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EISA ELECTION OBSERVER MISSION REPORT MOZAMBIQUE



PRESIDENTIAL, PARLIAMENTARY AND
PROVINCIAL ELECTIONS OF
28 OCTOBER 2009



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Election Observer Mission Report, No. 32

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Acronyms and Abbreviations

ANFREL	Asian Network for Free Elections
CC	Constitutional Council
CNE	National Electoral Commission
COSOME	Civil Society Organisations for the Monitoring of Elections
CSOs	Civil Society Organisations
DFID	Department for International Development
DRC	Democratic Republic of Congo
EAC	East African Community
ECF	Electoral Commissions Forum
EISA	Electoral Institute of Southern Africa
FBOs	Faith-Based Organisations
FRELIMO	<i>Frente de Libertação de Moçambique</i>
GPA	General Peace Agreement
IEC	Independent Electoral Commission
IDEA	Institute for Democracy and Electoral Assistance
IIEC	Interim Independent Electoral Commission
NGOs	Non-Governmental Organisations
MDM	<i>Movimento Democrático de Moçambique</i>
PEMMO	Principles for Election Management, Monitoring and Observation
Plataforma	<i>Plataforma da Sociedade Civil</i>
PVT	Parallel Vote Tabulation
RECs	Regional Economic Communities
RENAMO	<i>Resistência Nacional Moçambicana</i>
SADC	Southern African Development Community
SDC	Swiss Agency for Development Cooperation
SIDA	Swedish International Development Agency
STAE	Technical Secretariat for Electoral Administration
TVM	Mozambican Television
WIG	Women Initiatives Group

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We are thankful to the electoral stakeholders from political parties, civil society organisations, faith-based organisations, academia, the media and the Mozambique public, who willingly and openly shared their views and experiences with the Mission. We also thank the other international observer missions that the EISA Mission interacted with for sharing information.

Our gratitude goes to Dr Christiana Thorpe, for leading the EISA Mission, and Mr Denis Kadima, the deputy leader of the mission, the staff of EISA's Elections and Political Processes Department for organising and co-ordinating the mission, Mr Sydney Letsholo for writing this report and Ms Ilona Tip and Ms Titi Pitso for providing input into the report.

We are grateful to the Department for International Development (DFID), the Swedish International Development Agency (Sida) and the Swiss Agency for Development and Cooperation (SDC) for funding the mission.

EXECUTIVE SUMMARY

The 28 October 2009 Mozambique presidential, parliamentary and provincial elections were held as part of regular elections conducted every five years in line with the country's constitution. This report is the mission's assessment of the electoral processes, which covered the pre-election phase, polling day, including voting, counting and the announcement of provisional results at polling stations, and the immediate post-election period.

At the invitation of the National Electoral Commission (CNE), EISA deployed a 23-member continental observer mission made up of members drawn from civil society organisations (CSOs) and election management bodies from various African countries as well as representatives of partner organisations originating from Asia and Europe. The mission was led by Dr Christiana Thorpe, the Chairperson of the National Electoral Commission of Sierra Leone. The deputy mission leader was Mr Denis Kadima, the EISA Executive Director.

Members of the mission began arriving in Mozambique from 18 October 2009, and observed the process until 29 October 2009. A press conference was held on 30 October 2009 to announce the EISA mission's preliminary findings. The mission was guided in its observation of the electoral process by the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC region.

Although there was extensive room for improvement, the mission noted that the legal framework for elections in Mozambique was generally satisfactory for the holding of credible elections. During the pre-election phase, the mission observed a generally peaceful campaign in all the 11 provinces of the country. A few isolated cases of violence were reported, but these did not seem to have affected the overall peacefulness of the process and voters' freedom of choice. The mission observed that the governing FRELIMO party had significantly more campaign materials than other political parties. The mission also received several reports of allegations of the illegal use of state resources for campaign purposes by the incumbent party.

Polling day was generally smooth and peaceful, and secrecy of the ballot was largely ensured. Voters were calm and expressed great enthusiasm about casting their ballots. The mission noted that there were not sufficient numbers of domestic observers in the areas visited on polling day by the EISA teams.

Overall, the mission's assessment was that the 2009 presidential and national and provincial assembly elections were held in conformity with the PEMMO. However, the mission noted areas in which the electoral process could be improved and has, in this report, made recommendations on a number of areas, including the independence of the *Comissão Nacional de Eleições* (CNE), voter registration, the levelling of political playing fields, improvement in the implementation of the electoral law, the need for election-related conflict management and areas of improvement in election management in general.

TERMS OF REFERENCE OF THE EISA OBSERVER MISSION

The Terms of Reference describe the roles and responsibilities of the EISA Election Observer Mission during deployment for the 2009 presidential, parliamentary and provincial elections in Mozambique. They provide a summary of the mission's objectives and outline the activities of the international observers.

All EISA observers were guests in Mozambique and the elections and related processes were for the people of Mozambique to conduct. As observers, members of the EISA mission were expected to assess the electoral process without interfering in the process. EISA believes that international observers can play a critically important supportive role by helping to enhance the credibility of the elections, reinforce the work of domestic observer groups and contribute to increasing popular confidence in the entire electoral process.

Following an invitation extended by the *Comissão Nacional de Eleições* (CNE), EISA established a mission to observe the 2009 presidential, parliamentary and provincial elections in Mozambique.

Specific objectives for this particular mission included the following:

- to assess whether the conditions existed for the conduct of elections that reflected the will of the people of Mozambique;
- to assess whether the elections were conducted in accordance with the electoral framework of Mozambique; and
- to assess whether the elections met the benchmarks set out in the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC region, developed and adopted by EISA and the Electoral Commissions Forum (ECF) of SADC countries.

In order to achieve the above, the mission undertook the following activities:

- obtained information on the electoral process from the *Comissão Nacional de Eleições* (CNE);
- met with political parties, civil society organisations, other international observer groups and other stakeholders to acquaint itself with the electoral environment;
- observed all aspects of the elections in the areas that it visited;
- assessed if registered voters had easy access to voting stations and whether or not they were able to exercise their vote in freedom and secrecy;
- assessed the logistical arrangements to confirm if all necessary materials were available for the voting and counting to take place efficiently;
- found out if all competing parties and candidates were given equal opportunity to participate in the elections; and
- reported accurately on its observations and referred any irregularities to the relevant authorities.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA strives for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this context that EISA fields election observer missions to assess the context and conduct of elections in the continent. Since November 2003, EISA has promoted the PEMMO election benchmarks in the SADC region. This tool informed the work of the EISA Election Observer Mission to the 2009 Mozambique elections.

EISA deployed a team of 23 short-term observers led by Dr Christiana Thorpe, Chairperson of the National Electoral Commission of Sierra Leone. Observers arrived in Maputo on 20 October 2009 (see Appendix 1 for the composition of observers). A two-day briefing session was held for observers. During the briefing session observers were acquainted with their terms of reference, observation practices and logistical matters, and committed themselves to the Code of Conduct for International Election Observers (see Appendix 2), extracted from the Declaration of Principles for International Election Observation, which has been endorsed by over 35 organisations, including EISA. The first part of the briefings dealt with the principles, standards and practices of election observation. The second part consisted of briefings from a range of stakeholders, including the CNE, political parties, civil society organisations and the media (see Appendix 3 for detailed programme). The Arrival Statement was delivered at a press conference on 21 October 2009 at the Girassol Indy Village (see Appendix 4).

