



# MULTIPARTY DEMOCRACY IN MOZAMBIQUE: STRENGTHS, WEAKNESSES AND CHALLENGES



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MOZAMBIQUE:  
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EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.



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**LIST OF ACRONYMS**

Alimo	Independent Alliance of Mozambique
Amode	Mozambican Association for the Development of Democracy
Awepa	Western Parliamentarians for Africa
CNE	<i>Comissão Nacional de Eleições</i> – National Electoral Commission
CSO	Civil society organisation
DEC	District electoral commission
EU	European Union
FAP	Patriotic Action Front
FECIV	Forum for Electoral Civic Education
Frelimo	<i>Frente de Libertação de Moçambique</i>
Fumo	Mozambique United Front
GNU	Government of National Unity
GPA	General Peace Accord
IMF	International Monetary Fund
INE	National Statistics Institute
Ipade	Institute for Peace and Democracy
JPC	<i>Juntos pela Cidade</i>
Monamo	Mozambican Nationalist Movement
MP	Member of parliament
NGO	Non-governmental organisation
Ocina	Friends of Nacala
OMM	Mozambique Women’s Organisation
PDD	Party for Peace, Development and Democracy
PEC	Provincial electoral commission
Pemo	Ecological Party of Mozambique
Pimo	Independent Party of Mozambique
PPPM	Mozambican People’s Progress Party
PR	Proportional representation
PRD	Democratic Renewal Party
PUN	National Unity Party
PVT	Parallel vote tabulation
Renamo	<i>Resistência Nacional Moçambicana</i> – Mozambique National Resistance
Renamo-EU	Renamo- <i>União Eleitoral</i> (Electoral Union)
SADC	Southern African Development Community

STAE	Technical Secretariat for Electoral Administration
UD	<i>União Democrática</i> – Democratic Union
UDF	United Democratic Front
UM	Union for Change
UN	United Nations
UNAMO	Mozambique National Union
UNDP	United Nations Development Programme
UPI	United for the Mozambique Isle
US	United States

# PREFACE

EISA has undertaken various initiatives, which have been aimed at facilitating the nurturing and consolidation of democratic governance in the Southern African Development Community (SADC) region. One such initiative is the first phase of the democratic consolidation research programme. Covering almost all the SADC countries, this research programme focused on the following key issues:

- Elections;
- Gender and democracy;
- Electoral systems;
- Electoral administration;
- Political parties;
- Conflict and elections; and
- Democratic assistance.

This first phase of the project has generated an enormous stock of knowledge on the dynamics of democratic governance in the region over and above the intricacies of elections *per se*. It has demonstrated beyond any shadow of a doubt that indeed there is more to democratic governance than just elections and electioneering. In a word, with hindsight, it is abundantly clear to us today that an election, in and of itself, does not necessarily amount to democratic culture and practice. Put somewhat differently, an election is not tantamount to a democracy, in the strictest sense of the term. Various other determinants are critical too including, *inter alia*, multipartyism, constitutional engineering and the rule of law, gender inclusivity in the governance process, electoral system designs and reforms, transparent and accountable management of national affairs including elections themselves, responsive and responsible conduct by political parties, constructive management of various types of conflict and the form and content of external assistance for democracy.

All these issues are explored in a fairly rigorous and refreshing fashion in the monographs to come out of this programme, although a deliberate focus is given to electoral engineering in the form of reviews and reforms required in the SADC region in order for the selected countries to achieve the difficult goal of democratic consolidation. This monograph will be followed in due course by various others that are country-specific, exploring a broad array of challenges for democratic consolidation in the SADC region.

I would like, on behalf of EISA, to acknowledge with gratitude the invaluable financial support that EISA received from the Norwegian Embassy through NORAD and the Open Society Initiative for Southern Africa (OSISA) for this first phase of the programme and without which this monograph and subsequent others would not have been possible. I would also like to thank the authors for their enormous contributions to this project. All said and done, the views and opinions expressed in this and subsequent monographs do not necessarily represent an official position of EISA. Any possible factual, methodological or analytic errors in this and subsequent monographs therefore rest squarely on the shoulders of the authors in their own capacities as responsible academics and researchers.

*Denis Kadima*  
*Executive Director, EISA*  
*Johannesburg*

## EXECUTIVE SUMMARY

This monograph is an evaluation of Mozambique's multiparty political system. The report emphasises issues relating to democratic consolidation in Mozambique, evaluating Mozambique's political situation according to a number of key democracy determinants, namely: the electoral system; electoral administration; gender and democracy; and good governance. By focusing on electoral democracy, the study has limited itself to providing a general description of current events in Mozambique's political landscape. The study uses data primarily gathered during interviews, complemented with secondary data derived mostly from existing literature. Some topics reviewed in this study have already been analysed extensively and therefore have more secondary data available than other topics have. In cases where the authors faced literature deficiencies, they relied mostly on data gathered from interviews.

The study starts with an assessment of the political transition in Mozambique, and proceeds with chapters that evaluate Mozambique's political situation according to four main electoral democracy criteria. Chapter 2 discusses positive and negative aspects of the electoral system. Chapter 3 examines the state of the country's election administration, including the capacity and independence of the electoral administration bodies, and the economic sustainability of elections. Chapter 4 deals with gender and women's participation in the consolidation of democracy, including women in politics, the quota system, women and elections, women in electoral bodies, and women in local government. Chapter 5 assesses the multiparty system, including the state of political parties, conflicts and elections, the funding of political parties, international observers, and civil society and elections.

Data collection was undertaken during the 2004 electoral period. This was partly good and partly bad for the purpose of data collection: good because it was possible to have a direct look at the various facts presented in the chapter dealing with electoral administration; and bad because the key informants – members of parliament (MPs) and members of the electoral administration bodies, including the *Comissão Nacional de Eleições*–National Electoral Commission (CNE) president – declined to be interviewed.

**ELECTORAL SYSTEM**

Although it was not possible to avoid political polarisation, the political parties and civil society were satisfied with the type of electoral system in use in the country – proportional representation (PR) – because in theory it guarantees representation and therefore promotes respect for the democratic institutions. PR allows existing minorities to feel that their vote makes a difference and that it is better to fight for changes within a legal framework than to try to use non-democratic means that can lead to political, economic and social instability. Aspects that need to be considered, however, include:

- The system of party lists. These do not allow people from outside political parties to be candidates for parliament nor do they facilitate proper accountability between MPs and their constituencies.
- The minimum 5% threshold of voter support that parties need to enter parliament means that smaller parties are not represented in parliament, weakening pluralism in Mozambique.

**ELECTORAL ADMINISTRATION**

The present system of electoral administration is an obstacle to Mozambican democracy. Neither civil society nor the opposition political parties have confidence in the electoral administration bodies, with the result that elections are controversial and tense. The main reason for this lack of trust is the electoral administration bodies' partisan composition. Political parties, civil society and electoral observers believe that profound reforms in the constitution and in the composition of the electoral administration bodies are required as the starting point for free, fair and transparent elections in Mozambique.

While the cost of elections in Mozambique appears to be unsustainable, the question that should be asked is whether free, fair and transparent elections can take place at a cheaper price. Necessary reforms appear to be:

- simplifying the electoral process, from vote counting at the ballot box to the central tabulation in Maputo;
- combining general and municipal elections, which would make only a single electoral event necessary; and

- including the cost of elections in the state budget, such as by the creation of an electoral fund into which monthly deposits could be channelled.

### **GENDER AND DEMOCRACY**

Although women represent more than half the electorate and have the right to vote and to stand as candidates, they are still under-represented among the candidates for political positions. Politics continues to be organised according to male norms and values. Men dominate the political arena and formulate the rules and define the standards of the political game. While a quota system contributes to the participation and representation of women in political decision-making positions, either by nomination or by election, it needs to be complemented with more actions at various levels to ensure greater participation of women.

The quota system is intended to recruit women into political positions and to ensure that they are not isolated in political life. Quotas represent a shift from one concept of equality to another. The classical liberal notion of equality was 'equal opportunity' or 'competitive equality'. Now, a second concept of equality gaining increasing relevance and support is the notion of 'equality in results' – the argument being that real opportunity does not necessarily come about when formal barriers are removed.

Of the 40 or so political parties in Mozambique at present, only Frelimo (*Frente de Libertação de Moçambique*) uses the quota system; but even in that case schemes are reported to exist to ensure that quota lists are filled with friends and relatives.

Apart from lack of political party support – including money and other resources – to boost women's political, social and economic status, there is a lack of media attention on women's contributions and potential. Women's generally low self-confidence, which results from certain cultural patterns, is another bar to their access to political careers.

### **GOOD GOVERNANCE**

Many political parties were created soon after the 1990 multiparty constitution (the so-called non-armed opposition), or even before the 1992

General Peace Accord (GPA) in Rome. Although there are about 40 registered political parties, there are no more than six that are effective. Many of the 'non-armed opposition political parties' have similar platforms and are differentiated only by their names. Also, some of their leaders are not able to articulate their political manifestos. Many parties, too, lack active members, income and ongoing programmes, and rely instead on fictitious regional strongholds. Such parties are no more than personalised electoral organisations, and are not able to make a meaningful contribution to the democratic process.

The opposition political parties in Mozambique, now including Renamo (*Resistência Nacional Moçambicana*), offer no political alternative to the party in government, and if the opposition came into power the only difference would be that new groups of people would expect to share official resources and enjoy the fruits of patronage.

National non-governmental organisations (NGOs) are, in partnership with international organisations, involved in several areas of democracy consolidation, including: electoral civic education; training electoral registration monitors, candidate MPs, elected MPs and national electoral observers; and setting up parallel counting mechanisms. The NGOs have some weaknesses, however. These include small membership numbers, weak roots in society, weak organisational and lobbying capacity, and heavy dependence on donor funding.

Despite the existence of formal bodies for electoral conflict resolution and prevention, electoral conflicts arise from the way that elections are conducted, including problems in electoral registration and a lack of transparency in vote counting and the tabulation of results.

## BACKGROUND TO ELECTIONS IN MOZAMBIQUE

In October 1992 the Mozambique GPA was signed in Rome by the Government of Mozambique (Frelimo) and the Mozambique National Resistance (Renamo), the former rebel movement. Apart from ending the war and bringing peace, the GPA introduced profound changes in the country's constitution, including freedom to establish political parties and the introduction of elections as the mechanism for achieving political power. Between 1992 and 2005 three general and two municipal elections were held, all of them won by the Frelimo party and its candidates. The opposition, led by the Renamo party, either boycotted the elections or contested the results, alleging fraud.

**Table 1: 1994 Presidential election results**

Candidate	No. of valid votes	% of valid votes
Joaquim Chissano – Frelimo	2,633,740	53.6
Afonso Dhlakama – Renamo	1,666,965	33.7
Others	640,777	13.0

Blank votes were 5.8% of the total votes cast and invalid votes a further 2.8%, representing 8.6% of the total.

**Table 2: 1994 Parliamentary election results (total number of seats = 250)**

Party	No. of votes	% of vote	No. of seats
Frelimo	2,115,793	44.3%	129
Renamo	1,803,506	37.8%	112
UD	245,793	5.2%	9
Others	608,133	12.7%	–

**Source:** Supreme Court Validation Acts on the 1994 General Elections

About 5.4 million people – or 88% of total registered voters – voted in the founding elections in 1994. Some 12 candidates ran for the presidential elections, with Frelimo’s Joaquim Chissano the clear winner (see Table 1). The parliamentary elections (see Table 2) resulted in three parties being represented in parliament: Frelimo, Renamo and the *União Democrática* (UD) – which obtained 5.2% of the valid votes and managed nine seats. The other parties in aggregate obtained 12.7% of the valid votes but because they ran individually did not exceed the minimum threshold of 5% voter support to ensure representation in parliament. Renamo initially contested the electoral results but accepted them soon afterwards.

The context in which the founding elections were held (which included the presence and role of GPA mediators and the United Nations [UN] mission) and the electoral result itself were key factors in Renamo’s subsequent decision to accept the electoral results and the peaceful transition to a democratic regime, legitimised by the popular vote. However, the 1994 general elections were described as having been the ‘possible elections’, undertaken in an environment of ‘possible trust’ marked by the ‘possible’ electoral law (which governed the 1994 founding elections). Despite these constraints, that ‘possible’ electoral law was able to provide minimum guarantees of free, fair and transparent elections to all contenders.

Mazula,<sup>1</sup> who was head of the CNE at the time, says that the elections were a challenge and a test to assess both the national capacity to run elections and the possibility of a multiparty democratic system prospering. According to Mazula, the peace and democracy process can be illustrated, as shown in Table 3.

**Table 3: Peace and democracy trajectory, phase 1**

Level	Stage	Moment	Period
1. Radical distrust (enemies)	Operational trust (compatriots)	General Peace Accord (GPA)	1990-2
2. Structural distrust	Possible trust	Electoral law	1993
3 Objective distrust	Subjective trust Commission (CNE)	National Electoral	1994-5

**Source:** B Mazula (ed), *Mozambique: Eleições, Democracia e Desenvolvimento*, Inter-Africa Group, Mozambique, 1995, p 54.

As shown, the shift from Level 1 (radical distrust between the government and Renamo) to Level 2 (structural distrust) represented a change in the social relationship from ‘enemies’ to ‘compatriots’. It also meant the growth of ‘operational trust’, which was the basis for the GPA, to ‘possible trust’, which led to the electoral law (which ruled the founding elections). Even though ‘objective distrust’ was still present, it was possible to reach the stage of ‘subjective trust’ at the CNE. This ‘subjective trust’ opened space for dialogue between the parties represented in the CNE, and, although having different ideals, the representatives of Renamo were recognised as co-authors, co-leaders, co-stakeholders and co-process administrators.

After the elections, which were assumed as having been free and fair, a fourth regime arrived, which was the functioning of the elected democratic institutions. This was the level of ‘basic trust’ necessary for democratic life.

Mazula<sup>2</sup> has argued that the post-election period created another two levels (see Table 4):

- the experience of the first multiparty parliament; and
- the achievement of the rule of law, which completed the peace and democracy trajectory.

**Table 4: Peace and democracy trajectory, phase 2**

Level	Stage	Moment	Period
4. Basic social trust	Constructive opposition (respect for differences)	First multiparty parliament	1995
5. Democratic trust (citizens)	Democratic culture (Mozambican democracy)	Rule of law	–

**Source:** B Mazula (ed), *Mozambique: Eleições, Democracia e Desenvolvimento*, Inter-Africa Group, Mozambique, 1995, p 55.

Following the 1994 general elections, the municipal elections were scheduled for 1996. However, due to continuous problems related to the electoral law,

these were repeatedly postponed, first to December 1997, then to May 1998, and finally to 30 June 1998. The opposition, led by Renamo, boycotted the elections and called on its supporters not to vote. This was a poor reflection of the young Mozambican democracy. On one side Frelimo and some independent candidates asked the people to vote and on the other side Renamo and 18 small parties asked the contrary. This was against the spirit of the constitution, which required political parties to 'contribute, through political and civic education, to the building of peace and stability in the country'.<sup>3</sup>

In order to justify the boycott, Renamo and the 18 'non-armed' opposition political parties presented, *inter alia*, the following objections:

- the partisan character of the CNE and the Technical Secretariat for Electoral Administration (STAE);
- the disappearance of the 1994 voters' rolls;
- the double registration of voters and;
- the electoral registration of people living outside municipality areas.

As a result, Frelimo ran an uncontested race. Its only opposition came from some civil society groups which won seats in a few municipal assemblies, although Frelimo won the elections in all 33 municipalities. These elections were marked by a very low turnout, representing only some 15% of registered voters.

The following year, 1999, the country's second general election was held. Joaquim Chissano was re-elected president, but with a smaller majority than in the 1994 election (see Table 5), while Frelimo's strength in parliament was 132 seats (see Table 6). Unusually heavy early rain in the Zambezi River valley the week before the elections turned roads to mud and made access to hundreds of polling stations difficult. When a Mozambican company failed to supply a helicopter, the election was extended to a third day. Even so, 11 polling stations never opened, preventing some 8,000 voters from voting. The total number of votes in the presidential election was about 5.3 million, corresponding to 74% of registered voters, or fewer than the 5.4 million votes for the presidential elections cast in 1994. Some analysts attributed the

decrease to a reduction in voting enthusiasm compared with voting for the first time.

Twelve parties took part in the 1999 legislative elections, but there were only two presidential candidates. As none of the smaller parties managed to exceed the 5% threshold required by law to elect MPs, only Frelimo and Renamo–*União Eleitoral* (Renamo-EU) were represented in the 1999-2004 parliament.

The Renamo-EU coalition comprised Renamo and ten small political parties, which agreed to support Renamo's Afonso Dhlakama's nomination for the presidency in return for one or two positions in the list of eligible MPs. These parties were: Mozambique United Front (FUMO); Mozambican Nationalist Movement (MONAMO); Patriotic Action Front (FAP); Democratic Renewal Party (PRD); Independent Alliance of Mozambique (Alimo); National Unity Party (PUN); United Democratic Front (UDF); Mozambican People's Progress Party (PPPM); Ecological Party of Mozambique (PEMO); and the National Convention Party (PCN).

