.

A few days later, Gune was arrested and held in the cells of a Matola police station, accused of stealing “state property” — namely, the two bags and the pair of handcuffs that was in one of them. There was no proper warrant for this arrest, nor was Gune taken before a magistrate — although, under Mozambican legislation, all arrested persons should be taken before a magistrate within 48 hours in order to formalize, or overturn, the detention. Gune says that while he was in custody, the police tried to persuade him to say that he had put the money in the bags himself. He refused.

According to STV, after the station had covered Gune’s detention, the general command of the Mozambican police intervened directly to set him free. Gune was released after spending four days in custody.

The detention was in flagrant violation of an anti-corruption law passed in 2003 by the Assembly of the Republic — the Mozambican Parliament — which contains an article protecting whistleblowers. This article states that anyone who denounces any act of corruption must not be subjected to disciplinary measures at their workplace, or any other form of harassment.

Gune’s detention could discourage other people from blowing the whistle on acts of corruption in Mozambique. Instead of protecting the whistleblower, as demanded by the law and by international conventions, the state

detained him. Nevertheless, the case revives the debate on the need for Mozambique to set up legal and practical mechanisms to protect whistleblowers and witnesses to acts of corruption. It also tells us whether the government has a genuine political will to fight corruption or not.

Another illustrative example is the weak performance of the General Cabinet for the Fight against Corruption (GCCC — Gabinete Central de Combate À Corruption), Mozambique's anti-corruption agency. Since the Anti-Corruption Law was approved in June 2004 and the Cabinet started its activities, there have been no convictions in a case of political or grand corruption. This may be because Mozambican courts refuse to take cases that are prepared by this Cabinet.

Recent discussions revealed that the Supreme Court, through an *acordão* (agreement) of June 2005, decided that the GCCC can investigate corruption issues, but cannot prosecute them. Moreover, the GCCC cannot investigate cases of embezzlement, as this crime is technically not considered corruption in Mozambique. These factors obviously weaken the effectiveness of the fight against corruption as envisaged by the National Anti-Corruption Strategy, because cases prepared by the GCCC are currently not accepted by the courts.

Despite this lack of performance of the GCCC, there are some positive signs from the public administration apparatus. According to data provided by the National Civil Service Authority (ANFP — Autoridade Nacional da Função Pública): 197 people were expelled from the Mozambican public administration in 2006; another 216 state employees were fired (but not expelled — which means they could, in theory, obtain another job in the state); 156 public servants were demoted; and 220 were fined. The offenses that led to these disciplinary measures included theft of state funds, drunkenness, negligence and poor relations with the public. A total of 1,233 disciplinary proceedings were initiated in 2006, which means that about one percent of Mozambique's estimated 120,000 public servants were accused of such offenses.

The government has continued to show efforts to purge corruption in the civil service. Following the dismissal of civil servants in 2006 for corruption allegations, more officials were arrested and charged with corrupt practices. In January 2007, the interior minister acknowledged criminal infiltration within the police and promised to reform recruitment practices.

Mozambique has been seen for many years as a good example of democratic transition and donors still support almost half of the state budget. But the failure of the government to react against corruption is creating some concerns among the donors. In May of this year, Norwegian Ambassador Thorbjorn Gaustadsaether, who currently chairs the group of 19 donors and funding agencies that provide support directly to the Mozambican state budget, warned that perceptions of corruption in the country might scare off investors. Corruption could never be eliminated entirely, “but something can be done to reduce the current levels,” he said, in an interview with the daily Notícias. He wanted to see progress, such as cases of corruption coming to trial and obstacles to the illegal use of influence. “We are sure that the Mozambican government is working to fight corruption,” said Gaustadsaether, “but there are still many conflicts of interest.”

For example, Intelec Holding, a company in which President Armando Guebuza has a major shareholding, has taken a five-percent share in Vodacom Mozambique, the private mobile telephone company that competes with the state-owned MCell. Mozambique has no conflict-of-interest regulations. The majority shareholder in Vodacom International is quoted in the Mail & Guardian as saying that it was “the norm” in Africa to have participation by governments and government officials. Mozambican weekly Savana pointed out that many of the owners of Vodacom Mozambique are close to former President Joaquim Chissano, and for Guebuza to take a holding is simply to enter the “new nomenclature.”

Vodacom Mozambique’s shareholders include a host of well connected characters. Shareholder company Emotel is owned by Hermenegildo Gamito, a prominent Frelimo businessman. Shareholder Bruno Morgado is the son of a former Industry minister. Shareholders Antonio Malo and Apolinario Pateguana both have business links with ex-President Chissano’s son Nympine, who is now charged in connection with the murder of investigative journalist Carlos Cardoso.

Donors also wanted to see an outcome in the case of Austral Bank. This bank was privatized in 1997 and the Malaysian-Mozambican consortium that took it over brought Austral to the brink of ruin by early 2001. When the consortium handed its Austral shares back to the state, the Bank of Mozambique sent its head of banking supervision, Antonio Siba-Siba Macuacua, to head an interim board of directors. He began to vigorously pursue Austral’s many bad loans, but was unable to finish the investigation. He was murdered on August 11, 2001. No

one has been charged with the murder, and no one has been charged with fraud or any other offense linked to the collapse of Austral.

A forensic audit of Austral was eventually ordered, but the report sat in the attorney general's office for about a year. "We have heard that the report was sent to court, and we hope the court will do what has to be done," said Gaustadsaether. "We just need to see results. It is important that this should have an outcome." He added, "We know that we cannot intervene directly in this since it is an internal Mozambican matter, but we must continue asking when it will be possible to see a conclusion to this case."

Despite warnings given by donors, corruption is common in parts of the public sector and in service delivery. In the public sector, corruption is most common among the police, the court system, customs, business licensing and tax collection. Petty corruption is common in education, health, water and electricity, and other public services that capture revenues. The main forms of corruption are bribes and kickbacks. Among large infrastructure and transport projects, there is a perception that corruption has been associated with contract negotiations and procurement processes.