The mission was divided into teams of two and deployed in all 11 regions of Mozambique. The teams assessed the pre-election phase in the respective regions and met with various electoral stakeholders. On voting day, the teams visited polling stations throughout the day and later observed vote-counting. A total of 279 polling stations were visited.

After the counting process, the teams converged in Maputo on 29 October 2009 and held a debriefing session, and on 30 October the mission released its Interim Statement covering its observation findings up to that point (see Appendix 5) at a press conference. This report provides the mission's full account of the pre-election, Election Day and post-election phases of the 2009 Mozambique presidential, parliamentary and provincial elections.



1

Historical and Political Overview



I.1 Political Background

I.2 Electoral Trends

EISA has observed presidential and parliamentary elections held in Mozambique since 1999. This section positions the 2009 elections by providing a brief background of the major features of Mozambique's political and electoral history.

I.1 POLITICAL BACKGROUND

Following a 10-year struggle spearheaded by FRELIMO, Mozambique eventually gained its independence from Portuguese colonial rule in 1975. The fact that only FRELIMO, as a political movement, conducted the liberation struggle obliged the Portuguese colony to recognise FRELIMO as the legitimate representative of the people of Mozambique, without any need for elections.¹ This one-party state was under the leadership of Samora Machel, who was the first Executive President of the People's Republic of Mozambique.

However, it was not all rosy for the Southern African country, as the following year events took a sharp political and social turn. RENAMO, which comprised disgruntled Mozambican and ex-Portuguese army officers, caused turmoil. RENAMO, with the support of the Rhodesian government and the apartheid government in South Africa as well as with the tacit support of the governments of Daniel arap Moi in Kenya and Hastings Kamuzu Banda in Malawi, embarked on a civil war against FRELIMO beginning in 1976.² As if this were not enough, Machel died in a still-unexplained aeroplane crash in 1986.

The 16-year civil war, which lasted longer than the country's liberation struggle, came to an end after the General Peace Agreement (GPA) was signed in 1992. This was precipitated by the collapse of apartheid in South Africa and the end of the Cold War. These factors brought to a halt RENAMO's engagement in the civil war, as support to the movement dwindled significantly. This paved the way for the country to recover economically. The GPA set the stage for many important developments in Mozambique, including, most importantly, the demobilisation of both RENAMO and FRELIMO forces as well as the holding of elections in the immediate future.³

1.2 ELECTORAL TRENDS

Based on the GPA, the 1990 Constitution and the Electoral Act (1993), Mozambique held its first ever democratic presidential and legislative elections in 1994. The National Electoral Commission (CNE) was tasked with the overall responsibility of conducting these elections, with the Technical Secretariat for the Administration of Elections (STAE) as its executive arm. Although the elections were not without serious difficulties, a substantial number of registered (80%) voters turned out to vote, signifying, at least on behalf of the Mozambican people, a commitment to peace, democracy and to the future of Mozambique.⁴ The race to the presidency was comfortably won by the incumbent Joaquim Chissano of FRELIMO, with RENAMO's Afonso Dhlakama in second place. The situation was the same with the outcome of the legislative election results, as FRELIMO attained the majority of seats and RENAMO became the country's official opposition in parliament.

In 1998 local government elections were held for the first time in the country. However, these elections were not without controversy. Citing a number of concerns, chief among them the disorganised voter registration drive by the CNE, RENAMO boycotted them.

The second presidential and National Assembly elections took place in 1999. The electoral outcome remained the same, with FRELIMO strengthening its electoral prowess and RENAMO increasing its parliamentary seats. Following the local government elections of 1998, the next round of local government elections took place in 2003. In all these elections, the issue of the inaccuracy of the voters' roll was noted. The third round of presidential

and parliamentary elections took place in 2004. As expected, FRELIMO still retained its grip on power, and RENAMO remained the country's official opposition party. However, RENAMO together with other opposition parties lodged a complaint with the Constitutional Council regarding the outcome of the results. Among other problems, the issue of the voters' roll came up. The complaint was rejected by the Constitutional Council. The Council acknowledged that the election had been marred by irregularities, notably the deliberate invalidation of votes by corrupt polling station staff. However, such vote tampering, the Council said, had not been on a scale sufficient to alter the election results.⁵

2

Constitutional, Legal and Institutional Framework



- 2.1 The Constitution
- 2.2 The National Electoral Commission Act, 2002
- 2.3 The Technical Secretariat for Electoral Assistance (STAE)
- 2.4 The Constitutional Council
- 2.5 Election Administration
- 2.6 Delimitation of Electoral Constituencies

The Constitution of Mozambique (revised in 1992), the National Electoral Commission Act, 2002, and the Electoral Law of Mozambique of 2004 provide the legal and institutional framework for elections. The GPA stipulated that participation in the political transition from a one-party state to a multi-party democracy would be restricted to the government and RENAMO, and the electoral legal framework adopted was dominated by the two negotiating parties.⁶

2.1 THE CONSTITUTION

The 1990 constitution heralded a new era for a country that had been plunged into a 16-year civil war. Article 30 of the constitution clearly asserts that Mozambicans exercise power and the right to choose who governs them through universal, direct, secret and periodic suffrage, through referenda on major national issues, and through permanent democratic participation in the affairs of government. Political freedom, freedom of association, expression and movement are therefore enshrined in the constitution. The electoral system used in the presidential election is the majoritarian system, where the candidate with 50%+1 valid votes is the elected president.⁷ There will only be a run-off if neither presidential candidate has obtained an absolute majority of valid votes. The constitution stipulates that the presidential term of office is five years. The election of the National Assembly is based on the proportional representation electoral system, with each of the 11 provinces constituting an electoral constituency.

2.2 THE NATIONAL ELECTORAL COMMISSION ACT, 2002

The National Electoral Commission Act, 2002, asserts the powers and functions of the CNE, and makes provisions for the appointment of members of the commission and the establishment of STAE as the executive arm of the CNE. According to the act, the specific functions are:

- ensuring that the elections are conducted ethically and are entirely free, fair and transparent;
- receiving and perusing the candidates for the legislative councils;
- promoting civic and voter education;
- approving the materials to be used in the electoral process;
- approving the code of conduct for candidates and for the police during the election period;
- allocating times for campaigning on public radio and TV;
- ensuring that all candidates receive funding before the start of the elections;
- wetting up sites for voter registration and polling stations; and
- deciding within 48 hours on complaints and appeals about decisions taken by support units and electoral process agents.

The commission consists of 13 members, which includes a president. Members must be citizens of Mozambique, professionals and over 25 years old (Law 8/2007, 4). Five members are designated by parties/coalitions in the Assembly of the Republic proportional to their respective representation in the National Assembly. Eight members are chosen by the first five from nominees by civil society bodies.

The selection of CSO representatives on the CNE was controversial because of the heterogeneous nature of civil society itself and lack of clarity about who should designate its representatives. The CNE president is elected by the 13 from among the eight civil society representatives (Law 8/2007, 5).

The term of office of the CNE is five years and new commissioners must be appointed within 60 days “after the start of each legislative period” (Law 8/2007, 11).