**Table 5: 1999 Presidential election results**

Candidate	No. of valid votes	% of valid votes
Joaquim Chissano - Frelimo	2,333,333	52.3%
Afonso Dhlakama - Renamo	2,133,655	47.7%

Blank votes were 6.5% and invalids vote were 2.9% of 4,934,352 votes

**Table 6: 1999 Parliamentary elections results**

Party	No. of votes	% of vote	No. of seats
Frelimo	2,005,713	48.5%	132
Renamo-EU	1,603,811	38.8%	118
Others	522,799	12.7%	–

Blank votes were 9.6% and invalids votes were 4.9% of 4,833,761 votes

Alleging fraud, Renamo contested the results and demanded a recount of the vote. It did this even though the elections had received high praise from national and international observers. When on 4 January the Supreme Court rejected Renamo's 24 objections, Renamo threatened to divide the country by putting up a barrier at the Save River (which separates the south from the centre of the country).

Renamo's David Aloni, the party's third-most powerful figure at the time of the elections, said: 'Our first argument is that Renamo won 52% in the legislative votes and 60% of the presidential votes. Frelimo forged the results and Renamo neither recognises Chissano nor his government. If Chissano wants stability, he must satisfy Renamo's demands. Otherwise there will be more trouble.'

In order to solve the impasse, negotiations were held between the Frelimo government and Renamo, which was led by its president, Afonso Dlhakama. Three meetings took place between Chissano and Dlhakama, whose demands tabled at the first meeting included:

- a recount of the 1999 presidential vote;
- 'immediate abolition of the judicial system because it is rotten and strongly party-based';
- equal representation and treatment of Renamo in the army, police and security police;
- Renamo to name governors and district and other administrators in those provinces where it had a majority in the 1999 elections; and
- 'dismantling party structures in the state apparatus'.

When the negotiations failed, Renamo organised demonstrations intended to paralyse the country. These demonstrations were held across the country. There was loss of life in Montepuez, Cabo Delgado Province as result of confrontations with the police and suffocation in crowded prisons.

Renamo-EU MPs took their seats in parliament but ignored the chamber's business. During President Joaquim Chissano's state of the nation speech in parliament in December 1999 and several times in the early days of the session

in February, Renamo-EU MPs banged on their desks and played various instruments, making so much noise that it was impossible to hear what was being said. Members of the international community, including the United States (US) which had traditionally supported Renamo, told Afonso Dhlakama that Renamo-EU's behaviour was unacceptable and that people had to dialogue with one another in a democracy; whereupon Dhlakama ordered Renamo-EU members to stop their disruptions.

The second municipal elections were held in 2003. The opposition, led by Renamo, competed; winning four and losing 28 municipalities to Frelimo. These elections were marked by a major stay-away, with only 28% of eligible voters participating. In these elections, six small parties and five civil society candidates won seats, even though the total number of seats was less than in the 1998 elections.

According to Human Rights and Development Research Centre Director Artemisa Franco, inadequate electoral education and involvement by civil society were the main reasons for the low turnout. Other analysts disagree, arguing that there had been an active abstention, reflecting, at least in part, distrust in politicians in general and in local government in particular. The Mozambican Association for the Development of Democracy (Amode) commented:

'The government plays with people because during the election campaigns the promises are so many but afterwards they just sit in the municipal offices, forget the people, and only make life difficult so they can eat.'

'The people are tired of choosing people who the following day can only make life difficult by raising taxes – for example for litter that is never collected,' said Alcides Mbazima in a letter in the daily newspaper *Noticias* of 22 November 2003.

Despite the low turnout, the 2003 municipal elections featured organisational problems, including:

- polling stations being moved from one place to another;

- voters' rolls incorrectly delivered; and
- errors in voters' rolls and several rolls missing at polling stations.

These problems confused a number of the registered voters. The Constitutional Council and electoral observer missions criticised aspects of the electoral procedure:

'Although the voting process was based on a computerised registration list, handwritten books were also used. In future, this practice must be avoided and a single, updated registration book used' – Constitutional Council ruling on the 2003 local election, 14 January 2004.

'The use of various versions of the voters' list in polling stations created mistrust and confusion and it is recommended that there be only one unified, nationwide, computerised voters' list in the future' – European Union (EU) Observer Mission Final Report, 2004.

'It is hoped that election authorities [will] establish a single consolidated voters' roll' – Carter Center Observer Report, 2003.

The opposition, led by Renamo, contested the results, alleging that there had been 'grave irregularities' (noted above) that had prevented many people from voting, and that this had been a planned campaign by Frelimo to deprive Renamo voters of their right to exercise their vote. On the basis of lack of evidence, however, the Constitutional Council rejected all Renamo's allegations and endorsed the results presented by the CNE.

In 2004, a new Electoral Law (No. 7/2004 of 17 June) was approved. Responding to the concerns raised by some national and international observers and political parties, this law contains eight new articles and represents a significant change compared with Law No. 4/99 (which had governed the 1999 general election), while retaining four articles introduced by Law No. 19/2002 (which had governed the 2003 municipal elections).

The new articles increase the transparency of the electoral process and seek to reduce the atmosphere of distrust that has led to results being contested.

The eight new articles and their context are:

- Polling station staff, police and journalists can now vote at any polling station. Previously all voters could only vote at polling stations where they were registered, which effectively disenfranchised most polling staff.
- Following complaints from the opposition and observers about Frelimo using government vehicles and facilities, there is now a ban on the use by any party of any goods or property of central or local government or state-owned or state-controlled companies. This does not, of course, apply to facilities available to all, such as the use of public halls.
- Following the omission of some party symbols from ballot papers in the 2004 elections, parties now have the right to check the proofs of ballot papers before these are printed.
- Party polling station agents will receive their credentials from the district election commission. This will eliminate the confusion experienced in previous elections.
- Counting will still be done at provincial level, but results will also be published district by district.
- Voting can no longer be extended for a third day.
- In an attempt to reduce the large number of errors made by exhausted polling station staff on the formal results sheets compiled after counting, the number of votes gained by each candidate must be written in both figures and words.
- In the event of other documents going missing, the copies given to a party polling agent (nominated by the candidates and parties) can be used for the count. In an incident in Beira in the 2003 local elections, records from several polling stations disappeared.

The four articles carried over from Law No. 19/2002 are:

- Exit polls are effectively banned. No opinion polls can be published between the start of the campaign and the declaration of results.
- Because some party polling station agents are illiterate, they were not able to write down accurately the results after counting for

use by parties in their own parallel counting. Now they are given copies of the official result sheets and formal minutes to take back to their parties.

- At least two of the five polling station staff must speak the local language.
- Polling station staff are hired in a public competition and parties are allowed to suggest candidates.

Despite the above-mentioned improvements, two months before the 2004 general elections the EU observer mission demanded full access to all stages of the electoral process, namely: electoral campaigning; actual voting; and partial, provincial and national vote counting.

The CNE, however, denied access by journalists and observer missions to provincial and national tabulations. CNE spokesperson Filipe Mandlate claimed that the demand for observers to be present at the provincial and national stages of the count was contrary to the country's electoral legislation, commenting that: 'Counting at polling station level is open to the press and observers, but the tabulations by provincial and national election commissions are not.'

In fact, the electoral law does not mention the issue, and it is up to the CNE itself to decide whether its deliberations and tabulations should be open. We consulted the law governing presidential and parliamentary elections (Law No. 7/2004 of 17 June) and could not find any paragraph that specifically outlaws the presence of observers at the later stages of the count. There is no paragraph that specifically permits it either, but a good legal principle is that when something is not prohibited, it is allowed.

This is important because the CNE deals with reconsiderations of spoiled ballot papers, and both the provincial electoral commissions (PECs) and the CNE make decisions about polling station results sheets which contain errors. This is done in secret, and has always been assumed to include some degree of political horse-trading.

In 1999 the CNE excluded nearly 7% of polling stations from the presidential count and reconsidered 500,000 spoiled ballot papers. Because the results are

posted at each polling station, it is possible to do a parallel count which will show the approximate results. But if the results are close, as they were in 1999, then these secret decisions could make a difference. The problem came to prominence in the 2003 local elections when the CNE issued three different sets of results in less than a week, with the first two riddled with errors.

Observers were unable to see how the results were arrived at or how changes were made. In 2003 international observers from both the Carter Center and the EU praised the actual conduct of the election, but:

- criticised the lack of transparency of the final counting;
- cited possible misinterpretations of the law by the CNE; and
- objected to bureaucratic obstructions to observers.

There were also concerns about the secrecy of the final computerised count. When the EU observer mission demand was voted on by the CNE, the Renamo minority voted to open up but the Frelimo majority voted to retain secrecy.

In line with the main groups of foreign election observers, the national election observer body – a coalition of seven Mozambican civil society organisations (CSOs) – called for observers to have full access to all stages of vote counting in the 2004 presidential and parliamentary elections. This coalition argued that there was no legal justification for barriers: ‘There are no legal restrictions or principles which justify impeding access by national and foreign observers to the locations of vote counting at all levels.’

In a sort of response, STAE gave observers, journalists and political party monitors facilities to observe the counting of votes through a computer link. The facilities consisted of six computers in a room, linked to the computers in the vote-counting centre. The computers allowed observers to follow the figures being typed by the operators. This was a considerable improvement on 1999, when only one computer was available for journalists. Similar computer centres and observer facilities were available in all provinces. This solved the problem of access to provincial and national vote counting, but it did not deal with decisions taken inside the CNE, whose meetings were held behind closed doors.

On 1 and 2 December 2004, the country's third general elections were held. Features of the elections included the following:

- An unexpectedly high abstention rate. Only 39% of the 7.6 million registered voters cast their ballots.
- Owing to heavy rain, some 37 polling stations did not open, depriving about 400,000 voters of the chance to vote.
- There were examples of fraud, misconduct and sloppy work.
- There was a clear victory for Frelimo and its presidential candidate.
- Renamo-EU protested the electoral results and demanded new registrations and elections within six months.

Despite massive public participation during electoral campaigning, most people did not turn out to vote. Some analysts have argued that reasons for this abstention could be:

- that heavy rains prevented some people from going to the polling stations and persuaded others to go to their farms to plant crops rather than to vote;
- that there were problems of changed voters' rolls and names missing from the voters' roll; and
- the fact that some polling stations did not open, which meant that people in some areas would have to walk long distances in order to reach other polling stations.

In our opinion, however, the low turnout was due to people's frustration and disappointment. Mozambicans are losing faith in the government's ability to solve their problems and they therefore find that going to the market for business is preferable to walking long distances in order to vote.

About 400,000 potential voters in more than 7,000 polling stations – mainly but not entirely in pro-Renamo areas – did not manage to vote because:

- some polling stations did not open;
- some polling stations opened late;
- some polling stations were located far from residential areas;

- some polling stations did not have the correct voters' rolls; and
- thousands of people had not managed to register in July 2004.

Owing to roads closed by rain, some 43 polling stations were unable to open as electoral material was not able to be delivered to them. On 2 December, the CNE said that 37 polling station did not open. Four days later, it said that 43 polling stations had not opened (33 in Zambézia Province and ten in Cabo Delgado Province), depriving 24,943 people of their vote.

In the CNE's final report, however, which was read by its president, the Rev. Arão Litsure on 22 December 2004, the figure of 37 polling stations that had not opened was repeated, but no details were given. Thus, the bad weather and poor organisation, both for polling and registration, had certainly prevented many potential voters, perhaps about 400,000, from voting. Although not all those lost voters would have voted for Renamo, it is clear that Renamo lost more voters than Frelimo. Even though 85% of the polling stations had functioned normally, observers regarded the problems in the remaining 15% as unacceptable. Had the problems not existed, the overall result would not have changed but the number of seats won by Frelimo and Renamo might very likely have changed.

The problems ranged from fraud in Tete Province, to sloppy work and incompetence. While some hold the view that it is really important only to know who won the election, with everything else being unimportant, we think that 'everything else' does matter, and for two reasons.

The first reason is that if the election had been as close as it was in 1999 – which had been widely predicted – then the misconduct and irregularities could have led to widespread discontent, which could even have become violent. There should be concern that some people were willing to run the risk of discontent in order to ensure victory.

The second reason is that the collapse of the opposition has now firmly established Frelimo as the dominant party for years to come, raising the question of how much room for manoeuvre there will be for civil society, business and political activity not linked to Frelimo. There is a fine line between the legitimate prerogatives of power and the abuse of that power

Apart from these political parties, 18 smaller parties were on the ballot paper. None of these received more than 1% of the vote, and the smallest received only 448 votes.

**Table 7: The 2004 presidential election results**

Candidate	No. of valid votes	% of valid votes
Armando Guebuza - Frelimo	2,004,226	63.74
Afonso Dhlakama - Renamo	998,059	31.74
Raul Domingos - PDD	85,815	2.73
Jacob Sibindy - Pimo	28,656	0.91
Carlos Reis - MBG	27,412	0.87

Source: Constitutional Council Validation Act on the 2004 elections

**Table 8: 2004 parliamentary election results**

Party	No. of votes	% of vote	No. of seats
Frelimo	1,889,054	62.03	160
Renamo-EU	905,289	29.73	90
PDD	60,758	2.00	–

Source: Constitutional Council Validation Act on the 2004 elections

**Table 9: Distribution of seats in parliament by party and province – 1994, 1999 and 2004 (total number of seats = 250)**

Province	Frelimo			Renamo		
	1994	1999	2004	1994	1999	2004
Niassa	7	6	9	4	7	3
Cabo Delgado	15	16	18	6	6	4
Nampula	26	24	27	32	26	23
Zambézia	18	15	19	29	34	29
Tete	5	8	14	9	10	4

Manica	4	5	7	9	10	7
Sofala	3	4	6	18	17	18
Inhambane	13	13	15	3	4	1
Gaza	16	16	17	0	0	0
Maputo Province	12	12	12	1	1	1
Maputo City	17	14	14	1	2	2
<i>Emigrants (non-resident)</i>						
Africa	0	0	1	0	0	0
Europe	0	0	1	0	0	0
<b>Total</b>	<b>129</b>	<b>133</b>	<b>160</b>	<b>112</b>	<b>117</b>	<b>90</b>

Source: Mozambique *Political Process Bulletin*, No. 33.

Renamo presidential candidate and party head Afonso Dhlakama said on 23 December 2004 that Renamo did not recognise the results of the election because they were 'forged by members of Frelimo in the CNE'. Renamo alleged, in particular, the following:

- A majority of the population in the zones where the opposition has most influence were excluded from the electoral registration process.
- All polling station officials had received orders to introduce ballot papers in favour of Frelimo and Armando Guebuza and at the same time to invalidate ballot papers for Renamo and its candidate, Afonso Dhlakama, with ink blots on the ballot papers.
- On the night of 1-2 December, Frelimo, with the help of the police, carried out a general campaign throughout the country to expel Renamo party agents from polling stations to permit Frelimo to swap ballot boxes for other ones containing ballot papers filled with ballots in favour of Frelimo and its candidate, Armando Guebuza.

Observers and the media confirmed significant fraud and irregularities but insufficient to have accounted for Frelimo's landslide victory. The scenario painted by Renamo head Afonso Dhlakama in the paragraph above is simply impossible. He has extrapolated some fraud to the entire country, so he

talks of ‘all’ polling station officials forced to manipulate the results, a ‘general campaign’ to swap ballot boxes, and ‘a majority’ of people in some areas not registered. This massive exaggeration fatally undermines his statement.

- Whether or not ‘all’ polling station officials had received orders to falsify the results, only a small portion actually did so. We do think that 2-3% of polling stations inflated results for Guebuza, and that perhaps 100,000 extra votes for Guebuza were ‘contrived’ in Tete constituency.
- The claim of a ‘general campaign’ on the night of 1-2 December runs into three problems.
  - Although observers confirm that police did prevent Renamo agents from sleeping with ballot boxes in some places, they also report that nearly everywhere they were allowed to do so.
  - There was another security control, namely the numbered seals which are affixed when ballot boxes are closed and removed the following morning – with both operations occurring in the presence of party delegates to ensure that the seals have the same numbers: this happens even where delegates are not permitted to sleep with the boxes.
  - We consider it beyond the capacity of Frelimo to organise hundreds or, as alleged, thousands, of extra ballot boxes and alternative sets of numbered seals in order to carry out such a complex swap, and to do so with no one noticing.<sup>4</sup>

In contradiction of the scenario described above and only 24 hours after the Constitutional Council validated the electoral results and proclaimed the ruling Frelimo Party and its presidential candidate, Armando Guebuza, as the winners, Renamo leader Afonso Dhlakama abandoned his December threat that the 90 elected Renamo MPs would not take their seats in the National Assembly. Dhlakama announced that the opposition deputies would attend the Assembly and that he would accept the seat reserved for the leader of the opposition on the Council of State – the body set up under the constitutional amendments passed in November 2004 to advise the president.

There was no more talk of annulling the elections held on 1-2 December 2004 and holding new ones. Instead, Dhlakama declared: 'We shall be today, as we were yesterday, the guardians of democracy and the legitimate defenders of the people. We shall contribute to the building of the great Mozambican nation, by taking our seats in the Assembly of the Republic and the Council of State.'

During the electoral campaign the country's new constitution was approved with a rare consensus. The maximum number of terms a president of the Republic can serve was reduced from three to two in the new constitution, which also introduced assemblies at the provincial level and the State Council at the national level.

While the introduction of provincial assemblies was intended to enhance and increase the mechanisms for democratic participation, it, however:

- increases the number of elections from two to three in five years (there will be elections for provincial assemblies in 2007, for municipal elections in 2008 and for general elections in 2009), which can create voter fatigue and financial unsustainability; and
- creates new institutions without waiting for the municipalities created in 1998 at a local level to be evaluated and reinforced over time in order for them to play their role effectively.

The Council of State is also a mechanism aimed at enhancing democracy because:

- the presidential candidate drawing the second-highest number of votes is entitled to a seat in the council, which is good for the political stability of the country;
- this candidate is the person who led the 16-year civil war;
- it also entitles former presidents of the Republic and of parliament to seats, reducing the resistance of those in power to a democratic alternative by giving them respected positions in society after they leave office.

## ASSESSING MOZAMBIQUE'S DEMOCRATIC ELECTIONS

### **ELECTORAL SYSTEM**

The first multiparty constitution in Mozambican history was approved in November 1990, marking the end of the First Republic and establishing the Second Republic. Although the country was still at war at that time, contact between the belligerent parties had been established in order to bring about a ceasefire and begin a peace process. This constitution also responded to Renamo's two main justifications for the war, which were:

- that Mozambique was created as a one-party state; in this regard, article 77(1) of the new constitution stated that 'all citizens enjoy the freedom of creation or participation in political parties' and article 31(1) stated that 'the political parties express the political pluralism that contributes to the formation and manifestation of public opinion and that is a key instrument for democratic participation of the people in the government of the country'.
- that there was no guarantee of rights and individual freedoms; in this regard, article 96(1) stated that 'individual rights and freedoms are guaranteed by the state and must be exercised within the scope of the constitution and the country's ordinary laws'.

The 1990 constitution also defined democratic elections as the route to obtaining political power. Article 107(1) stated that 'the representative bodies are chosen through elections where all the citizens enjoy the right to participate'. Article 107(3) further stated that 'the election of deputies obeys the principle of majority'. According to this principle, the winner in each of the provincial constituencies would take up all the parliamentary seats allocated to the particular constituency.

The one-party People's Parliament may have adopted the majority system in order to give the country a non-fragmented parliament and a very cohesive executive (government) which would be strong and in a position to commit itself to the difficult task of reconstructing the nation from the ruins of the war.

However, during the GPA discussions in Rome, Renamo rejected the majority principle and defended the application of PR, apparently because it might have thought that the 'winner-takes-all' system would benefit Frelimo.

Raul Domingos, president of the Party for Peace, Development and Democracy (PDD) and former Renamo second-in-command, said:

'We understood that the proportional system was the best, because the people would vote for the party lists and everyone in that list would be elected. Even if all the candidates in the list were not known to the voters, the party was well known. If we had accepted the majority system, Frelimo would have brought well-known people and even people with money who could easily manoeuvre the voters and get the majority. As you may know, we were from the bush and no one except those in the rural areas knew us, and of course we were going to lose the elections ... the proportional system would be a guarantee that even if we lost the election we would get some representation in parliament.'

Thus it was agreed in Protocol III of the GPA, in the chapter dealing with the electoral procedures, that 'the Electoral Act shall provide for an electoral system based on the principle of PR for election to Parliament'. In relation to the election of the republican president, it was agreed that 'the President of Republic shall be elected by an absolute majority of ballots cast. If no candidate obtains an absolute majority, a second ballot shall be held restricted to the two candidates who have received the highest number of votes'.

In order to accommodate the GPA agreements, the 1990 constitution was amended, with article 129(1) stating that 'the universal, direct, equal, secret, personal and periodic suffrage constitutes the rule for the designation of the holders of the sovereignty and local government bodies'; and article 129(2) stating that 'the determination of the parliamentary election results shall follow the PR principle'.

The majority system might have been viewed in a very simplified manner not only by Renamo but also by the majority of the so-called 'emerging

parties' or 'non-armed opposition'. They might not have taken into account that there were several other constitutional possibilities, such as: a system of incomplete lists, opening possibilities for the election of minority candidates; or a majority election in two rounds, demanding from the candidate or from the list an absolute majority instead of a relative majority.

All five elections held in the country so far have used the PR principle. Interestingly, if the majority (winner-takes-all) principle had been in force, Renamo would have had the majority in the 1994 parliament with 152 MPs compared with Frelimo's 98 (see Table 10). Although Renamo won fewer constituencies than Frelimo, it won the two constituencies that elect the highest number of MPs. If winner-takes-all had been used, the UD, which had nine seats in 1994, would have had none, because it did not win in any constituency. The electoral system is therefore not a neutral mathematical instrument, but plays a crucial part in the electoral results and, therefore, in the democratic picture of the country.

**Table 10: Constituencies won by each political party in the 1994 parliamentary elections**

Constituencies won by Frelimo: 6 of the 11 (98 seats)		Constituencies won by Renamo: 5 of the 11 (152 seats)	
Inhambane	17 seats	Nampula	54 seats
Gaza	16 seats	Zambézia	49 seats
Maputo city	19 seats	Tete	15 seats
Maputo province	13 seats	Manica	13 seats
Cabo Delgado	22 seats	Sofala	21 seats
Niassa	11 seats		

**Source:** Supreme Court Validation Act on the 1994 General Elections

Analysts argue, however, that the introduction of PR – which ended up prejudicing Renamo itself and favouring Frelimo – has had the advantage of creating objective conditions for democratic consolidation in Mozambique. The opposition (Renamo) has enough time to learn how to act and behave in

the new political arena (democracy), mainly by the confirmation of the idea that Frelimo is no longer an enemy but a political adversary. As Carrilho stated:

‘A cohabitation between a president of the Republic from Frelimo and a Renamo majority in the Parliament, although interesting from an academic point of view, would have resulted in a very delicate situation in terms of governance.’<sup>5</sup>

Also, the PR system rewards the votes of the small parties that would hardly win an entire constituency. This happened in the case of the UD – a coalition of three small parties which in 1994 received 245,793 votes, or about 5.2% of the total, giving it nine parliamentary seats.

These advantages are crucial for the stability of the political system because almost all existing interests in a society manage to be represented in parliament, reducing significantly the social exclusion that has triggered many conflicts in Africa. Carrilho goes on to say:

‘... it must be recognised that because PR guarantees representation, its main significance is in allowing minorities to feel that their votes make a difference and that it is better to vote and struggle for change within the legal system than to resort to non-democratic means which lead to social destabilisation.’<sup>6</sup>

Similarly, analysts and civil society argue that PR offers the best solution in the context of post-war national reconciliation. According to Christian Council of Mozambique Secretary-General Rev. Dinis Matsolo: ‘... it was the best electoral system for the country because it showed that Mozambicans were ready to share, and it also, at least in theory, gave many political parties a role in society through participation in the country’s democratic institutions.’

For Frelimo, the PR system proved to be useful for the consolidation of democracy. According to Frelimo front-bencher Manuel Tome: ‘This system is useful because the winner does not take all but the loser is also not left with nothing. This ensures participation by those who lost. ... in this respect,

this system its much better and will continue to be the best way for Mozambicans until the stage of democratic transition has ended, because the country has not yet completely consolidated.'

By itself, however, PR cannot guarantee the representation that is so desirable for the stability of a political system. This is so because the GPA agreed that to elect MPs the political parties needed to have a minimum number of votes at national level. Renamo had been in favour of setting the minimum at 20%, while Frelimo proposed 5%.

Renamo's view, according to former Renamo deputy head and current PDD leader Raul Domingos, was that:

'... when we were about to start the negotiations in Rome, Frelimo adopted the phrase "non-armed political parties" for the 1990 Multiparty Constitution. This was to spread the vote and so weaken Renamo. To avoid such a situation, we demanded a threshold of 20% of voter support to enter parliament. We ended up with 5%, [which was still] good for our democracy and reconciliation.'

All political parties and civil society in general were in favour of the idea of a minimum threshold of votes to enter parliament, with the only disagreement being the size of the threshold. Looking at the pros and the cons, the minimum was fixed at 5%, with the distribution of the seats between parties that exceeded the 5% barrier being allocated according to the d'Hondt method.

Setting the minimum threshold at 5% was not well received by the smaller parties, which knew that hardly any would meet that figure. The Christian Council of Mozambique agreed that there was a need for 'minimum conditions' but that it should not be of 5%. According to Rev. Matsolo: 'We need to think about this figure, because it functions as a barrier ... 5% is too high ... There are, for example, political parties that have conducted good political campaigns and received about 2.5% of the votes, but because of the 5% barrier they were not able to enter parliament, and this is not good for democracy.'

For Frelimo, the 5% threshold was a huge GPA victory. While Renamo had demanded 20%, according to Frelimo's Tome: 'it was from our pressure that it accepted 5%. Now it is clear that even 5% is a hard condition, mainly for small parties, as it contributes to a two-party political system. We are going to think about it and we hope that the barrier can be lowered to perhaps 2.5%.'

Renamo understands that in the same way as minimum performances are set for participation in the Olympic Games, there should also be a minimum condition to enter parliament. As Renamo spokesperson Fernando Mazanga stated: 'We defend the barrier of 5% because if there were none any family could turn into a political party and run for parliament. With such a barrier, people need to think seriously before taking a decision to enter politics. The barrier obliges political parties to work hard and to redouble their efforts – something that is good for democracy.'

But Independent Party of Mozambique (Pimo) president and 2004 presidential election candidate Jacob Sibindy understands that the 5% threshold constitutes a way of legalising a one-party system in Mozambique: 'The result of the 5% barrier is this: the small parties cannot enter parliament and Frelimo is almost sure to get two-thirds of the seats. This means going back to a one-party system. This barrier must be removed, but if there is insistence that it should remain, the barrier should at least be lowered to 1% of the vote.'

For the PDD's Raul Domingos: 'I was the one defending a minimum threshold of 20% and later 5%, for reasons I already stated; but we now have to think seriously about it, because it is too high and very exclusive, in the sense that few if any minor parties will exceed 5%. I think we have to reduce it to 1% or 2%, or even eliminate it altogether. Why not? It is obvious that it is not contributing to a consolidation of democracy in our country.'

The Mozambique National Union (Unamo) believes that the 5% barrier is a Frelimo manoeuvre to maintain its hold on the national political system. According to Unamo president and 2004 presidential election candidate Carlos Reis: 'When small political parties are not represented in parliament, it is clear that Frelimo is not interested in good governance but in making the country its own property, which is a bad thing.'

Christian Council of Mozambique's Rev. Matsolo continued: 'The intention of the minimum threshold was to prevent people driven by personal interests and without any backing from society to become candidates, which would damage the credibility of the system. While a minimum condition is justifiable, it must really be the minimum if it is not to be an unreasonable barrier to entering parliament.'

For Frelimo, the 5% threshold was intended to bring discipline to the process of entering parliament and to prevent possible confusion in parliament, with Tome adding that: 'The barrier plays a positive role in preventing parliament becoming an institution with no credibility.'

Unamo's Reis believes, however, that the 5% threshold should be removed: 'This barrier should not exist. If the objective is not to prejudice the small parties but to guarantee quality and seriousness in the political system, we should find other ways of ensuring this, as it happens in Portugal, where such a barrier does not exist. There are other ways to guarantee seriousness.'

In the three general elections of 1994, 1999 and 2004, the 5% barrier has inhibited the consolidation of democracy: in each election, more than 12% of the voters elected no MPs because most of the smaller political parties polled fewer than 5% of the total vote.<sup>7</sup>

Another example of the 5% threshold constituting a real barrier for the consolidation of democracy in Mozambique was seen during the distribution of seats in the 2003 municipal elections. Wrongly interpreting the law, the CNE used the criterion of a minimum of 5% (that is, to enter parliament) to exclude five political groupings from representing their voters. When the CNE was informed about the error of using the 5% barrier in municipal elections, it restored the position to what it should have been, which was two seats to Pimo, one seat to the Friends of Nacala (Ocina) in Nampula Province, three seats to the Institute for Peace and Democracy (Ipade), founded by Raul Domingos in 2002, one seat to United for the Mozambique Isle (UPI), and one seat to Union for Change (UM).

In the 1994 founding multiparty parliament the three parties represented were Frelimo, Renamo and the UD, with Frelimo having an absolute majority.

In the 1999 parliament only two parties were represented, Frelimo and Renamo-EU, with Frelimo again having an absolute majority. In 2004, Renamo-EU fared poorly and Frelimo achieved a two-thirds majority, giving it the right to alter the constitution. The two-party nature of the country's national politics and its parliament is the result of the 5% threshold. It has become clear that a two-party political system does not lead to a consolidation of democracy, because once one of the two main political parties collapses, the other one will dominate the country's political life and then marginalise other political forces.

Another reason why the PR system in use in Mozambique does not guarantee the desired representation in parliament is because of the party list system used for parliamentary elections.

As Frelimo's Tome explained: 'In terms of article 152(1) of Law 7/04 of 17 June, MPs are elected through party lists in each constituency. The list system is a defect of the PR principle but we have to comply with it. People vote for party symbols and not for MP candidates, but this is the way the system works. In compensation, however, there are several advantages of the PR system.'

The smaller parties agree that the list system inhibits the deepening of democracy. According to Unamo's Reis: 'We are not totally against the list system, but we want other ways to be found to complement this system, because, for example, even if a certain person enjoys popularity in a certain constituency, he or she cannot stand for parliamentary elections for that specific constituency. This is because of the need to meet national criteria and to meet constituency MP numerical requirements. All this is very complicated for small parties to achieve.'

Civil society believes, too, that the list system fails to contribute to the consolidation of democracy because it does not require MPs to be accountable to constituencies. For Christian Council of Mozambique's Rev. Matsolo: 'The list system fails because MPs are accountable to their political parties and not to their voters. Our MPs do not represent the people but the political parties that elected them. There is therefore no dialogue between MPs and voters. This scenario is not good for democracy.'

Renamo also notes that the list system does not reinforce democracy. According to Renamo electoral office head Dr Eduardo Namburete: 'The system should be based on individual candidates so that the voters can vote for a person not for a list, as happens now. Because there is no real representation between the MPs and constituencies, this system does not allow real accountability. MPs' commitment is not to the people but to the political parties, which are responsible for the selection of MPs.'

With the list system, people who are not well known can be elected as MPs. Some of them do not even need to campaign in a constituency because they know that they are on the list and that the party enjoys popularity in the constituency. Instead of MP candidates sitting with people from their constituencies to find out what they want from them in parliament, their concerns are to satisfy their political parties.

The list system can also encourage an exchange of favours in return for a high position on the list. People interested in becoming MPs even pay money to party bosses to secure a top position on the list. These people know that being in a high position on the list is half-way to being in parliament, because even if voters do not like them, they will vote for the list. The list system is therefore more important to political parties than it is to the voters.

## ELECTION ADMINISTRATION: THE PITFALL OF MOZAMBICAN DEMOCRACY

‘...we have a parliament and a government as a result of general elections, as well as a multiparty constitution, which means that something is being done for peace and multiparty consolidation in the country. But the 12 years of peace and democracy show that there are some weaknesses that must be looked at carefully. One of the most popular weaknesses is the way we carry out elections, both municipal and general. In terms of free, fair and transparent general elections we had very little experience ... voter registration in many places is discriminatory; it is done in accordance [with] the political opinion of the zone. The election process is also very disappointing since logistical problems up to vote tabulation have always been a conflict[ive] issue. Democracy is a conviction and must be implemented by people who believe in it ... in our case it is being put into action by people who do not believe in it. The conviction that we must be democrats is not yet [well entrenched]. As I say, Mozambique is known for not being able to carry out free, fair and transparent elections.’

Jaime Gonsalves,

GPA mediator and Archbishop of the Diocese of Beira

### **ELECTORAL REGISTRATION**

Article 4(2) of Electoral Law No. 7 of 2004 states that ‘electoral registration of citizens is the indispensable condition for them to exercise their right to vote’. This means that it is not enough to say that ‘suffrage constitutes an individual and inalienable right of citizens’. According to article 4(1) of the same law, it is necessary that people at voting age go to electoral registration posts to register and obtain the voters’ cards needed in order to vote.

However, more than this, objective conditions need to be in place in order for people to register too. In other words, there is the need for:

- the availability of registration materials;
- trained and willing registration staff; and
- electoral registration posts that are not far from residential areas.

These conditions are not sufficient if, for instance, at STAE central level no reasonably trained staff exist who are willing to punch data into a computer.

The first electoral registration drive took place in 1994. This registration process was done in extremely difficult conditions. There were, for example, areas still planted with landmines, migratory movements of people returning to their places of origin after the civil war, and fear caused by the existence of small arms in some areas of the country, mainly those which had been under Renamo control.

In a second electoral registration drive in 1999, 7,099,105 potential voters were registered. This was followed by an updating in 2003 to create a correct basis for the 2003 municipal elections. This updating included the registration of: 1,308,592 new voters; 237,652 voters who had moved to other areas; and 521,275 voters who lost their voters' cards and applied for new ones, making a combined total of 2,067,519 voters.