2.3 THE TECHNICAL SECRETARIAT FOR ELECTORAL ASSISTANCE (STAE)

The STAE acts under the direction and supervision of the CNE and is in charge of organising, executing and assuring the technical administrative activities of electoral process. The main duties of the STAE are to:

- carry out voter registration and update the voters' roll and organise and execute the electoral process;
- ensure the availability of transport and the distribution of all materials relating to the census, referenda and elections; and
- train the electoral staff for the voting stations.

2.4 THE CONSTITUTIONAL COUNCIL

Article 241 of the constitution establishes the Constitutional Council (CC). The CC has special jurisdiction over constitutional matters. Article 244 of the constitution stipulates the functions of the CC as being to:

- determine the legality of referenda;
- verify that presidential candidates meet the qualifications laid down by law;
- hear appeals on decisions on electoral dispute petitions; and
- validate and declare final electoral results.

The CC consists of seven judges. One judge (the chairperson) is appointed by the president of the republic and ratified by the Assembly. Five judges are chosen by the Assembly on a proportional basis, and one is appointed by the Judicial Council.

2.5 ELECTION ADMINISTRATION

Mozambique's overall election administration is under the co-ordination of the CNE. The CNE is assisted by the STAE as its executive arm. In 1993 the CNE comprised 21 members made up of political parties and a chairperson chosen by the government. However, since then the composition has changed following a law reform. As indicated in Section 2.2, the current commission comprises 13 members, eight of whom are from civil society and the rest from political parties. The CNE is structured into temporary provincial, district and city electoral commissions put in place only around election time.⁸ Provincial electoral commissioners (CPEs) start their activities 60 days

prior to the beginning of the electoral process (including voter registration) and end 30 days after the announcement of election results.⁹ However, for district and city electoral commissions the process works differently, as they start working 30 days before the beginning of the electoral process and end their duties 15 days after the announcement of election results.

2.6 DELIMITATION OF ELECTORAL CONSTITUENCIES

In terms of the Constitution of Mozambique (1990, Article 135: see also Law 7/2007, 158-159) the Assembly of the Republic is the legislature and consists of 250 members elected every five years by proportional representation. 248 seats are elected from the 10 provinces and Maputo city, each acting as a constituency, with the number of seats allocated to each constituency based on the proportion of registered voters in each. Two members are elected by expatriates, one each for Africa and Europe. The seat allocation for the 2009 Assembly of the Republic election is given in Table 1.

Table 1
2009 voter registration and Assembly of the Republic seat allocation

Constituency	Registered voters	Seats
Niassa	544,770	14
Cabo Delgado	888,197	22
Nampula	1,801,249	45
Zambezia	1,770,910	45
Tete	796,257	20
Manica	648,969	16
Sofala	772,630	20
Inhambane	641,387	16
Gaza	639,658	16
Maputo province	616,208	16
Maputo city	695,354	18
Africa	55,206	1
Europe	1 154	1
Total	9,871,949	250

Source: Hanlon 2009, CNE/STAE 2009¹⁰

As Table 1 indicates, Nampula and Zambezia provinces contest the most seats (45 seats each). They are followed by Cabo Delgado, which had 22 seats.

3

The Pre-Election Phase



- 3.1 Setting the election date
- 3.2 Voter registration and voters' roll
- 3.3 Nomination of candidates
- 3.4 Voter and civic education
- 3.5 Media access and coverage.
- 3.6 Campaign process

3.1 SETTING THE ELECTION DATE

The harmonisation of Mozambique's elections was met with mixed feelings. Those sympathetic to the idea of having the harmonised elections on one day argued that this would assist in saving costs of the election, while those against the idea asserted that the harmonised elections would create unnecessary confusion, especially for voters with low levels of formal literacy. After consultation with the CNE, the president of the country is empowered to set the election date, and he declared that the 2009 presidential, national and provincial elections would take place on 28 October 2009.

3.2 VOTER REGISTRATION AND VOTERS' ROLL

Section 12 of the Registration Law (9/2007) states that voter registration is to be conducted by the CNE. The civil war, which ended in 1994, created logistical problems for the CNE in properly registering the electorate. The first voter registration exercise was followed by a voters' roll update in 1997 in preparation for the first municipal elections held in 1998.¹¹ In 1999 the CNE decided that there should be fresh registration on the basis that incorrect data had been collected in the 1994 registration process owing to the challenges that came with the end of the civil war. Section 9 of the 2007 Electoral Law paved the way for the third registration drive, which took place in preparation for the 2009 elections. The registration process ran from 15 June to 29 July of the same year. A document confirming a voter's identity is required for registration, thereafter voters are provided with a voter card that

includes their picture. There were unconfirmed reports of non-Mozambicans being fraudulently registered to vote. The results of the voter registration by province are given in Table 1 above.

3.3 NOMINATION OF CANDIDATES

The nomination process is carried out 60 days prior to Election Day. Submission of nominations is carried out in the presence of the Constitutional Council officials. Nominations for the post of president of the republic are made by political parties legally established and supported by a minimum of 10,000 duly identified citizens.¹² Section 132.1 of Law 7/2007 provides that nominations for the post of the president of the republic may also come from a group of citizens, with a minimum number of 10,000 signatures of registered voters. Regarding the process, Section 134 of Law 7/2007 asserts that the submission of nominations must be carried out by submitting a signed affidavit to the Constitutional Council, which includes:

- the full identification of the candidate indicating age, affiliation, occupation, residence, number, date of issuance and validity of the identification card;
- a document that proves the candidate has been registered in the updated voters' roll;
- a certificate regarding the criminal record of the candidate, and authenticated nomination acceptance declaration of the candidate;
- authentic declaration of the candidate to being eligible at all times, with evidence of meeting all the eligibility requirements; and
- payment of the 100 Meticaís (about US\$4.00) nomination fee. MP candidates have to be presented by political parties or party coalitions as long as they are legally registered by the deadline for presentation of candidates.¹³

In the run-up to the 2009 presidential, national and provincial elections, the CNE was under tremendous pressure from opposition parties. The issue revolved around the CNE's decision to exclude some parties from contesting the election. The CNE argued that the chief reason for the exclusion was the parties' non-compliance with the minimum requirements for qualification to participate in the electoral process. The period between 1 June and 29 July

2009 was reserved by the CNE for parties to submit their nomination papers. After this period, a specific timeframe was to be reserved for parties to make corrections to any discrepancies that might have been identified in their nomination forms. Opposition parties argued that the CNE did not adhere to this provision. Despite these complaints, the CNE continued to disqualify parties whose nomination forms were not in order. Disqualified parties appealed the CNE's decision to the Constitutional Council. In its findings, the Constitutional Council upheld the decision of the CNE.

Table 2 below depicts candidates who were nominated by their parties to contest the presidential ballot.

Table 2
Candidates nominated for president

Candidate	Party/coalition
Afonso Macacho Marceta Dhlakama	RENAMO
Armando Emílio Guebuza	FRELIMO
Daviz Mbepo Simango	MDM

Source: EISA 2010 "2009 Presidential Candidates", Conselho Constitucional 2009a "Edital: O Doutor Luís António Mondlane, Presidente do Conselho Constitucional" (www) <http://www.eisa.org.za/WEP/moz2009candidates.htm> (accessed August 2009)

The Mozambique Democratic Movement (MDM), led by Daviz Mbepo Simango, was formed in 2009 to contest the elections for the first time. Political commentators predicted that the party would offer new opposition to the ruling FRELIMO Party as it (the MDM) was formed by the mayor of Beira, Daviz Simango. His election as an independent candidate for the position of president came about after Dhlakama refused to nominate him as RENAMO's mayoral candidate for Beira in the previous local government elections. RENAMO members who were sympathetic to his cause joined his new political party.