However, in the 2003 municipal elections thousands of people could not vote because of mistakes made during the electoral registration process, mistakes in the subsequent computer data-processing work and problems arising from faults in the distribution of the voters' roll. Many people were not able to vote because their names could not be found on the voters' roll and because some rolls had been delivered to the wrong polling stations, to the wrong districts and to the wrong provinces.

National and international electoral observers and the Constitutional Council criticised the registration process, demanding a fresh and accurate compilation of the data regarding the number of existing voters in Mozambique.

In 2004, a further updating of the voters' roll was done after making sure that the 1999 and 2003 electoral data was correctly compiled and organised.

This updating included the registration of: 697,595 new voters; 217,516 voters who had moved; and 330,698 voters who were applying for replacement voters' cards – or a combined total of 1,245,809 potential voters.

The alleged incompleteness of this was criticised by Renamo, national and international observers as well as CSOs. Many people claimed not to have been registered and there was some substantiation of Renamo's arguments that a number of its members and strongholds were excluded. Renamo asked for an additional registration period while CSOs asked for an audit of the voters' roll in order to determine how serious the problems were.

A total of 2,494 registration teams were then formed. Some of these operated in a single place, such as a school, while some moved from place to place in the remote areas. A new potential voter had to show an ID or to be identified by an existing registered voter. The voter's personal details were then recorded and his or her photograph was taken, after which a plastic-covered voter's card was immediately issued.

In many areas, the mobile teams were not able to cover all the targeted places due to lack of transport or fuel, lack of registration materials or disorganised electoral bodies.

In Manica Province, animal transport was reported to have been used, while some teams even carried electoral materials on their heads. An STAE spokesperson admitted that some villages in Manica were not reached by the teams, but not to the extent claimed by Renamo. STAE staff also admitted faults and problems with computerised registration books, some of which had wrong covers or missing or incorrect pages. The process was complex because there had been three electoral registration processes – in 1999, 2003 and 2004.

There were several answers to the question 'How many voters are there in Mozambique?', some of which are more approximate than others. It is in fact impossible to know how many genuine voters, alive and registered, there are. We may choose any one from a number of totals offered to us: 11 million, 10.6 million, 10.4 million, 10.1 million, 9.8 million, 9.1 million, 8 million, 7.7 million, 7.6 million, 7.5 million or 6.4 million.

Why is it impossible to give an accurate answer to this simple question? The electoral registration process is in such confusion that it is not possible to know how many people are listed on the voter's roll. Some 10.4 million voters' cards were officially issued, although this number seems to have been inflated. Some 10.6 million names appear to have been listed, but this number was reduced to 10.1 after a 10-week cleaning process which ended just before the elections.

STAE says that a total of 9.1 million first-time voters were registered in 1999, 2003 and 2004 – made up of 9,095,185 voters in Mozambique (the number used to calculate the distribution of parliamentary seats) plus 46,966 non-resident voters (in what is known as the diaspora), making a total of 9,142,151 potential voters. This was the official figure on which turnout percentages were officially calculated.

Of this total of 9.1 million people who were registered for the first time in 1999, 2003 and 2004, National Statistics Institute (INE) figures indicate that 1.1 million of these have died, giving a figure of 8.0 million surviving voters. However, there is a general feeling that because of the confusion with the voters' roll used in the 2003 municipal elections, where many people had not been able to vote, many people apparently registering for the first time were in fact registering for the second time. The estimates of this number are about 400,000 voters, again reducing the number of surviving voters to some 7.6 million.

In September 2004, the United Nations Development Programme (UNDP) in Mozambique provided a consultant to sort out the problem of the voters' roll. This consultant expressed deep shock at the state of the data, which he cleaned up considerably over a period of about 10 weeks. He discovered that some of the data had never been computerised and that others had been computerised twice.

The consultant used software to find cases where the same number had been allocated to more than one person and he then allocated new numbers in the case of such duplications, so that these people would be able to vote. Another programme was then used to identify names that appeared more than once in the register. In this process, more than 300,000 names were

removed. Finally, he had (manually and with help from STAE provincial offices) to solve thousands of other queries.

In total, some 250,000 missing names were added and some 800,000 duplicated names were removed, making a net reduction of some 532,000 names, reducing the total number of registered voters from 10.6 million to 10.1 million.

Although the end-result of this exercise was not perfect, it was far better than all the previous compilations. Asked by the Mozambique *Political Process Bulletin* for comment on this disorganisation, Brazao Mazula, head of an electoral observer body and a former CNE member, said: 'If you want to prepare a fraud, you start by disorganising the process.'

In addition to these problems, other problems arose from the list of polling station locations published by the CNE. As people were required to vote where they had been registered, it became a race against the clock to match the information in the voters' roll to that for the various polling stations. For example, Nampula Province discovered that it had been allocated eight more polling stations than it required, while Tete, Gaza and Niassa had too few such stations. In some places, instead of creating extra polling stations, the local authorities simply allocated extra voters' rolls to existing stations. Officially, no polling station could have more than 1,000 voters, but many had 1,500 and at least one had 2,000.

As the CNE declined to publish the list of voters' rolls allocated to the various polling stations, the electoral observer process and monitoring by the political parties was extremely difficult. With no lists available, some people found it impossible to find their polling stations. Even a CNE member was unable to vote because his polling station was not at the school where he had registered and there was no list to help him. Publication of a map of polling stations is required by law, but the CNE argued that the presence of a certain number of polling stations at for example, a particular school was the equivalent of such a map.

CNE member Rufina Mombora is on record as saying that the list of voters' rolls was 'a state secret'. This seemed to be part of an attempt to hide the fact

that, in some provinces at least, such lists did not exist. Serious mistakes were corrected too late or not at all, and there was no time to test possible computer defects or other possible problems in advance.

It was in this context that there was a range of numbers indicating the country's potential number of voters. The following list is taken from the Mozambique *Political Process Bulletin*:

- About 11 million – the number of names recorded at the polling stations (because of the duplicated electoral registers);
- 10.4 million – the number of those considered to have been registered before the UNDP cleaning operation;
- 10.1 million – the number of names in the electoral registers after the UNDP cleaning operation;
- 9.8 million – a database estimate of the number of names on the registers;
- 9.1 million – the first official registration in 1999, 2003 and 2004 used to calculate the number of seats in parliament and voter turnout;
- 8 million – the figure of 9.1 million minus those who have died;
- 8 million – the figure given by CNE President Arão Litsure in an interview to *Tempo Magazine*;
- 7.7 million – corresponding to 85% of adults of voting age;
- 7.6 million – derived from the 8 million voters living, minus the names of people who did not register for the second time;
- 7.6 million – the figure stated by STAE Director-General António Carrasco;
- 7.5 million – the figure stated by Jimmy Carter; and
- 6.4 million – the figure used by Frelimo, based on the assumption that only 70% of people registering for the first time were in fact doing so and were still alive.

With this disparity in the number of the voters, it is impossible to determine the percentage turnout for the 2004 elections. There is agreement that some 3.3 million votes were cast. This represents only 30% of the 11 million names in the polling station lists. The same number represents 36% of the 9.1 million people who registered for the first time, which was the number used for

official calculations. However, our average indicates 43% of potential voters, while Frelimo's figure would represent a turnout of 52%.

The difficulty in indicating the precise number of the voters is not only worrying because it is impossible to determine the turnout percentage, but also because the calculation of seats per constituency depends on the number of registered voters.

As an example, a close look at the data suggests that Tete Province had been allocated too many parliamentary seats. The number of seats is based on the number of first-time registrations in 1999, 2003 and 2004, excluding people who obtained a second card or who moved and who registered again in 2003 and 2004. For Tete constituency, the official number of first-time registrations was 661,000 – yet the total number of people on the cleaned roll, including people who registered more than once, was only 603,000. This suggests Tete should have had 15 and not 18 seats in parliament.

Politicians and CSOs were also concerned about the composition and functioning of the electoral administration bodies. The following was laid down in the GPA protocols in Rome:

'For the purpose of organising and conducting the electoral process, the government shall set up a National Electoral Commission (CNE), composed of individuals whose professional and personal qualities afford guarantees of balance, objectivity and independence vis-à-vis all political parties. One-third of the members to be appointed to the CNE shall be nominated by Renamo.'

Renamo demanded that it should take part in the electoral administration bodies because it did not have confidence in the people who would be designated by the government to conduct the electoral process. In fact, Renamo took part in all commissions created within the GPA.

According to Renamo electoral cabinet head Eduardo Namburete: 'Those who were coming from the bush, including Dhlakama, did not have confidence in the people in cities and they therefore demanded to be part of

all electoral bodies. Renamo, however, had a minority representation in the CNE before any electoral act had taken place. The PR principle could determine the number of Renamo members in the CNE.'

As an instrument for minimising or eliminating distrust between the parties that signed the GPA, the CNE did not produce the expected results. Instead of solving the problem, its partisan membership perpetuated and even increased the atmosphere of suspicion; even now the simple production of electoral material for registration needs to be monitored by members of both main parties (Frelimo and Renamo).

CNE membership is defined by articles 4 and 5 of Law No. 20/2002 of 10 October. Its 19 members shall include a president and two vice-presidents. Candidates for the president are to be proposed by legally formed CSOs and the other members are to be drawn from political parties or political party coalitions in proportion to the number of seats they hold in parliament. The president of the CNE is chosen by the president of the Republic from the candidates proposed. It should be noted that the process, though legal, is not transparent. The present CNE president is Arão Litsure, a pastor from the Christian Council of Mozambique.

National and international observers criticised the CNE composition on the grounds that it should not be politicised but should respond to the will of the people. Despite the reform in the process of choosing the president (proposed by CSOs), the CNE still works as a parliament in miniature in which the other CNE members respond to the interests of their parties.

Renamo argues that the electoral system was devised when there was no trust between the political parties that signed the GPA and that conditions have since changed, making it necessary to form a new CNE whose members are recruited from civil society in the same way as the president. As Renamo's Namburete stated: 'The composition of the CNE is a clear demonstration that it functions as the parliament in miniature, with each side defending the wishes of its own political party, and without regard for political parties represented in parliament and the civil society ... CNE members respond to their political parties and not according to their technical knowledge of the electoral process, their conscience and the wishes of civil society.'

For Frelimo, this was a point on which it had yielded at the GPA. According to Frelimo's Tome: 'Renamo now appears to be demanding de-politicisation of the electoral administration bodies, forgetting that [it] was due to its demand that we accepted their present composition. We have always defended the professionalism and independence of the electoral administration bodies. We believe therefore that the CNE should never have been formed in this way. If Renamo now feels that these bodies are no longer useful, we need to hold discussions and find a solution that is correct for Mozambique.'

The Christian Council of Mozambique's Rev. Matsolo believes that in 2004 the electoral administration bodies were not working properly. He said: 'There were people in the CNE in 2004 who were prepared to take the risk of making the elections not fair and peaceful as a way of guaranteeing victory to their candidates and their political parties. This is very dangerous. We should not continue in this way. We need to have independent and professional bodies, without any kind of connections with the political parties. The most important thing now is to see how we can change the law that created the CNE.'

The small political parties maintain that the composition of the electoral administration bodies should not be partisan, but that if it is to be partisan they should also be represented.

Unamo President Carlos Reis stated: 'The composition of the electoral administration bodies is very bad and is not fair to those of us who are not represented ... We believe these bodies should be independent and without any kind of interference from the political parties. But, if the main political parties [Frelimo and Renamo] are not willing to create the right conditions, then we, too, need to be represented.'

The Mozambique *Political Process Bulletin* No. 33 included a summary of its criticism of the CNE in words similar to those used by the Rev. Dinis Matsolo (quoted above).

Renamo states further that CNE members should be either academics or other well-respected personalities in society, as such people would not endanger their reputation by siding with a particular political party or presidential

candidate. Members should be chosen from public nominations. According to Renamo's Namburete: 'The selection, by public nomination, of people from civil society to lead the electoral process might not solve the existing problem of lack of confidence but would diminish to a large extent the level of distrust and ease the tense atmosphere in the electoral administration bodies.'

This principle should not be limited to the CNE but should be extended to the PECs and the district electoral commissions (DECs) as well as to STAE, whose members are selected in the same way as those of the CNE.

### **THE CAPACITY OF THE ELECTORAL ADMINISTRATION BODIES**

Since 1994, national and international observers have praised the work of the electoral registration and polling station agents. Commonwealth Electoral Observer Mission Head Mr Lewis said a week after the 2004 voting that: 'Polling station staff adhered to the prescribed procedures, and were efficient and helpful to voters; security was light but effective; all stations we visited were well equipped; the polling station count was meticulous and transparent and generally in line with procedure.'

Former US president Jimmy Carter also praised the conduct of polling station staff who performed their duties 'in a careful and meticulous way, almost to perfection'. He was particularly impressed with the large number of women who were in charge of polling stations.

The EU observer mission report noted that 'the election administration was able to organise the elections in what were sometimes challenging logistical circumstances', and that the many thousands of staff at the polling stations 'showed great dedication in carrying out this task'. The mission praised 'the commitment of the well-trained polling station staff who were often working under difficult circumstances'.

These comments, however, apply to the 66,000 polling station staff and not to STAE central and provincial staff or to CNE members. The polling station staff for the 2004 elections were recruited and trained to work for the two days of the election. Their work ends after the partial counting of the votes at the polling stations.

The problems, however, begin with the provincial and national tabulations of results, after the polling station staff have handed the results of the partial counting to the DECs, who in turn hand over to the PECs. It is during this process that cases arise where returns (sheets with results processed at the polling stations) go missing or are faked.

It is at provincial level that the misinterpretation of the electoral law starts. The law clearly states that the PECs are required to do the provincial counting. In 2004, however, and in clear contradiction to the law, STAE performed this task. Although the same law requires the results at provincial level to be counted by district, the results were counted by province. The most worrying problem at both provincial and central level is the lack of transparency in the tabulation of the results.

While almost all observers praised the voting process, they criticised the counting process, which, as mentioned, does not allow observers, journalists and civil society representatives to monitor the process. As Commonwealth Electoral Observer Mission head stated: 'For observers to make judgments on the process, they need full access to and detailed information about it. This is as important for the credibility of the next part of the process as it was for the part which has just been completed.'

Observers were also unhappy with the CNE computer software, particularly 'numerous inconsistencies in the database, especially the total number of polling stations it was programmed to accommodate'. Observers were told that the computers would accept only returns from authentic polling stations, yet there were cases where undoubtedly genuine returns were rejected. In some provinces, including Tete, returns were processed manually, while in others they were simply passed on to the CNE.

The observers' comments showed that it was possible for Mozambique to organise an electoral process with a high technical standard, with staff that are well trained, committed to the process and free of any political or other external influences.

The significance of secret PEC and CNE sessions became apparent in 1999 when the election was very close and it was reported that a surprisingly

large number of polling stations had been excluded. (In the most recent local elections, also, the CNE issued three different sets of results in less than a week, the first two of which were riddled with errors.) In 1999 the CNE excluded nearly 7% of polling stations from the presidential count and reconsidered some half a million spoilt ballot papers. The secret PEC and CNE sessions have been assumed to include some degree of political horse-trading.

In the 2003 municipal elections, international observers from both the Carter Center and the EU praised the actual conduct of the election, but criticised the lack of transparency of the final count, citing possible misinterpretations of the law by the CNE, and they objected to the way they were bureaucratically obstructed.

In its validation report on the 2004 results, the Constitutional Council criticised the lack of transparency of the final computerised tabulation. The Council said that even if problems during the tabulation had been overcome, it was important to stress that 'the principle of the transparency of the electoral process is an essential element for its national and international credibility'. Thus the Constitutional Council believes that, without endangering 'the security and good conduct of tabulation procedures', the electoral bodies should have ensured that 'adequate conditions are established so that no doubts remain about the impartiality, fitness and strict legality of these operations at local, provincial and central levels'.

This can only be interpreted as a rebuke to the CNE for the intransigent and arrogant way it handled requests from observers for access. Implicitly, the Constitutional Council recognises that there should be no closed-door meetings at which the fate of returns is decided, or alterations, however justified, made to provincial results. Everything should be done in a manner that all can see and confirm.

The counting process is complex from the very first step at the ballot box up to the CNE at central level. The fact that this complexity has been managed proves that there is a technical capacity to conduct the electoral process, but the question remains whether the political compromises and connections of the CNE members allows them to use their expertise for or against the fairness

and transparency of the electoral process. The fact that ballot counting is so complex, slow and tense suggests that the electoral process has been intentionally derived to benefit only those in the know, who are prepared to do some political horse-trading.

According to its general secretary, Don McKinnon, the Commonwealth (of which Mozambique is a member) has offered the country technical assistance to improve its electoral legislation and procedures. McKinnon said: 'We can help overcome the deficiencies and bring about an electoral process in which people can have more confidence.' He added that he found the almost three weeks between the close of the polls on 2 December and the final declaration of results on 21 December 'extraordinary'. McKinnon continued: 'This is something new to me. It seems unique to Mozambique. People will be more confident in the results if this time can be reduced.' He pointed out that the Commonwealth can call on a large pool of expertise in all areas of electoral organisation and make this available to Mozambique. 'But this will only work if the government works with us and our experts. A solution must satisfy everyone, and not just one side.'