3.4 VOTER AND CIVIC EDUCATION

The STAE, the operational arm of the CNE, is responsible for providing voter and civic education. This initiative is normally undertaken in collaboration with CSOs. With the assistance from STAE, the media also played an important role by broadcasting and publishing various electoral events in newspapers. Voter education agents also used mobile units to educate voters and distribute graphic materials. The CSOs were not happy with the inadequate voter education process and complained of lack of funds. This lack of funds also prevented CSOs from conducting ongoing voter and civic education in Mozambique.

3.5 MEDIA ACCESS AND COVERAGE.

Freedom of expression and freedom of the press are guaranteed by the constitution of Mozambique. The country's national television broadcaster is Mozambican Television (TVM). The national radio station is *Rádio Moçambique*, and *Noticias* and *Diário de Moçambique* are state-run newspapers. The Supreme Mass Media Council is an independent body which regulates the media. However, for election purposes, electoral legislation establishes some provisions to guide the functioning of public media in order to achieve balanced and impartial election coverage of the contestants.¹⁴ According to Section 29 of the Electoral Law (7/2007), candidates to the presidency of the republic, political parties and party alliances running for the elections have the right to utilise the public broadcasting service and television during the electoral campaign to convey their message to votes. On the other hand, there has been intense growth in the private media arena. The EISA observer mission noted that the private media was not biased in favour of any political party in the run-up to the elections, while the state media was biased in favour of the ruling party.

3.6 CAMPAIGN PROCESS

Given the country's violent conflictual history, the campaign process is an enormous test in the country's post-1994 era. It is through this campaign process that candidates and political parties put forward their ideologies through manifestos. Mozambique's electoral law, which guides the campaign process for political parties, stipulates that election campaigning officially commences 45 days before Election Day and ends 48 hours ahead of Election Day.

Stakeholders who briefed the mission were almost unanimous that the pre-election phase was marked by isolated incidents of violence and intimidation involving the main political parties, namely FRELIMO, the MDM and RENAMO. Minor incidents of intimidation, including tearing up of opponents' campaign posters, disruption of opponents' rallies and use of abusive language, were also reported by all the contesting parties.

4

Election Day



- 4.1 Voting process
- 4.2 Polling staff
- 4.3 Monitors and observers
- 4.4 Counting process

4.1 VOTING PROCESS

Voting took place in a peaceful environment. Although there were concerns that the harmonised elections would create confusion for the electorate, this was not the case on polling day. The process during polling day was slow, however, as polling staff had to clearly explain to voters which ballot paper was for which particular election.

4.2 POLLING STAFF

The training of polling staff took place between 24 September 2009 and 3 October 2009. Around 100,000 staff were trained to manage the 12,000 polling stations throughout the country. Polling staff comprised teachers and civil servants. In an effort to eradicate confusion on the voting procedures, presiding officers provided “on-the-spot” voter education. The polling staff were vigilant in making sure that all voters dispatched ballot papers in the correct ballot boxes.

4.3 MONITORS AND OBSERVERS

In the areas that were visited by the EISA observer teams, there were party agents in virtually all the polling stations. There were limited numbers of domestic observers present. In polling stations that the EISA observer mission visited, the dominant party agents that were present belonged to FRELIMO, RENAMO and the MDM.

4.4 COUNTING PROCESS

Counting took place immediately after the polling stations were closed. In most polling stations visited by EISA observers counting took place throughout the night. The counting process was extremely slow; so much so, that in many places it lasted until the early hours of the next day. The chief reason for this was the fact that polling staff had to count all the presidential, National Assembly and provincial ballots on the same day. In addition, there were isolated incidents where votes belonging to the National Assembly ballot box were found in the ballot box meant for the provincial votes and vice versa. Domestic observers and party agents were present and vigilant in making sure that the counting process was free, fair and transparent.

5

The Post-Election Phase and Results



- 5.1 Tabulation and announcement of results
- 5.2 The results

5.1 TABULATION AND ANNOUNCEMENT OF RESULTS

Vote tabulation took place at polling stations. Accredited international observers, domestic monitors and party agents were allowed to observe this process. Given the fact that these were harmonised elections, the tabulation of results was a tedious exercise for polling staff, as it concluded in most cases only the following morning. In the tabulation process it is the responsibility of the CNE to ascertain the percentage poll, check the total number of votes for each presidential candidates and each party; and distribute and allocate seats to parties in each province. The results were expected to be announced by 14 November 2009. However, this was not the case, as the results were ratified and accepted by the Constitutional Council only on 27 December 2009.

5.2 RESULTS

Table 3: Presidential results

Candidate	Party	Votes	% votes
Armando Emilio Guebuza	FRELIMO	2,974,627	75.01
Afonso Macacho Marceta Dhlakama	RENAMO	650,679	16.41
Daviz Mbepo Simango	MDM	340,579	8.59
Total		3,965,885	100.01

Source: EISA 2009 Source: "2009 presidential election results", January, [www] <http://www.eisa.org.za/wep/moz2009results1.htm> (accessed 30 April 2010)

Table 3 confirms the electoral dominance of the ruling FRELIMO party. The 2009 elections re-affirmed the decrease in support for RENAMO as the official opposition party. A year after its inception, the MDM gained 8.59 percentage of the vote as opposed to RENAMO's 16.41 percent. This was a remarkable performance by a party contesting its first election. Table 4 displays the voting statistics for the presidential ballot.

Table 4: Presidential vote statistics

Registered voters	9,871,949
Ballots cast	4,406,093
Percentage poll	44.63
Valid ballots	3,965,885
Spoilt ballots	440,208
% Spoilt	9.99

Source: EISA. 2010a. "2009 presidential election results", January, [www]http://www.eisa.org.za/wep/moz2009results1.htm (accessed 30 April 2010)

The number of spoilt ballots in the 2009 presidential, parliamentary and provincial assembly elections reveals the urgent need for improvement in civic and voter education initiatives. However, civil society organisations conducting voter and civic education noted that it was due to lack of funding that this initiative could not be carried out more thoroughly.

Table 5: Overall voting statistics

Registered Voters	9,871,948
Votes cast	4,387,250
% Turnout	44.44
Valid votes	3,893,858
Invalid votes	493,392
% Invalid	11.25

Source: EISA. 2010b. "2009 Assembly of the Republic national results", January, [www] http://www.eisa.org.za/WEP/moz2009results2.htm (accessed 17 November 2009)

Table 6: National Assembly results

Party	Votes	% Votes	Seats	% Seats
FRELIMO	2,907,335	74.66	191	76.4
RENAMO	688,782	17.69	51	20.4
MDM	152,836	3.93	8	3.2
Others	144,905	3.72	0	0.0
Total	3,893,858	100.00	250	100.0

Source: EISA. 2010b. "2009 Assembly of the Republic national results", January, [www] <http://www.eisa.org.za/WEP/moz2009results2.htm> (accessed 17 November 2009).

The overall voter turnout was 44.44 percent. Out of a total of 250 seats in the National Assembly, FRELIMO convincingly won 191 seats. Compared to the National Assembly results of 2004, in which RENAMO attained 905,289 votes; the situation was dire in the aftermath of the 2009 results, as the party could only garner 688,782 votes, a drastic decline. The MDM, on the other hand, gained 152,836 votes.