Any assistance should include staff training at all levels, tackling mainly the behaviour aspect. It is extremely difficult for people to get information from the electoral administration bodies. The STAE director-general and senior CNE staff seem to want nothing to do with taxpayers or voters; they hardly ever account to the people, and they make life hard for observers, journalists and researchers.

Commenting on the behaviour of electoral administration staff, Brazao Mazula, head of an electoral observer body and a former CNE member, told a conference in Beira that: 'The electoral administration bodies do not exist to exercise power, but to serve the nation by conducting a free, fair and transparent electoral process.'

#### **INDEPENDENCE OF THE ELECTORAL ADMINISTRATION BODIES**

The electoral administration bodies, principally the CNE and STAE, are legally independent, performing their functions in accordance with the constitution and other laws. As previously indicated, however, observers have suggested that, with the exception of the CNE president (who must be

nominated by CSOs) the CNE and STAE function as a parliament in miniature and are partisan.

The EU observer mission was clearly unhappy that the CNE should be 'a highly politicised and deeply divided body. Its partisan composition sometimes hampered effectiveness'.

The Commonwealth mission also recommended 'fundamental electoral reform' in Mozambique, particularly that political parties should be removed from the electoral bodies, and that all aspects of the electoral process should be opened to observers. 'The key reform must be to establish genuinely independent electoral bodies. A depoliticised independent electoral commission should be established to prevent politics in the CNE's decision-making process that leads to delays and inefficiency.'

STAE's executive structure – part of the CNE – should also have no political appointees, whereas there are currently Frelimo and Renamo appointees at district, provincial and national levels.

STAE, the Commonwealth report said, should be staffed 'by independent, professionally appointed personnel'. Observers, it recommended, should oversee everything, 'particularly the crucial (and often sensitive) phases of the tabulation of results'. According to Zambia's Foundation for Democratic Process Executive Director, Elijah Rabvuta (who headed the Commonwealth expert team for the 2004 elections), such full observation 'would serve to minimise any suspicions on the part of electoral contestants and other stakeholders, while increasing the legitimacy of the election outcomes'.

On 12 October 2004, President Chissano told reporters from Mozambican television and radio that he had 'instructed' the CNE to 'accommodate the requests from the EU for observation'. The following day, the CNE met, but, according to CNE spokesperson Filipe Mandlate, Chissano's instruction had not even been tabled. The people took Mandlate's statement as a reaffirmation of the CNE's independence. However, on 1 December (the first day of polling), when questioned by journalists on the same issue, Chissano said: 'That is a matter for the electoral bodies to decide, and the president of the Republic is not one of those bodies. They are the bodies that will tell us what

the results are.’ Chissano refused to become involved in the dispute over the use of computers in vote counting. He certainly wanted to safeguard the CNE’s independence.

In the eyes of the people, the electoral administration bodies are independent of the three democratic institutions: legislative, judicial and executive. However, the main political parties (Frelimo and Renamo) have their representatives in the CNE and other electoral administration bodies; and Frelimo is the party ruling, meaning that the Frelimo members in the electoral administration bodies meet with the Frelimo government to discuss issues that include the electoral process. The government must provide finance and logistical support for electoral registration and political parties’ campaigns, which means that as long as the partisan composition of the electoral administration bodies remains, the party in power will take advantage.

#### **HOW IS THE VOTE COUNTED?**

Mozambique’s vote counting system is apparently unique, time-consuming, and a mix of lack of transparency and secrecy. As soon as the 2004 voting closed on the second day, each polling station did its own count, typically by lamplight and until after midnight. The results are summarised in a return sheet. One copy of this is immediately posted on the door of the polling station, and copies are given to any party delegates present. This is the most transparent part of the process because it allows parallel counts. Other copies of the return are sent to the PEC and the CNE. All invalid ballot papers and any protested ballot papers are also sent to the CNE.

The next step is the provincial count. Data from the returns is inputted into the provincial computer system and the results copied on a CD-Rom and sent to the CNE with any returns that could not be processed. Some 1,000 returns are sent to Maputo in every general election.

At national level, the CNE does its own provisional count, supposedly to compare to data sent by the provinces. The CNE also checks all invalid ballot papers (nearly 400,000 in every general electoral process), accepting perhaps one-quarter of these as valid, and checks the handful of protested votes. These are added to the provincial totals. The CNE also receives all returns

which could not be processed at local level and tries to include them. The final step is a set of 'corrections', taking into account the provisional count, additional returns which the CNE chooses to include and any other changes which the CNE and STAE feel are necessary.

These final processes are almost all done in secret and no details are published. Observers and the media are restricted to watching the re-classification of invalid ballots for two half-hour periods each day. In some provinces and at national level, computer terminals gave a running total of votes tabulated and allowed a check of the returns as they were inputted. These terminals were turned off as soon as the data input was completed and the data passed to PECs and the CNE for corrections and checking.

#### **THE ECONOMIC SUSTAINABILITY OF ELECTIONS IN MOZAMBIQUE**

The cost of an election registration drive is about US\$6 million, which is very high in the light of electoral law, which requires the process to be updated annually. In 1998 the municipal elections cost almost US\$21 million and were considered one of the more expensive for their size in the world. The 2004 general elections also cost nearly US\$21 million, of which some 80% was contributed by the EU, with a smaller contribution coming from the state budget.

Mozambique depends on foreign aid to fund election expenses. Carlos Cardoso wrote, in one of his *Metical Journal* issues, that 'the multiparty system in Mozambique is growing as a giant that cannot be supported by the growth in our taxation. Soon it will be as problematical as servicing our external debt'.<sup>8</sup> In the same article, he noted that the high cost of the multiparty system was being paid by the international community, and 'might open the way to repressive alternatives, such as "as we do not have money for this kind of representative democracy, we cannot have any democracy".'

The electoral process in Mozambique is clearly financially unsustainable because it creates an external dependence for funding; and when the external funding ends, it will be unreasonable for the state to spend some US\$25 million on elections when more than half the population is living in absolute poverty. In terms of the former point, when in 2004 the EU election observer mission formally requested access to all phases of the electoral process in

order to guarantee transparency, many news media, analysts and Frelimo argued that the EU mission was making that request because it knew that it was funding more than two-thirds of the election costs. Fernando Gonsalves, the editor of *Savana* weekly magazine wrote: 'The EU wants to involve itself because of its investment ... It is a question of justifying its actions to its taxpayers in Europe.'

The political parties say they are aware of the high cost of democracy. Renamo spokesperson Fernando Mazanga said that Renamo was aware that 'democracy is very expensive, that it demands pawning, effort and suffering, but that it is good in terms of outcomes ... Our problem is in governance, as Frelimo lied to the international communities instead of taking the opportunity to explore the country's potential. Mozambique would have the capacity to pay all its expenses, including elections and democracy, if the Frelimo government concentrated its efforts on exploring the country's potential'.

An interesting idea comes from Pimo, which believes that elections under the extreme poverty in which Mozambique finds itself is a waste of money. Pimo President Jacob Sibindy said: 'Democracy cannot sustain a situation in which the majority of the population are close to poverty and hunger ... We should sit around a table with an agenda for developing the country. We need to stop thinking of elections for a period while all the political parties and civil society strive to create minimum conditions for Mozambicans. We will then be able to return to disputing political power. We could turn our political parties into NGOs to fight absolute poverty instead of wasting the money which could be used to fight absolute poverty, which, if it continues, means that no one will vote.'

The analysis that elections in Mozambique are financially untenable may be correct but it discounts the real and visible democratic advantages of periodic elections; which is why the question should, instead, be: 'How may we carry on free, fair and transparent elections at a cheaper price?'

This should be our agenda until the next election is due. A debate on how to run 'economically tenable elections' requires the participation of government, the electoral administration bodies, civil society, political parties, donors and

the media. It is necessary to know the effective cost of a civic education campaign, the cost of electoral registration and the cost of the Electoral Act itself. The problem being faced in Mozambique is that no one is interested in providing information on the real cost of municipal and general elections.

The Planning and Finance Minister needs to state what budget the state can provide for elections, and the structure of the electoral administration bodies should be designed to take account of the finance available.

People would then no doubt raise the issue of lack of trust which led to the present complexity and bureaucracy of the electoral administration bodies. But we need to ask whether people who systematically raise the lack of confidence issue are truly interested and committed to the democratic system. If people want a democratic system, they must be committed to it, respecting its principles and accepting the need to form electoral administration bodies not influenced by the political parties. Those who are involved in the process must work to restore the country's electoral credibility, because a country governed by a constitution must not depend on interest groups or political parties.

The present electoral administration bodies use up a great deal of money on salaries and subsidies to people whose only contribution is to make the electoral process long, non-transparent and contentious. Necessary reforms include:

- a simplification of the electoral process, mainly the counting of votes from the ballot box to the central tabulation;
- combining general and municipal elections, which means a single electoral event for both elections;
- providing good electoral civic education to improve procedural problems, including a reduction in the number of invalid votes cast by the many people who cannot read or speak Portuguese;
- planning the elections as part of the country's general budget, with an electoral fund as previously described.

While these measures may not be enough to ensure cost-effective elections, they should reduce the country's external dependence significantly.

## GENDER AND DEMOCRACY

'We are, in relation to women, faced by two priorities. The first is to persuade the political parties to include more women in their electoral lists, and the second is to persuade women to demonstrate their skills. ... In our meetings with women, we insist that they overcome the shyness barrier imposed by society and fight for space in the political system. However, we ask at the same time about the performance of women who are benefiting from quotas in parliament. This is because we need to substitute a quality approach for a quantity approach.'

Ângela Abdula, International Republican Institute<sup>9</sup>

### CONTEXTUAL ASPECTS

The national liberation war and the liberated zones served as laboratories for many social processes that marked the history of Mozambique: women were not excluded from these laboratories. The war experience and colonial rule underlined the discrimination that existed against women and the need for a changed approach. With independence, Frelimo introduced a policy of emancipating or empowering women, who acquired the right to freedom of expression and association. Women joined public life, created cultural groups and participated in adult education and literacy campaigns.

It is interesting to note that power relations based on gender are generally characterised by different working and social roles and decisions on the distribution of resources between men and women. This is the central issue. Although women may be symbolically represented and be able to express their opinions, they still do not make the decisions or control the resources.

Mozambican women's roles continue to be associated with family tasks including feeding and taking care of children and the sick, and looking after the house and food production. As in most countries, women carry a disproportionate domestic workload. Women's participation in politics is further constrained by poverty, lack of education and lack of access to information. It must be recognised that it is difficult for women to participate

in political life when a major concern is survival, and women in Mozambique have no choice but to spend most of their time trying to meet the basic needs of their families. In common with many other developing countries, the illiteracy rate is also higher for women than it is for men. In Mozambique the illiteracy rate is 53.6% for the population as a whole but an estimated 68% for women.<sup>10</sup>

### **THE GENDER CONCEPT**

The Mozambican population is mainly from rural areas, living off rudimentary agriculture and depending on rains. About 81% of the total population depends on agriculture and fishing.<sup>11</sup> An agricultural life is based on a particular technical and social order that determines the nature of family life and productivity and depends on mutual support among a group of farmers. The established social rules, however, undergo changes with time. This is our starting point to address the concept of gender.

Gender confers differences in social status, with differences between women and men within a specific cultural context. Normally, these social roles mean that men and women have different roles in society. In the family the woman's first role is as a wife and mother, with responsibility for domestic tasks. The private sphere is reserved to women and the public sphere to men: '... the area of performance for men is defined as the public life, which is dominated by business, economy, industry, international affairs, politics and government.'<sup>12</sup> In this context, our culture defines masculinity in terms of the strong, competent, non-emotional, rational and competitive. And it defines feminism in terms of teacher, care-giver and one able to deal efficiently with emotional rather than rational issues. Gender therefore governs the social relationship between men and women in society.

### **WOMEN IN POLITICS**

The 1990 constitution guarantees the equality of men and women before the law in all areas of political, economic, social and cultural life. Article 57 states that:

'the state promotes and supports the emancipation of women and encourages women to play a full role in society ... The state recognises the participation of Mozambican women in the

process of national liberation ... The state values and encourages the participation of women in the defence of the country and in all spheres of political, economic, social and cultural activity.'

While this article from the constitution represents the formal position, the reality is that women remain disadvantaged in Mozambican society. Although women make up more than half the electorate and have the right to vote and also the right to stand for elections, they remain under-represented as candidates for political office. Politics continues to be defined and organised according to male norms and values.

'Men dominate the political arena; men formulate the rules of the political game; and men define the standards ... For example, the political model is based on the idea of winners and losers, and competition and confrontation rather than on mutual respect, collaboration and consensus-building. The competitive environment is alien to women's nature and experience. The existence of the male-dominated model results in women rejecting politics altogether or rejecting the male-style of politics.'<sup>13</sup>

Factors contributing to this situation to which we can refer exist in the political, economic and educational arenas, as well as in the strict social roles attributed to women. Greater representation of women in political life is also inhibited by the discriminatory attitudes and practices of political parties. Women often lack the support and access to training and education from political parties that would allow them to enter political life.

'It is difficult for a woman to make up her mind to enter politics, and if she makes up her own mind to do so, she has to prepare her husband, her children and her other family. If she overcomes all these obstacles and "applies for a ticket" to enter politics, her male competitors start making up all sorts of stories about her. If, after all this, her name goes forward to the party bosses, they do not select her because they fear that she will lose the seat.'<sup>14</sup>

Apart from the lack of support from political parties which includes money and other resources to fund women's campaigns and boost their political,

social and economic credibility, there is a lack of media attention on women's contributions and potential. The mass media tends to minimise coverage of events and organisations of interest to women. (This scenario is, however, changing and in 2004 a woman was nominated for prime minister.)

On the whole, these factors, in isolation or put together, inhibit faster progress for women and the improvement of their social status, and consequently their participation in political life and other decision-making positions. Faced with these facts, gender promotion and equality become challenges for the whole society, which needs to understand that the democratic system benefits from the participation of women in decision-making processes.

### **THE QUOTA SYSTEM IN MOZAMBIQUE**

Worldwide, some 30 countries, including Mozambique, use the quota system to ensure women's participation in political life. The quota system is designed to recruit women into political positions and to ensure that they are not excluded from political life. In general, quotas for women represent a shift from one concept of equality to another.

The classical liberal notion of equality was a notion of 'equal opportunity' or 'competitive equality'. Now, a second concept of equality is gaining increasing relevance and support: the notion of 'equality of results'. The argument is that real opportunity does not exist just because formal barriers are removed. Direct discrimination and a complex pattern of hidden barriers prevent women from getting their share of political influence. Quotas and other forms of positive measures are thus a means towards 'equality of results'.

In the 1999-2004 legislatures, there was 30% representation of women in parliament, which is in line with international norms, such as the Fourth World Conference on Women (Beijing, 1995), the September 2000 Millennium Summit, and the Convention on the Elimination of All Forms of Discrimination Against Women.

In the Southern African Development Community (SADC) region, Mozambique leads in terms of the number of women in parliament. In Mozambique the quota system contributes decisively to the participation

and representation of women in political decision-making positions, either by nomination or by election. However, the quota system must be complemented with more actions at various levels to ensure women's participation in democracy and development in general.

Of the approximately 40 political parties in Mozambique, only Frelimo (the party in power) uses the quota system, which means that it adopts internal measures to ensure women's representation in its candidate lists. Frelimo's internal rules state that in all party structures at all levels and in all lists for any election, at least 30% of seats must be allocated to women.

What needs to be questioned, however, is the genuineness of the 30% quota. Would it be true to say that quota systems represent a genuine recognition of the relevance of women's participation in the decision-making process or, instead, merely acquiesce to international conventions and donor pressure?

Frelimo has kept to this minimum. In the parliament of 1994-1999, there were 51 Frelimo women MPs out of a total of 129. Frelimo's 51 women also represented the bulk of the total number of women MPs, which was 69 (out of the total of 250 MPs). In the 1999-2004 chamber, the number of Frelimo women MPs increased to 54 out of the party total of 133, while the total number of women in parliament increased to 79. After the 2004 general election, Frelimo had 66 women MPs, or 12 more than it chose for the 1999-2004 legislature.

There is an interesting point from the OMM (Frelimo women's organisation) definition of women. It includes the words 'women are inseparable partners to the committed men in the revolutionary cause'. This definition suggests a second place for women, with men perceived to be in the front line of the political, economic, social and cultural domains.

With or without pressure, women's representation in Frelimo conforms to international recommendations. While this is important, it should be noted that the quota system schemes are reported to exist for filling lists with friends and relatives. 'Sometimes, rules (quota system) are met by putting friends, cousins etc. on to the lists so that people ask "who are these unknown people?"'.<sup>15</sup>

Such a situation is, however, not unique to Mozambique. Ana Ballebo, a Spanish MP, notes: 'Quotas are a double-edged sword. On one hand, they oblige men to think about including women in decision-making, since men must create spaces for women. On the other hand, since it is men who are opening up these spaces, they will seek out woman whom they will be able to manage – women who will more easily accept the authority of men.'