Table 7: Provincial Assembly results

Province	FELIMO	RENAMO	MDM	PDD	Total
Niassa	66	2	2	nc	70
Cabo Delgado	73	8	nc	nc	81
Nampula	77	12	2	nc	91
Zambézia	57	31	0	2	90
Tete	75	5	nc	nc	80
Manica	61	19	nc	nc	80
Sofala	59	1	20	nc	80
Inhambane	80	0	0	0	80
Gaza	80	nc	nc	nc	80
Maputo	75	5	nc	nc	80
Total	703	83	24	2	812
% Seats	86.58	10.22	2.96	0.25	100.01

Source: EISA. 2010c. "2009 provincial assembly results", January, [www] <http://www.eisa.org.za/WEP/moz2009province.htm> (17 November 2009).

As Table 7 illustrates, in the provincial assembly elections FRELIMO was dominant in the electoral contest in most provinces. It was only in the Zambezia province where the electoral gap was noticeable, with FRELIMO receiving 57 votes to RENAMO's 31.

6

Conclusions and Recommendations



- 6.1 Independence of the CNE
- 6.2 Voter registration
- 6.3 Broadening space for political competition
- 6.4 Constructive management of election-related conflict
- 6.5 Improving vote-counting and management of election results
- 6.6 Enhancing the transparency of the CNE
- 6.7 Creating impartiality in the state-owned media

6.1 INDEPENDENCE OF THE CNE

Many Mozambican stakeholders who briefed the mission did not perceive the CNE as being independent and impartial. The mission recommends that the nomination process of CNE members, especially those drawn from CSOs, should be more transparent. Furthermore, the law itself must be clearer and more specific regarding the nomination of CNE representatives chosen from CSOs.

6.2 VOTER REGISTRATION

If not properly managed, the voter registration process can limit the credibility of an election. The observer mission noted complaints from various electoral stakeholders on how the voter registration exercise was managed in Mozambique. The mission advises that the voters' roll should be continuously updated and maintained to avoid dissatisfaction from contesting political parties.

6.3 BROADENING SPACE FOR POLITICAL COMPETITION

Multiparty democracy is founded on regular contestation of elections by political parties. These parties compete for power within the confines of constitutional and legal provisions. The mission recommends that the Mozambican authorities ensure that all registered political parties are accorded their right to participate in elections by avoiding requiring

documents to be submitted at the last minute by parties and candidates during the nomination process.

6.4 CONSTRUCTIVE MANAGEMENT OF ELECTION-RELATED CONFLICT

Violent conflict undermines the contribution that elections play in consolidating democracy and peace. The mission urges Mozambicans to build firm institutional mechanisms for the prevention, management and resolution of election-related conflict. As part of the mechanisms for managing election-related conflict, Mozambique should consider introducing an enforceable Code of Conduct that parties sign ahead of elections and commit themselves to upholding throughout the entire electoral cycle. As a remedy for election-related conflict in Mozambique, the introduction of conflict management panels might be considered.

6.5 IMPROVING VOTE-COUNTING AND MANAGEMENT OF ELECTION RESULTS

Given the fact that vote-counting took so long, the process should be simplified. The process of results management is a crucial and sensitive aspect to the integrity of the electoral process. The mission urges the CNE, STAE and the Constitutional Council to expedite the processing of election results in order to avoid long delays experienced in past elections. This will eliminate the element of mistrust that might arise.

6.6 ENHANCING THE TRANSPARENCY OF THE CNE

The mission learnt that political parties were not always up to date on relevant information, and some of the requirements for standing as candidates appeared not to have taken into account realistic timeframes to secure the necessary documentation. The mission was also made to understand that the number of voters per polling station was not circulated. The mission encourages the CNE to demonstrate more transparency in the management of the electoral process. Decisions must be explained in a timely manner to all stakeholders where necessary.¹⁵ To further ensure the transparency of the entire electoral process, Mozambique might wish to consider establishing multi-party liaison committees (MPLCs).

6.7 CREATING IMPARTIALITY IN THE STATE-OWNED MEDIA

During the mission's stay in Mozambique, the team observed that there

was no impartiality in media reporting, especially with regard to electoral campaigning. State-owned media coverage was heavily biased in favour of the ruling party. The mission recommends that there should be monitoring mechanisms that should monitor equitable coverage of all the political parties involved in the electoral process.

APPENDICES

Appendix 1: Composition of the EISA Observer Mission

Name	Organisation	Country	Gender
Dr Christiana Thorpe	National Electoral Commission	Sierra Leone	Female
Mr Denis Kadima	EISA	DRC	Male
Joyce Pitso	EISA	South Africa	Female
Dr Khabele Matlosa	EISA	Lesotho	Male
Sydney Letsholo	EISA	South Africa	Male
Pierre D. Habumuremyi	Legislative Assembly of East Africa	Rwanda	Male
Maria Gomes	<i>Plataforma da Sociedade Civil</i>	Angola	Female
Renato Raimundo	<i>Plataforma da Sociedade Civil</i>	Angola	Male
Mawethu Mosery	Independent Electoral Commission	South Africa	Male
Eralda Vahidi	International IDEA	Belgium	Female
Seth Phamuli	EISA	South Africa	Male
Manuel Miranda	National Electoral Commission-	Cape Verde	Male
Elba Pires	National Electoral Commission	Cape Verde	Female
Malam Mane	Consultant	Guinea-Bissau	Male
Dr Aman Walid Kabourou	Legislative Assembly of East Africa	Tanzania	Male
Christopher Mabena Bok	Consultant	South Africa	Male
Nogozene Bakayoko	Consultant	Côte d'Ivoire	Female
Eva Pelmans	COSOME	Burundi	Female
Dr Yusuf Nzibo	Interim Independent Electoral Commission	Kenya	Male
Antonia da Costa Jose	<i>Plataforma da Sociedade Civil</i>	Angola	Female
Hannah Koroma	Women Initiatives Group	Sierra Leone	Female
Yvette Ondinga	EISA	South Africa	Female
Somsri Hananuntasuk	ANFREL	Thailand	Female

APPENDIX 2: CODE OF CONDUCT FOR OBSERVERS

Election Observer Mission 2009 Presidential, National and Provincial Assembly Elections in Mozambique

CODE OF CONDUCT

International election observation is widely accepted around the world. It is conducted by intergovernmental and international non-governmental organisations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including observers and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognised human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation

Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership.

Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers must also report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers who are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after Election Day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.

Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election

process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence.

Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers must also keep a well-documented record of where they observed, the observations made and other relevant information as required by the election observation mission, and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behaviour

Observers must maintain proper personal behaviour and respect others, which includes exhibiting sensitivity for host-country cultures and customs. They must also exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have his or her observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

APPENDIX 3: STAKEHOLDER BRIEFING PROGRAMME
EISA ELECTION OBSERVER MISSION
TO THE 2009 MOZAMBIQUE PRESIDENTIAL, PARLIAMENTARY AND
PROVINCIAL ELECTIONS
PRE-DEPLOYMENT AND STAKEHOLDER BRIEFING
MAPUTO, 21–22 OCTOBER 2009
DAY ONE: 21 OCTOBER 2009

TIME	TOPIC	PRESENTER/FACILITATOR
0830hrs-0900hrs	Registration	
0900hrs-0915hrs	Welcome Remarks	Mr Denis Kadima, Executive Director
0915hrs-0930hrs	Mission Background & Plan	Mr Denis Kadima, Executive Director
0930hrs-1000hrs	Election observation types, function & role of international observers	Dr Khabele Matlosa
1000hrs-1030hrs	TEA / COFFEE BREAK	
1030hrs-1100hrs	General features of free and fair elections	Mr Denis Kadima
1100hrs-1130hrs	Terms of Reference and Code of Conduct	Dr Khabele Matlosa
1130hrs-1230hrs	Arrival Press Conference	Dr Christiana Thorpe, Mission Leader
1200hrs-1300hrs	Terms of Reference and Code of Conduct (cont.)	Dr Khabele Matlosa
1300hrs-1400hrs	LUNCH	
1400hrs-1500hrs	Reporting Forms & Checklists	Ms Titi Pitso
1500hrs-1515hrs	QUICK TEA / COFFEE BREAK	
1515hrs-1630hrs	The Political and Historical Context of the 2009 Elections	Miguel de Brito
1630hrs-1700hrs	The Media and the 2009 Presidential and Parliamentary Elections	Tomas Vieira Mario (MISA Mozambique)

DAY TWO: 22 OCTOBER 2009

TIME	TOPIC	PRESENTER/FACILITATOR
0830hrs-0930hrs	Preliminary assessment of the electoral process: Perspectives from civil society	Electoral Observatory
0930hrs-1030hrs	Political Parties Panel	FRELIMO
10:30hrs-11:00hrs	TEA/ COFFEE BREAK	
11:00hrs-1200hrs	Political Parties Panel	RENAMO
1200hrs-1300hrs	Political Parties Panel	MDM
1300hrs-1400hrs	LUNCH	
1400hrs-1500hrs	Political Parties Panel	PDD
1500hrs-1600hrs	The state of readiness of the National Electoral Commission (CNE) and preparations thus far	CNE/STAE
1600hrs-1700hrs	DEPLOYMENT PLANS	Ms Titi Pitso

APPENDIX 4

EISA OBSERVER MISSION TO THE 2009 PRESIDENTIAL, PARLIAMENTARY AND PROVINCIAL ELECTIONS IN MOZAMBIQUE 28 OCTOBER 2009



21 October 2009

ARRIVAL STATEMENT

EISA is pleased to announce the arrival of its Election Observer Mission to the 2009 Presidential, Parliamentary and Provincial Elections in Mozambique, which are scheduled for 28 October 2009. The mission is in Mozambique at the invitation of the National Electoral Commission (CNE). The mission is led by Dr Christiana Thorpe, Chairperson of the National Electoral Commission of Sierra Leone. The deputy mission leader is Mr Denis Kadima, EISA Executive Director.

The mission is made up of 23 members drawn from civil society organisations (CSOs) and election management bodies in various African countries, Asia and Europe. The deployment of the mission is in line with the following strategic objectives of EISA:

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights

Specific objectives for this mission include the following:

- To assess whether conditions exist for the conduct of elections that allow the people of Mozambique to freely express their will;

- To assess and determine whether the elections are conducted in accordance with the constitutional and legal framework for elections in Mozambique;
- To determine whether the final results of the electoral process as a whole reflect the wishes of the people of Mozambique;
- To assess whether the elections meet the benchmarks set out in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries.

Deployment and Activities

- Members of the mission began arriving in Mozambique on 20 October 2009 and will remain in the country until 30 October 2009.
- Observers will attend a briefing from 21 to 22 October 2009, where they will be addressed by various electoral stakeholders.
- On 23 October 2009, members of the mission will be deployed throughout all the provinces, where they will meet with electoral stakeholders, including electoral officials, civil society organisations and representatives of political parties and the media.

On Election Day, members of the EISA mission will observe voting and counting at the polling stations. Members of the mission will return to Maputo on 29 October 2009 to attend a debriefing session and to assess the electoral process to that point.

The interim statement assessing the elections will be delivered on 30 October 2009. Members of the mission will begin to leave Maputo on 30 October 2009. EISA will continue to monitor the process until the finalisation of the election results, upon which the mission's final report and assessment of the 2009 presidential, parliamentary and provincial elections will be made.

About EISA

EISA is a regional non-profit organisation established in 1996 and headquartered in Johannesburg, South Africa, with field offices in the

DRC (Kinshasa), Mozambique (Maputo), Madagascar (Antananarivo) and Cote d'Ivoire (Abidjan). EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa. EISA services electoral commissions, political parties, civil society organisations, governments and other institutions operating in the democracy and governance fields in Africa.

Our vision

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

Mission statement

EISA strives for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

Contact the Mission

The Mission Secretariat is based at the Girassol Indy Congress Hotel & Spa
Rua Dom Sebastião n° 99 Sommerchild Maputo, Moçambique

APPENDIX 5

EISA OBSERVER MISSION TO THE 2009 PRESIDENTIAL,
PARLIAMENTARY AND PROVINCIAL ELECTIONS IN MOZAMBIQUE
28 OCTOBER 2009



INTERIM STATEMENT
Maputo, 30 October 2009

FOR IMMEDIATE RELEASE**I. INTRODUCTION**

EISA deployed a continental election observer mission to the 2009 presidential, national and provincial assembly elections in Mozambique held on Wednesday 28 October 2009. The mission was in Mozambique at the invitation of the National Electoral Commission (CNE) dated 14 September 2009. The mission was led by Dr Christiana Thorpe, the Chairperson of the National Electoral Commission of Sierra Leone. The Deputy Mission Leader was Mr Denis Kadima, the EISA Executive Director. The mission was composed of 24 members from electoral commissions, civil society organisations (CSOs) and regional economic communities (RECs) drawn from 10 African countries, namely Angola, Cape Verde, Côte d'Ivoire, Democratic Republic of Congo, Guinea Bissau, Kenya, Lesotho, Sierra Leone, South Africa and Tanzania. The mission also had observers from partner organisations from selected countries in Asia and Europe.

The specific objectives of the mission were to:

- Assess whether the conditions existed for the conduct of elections that allow the people of Mozambique to freely express their will;
- Assess and determine whether the elections were conducted in accordance with the constitutional and legal framework for elections in Mozambique;

- Determine whether the final results of the electoral process as a whole reflect the wishes of the people of Mozambique; and
- Assess whether the elections met the benchmarks set out in the Principles for Election Management, Monitoring and Observation (PEMMO) developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries.

The EISA mission has made the assessment of the electoral process in Mozambique and its preliminary findings and recommendations are presented in this interim statement. EISA will produce a more comprehensive and final report on the entire election process in due course. The final report will provide an in-depth analysis, detailed observations as well as recommendations for improvement of the country's electoral process.

2. METHOD OF WORK

In order to accommodate the need for a holistic approach to election assessment, EISA undertook various activities covering the pre-election and polling phases and the immediate aftermath of the election. EISA will continue to follow post-election developments closely. The assessment methodology encompassed the activities outlined below.

2.1 Pre-election assessment

EISA deployed a pre-election assessment mission to Mozambique, whose main rationale was to examine political, legal and logistical conditions prior to the October 2009 tripartite elections. The two-member team visited Mozambique from 21 to 25 September 2009. The main mission arrived in Mozambique on Tuesday, 20 October 2009.