The main opposition party in parliament, Renamo, does not use the quota system. It had 18 women MPs from a total of 112 in 1994, 26 out of 117 in 1999, and 23 out of 90 in 2004. According to Renamo Political Commission member Gania Mussagy: 'Renamo is not worried about quotas. We know our objectives in terms of the Beijing and Malawi declarations. For us, the most important thing is not to guarantee quotas and, by doing so, prejudice our level of discussion on political issues in the [parliamentary working committees] ... As you know, parliament is not a place to look for a job ... but ... where people go in order to discuss politics. Unfortunately, we do not have enough women who qualify on this basis, which is why there are more men than women.'

We believe that Renamo's position only serves to perpetuate the misconceptions around women in politics. Women can learn about democratic processes on the job, so to speak, instead of waiting for them to prove that they have a certain level of knowledge before allowing them to discuss issues in parliament. This position may also reveal a lack of understanding vis-à-vis women's roles and the advantages of gender equity in the consolidation of democracy.

The PDD argues that the quota system in use throughout the world is mechanical and imposed from the top, and that it leads to an unrealistic participation by women in political life. According to PDD leader Raul Domingos: 'We are a new political party, but even so we nominated 59 women in our total of 250 candidates for MPs. None of these came out of any quota system; instead, this was the number that came from the constituencies according to the commitment of the people. We are aware of the need for a gender balance and we are thinking how, instead of through quotas, we can advance women ... Quotas have nothing to do with people's performance and commitment of the people ... We would prefer something that allows women to conquer their own space.'

In our view, it is important for women to organise themselves and study in order to make effective use of the opportunity they have been given today. Women should also urge their parties to set down clear rules for candidate selection. It is more likely that women will benefit if parties have clearly set-out procedures for selecting candidates rather than a system based on loyalty to those in power. Only when the rules of the game are clear it is possible for women to develop strategies to improve their representation. When the process is dominated by patronage, decisions will be made by a limited number of people, who will almost certainly be predominately male.

### **WOMEN AND ELECTIONS**

Thirteen candidates for president and 3,115 candidates for parliamentary seats ran in the first multiparty elections in 1994. Of these there were no women candidates for president, but 548 women MP candidates (or 17.6% of the total). Some 12.6% of the women (69) were elected to parliament.

Frelimo nominated 130 women candidates in 1994, followed by the PPPM with 82, the Labour Party with 46, the UD with 40, Renamo with 38, and other parties, which between them nominated a total of 212 women candidates. Frelimo's approach is not only to maintain the 30% quota overall, but to position women in its lists so that the 30% will be achieved in the results. In 2004 it would, for example, have put 59 women into parliament if its total MPs had been the same as in 1999 (133), which would have represented an increase of five women compared with the previous general election. In this way, Frelimo is able to ensure the representation norms set by international conventions.

In 1999, Frelimo had two women heading constituency lists, with one of these being chosen as deputy-president of parliament. In the 2004 elections, Frelimo doubled (to four) the number of women at the head of its lists. Its results did not suffer because of these choices. It won in three of the constituencies and had a significant recovery in the fourth in relation to the 1999 results. Frelimo's campaign rallies are carried out by women in constituencies where they head the lists, and women also mobilise members, active supporters and sympathisers, whereas this does not happen in the case of other political parties, where only men participate in the latter activity.

The OMM complains, however, that party leaders remember their existence only when they are wanted for election campaigning, claiming that women are the ones who go campaigning, and mobilise members and sympathisers to vote but at the end of the day men are promoted to government positions and they are forgotten.

Referring to such complaints, the former Frelimo leader and president of Mozambique, Joaquim Chissano, used to say: 'The ones who are responsible for this situation are the women themselves, who are not united and who do not support each other, so that men take advantage of their weakness.'

An innovation in the 2004 election was the appearance of the wives of male Frelimo candidates campaigning alongside their husbands. After a while, the wives started campaigning on their own. The wives of male Renamo and PDD candidates, too, began to support their husbands on the campaign trail towards the end of the campaign, not forgetting to proclaim themselves as probable first ladies. This was a positive contribution to the promotion of women in public life.

As well as guaranteeing women representation in decision-making bodies (including parties, parliament and government), the quota system has two obvious disadvantages: women can be more passive as they have to fight less for their positions; and competition between men and women is reduced.

The list system, however, has advantages in that it promotes competitiveness between men and women to secure high positions on various lists and it raises women's consciousness of the need to fight for their rights. On the other hand, the system perpetuates the gap between men and women because fewer women than men are competitive and also because of the rules imposed by male leadership.

The organisational structures of political parties may have the greatest influence on the participation of women in a party and on their representation in parliament. These organisational structures include:

- *Centralisation.* A strongly centralised political party does not allow its decision making to be decentralised to the membership. It

feels less obliged to account and to accept responsibility for a low percentage of women candidates. With the exception of Frelimo, this is the present position of Mozambican political parties, which generally impose decisions from the top, and these include decisions on the question of women's issues.

- *Institutionalisation.* This determines the rules according to which potential MPs are recruited. Where this process is institutionalised, newcomers to a party can understand how it functions. If the rules do not discriminate, women will have more opportunities to become candidates. At present, only Frelimo has clear and institutionalised mechanisms for the election of MPs, and women in particular. Other parties refer to their statutes, but these cover only the need for the promotion of women, and do not include any institutionalised mechanism for their election.
- *The size of the political party.* Because the so-called large parties (Frelimo and Renamo) have a greater chance of winning elections or gaining more parliamentary seats, they tend to be dominated by men. The picture looks different with the smaller parties. Since these are less popular with men, their lists contain more women's names. The inclusion of women may also have more to do with the number of candidates required by law in order to run in a particular constituency than with a commitment to promote women. Some people would go so far as to say that the smaller parties normally nominate women because they have nothing to lose.

Women's representation in political institutions reflects both the inequality between men and women and the degree of institutional marginalisation of women in Mozambique.<sup>16</sup> Our own view is that once women benefit from the quota system, they need to make the sort of progress that will allow them to make an effective contribution in political life.

#### **WOMEN IN THE ELECTORAL ADMINISTRATION BODIES**

Of the 21 members of the CNE in 1994, only two were women. At the PEC and DEC level, there is hardly any representation by women, with one

woman (represented by Fumo) in one PEC, and only four DEC's with women members. In the STAE bodies there are only two women representatives, one in Nampula Province and one at STAE headquarters in Maputo.

While few women make it to the CNE, PEC's, DEC's and STAE, many women are involved in such electoral fields as voter registration, civic education, polling agents and observers. For the 1994 election, women's NGOs, such as OMM and the Housewives' Association, played an important role in women's civic education at grassroots level, encouraging women to participate in the various stages of the electoral process. These organisations believe that democracy should start to be built in the heart of society, which is the family, where children first learn about communication and education, and where values, information and culture are transmitted to the next generation.

Civic education has helped women understand that democracy is not only the right to vote, but the right to participate in and be represented in all decision-making bodies, including parliament.

#### **WOMEN IN LOCAL GOVERNMENT**

In theory, local government allows people to solve their problems locally. To the extent that women are perceived to recognise local problems better than men do, there is an impression that more women contend for power in local politics, such as municipalities, because they are more knowledgeable about local problems.

The 1998 municipal elections resulted in some 29% of the seats in municipal assemblies being held by women, which, although similar to the parliamentary figure, was less than many people expected. Also, only two women were elected as presidents of municipal assemblies (in Chibuto in Gaza and Milange in Zambézia), and only one woman was elected as a mayor (out of a total of 33 municipalities). In 2003, 238 women won seats in the 33 municipal assemblies, Frelimo with 197, Renamo with 39, and Pimo and the *Juntos pela Cidade* (JPC) with one each. In 16 of the assemblies, Renamo has no women representatives.

A research study<sup>17</sup> from Eduardo Mondlane University concludes that Mozambican political life is still male dominated, but that local government

has become a field for participation by women. According to the study, 'the nature of local government has led to an enormous participation of women in municipal decision-making'.

An Awepa study – 'Laboratories of the Mozambican Municipalisation Process' – concluded that although women seem to have been accepted as equals in municipal assemblies, they still need to negotiate with their husbands so that they can have time for political life. Some women can get permission only if they can combine municipal duties with their domestic work, which can be a problem when there is an all-day meeting. In one interesting reported case, when a wife got home late after a long session at the municipal assembly, her husband closed the door on her. The speaker of the assembly was called to try sort out the problem, but the husband said: 'Take her with you.' It was necessary to involve the whole community before the man could be persuaded to take his wife back.<sup>18</sup>

It has, however, been estimated that only about a fifth of women members of municipal assemblies have sufficient education to undertake their duties, with many unable to read or write. This situation has sometimes resulted in the marginalisation of women, while in other places translation services have been introduced. Some municipalities have allowed the use of local languages (in addition to Portuguese).

While women do not generally raise specifically women's issues, there can be good results when they do so. As an example, they succeeded in having a mass literacy project adopted in Manjacazi municipality, where the majority of learners were women. Several municipalities are now also contracting women to do manual labour, such as gardening and road-cleaning, which were previously male-only activities.<sup>19</sup>

## GOOD GOVERNANCE

### **THE MULTIPARTY SYSTEM**

At the fifth Frelimo party congress in 1989, the party's president, Joaquim Chissano, declared the end of the party's adoption of Marxist-Leninist ideology and the end of the centrally planned economy. This opened the way for the acceptance of those with a different vision of the country.

This openness was confirmed in the 1990 multiparty constitution, articles 74(1) and 76(1) of which stated that 'all citizens have the right to freedom of expression and information' and 'all the citizens enjoy freedom of association'. In the economic area, article 44 stated that 'the state promotes and supports the participation of national investors in the development and consolidation of the country's economy'.

In theory and practice, the openness of the political system meant that the political, economic and socio-cultural participation of citizens did not only depend on the party-in-power (Frelimo), but would happen through other mechanisms that were opening up in the new multiparty context. Within Frelimo itself, some were able to adapt quickly to this new approach, while others were reluctant to leave the old ways.

Civil society took on the huge job of explaining the real meaning of a multiparty system, which not only marked the end of the war, but also created conditions for national reconciliation. The GPA included a timetable for its implementation. Although this timetable was partly adhered to, Renamo did at one stage threaten to return to war, temporarily abandoning the process while Afonso Dhlakama went back to his military headquarters in Marringue, allegedly because he lacked support for the new concept. Through dialogue it was, however, possible to return to the transition process until the 1994 founding elections.

When the electoral process reached the end and Joaquim Chissano and Frelimo were declared the winners, Dhlakama proposed a sharing of power through a Government of National Unity (GNU). The 1994 elections marked,

according to the GPA calendar, the end of the transition period and the start of a democratic regime in Mozambique.

A transition period is regarded as terminated when a new government based on a democratic constitution and free and fair multiparty elections is installed, and when 'the executive, legislative and judicial power generated by the new democracy does not have to share the power with other bodies *de jure*'.<sup>20</sup>

As the principle of democracy is the winning of power through an election with a universal franchise, Chissano and Frelimo refused the GNU proposal, indicating that no conflict needed settling through a GNU. In addition, Renamo's 112 MPs entitled the party to receive funds from the state budget. Even outside Frelimo, some analysts were not in favour of a GNU as they thought it might mean the end of the opposition, with democracy being seriously weakened.

After the inauguration of the first democratically elected government, a debate was launched on administrative reform for the state. The debate adopted a strategy that could lead to power-sharing at local level. It was in this context that the current 33 municipalities were created, although with the same organisational structure as the central government, including assemblies, executive staff and a democratically elected mayor.

The ideas behind the creation of municipalities were that it would shift governance closer to the people, be able to tackle community problems and stimulate community participation in the process of government.

The municipalities were also intended to be channels for resource-sharing between the political, economic and social demands, so leading to a more balanced application of resources. The first municipal experience, in 1998, was marred by a boycott by Renamo and 18 other parties, which left Frelimo alone in the race. The 2003 municipal elections are, however, producing some good outcomes in terms of power-sharing, including the rare case of a Frelimo majority in an assembly (Marromeu, in Sofala Province) and a Renamo mayor.

The municipalities also become a mechanism for maintaining some political parties at a local level, as happens with Renamo. They also give people a

belief in the institutions as bodies through which political power can be won through the legal framework.

According to Dondo Municipal Assembly member Joaquim Greva: 'Municipalities need to encourage all the people living in them to be involved and to work together. This may not be working in practice, however. We on the opposition do not have our ideas considered. This is not how a proper democracy should function, which is for all Mozambicans to develop the country, without distinction to their political persuasion.'

There is an understanding that a multiparty system means that there will be an automatic shift of power from one party to another. This may be the reason why, election after election, we see a non-acceptance of the results because they are not favourable to a certain candidate or political party, even though the evidence proves that the candidate or party lost the election.

For us, a multiparty system means that independent institutions give all candidates and political parties the right and freedom to participate equally in free, fair and transparent elections. These conditions are set forth in the constitution and in other laws governing political parties and the electoral process. Within the scope of the multiparty system, the country is therefore functioning. There is a state of law, freedoms and rights are guaranteed, there are periodic and free elections, and investors and donors have confidence in the country.

#### **THE POLITICAL PARTIES AND INTERNAL DEMOCRACY**

When the first 'non-armed opposition party' was publicly presented, some Mozambicans were afraid because it broke the tradition that 'the political party' was synonymous with Frelimo. Before the 1990 multiparty constitution was approved, the governing party (Frelimo) launched popular debates to discuss the political system that should rule the country in the following decades. In those debates, the surprise was that the majority preferred to continue with the old system rather than to shift to a multiparty system. Their main reasons were a lack of knowledge and a fear of change.

People viewed political parties as synonymous with a division of the nation, partly because the members of the former rebel movement which had waged

war (Renamo) were all from one region (the central region comprising the provinces of Sofala, Manica, Tete and Zambézia), and partly because the so-called non-armed opposition political parties were associated with certain regions of the country (the central and northern regions).

There are some 40 registered political parties in Mozambique (see Table 11), but effectively there are not more than six political parties. Many of the so-called non-armed opposition political parties have no real differences beyond

**Table 11: Registered political parties in Mozambique**

Frelimo (Mozambique Liberation Front)	Democratic Liberal Party of Mozambique
Renamo (Mozambique National Resistance)	National Party of Workers and Peasants
Party for Peace, Democracy and Development	Social Broadening Party of Mozambique
Mozambique National Union	Ecological Party of Mozambique
Mozambican People's Progress Party	Mozambique National Democratic Party
Mozambican Nationalist Movement	Party for All Nationalists of Mozambique
Mozambique United Front	Free and Democratic Party of Mozambique
Liberal and Democratic Party	Democratic Alliance and Social Renewal Party
Democratic Party of Mozambique	Social-Liberal Party
Democratic National Party	Popular Democratic Party
Progressive Liberal Party	Solidarity and Freedom Party
Mozambican National Party	Mozambique Socialist Party
United Congress of Democrats	African Conservative Party
Democratic Renewal Party	Green Party
Independent Party of Mozambique	Ecological Party-Land Movement
Patriotic Action Front	National Reconciliation Party
United Democratic Front	Independent Social Democratic Party
National Unity Party	National Convention Party
Independent Alliance of Mozambique	Youth Movement for the Restoration of Democracy
Party of National Reconciliation for Mozambique	

**Source:** Ministry of Justice, 2004 Political Parties Registration File

their names, while some leaders have no skill to articulate their political manifestos, if these exist and are not copied and pasted from those of other parties. Other problems are that many parties lack active members, income, activities between elections, intra-party democracy and a proper organisational structure that extends throughout the country, instead of sometimes fictitious regional strongholds. Such political parties can be seen as electoral organisations often headed by a single personality and not able to make a meaningful contribution to the consolidation of democracy.

The opposition political parties in Mozambique, including Renamo, provide no political alternative to the party in government. If the opposition came into power, the only difference would be that new groups of people would expect to participate in the distribution of official resources and enjoy the fruits of patronage.

In considering the manifestos of political parties, we will concentrate on the four main parties, namely Frelimo, Renamo, the PDD and Pimo.

#### **FRELIMO**

The Frelimo electoral manifesto is divided in four basic sections, each of which has several main objectives.

#### **Peace, democracy and national unity consolidation:**

- to defend and respect diversity of opinion;
- to respect freedom of expression; and
- to promote freedom of media.

#### **Absolute poverty eradication until the year 2015**

##### *Human development:*

- to ensure the participation of more Mozambicans in the decision-making process;
- to promote the participation of women in political, economic and social life; and
- to ensure access to education and basic health care.

##### *Economic development:*

- to promote national investment;
- to improve roads and transport;

- to protect and promote areas of natural potential; and
- to promote tourism.

***Social development:***

- to promote the protection of the family;
- to ensure gender equity on rights and duties;
- to support youth initiatives; and
- to strengthen the fight against HIV / Aids.

***Rural development:***

- to ensure equal access to land by all Mozambicans;
- to promote investment in rural areas; and
- to promote commercial agricultural schemes and networks.

**Fight against corruption**

***Good governance:***

- to severely punish those who offer bribes and those who accept them;
- to ensure public sector reform;
- to strengthen local government; and
- to promote transparency in public administration.