2.2 In-country briefings

Between 21 and 22 October 2009 members of the mission attended briefing sessions at the Girassol Indy Village Hotel in Maputo, where they were introduced to the context in which the election was being held. Members of the mission were also introduced to the methodology and tools of election assessment to be used. During the briefing sessions, the mission received presentations from various key electoral stakeholders, including CSOs, political parties, the media, academics, the CNE and the Technical Secretariat for Electoral Administration (STAE). On 22 October 2009, the mission was

also invited by the CNE to a presentation to demonstrate the new software to be used in computing results.

2.3 Deployment

The EISA mission was deployed to various parts of the country to observe the electoral process. In its deployment, the mission covered all 11 provinces of the country. Observers were deployed in pairs to each of the provinces, namely Maputo City, Maputo Province, Gaza, Inhambane, Sofala, Manica, Tete, Zambezia, Nampula, Cabo Delgado and Niassa.

2.4 Stakeholder meetings and political party rallies

Stakeholder meetings were held at both national and provincial levels. These meetings provided useful insights into the different key stakeholders' assessment of the process. These meetings also assisted the mission to gauge the general mood in the country as the polls drew nearer. In the provinces, members of the mission held meetings with various electoral stakeholders, including representatives of the CNE, STAE, political parties, CSOs, the media and academics. The mission also met domestic observers, church groups and other international observer teams. In Maputo City, our team met the President of the Constitutional Council, the Chairperson of CNE and the Director-General of STAE. Our teams witnessed the 'caravanas' (car parades) by various political parties. The mission also attended political party rallies in the different provinces of the country where they were deployed.

2.5 Observation of voting and counting

On 28 October, members of the mission observed the voting and counting of votes at the polling stations. In total, the mission covered 279 polling stations in various districts. Through the EISA-Mozambique Office in Maputo, EISA will continue to follow closely the tabulation and computation of the results until its completion, including the announcement of the final election outcome.

2.6 Principles for Election Management Monitoring and Observation in the SADC Region (PEMMO)

The EISA observer mission's assessment of the 2009 presidential, national and provincial assembly elections in Mozambique was based on the Principles for Election Management, Monitoring and Observation (PEMMO). The principles

are benchmarks against which an election can be measured on an objective basis to assess its credibility, transparency and legitimacy. PEMMO was developed by EISA in partnership with the Electoral Commissions Forum of SADC countries, which comprises all the election management bodies in the SADC region. These principles are the result of extensive research and region-wide consultation with electoral stakeholders, including CSOs, and were designed to provide guiding principles for the administration of elections in the region. Using the electoral cycle approach, PEMMO covers the whole electoral process, including the period before, during and after the poll. Furthermore, PEMMO presents a useful tool for both post-election reviews and electoral reforms. For observers, PEMMO also outlines guidelines on the expected behaviour of observers for the enhanced credibility of election observation.

EISA has used PEMMO to assess elections since 2004.

3. PRELIMINARY FINDINGS OF THE MISSION

After analysing the legal framework of elections in Mozambique and the observations made by its different teams deployed on the ground, and basing itself on norms and guidelines contained in the PEMMO, the EISA mission has identified both progression and regression in the electoral process that need to be highlighted.

3.1 Composition of the CNE

During the 2004 elections, the CNE was composed of party representatives only. In its observation of that election, the EISA observer mission made a recommendation that the nature and composition of CNE be reviewed in order to enhance its independence and increase public trust and confidence. The EISA mission is gratified that Mozambican authorities undertook reforms by broadening stakeholder participation in election management. Currently the CNE comprises 13 members: five nominated by political parties and eight from CSOs. This is an improvement on the previous elections. However, the mission learnt that the transparency in the selection of the CSO representatives was questionable, thereby casting doubt over the integrity, impartiality and independence of the CNE.

3.2 Qualification and disqualification of parties and candidates

The nomination of presidential candidates is conducted 90 days before Election Day. Names of presidential candidates are submitted to the Constitutional Council, which has the power to accept or reject them depending on whether or not they meet the criteria and qualifications as spelled out in Laws No. 7 of 26 February 2007 and No. 15 of 9 April 2009. Only political parties, coalitions of parties or organised social formations can submit nominations for presidential candidates. The nomination period was opened between 1 June and 29 July 2009. The mission learnt that the Constitutional Court received submissions for the nomination of nine presidential candidates. The submissions are to be supported by a minimum of 10,000 registered voters and their signatures, proof from the candidates that they do not have a criminal record, candidates' identity documents, and a non-refundable deposit of 100,000.00 Meticaís (about USD3,500.00). Of the nine nominees, the Constitutional Council approved three and disqualified six. The approved candidates were Armando Guebuza of FRELIMO, Daviz Simango of the Mozambican Democratic Movement (MDM) and Afonso Dhlakama of RENAMO. The main argument raised by the Constitutional Council in taking this decision on 14 August 2009 was that the rejected nominees did not submit all the required documentation and that some of the information submitted was fraudulent. In respect of the national and provincial assembly elections, nomination of candidates is the responsibility of the CNE. Fairly similar rules and procedures as those for the presidential nominations apply for the nomination of National Assembly candidates, with few exceptions.

The mission learnt that 10 parties and coalitions were disqualified from the National Assembly election contest. The mission was further informed that there were 19 political parties and coalitions participating in the National Assembly elections in 13 constituencies. Of these, only two parties, namely FRELIMO and RENAMO, contested elections in all the constituencies. Seventeen political parties and coalitions contested only in some provinces. As with the disqualification of some presidential nominees, stakeholders that the mission met with raised concerns about what they perceived as exclusion of some of the political parties and coalitions. The mission also observed that in a sizeable number of districts FRELIMO contested elections

unopposed. Stakeholders felt that this development undermines political competition and concentrates political power in one or at least two main players, with dire consequences for the deepening of multiparty democracy in Mozambique. This situation undermines the positive step taken by Mozambican authorities to revoke the 5% threshold for parties to win seats in the National Assembly.

3.3 Political violence and intimidation

Stakeholders who briefed the mission were all unanimous that the pre-election phase was marked by isolated incidents of violence and intimidation. This involved mainly supporters of the parties contesting elections, especially FRELIMO and RENAMO. Incidences of intimidation included tearing of opponents' campaign posters, disruption of opponents' rallies and use of abusive language. The most common incident was the physical confrontation of party supporters when party 'caravanas' (car parades or campaign convoys) happened to cross paths during the campaign trail. Although violence and intimidation were not generalised and did not lead to loss of life, the mission received reports of serious injuries inflicted on victims by perpetrators. What was also striking to the mission were reports to the effect that the police were either lethargic or indifferent in their response to political violence and intimidation. The mission was pleased to learn that levels of violence reduced drastically once party leaders made calls for restraint.

3.4 Citizen participation in elections

One of the fundamental ingredients of a credible election is the participation of citizens in all the stages of the process. This is because elections are essentially an expression of popular sovereignty and affirmation of civil liberties and political rights. Voter participation enhances the integrity of the election and the legitimacy of its outcome. The mission noted that while during the presidential and National Assembly elections of 1994, voter turnout was a commendable 80%; in 2004 it declined substantially to a mere 36.42%. The mission was informed by the CNE, STAE, CSOs and political parties that extensive civic and voter education was undertaken prior to the 2009 elections. During polling day, the mission observed long queues of voters eager to cast their ballots. However, a preliminary observation of our mission is that the civic and voter education efforts and the long queues observed during polling day may not translate into high voter turnout, as

these long queues were generally a result of a slow voting process. Where the EISA teams were present, the voter turnout ranged between low and average.

3.5 Counting and results management

The 2004 EISA observer mission to Mozambique raised the problem of the slowness in the counting process. The current mission observed the persistence of this problem. The mission observed delays in counting that have to do with the laborious process of reconciliation of ballot papers before counting. Our observers noted that towards the end of the process, the election officials and party agents were so tired that none of them tended to pay much attention to the detail of the process. The management of the electoral process and election results ultimately rests with the CNE. The mission observed that the results management process was painstakingly slow and lengthy. The mission was made to understand that the verification process by the Constitutional Council rotates through all the seven judges for three days each. Then the documents go to the Attorney-General for three more days. Then additional eight days are taken up by the Constitutional Court rapporteur preparing and compiling the report. This process can take up to three or more weeks before election results are announced. The mission appreciates that the process needs to be done within the provisions of the law ensuring that no mistakes are made. However, the mission further notes that slow processing of election results triggers suspicions of manipulation. Election results have to be announced expeditiously without compromising the letter and spirit of the electoral law. The mission commends the Mozambican CSOs for undertaking Parallel Vote Tabulation (PVT) aimed at enhancing the transparency of the electoral process.

4. AREAS FOR IMPROVEMENT AND RECOMMENDATIONS

4.1 Independence of the CNE

Many Mozambican stakeholders who briefed the mission did not perceive the CNE as being independent and impartial. The mission recommends that the selection requirements and procedures of CNE members, especially those drawn from CSOs, should be more transparent. Furthermore, the law itself must be clearer and more specific regarding the selection of CNE representatives chosen from CSOs.

4.2 Broadening space for political competition

Multiparty democracy is founded on political parties who contest elections regularly. These parties compete for state power within the confines of constitutional and legal provisions. The mission recommends that the Mozambican authorities ensure that all registered political parties are accorded their right to participate in elections by avoiding requiring documents to be submitted at the last minute by parties and candidates.

4.3 Constructive management of election-related conflict

Violent conflict undermines the value of elections for democracy and peace. The mission urges Mozambicans to build firm institutional mechanisms for the prevention, management and resolution of election-related conflict. As part of the mechanisms for managing election-related conflict Mozambique should consider introducing an enforceable Code of Conduct that parties sign ahead of elections and commit themselves to upholding throughout the entire electoral cycle.

4.4 Improving vote-counting and management of election results

Vote-counting should be simplified and undertaken in a more expeditious manner. The process of results management is a crucial and sensitive aspect of the integrity of the electoral process. The mission urges the CNE, STAE and the Constitutional Council to expedite the processing of election results in order to avoid the long delays experienced in past elections.

4.5 Enhancing the transparency of the CNE

The mission learnt that voters were not adequately informed as to which party was standing in which district, and some of the requirements for standing as candidates appeared not to have taken into account realistic timeframes to secure the necessary documentation. The mission was also made to understand that the number of voters per polling station was not circulated. The mission encourages the CNE to demonstrate more transparency in the management of the electoral process. Decisions must be explained in a timely manner to all stakeholders where necessary.

5. Conclusion

In conclusion, as of today (30 October 2009), the 2009 Mozambican presidential, legislative and provincial assembly elections were generally conducted in

conformity with the electoral benchmarks contained in PEMMO. The people of Mozambique were able to freely express their will. However, some improvements are required to level the playing field, afford equal opportunity to all and improve the transparency of the electoral process.

On behalf of the entire EISA Election Observer Mission, I would like to take this opportunity to extend our gratitude to the people of Mozambique for the warm welcome and hospitality accorded to the mission.

NOTES

- 1 Matsimbe, Z. 2009. 'Mozambique.' *Compendium of Elections in Southern Africa 1989–2009: 20 Years of Multiparty Democracy*: Denis Kadima and Susan Booyesen (eds). Johannesburg: EISA, 2009.
- 2 EISA. 2004. EISA Election Observer Mission Report No. 17. Mozambique Parliamentary and Presidential Election, 1–2 December.
- 3 Ibid.
- 4 Ibid.
- 5 Mozambique: Constitutional Council Validates Election Results (www) <http://allafrica.com/stories/200912281309.html> (accessed 28 December 2009).
- 6 EISA. 2004. Election Observer Mission Report No. 17. Mozambique Parliamentary and Presidential Election, 1–2 December.
- 7 Ibid.
- 8 Matsimbe, Z. 2009. 'Mozambique.' *Compendium of Elections in Southern Africa 1989–2009: 20 Years of Multiparty Democracy*: Denis Kadima and Susan Booyesen (eds). Johannesburg: EISA, 2009.
- 9 Ibid.
- 10 Hanlon. 2009. '2009 Elections Mozambique political process bulletin', 39, 16 Nov; CNE/STAE 2009 'Mandatos legislativas', [www] <http://www.stae.org.mz/pages/mandatos-legislativas.php> (accessed 16 September 2009).
- 11 Ibid.
- 12 Matsimbe, Z. 2009. 'Mozambique.' *Compendium of Elections in Southern Africa 1989–2009: 20 Years of Multiparty Democracy*: Denis Kadima and Susan Booyesen (eds). Johannesburg: EISA, 2009.
- 13 Ibid.
- 14 Matsimbe, Z. 2009. 'Mozambique.' *Compendium of Elections in Southern Africa 1989–2009: 20 Years of Multiparty Democracy*: Denis Kadima and Susan Booyesen (eds). Johannesburg: EISA, 2009.
- 15 EISA. 2009. Interim Statement.

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 fields 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 and practices and to 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 was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

MISSION

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

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 enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the sector

CORE ACTIVITIES

- Research
- Policy Dialogue
- Publications and Documentation
- Capacity Building
- Election Observation
- Technical Assistance
- Balloting

OBSERVER MISSION REPORTS

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report: Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report: South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report: Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report: Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report: Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report: Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report: Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report: The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005
EOR 22	EISA Observer Mission Report: Zanzibar Presidential,

- House of Representatives and Local Government Elections
30 October 2005
- EOB 23 EISA Observer Mission Report: Zambia Presidential, Parliamentary
and Local Government Elections 28 September 2006
- EOB 24 EISA Observer Mission Report: Madagascar Presidential Elections
3 December 2006
- EOB 25 EISA Observer Mission Report: DRC Presidential, Parliamentary
and Provincial Elections / Elections Présidentielles, Parlementaires et
Provinciales 30 July and 29 October 2006
- EOB 26 EISA Election Observer Mission Report Lesotho National Assembly
Elections 17 February 2007
- EOB 27 EISA Election Observer Mission Report Madagascar National
Assembly Elections 23 September 2007
- EOB 28 EISA Election Observer Mission Report The Zimbabwe Harmonised
Elections of 29 March 2008 Presidential, Parliamentary and Local
Government Elections with Postscript on The Presidential Run-off of
27 June 2008 and the Multi-Party Agreement of 15 September 2008
- EOB 29 EISA Election Observer Mission Report Swaziland House of
Assembly Election 19 September 2008
- EOB 30 EISA Election Observer Mission Report Malawi Presidential and
Parliamentary Elections 19 May 2009
- EOB 31 EISA Election Observer Mission Report Zambia Presidential By-Election
30 October 2008