***Public order and combating crime:***

- to reinforce the fight against organised crime;
- to reinforce communication between the police and the community; and
- to respect community leaders.

**Reinforcing international cooperation:**

- to defend national sovereignty;
- to extend Mozambican rights to those in the diaspora; and
- to ensure that the prestige of Mozambique is recognised internationally.

In Frelimo's 2004 election campaign, the points that attracted the most public attention were the fight against corruption and the promotion of transparency in public administration. Corruption has become endemic at the top levels of public life. The question asked was whether the incoming president would have the courage to fight corruption seriously, given that such a fight could mean taking on his own comrades.

Corruption is becoming institutionalised and is now the country's main problem after HIV/Aids. People are losing sensitivity towards corruption scandals, with some thinking that the best thing is to keep quiet, and waiting for their own opportunity to do what is being done now – including the misuse of:

- international donations to fight HIV/Aids;
- funds for road rehabilitation in rural areas;
- funds for water supply in rural areas;
- funds for basic health services in rural areas; and
- funds to pay primary teachers in rural areas.

Corruption is facilitated by a public administration that is predominantly 'neopatrimonial', that is, a system that does not follow universalistic and legal-rational rules, but is constituted by a systematic mixture of patrimonial and legal-rational bureaucratic rule and by a set of formal and informal rules.<sup>21</sup> Corruption is responsible for much of the country's poverty, which is why combating it should be the starting point for a serious attack on absolute poverty.

People believe that the new president will be able to solve the problem because he seemed during his campaign rallies to have understood how serious the problem is. There is therefore a huge expectation that the president will tackle corruption.

There is a concern that the high expectation that Mozambicans have of the incoming president may lead to the failure of the democratic regime if the president does not restore the credibility of the government and the state in general. People could turn their backs on democracy and opt for a different and perhaps authoritarian regime, or that they could give their silent approval to the elite to adopt a non-democratic rule.

Frelimo's sound structure extends from its headquarters in Maputo to the country's grassroots. It has written and well-known procedures at all levels. The party opened its doors to the public when municipal candidates were being elected in 2003, and in 2004 Frelimo used internal elections to choose its candidates for parliament. In this process, a number of personalities,

including former ministers and even ministers in office and provincial governors, failed to be chosen in these internal elections.

While analysts praise this internal democracy, some non-democratic practices persist, such as the power given to the party's Political Commission to nominate the heads of lists for each constituency. Analysts who include Frelimo supporters and members argue that all Frelimo officials, including members of the Political Commission, should stand in the internal elections for places on the lists and that the head of the list in a certain constituency should be the person drawing the most votes in the internal elections.

There are also reported situations of non-compliance with procedures when non-Frelimo members or Frelimo members at the provincial level are appointed ministers. All ministers and deputy ministers want to belong to the highest organs of the party, such as the Central Committee or the Political Committee. Such membership has been given several times, in conflict with the party's statutes.

In other cases, procedures in the party's statutes are not followed when there are questions of so-called national unity in terms of regional (south, centre and north) representation in the party's central organs. The statutes require, for example, that only those with at least five years of party membership may run for a place in the central organs. This criterion was, however, not observed in the case of a recently nominated minister or for the purpose of regional representation.

Despite the existence of a well-organised structure in the Weberian sense (after Max Weber), the members at grassroots level, who work hard to sustain the vitality of the party, claim that they are forgotten except during election campaigns. Some analysts argued that the fact that senior party personalities, including ministers in office, were not elected as MP candidates was the way the comrades at those levels found to show 'the degree of saturation by those who live in Maputo and only go to their constituencies to get their legitimacy'.

#### **RENAMO-ELECTORAL UNION**

The manifesto of this coalition aims at achieving 10 main objectives, namely:

**Increasing trust in political institutions:**

- to reform the political system in order to achieve greater accountability to voters; and
- to adopt and implement efficient measures to prevent and combat corruption.

**Strengthening equality of opportunity for all Mozambicans:**

- to promote social justice; and
- to build, in partnership with the private sector, low-cost housing for young people.

**Reforming public administration:**

- to modernise the public sector; and
- to combat neopatrimonialism and nepotism.

**Reforming judicial system:**

- to revive community and traditional courts; and
- to strengthen the formal justice institutions in order to ensure equal treatment of all Mozambicans before the law.

**Developing infrastructure:**

- to extend telephone services to rural areas;
- to incentivise sea, air and rail transport; and
- to incentivise the expansion and use of information technology.

**Strengthening the economy and technology innovation:**

- to reduce investment taxes;
- to launch fiscal reform;
- to incentivise agricultural policies; and
- to attract foreign investment.

**Rationalising the armed forces:**

- to provide professional training to help those who leave the armed forces.

**Strengthening security, defence and public order:**

- to reinforce the state's capacity to combat natural disasters;
- to increase the capacity of the police and military institutions;
- to strengthen institutions combating organised crime.

**Reinforcing cooperation and international relations:**

- to consolidate SADC integration.

**Attracting foreign investment:**

- to comply with international accords signed by previous governments; and
- to simplify procedures for national and foreign investment.

In terms of political performance, Renamo lost all three general elections so far held in the country. Renamo's best performance was in the founding elections in 1994, when it won 112 seats in a parliament of 250. Its performance has since declined.

In partnership with other parties as the Renamo-EU, it won 117 seats in 1999, of which 20 were attributable to the smaller parties so that, as a party on its own, Renamo had only 97 MPs. In 2004 the coalition won 90 seats, five of which were attributable to the smaller parties, giving it 85 MPs on its own.

At present, Renamo is a sort of oligarchic organisation dominated by a leader and some followers and presenting unknown candidates for MPs. Renamo shows signs of having lost direction. It is deeply divided into several factions. From one election to the next people who played key roles in mobilising support are discarded in favour of new people with no persuasive capacity.

In our view, Afonso Dhlakama has embarked on a Machiavellian strategy to stay unchallenged and keep power for himself even if it leads to the party's irrelevance in the Mozambican democracy.

It is believed that Renamo has neither the capacity nor the infrastructure to control its militants, and this certainly seemed to be the case in the 2004 election when the party failed to get its supporters to the polling stations. Dhlakama himself polled no more than half the number of votes he won in the 1994 and 1999 elections. Is this the beginning of the end for Renamo?

**PARTY FOR PEACE, DEVELOPMENT AND DEMOCRACY (PDD)**

The party is led by Raul Domingos, who was once the number two figure in Renamo. Although Renamo chief of staff in the civil war and head of the

party's negotiating team at the GPA, Domingos was expelled from the party in 2000 on a charge of having had relations with members of Frelimo.

The PDD manifesto has four sections, on political, social, economic and infrastructure, and technology issues, with each describing the main activities necessary to achieve the party's fundamental objective, which is the construction of a free, fair and democratic society in Mozambique.

**Political arena:**

- to strengthen democratic institutions and ensure human dignity;
- to reform the public administration;
- to combat corruption; and
- to maintain and strengthen peace-keeping mechanisms.

**Economic arena:**

- to safeguard personal property;
- to reduce the country's balance of payments deficit;
- to bring about a welfare society;
- to ensure a balance between the economy and the environment;
- to enhance the concept of customer care;
- to promote fiscal reform; and
- to guarantee property rights.

**Social arena:**

- to devise a housing policy that will provide a good house for each family;
- to achieve equality of opportunity without discrimination; and
- to provide universal education, health and transport services.

**Infrastructure and technology arena:**

- to provide a countrywide transport infrastructure;
- to provide a countrywide telephone service; and
- to ensure that marine resources remain sustainable.

**INDEPENDENT PARTY OF MOZAMBIQUE (PIMO)**

Pimo has proved that it can at least win seats in local elections, winning three seats in the 2003 municipal elections – in the northern towns of

Nampula, Angoche and Cuamba. Pimo's election manifesto is concerned with morality and a new geopolitical division for the country.

**In regard to geopolitical changes, the party supports:**

- moving the country's political capital from Maputo to the northern province of Nampula (the most populous province);
- making Beira in the central province of Sofala the country's industrial capital because of its minerals, forest and timber resources, and rail link with the hinterland of Zimbabwe, Zambia and Malawi, through the Beira Corridor and the Zambezi Valley; and
- making Maputo the country's economic capital because of its financial institutions, tourism infrastructure and commercial institutions.

**OTHER PARTIES**

Since the founding elections in 1994, more and more parties have drawn up election manifestos. Most of them are similar, however, and sometimes seem to have been copied. Many of them lack coherence or any link between the messages they contain and the messages delivered by their leaders in their campaign speeches and interviews.

**CONFLICT AND ELECTIONS**

Article 33 of the 1990 multiparty constitution states that 'the political parties are forbidden to use violent means to alter the political and social order of the country'. This is reinforced by very similar wording in article 16(2)(b) of Law No. 7/91 of 23 January 1991 (which deals with the creation of political parties), which states that 'the political parties may not use violent means to alter the political and social order of the country'.

In practical terms, this means that political parties must use legal and democratic mechanisms to compete for political power. Even so, there are possibilities for electoral conflicts involving:

- the political parties themselves;
- the political parties and the electoral administration bodies;
- the political parties and national and international electoral observers;

- national and international electoral observers and the electoral administration bodies; and
- the electoral administration bodies themselves, given their partisan basis.

Law No. 7/2004 of 17 July, the new electoral law, describes the formal mechanisms for electoral conflict resolution. Article 73(1) states that 'irregularities which have occurred during the polling and the partial or global counting of the votes may be examined by a judicial appeal, provided they have been the object of a complaint or protest submitted when they were alleged to have occurred'. Article 73(3) states that 'the petition shall specify the points of law and fact of the appeal and shall be accompanied by all the elements of proof, including a photocopy of the record of the polling process of the station where the irregularities are alleged to have occurred'.

Article 174(3) states that 'the judicial appeal shall be lodged with the CNE not later than two days after the counting of votes and the decision on this appeal shall be taken in the following two days'. Article 174(4) states that 'before making a decision on the appeal, the CNE shall give notice to the election agents of the candidate concerned in order to allow them, if they so wish, to give their opinion within 24 hours'. Article 175(1) states that 'appeals against any decisions taken by the CNE about claims can be made to the Constitutional Council'.

In 1999, Renamo lodged an appeal to the Supreme Court alleging fraud in the electoral process. The court rejected all Renamo's allegations due to lack of proof. In 2003, Renamo lodged an appeal to the Constitutional Council alleging fraud in the municipal electoral process. The Constitutional Council, although it has criticised the CNE, rejected Renamo's allegations. In 2004, Renamo lodged an appeal to the Constitutional Council alleging fraud and electoral crime in the electoral process. The Constitutional Council rejected Renamo's appeal because it was submitted too late.

The most important feature of all these instances is that the political parties are respecting the institutions and mechanism set by law for conflict resolution. This is crucial if the democratic regime is to be sustained.

In anticipation and prevention of possible electoral conflicts, the CNE, after deliberation, approved regulations for:

- a code of conduct for candidates, political parties and coalitions participating in the 2004 general elections;
- electoral observers;
- the distribution of public funds for election campaigning by candidates and political parties;
- the use of sites and public buildings for election campaigning purposes; and
- the use of public broadcasting and the press for campaigning purposes.

Complementing these CNE regulations and for the first time in the history of the Mozambican democracy, 22 political parties, including Frelimo, Renamo and the PDD, on their own initiative and assisted by NGOs specialising in electoral and civic education, subscribed a code of electoral conduct with the slogan 'for tolerance and democratic coexistence during the 2004 elections'. This code of conduct has 19 articles, with the most important being a commitment to comply with the electoral law. In future, this electoral code of conduct may include the electoral law.

Still in the context of electoral conflict prevention, journalists and politicians organise workshops in election years on electoral matters. In these workshops, the politicians undertake to the journalists that they will be impartial in the electoral processes, while, in their turn, the journalists undertake to the politicians that they will avoid violence and settle their conflicts through dialogue as recommended in the parties' code of conduct.

At the present, the electoral administration bodies (the CNE and STAE) are, due to their partisan composition, the main focus of conflict. Because they represent the interest of the political parties, they fail to be sensitive to minor complaints, and this has led to an atmosphere of tension in the electoral process.

Lack of transparency in the counting process at provincial and national levels and lack of trust between the major political parties have also created an atmosphere of tension and conflict in the electoral process.

In our view, therefore, electoral conflicts are not caused by inadequate legislation, but by the way that electoral processes, including electoral registration, are conducted.

### **POLITICAL PARTY FUNDING**

#### *Funding of political parties with seats in parliament*

Law No. 7/91 of 23 January 1991 deals with the creation of political parties and establishes mechanisms for their funding. Article 17 states that funding for the parties shall include members' subscriptions and levies, donations, legacies and general state budget.

Article 20(1) states that 'the amounts from the general state budget ... are proportionally distributed to political parties according to their number of MPs'. Article 20(2) states that 'the accountability procedures for these amounts ... are identical to those used for public administration'. Article 19(2) states that 'the accounts of the political parties are to be published in the *Republic Gazette* and in one of the highest circulation newspapers in the country'.

In 1994, three parties were represented in parliament: Frelimo, Renamo and the UD. None of these accounted for the funds they had received, nor did any of them publish their accounts as required in terms of this law. In 1999-2004, the only parties in parliament, Frelimo and Renamo-EU, also failed to account for the funds they had received or publish their accounts as required. And no one in the parties has been willing to provide any information on the subject.

Some people argue that this lack of accounting seems to be the price that needs to be paid for peace and political stability, while noting that the consequences of such a lack of accounting have included the government helping Renamo officials, and particularly its president, Afonso Dhlakama, to get rich; and Frelimo officials taking chances by not accounting for their funding.

It should also be noted that a lack of accountability for public funds is a general problem in Mozambique, which is why questions relating to the accountability for public funds are not welcomed by those who manage public funds.

### *Funding to political parties for election campaigns*

Article 35(1) of Law No. 7/04 of 17 June 2004 lists the following sources of political party funding for election campaigns:

- contributions from candidates and political party members;
- voluntary contributions by Mozambican and foreign citizens;
- proceeds from activities related to a campaign (such as the selling of electoral materials);
- contributions from national and international friends or parties; and
- contributions from national and international NGOs.

Article 35(2) states that 'the state must allocate amounts to fund election campaigns'. Article 35(3) states that 'neither foreign governments and government organisations nor national public institutions and companies may fund political parties'. Article 35(4) provides, however, that 'the entities referred to in article 35(3) may fund election campaigns through contributions to the general state budget'.

Article 36 states that 'it is within the competence of the CNE to approve the criteria for the distribution of public funds for presidential and legislative elections, taking into account that for legislative elections consideration must be given to the proportional representation of the parties with seats in the legislature'.

In its Deliberation 38/04 of 29 September 2004 the CNE approved criteria for the distribution of funds for the 2004 election campaign. Article 4 of this deliberation states that 'the following formula shall be used to calculate the amount (Z) to be attributed to each party or coalition competing in the legislative elections:  $Z = C*(x/y)$

Where:

C is the number of seats for which each party is competing

x is the global amount being distributed

y is the total number of candidates of all the parties and coalitions competing for the seats.'

Article 8 of the same deliberation states that the eligible expenses for these funds are the following:

- campaigning materials (T-shirts, caps, pamphlets, key rings, small flags and others);
- costs related to the private media;
- costs for transport (transportation and daily allowances); and
- related banking costs.

Article 9 states that expenses that are not eligible are the following:

- salaries and subsidies;
- purchase or repair of vehicles;
- purchase or construction of buildings; and
- representation expenses in excess of US\$2,500.

In addition, 'non-predicted expenses may not exceed 5% of the received amount'.

In 2004, the government allocated MZM45 billion (over US\$2 million) to election campaigns, while no donor money was available for the parties. One-third of this total was distributed to presidential candidates, one-third to parties with seats in parliament based on the proportion of seats held, and one-third to parties running for parliament based on the number of candidates each was fielding.

The funds were disbursed in three tranches: 50%, 25% and 25%, with the second and third tranches released after a justification of expenditure under the previous tranche. Frelimo received about US\$550,000 and Renamo-EU about US\$500,000. The PPD and Pimo, which were the only other parties with presidential candidates and parliamentary candidates for all seats, received about US\$175,000. A party which stood only for parliament but which put up candidates for all seats received about US\$33,000.

The political parties do account for the received funds for electoral campaigning; however, this accounting is often fake, especially when it comes to the smaller parties. This is possible, to some extent, because there is complicity with, for example, printing companies that may for instance over-

bill for campaign material. A senior STAE officer said off the record: 'We are aware of these dirty games in the accounting, but we rely on the receipts that the [parties] present to us. For us, the most important thing is that the parties account for the money, and if there are accusations [of fraud] we will submit the issue to the appropriate bodies.'

### **INTERNATIONAL OBSERVERS**

Protocol III(6)(b) of the GPA (which deals with guarantees for the electoral process and the role of international observers) states that:

'with a view to ensuring the highest degree of impartiality in the electoral process, the parties agree to invite as observers the United Nations, [Organisation of African Unity] and other organisations, as well as appropriate private individuals from abroad as may be agreed between the government and Renamo. The observers shall perform their function from the commencement of the electoral campaign to the time when the government takes office'.

In line with this commitment, the government of Mozambique regularly invites international as well as national observers to monitor the electoral process in Mozambique. The international observers' opinions seem to have more relevance than those of the national observers for the legitimacy of the process. The national observers are normally the first to present their reports, with the international observers giving their verdicts afterwards.

As already mentioned, the Mozambican election results have been contested by one or more opposition parties on the grounds of fraud. The presence of observers has helped clarify whether such allegations are true or whether they are simply part of the political game. In 1999, international observers demanded that fraud allegations should be based on evidence. But they have, at the same time, been concerned with the secrecy of the last part of the electoral process, namely, the provincial and central tabulation of results.

During the 2003 municipal elections, these observers criticised the electoral administration bodies for the lack of organisation of the voters' roll and made recommendations for improving the registration process.

In 2004, their first requirement was that they should be given full access to all phases of the electoral process. However, the CNE restricted this access to the electoral campaign and the casting of votes. From then on there was an impasse, with the CNE's Renamo-EU members saying that 'international observation, mainly the EU observer mission, was the guarantee of transparency in the electoral process', while the CNE's Frelimo members said that all observers should comply with the law in force.

The national and international observers encountered many problems, including:

- fraud in Changara in Tete Province;
- some voters' rolls had not been updated and did not show the correct figures for potential voters;
- the 37 polling stations that had not opened at all, and others that had opened only on the second day; and
- harassment of Renamo monitors in Tete Province.

In the end, however, the observers were unanimous in their view that in spite of these problems the election had been fair and that, given the large gap between the winner (Guebuza) and the second-placed presidential candidate (Dhlakama), the result would not have changed even if new elections were to be held where people had not been able to vote and even if the Changara fraud were proved.

The clarity with which the international observers presented their arguments helped Mozambicans to understand what was really happening and to ease tensions. It also helped Renamo to reduce its original demand – which was for the elections to be declared invalid and for new elections to be held within six months – to a demand that new elections should be held where they had not occurred and also in Changara, where fraud had been alleged. These achievements were part of the teaching role of the international observers.

Whereas in the past Renamo leader Afonso Dhlakama had praised foreign observers and demanded their presence at all stages of the election, he now accused them of incompetence. Dhlakama accused the observers of 'only

staying for a minute' in some polling stations and then leaving. Apparently Renamo now thinks that foreign observers are too ignorant of Mozambique to understand what is going on. The Renamo leader went further, saying 'the genuine observers, who know the tricks of Frelimo, are ourselves'. Some minor parties attacked the foreign observers for their remarks that, despite the serious irregularities, the result of the election was in no doubt. Pimo even accused the observers of coming to Mozambique for 'electoral tourism'.

For the 1998, 1999 and 2003 elections, many observer missions arrived in Mozambique only a day or two before the election days and hardly observed the electoral campaign. After the voting days (which, in our view, were calm and peaceful) these observers called press conferences to say that 'the elections were free, fair and transparent' and then left for home, leaving the disputed part of the process – the several phases of counting – still to happen.

In 2004, however, they have understood that electoral registration, electoral campaigning, voting itself and the post-voting phases are all equally important for an evaluation of the transparency and fairness of the whole electoral process.

The African observer missions could improve their performance in two ways: first would be by extending their time in the field to before and after the polling; and second would be to improve their reporting to differentiate actual electoral observations undertaken in conformity with international standards and congratulations to old comrades from the liberation wars.

#### **CIVIL SOCIETY AND ELECTIONS**

The 1990 multiparty constitution opened the way for the emergence of CSOs, the number of which rose rapidly. However, the quick emergence of NGOs was the result of both internal and external factors and did not necessarily mean the empowerment of the country's civil society.

The first major internal factor was the privatisation policy forced on the public sector in the early 1990s by the International Monetary Fund (IMF) and World Bank. This created deficiency in the social services sector: '... enormous human needs in social services resulted from privatisations imposed by the IMF and the World Bank.'<sup>22</sup>

The second major internal factor was the fact that the country's citizens had grown up in the context of a welfare state, with the government paying for basic social services, such as health, education and social security, and now suddenly found themselves confronted with a lack of these services as well as with a lack of employment as a consequence of the privatisation policy. 'Within their limited options, most of these citizens were forced to create NGOs in order to benefit from funding opportunities.'<sup>23</sup>

The major external factor was foreign aid and the presence of Western NGOs in the country. For the operation of development programmes, Western NGOs found it useful to have Mozambican NGOs as partners: 'In this context, national NGOs emerged from everywhere in order to represent the people's interests, some with constructive objectives and others with the mere objective of serving themselves.'<sup>24</sup>

The national NGOs in partnership with international organisations operating in the country have played a key role in the democratisation of Mozambique – from democratic transition to democratic consolidation. From 1992 to 1994, the CSOs – which for our purposes are limited to national NGOs and international organisations – were called upon to intervene in the difficult times of the political transition to bring trust between the main political actors (Frelimo and Renamo). After setting the minimum trust which led to the 1994 elections, the CSOs were again called upon to explain to political parties the meaning of elections, democracy and the multiparty system.

These phases were followed by two others: mobilising potential voters to vote and training national observers and representatives of political parties.

After these two phases, the CSOs worked with MPs, explaining the basis of their work and their duties, responsibilities and rights. In the founding elections, this work was undertaken with the support of the international community, including the UN, and it soon became a sort of itinerary to be followed by the CSOs in every election.

The CSOs then created a sort of social division of work, which makes it possible to identify who is doing what and where at any moment. In this regard, there are CSOs which direct their attention to electoral civic education,

explaining to citizens how essential their participation is in elections leading to the consolidation of democracy. According to Forum for Electoral Civic Education (FECIV) head Justina Cumbe:

‘... Our work is complementary to that of the STAE. While we focus on mobilising the population to participate massively in electoral events, strengthening democracy, explaining to people why they should vote, the STAE focuses on the technical aspects of how to vote.’

While Mozambican Association for the Development of Democracy (Amode) head Otilia Aquino stated:

‘Following our civic education work, we plan methods of electoral observation both to verify our own work – whose success, as you may know, is assessed by the size of turnout in elections – and to monitor the work of the electoral administration bodies.’

Some CSOs direct their support to political parties in three ways. The first is by training parties’ candidate MPs in topics such as state and representative democracy, electoral law and codes of conduct for political parties, electoral campaigning and political marketing, electoral ethics, the prevention, management and resolution of electoral conflicts, gender and politics, and the promotion of women in politics. The second is by training the political parties’ election monitors on procedural subjects. And the third is by training elected MPs, in conjunction with parliament, in various legislative matters. According to Netherlands Institute for Multiparty Democracy (IMD) Programme Officer Abdul Mussa:

‘We are more focused on political parties’ capacity-building before the elections. Because for us, the most important objective is to create conditions that will allow all political parties to participate in the elections in equal circumstances ... We also train the political parties’ election monitors. As these election monitors are trained to spot any irregularities perpetrated by political parties, we think that they play a very relevant role in the process. All the information used by the political parties either to accept the results or to reject them comes from these election monitors.’

Other CSOs cover all stages of the electoral process. One of these is Western Parliamentarians for Africa (Awepa). In normal circumstances, Awepa's programmes focus mainly on human resource development for political parties. This simply means training of political party cadres on different matters of interest, such as leadership, communication skills, strengthening local party structures, fund-raising and management. In addition, Awepa facilitates dialogue whenever necessary and exchange visits. Awepa Representative for Mozambique Angelo Matusse stated that:

'In pre-election periods, obviously the most burning issue becomes preparation for the elections. Awepa has been directing its training programmes towards candidates and political party election monitors. During elections, Awepa supports the process as a whole and the political parties in particular by contributing election observers. While, on one hand, Awepa carries out the election observation in the classic sense, it takes, on the other, an active role in observing elections for the purpose of feeding this information to its *Political Process Bulletin*. After the elections, the main activity is an evaluation of the process that has taken place. Sometimes, it is also necessary to facilitate dialogue between the losers and the winners.'

Other CSOs focus on electoral marketing. Former International Republican Institute representative in Mozambique Angela Abdula said:

'We organise training for candidate MPs so that they know that although they have been nominated by and owe loyalty to their political parties, they must also be accountable to their constituencies. As a result of our work, the political parties improved the way they addressed voters during the campaign for the 2004 elections, and they have used their broadcasting time more effectively.'

In our view, all the political parties showed improvement in formal aspects, such as communication with their audiences, but they did not improve on their most important function, which is to come up with proposals, strategies and public policies to solve the problems of poverty, corruption and so on. They could only say 'vote for me', but not why people should vote for them.

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A new field of involvement for CSOs that has emerged is parallel vote tabulation (PVT). This field was piloted in the 2003 municipal elections by an election observer body formed from a coalition of NGOs and churches. PVT was relevant in 2004 because it was assumed that the electoral results would be very close to the PVT, which could then be used as an alternative source for information based on data collected in polling stations (the most transparent phase of the whole electoral process). Even though the results were not close, PVT was crucial in supporting the view that the reported irregularities would not have changed the results.

Some CSOs' weaknesses, however, can include lack of coordination (sometimes resulting from disputes about who should do what and sometimes a consequence of their limited financial resources), which leads to duplication of efforts. Some, too, may have insufficient members, weak roots in society, weak organisations or weak organisational capacities. Some may also be too dependent on donor funding or may lack lobbying skills.

## FINAL CONSIDERATIONS AND RECOMMENDATIONS

Although it has not been possible to avoid a generally two-party approach to politics, the political parties and civil society in Mozambique have shown their satisfaction with the type of electoral system – PR – in use in the country. This is because PR does in theory guarantee representation and therefore promotes respect for the democratic institutions by allowing minorities to feel that their votes make a difference and that it is better to fight for change within the law than to try to use non-democratic means that can cause political, economic and social instability.

However, there are aspects that need to be considered, such as:

- the system of party lists that on the one hand does not allow people outside political parties to stand as candidates for MPs, and on the other hand does not allow proper accountability between MPs and their constituencies; and
- the minimum of 5% voter support required to enter parliament is considered to be very high and as a result smaller parties fail to enter parliament, thereby weakening pluralism in Mozambique.

The Mozambican political parties face many problems. These include a lack of political programme alternatives, active members, income, effective organisation, activities between elections, and internal party democracy.

Parties with purely personalised electoral organisations are not able to make a meaningful contribution to the consolidation of democracy.

Political parties with seats in parliament are entitled to funds from the state budget, but they are required to account for those funds in the same way as in other areas of public administration. However, no party has yet accounted for its funds or published details as required by law.

The 1990 multiparty constitution opened the way for CSOs and the number has risen rapidly. The emergence of NGOs did not necessarily mean the

empowerment of civil society in Mozambique. However, NGOs have, in partnership with international organisations, played a key role in the democratic transition and consolidation.

Electoral administration remains the weakest link in the Mozambican democracy. Civil society and the opposition political parties do not have confidence in the electoral administration bodies, and this has made elections controversial and tense.

At present, the electoral bodies do not know how many voters there are in Mozambique and nothing is yet being done to change this. It is therefore also impossible to determine the percentage turnout in elections. There is a belief that the electoral process has intentionally been made complex, so that it benefits most those who can understand its complicated technical operations and who may also be involved in political horse-trading.

International electoral observer missions play a key role in the electoral process, giving legitimacy to the process. The missions create conditions that ensure fair winners and allow losers to accept the results. The international observers have recommended 'fundamental electoral reform' in Mozambique, particularly that political party officials should be removed from the electoral bodies and that all aspects of the electoral process should be thrown open to observers.

The key reform must be to establish genuinely independent electoral bodies. A depoliticised independent electoral commission must be established in order to eliminate the political delays and inefficiency that characterise the CNE's decision-making process. The political parties and civil society agree that the electoral administration bodies should be depoliticised.

Despite the existing avenues for electoral conflict resolution, problems persist as a result of electoral registration flaws and lack of transparency in the counting and tabulation of results.

As the present cost of elections in Mozambique is unsustainable, we need to ask whether it is possible to have free, fair and transparent elections at a lower cost. Reforms that might help include:

- simplifying the electoral process, mainly the vote-counting process from ballot box to central tabulation;
- combining general and municipal elections; and
- paying for elections as part of the state budget through an electoral fund into which monthly deposits can be channelled.

Figures for women's representation in the country's democratic processes are increasing, which is an important starting point, but gender-promotion discussions need to be translated into practice. This, however, needs the serious commitment of men.

The quota system for women's representation in use in some political parties must serve as an example for other parties. Women, in turn, must regard the quota system as a starting point rather than an end in itself.

**NOTES**

- 1 B Mazula (ed), *Moçambique: Eleições, Democracia e Desenvolvimento*, Inter-Africa Group, Mozambique, 1995, p 54.
- 2 Ibid, p 61.
- 3 Constitution of the Republic of Mozambique article 32(3).
- 4 Mozambique *Political Process Bulletin*, 31, 29 December 2004, Maputo, Mozambique.
- 5 Carrilho in Mazula, op cit, p 146.
- 6 Ibid.
- 7 For example, 12 parties competed in 1999, but only Frelimo and Renamo-EU exceeded the threshold of 5% of the votes cast required to elect MPs, while of the other parties, the Labour Party polled 111,139 votes (2.7%) and the Liberal Party polled 101,970 votes (2.5%).
- 8 *Metical Journal* No. 107, 21 July 1997.
- 9 Former programme coordinator of the International Republican Institute, Maputo, 2004.
- 10 INE, 2003, p 10, Maputo.
- 11 Ibid, p 25.
- 12 C Osório et al, *Mulher E Autarquias*, CEA, Maputo, Mozambique, 2001, p 12.
- 13 IDEA, *Women in Parliament: Beyond Numbers*, Broderna Carlsons Boktryckeri AB, Varberg, Sweden, 1998, p 23.
- 14 Sushma Swaraj, Indian MP.
- 15 Ana Rita Sithole, Frelimo MP and Central Committee member.
- 16 UNDP, *Human Development National Report*, Maputo, 2002, pp 11-12.
- 17 C Osório et al, op cit.
- 18 Awepa, *The Laboratories of the Mozambican Municipalisation Process*, Occasional Paper Series No 9, Netherlands, 2001, p 26.
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- 20 J Linz & A Stefan, in G Erdmann & N Simutanyi, *Transition in Zambia: The Hybridisation of the Third Republic*, KAF, Zambia, 2003, p 76.
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**APPENDIX: LIST OF INTERVIEW RESPONDENTS****Political parties**

Frelimo: Mr Manuel Tomé; Ms Ana Rita Sithole

Renamo: Ms Gania Mussagy; Mr Fernando Mazanga; Mr Eduardo Namburete; Mr Joaquim Grevá

PDD: Mr Raúl Domingos

Unamo: Mr Carlos Reis

Pimo: Mr Yacoob Sibindy

**Non-governmental organisations**

Mr Angelo Matusse, Awepa

Mr Abdul Mussa, IMD

Ms Justina Cumbe, FECIV

Ms Angela Abdula, International Republican Institute

Ms Otilia Aquino, Amode

Rev Dinis Matsolo, Christian Council of Mozambique

Archbishop Jaime Gonsalves (Beira)

**Other**

Fernando Gonsalves, editor, *Savana* weekly magazine

Mr Filipe Mandlate, CNE

## ABOUT THE EDITOR

Adriano Nuvunga is a lecturer in the Political Science and Public Administration department of the Faculty of Arts and Social Science at Eduardo Mondlane University. He is a deputy editor of the *Mozambique Political Process Bulletin* published by the Western Parliamentarians for Africa, AWEPA.

## ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA is currently the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

### **VISION**

Realisation of effective and sustainable democratic governance in Southern Africa and beyond.

### **MISSION**

To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

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## **VALUES AND PRINCIPLES**

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

## **OBJECTIVES**

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

## **CORE ACTIVITIES**

- Research
- Conferences, seminars and workshops
- Publishing

- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter/civic education
- Conflict management
- Educator and learner resource packs

## **PROGRAMMES**

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

### **CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION**

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

### **ELECTORAL AND POLITICAL PROCESSES**

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

### **BALLOTING AND ELECTORAL SERVICES**

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

**EISA'S SPECIAL PROJECTS INCLUDE:**

- Rule of Law, which examines issues related to justice and human rights;
- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

**EISA'S SUPPORT SERVICES INCLUDE:**

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

**EISA PRODUCTS**

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
- Election observer reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database

## **GOVERNANCE STRUCTURE**

### **Patrons**

EISA's patrons are His Excellency Sir Ketumile Masire, former President of Botswana and the instrumental broker of the peace negotiations that ushered in peace and reconciliation in the Democratic Republic of Congo in 2002 and Mr. Cyril Ramaphosa, a key negotiator during the political transition to democratic governance and majority rule in South Africa in 1994 and a businessman of standing in the new South Africa.

### **BOARD OF DIRECTORS**

EISA has an International Board of Directors comprising the following:

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**MR DENIS KADIMA** Executive Director of EISA

**PROF. PETER KATJAVIVI** Former Vice Chancellor of the University of Namibia and the current Ambassador of Namibia to the European Union (EU) in Brussels

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