

Two articles from AIM on CNE rejecting MDM in most provinces, with details of MDM difficulties.

CNE REPLIES TO MDM CLAIMS

US DIPLOMAT DEMANDS “INCLUSIVE” ELECTIONS

39909E **CNE REPLIES TO MDM CLAIMS**

Maputo, 10 Sept (AIM) – The National Elections Commission (CNE) excluded the opposition Mozambique Democratic Movement (MDM) from nine of the 13 constituencies in the forthcoming parliamentary elections because its lists did not contain enough valid candidates, CNE chairperson Joao Leopoldo da Costa stressed on Thursday.

Meeting with diplomats from European Union countries and other major donors (including the United States and Norway), and in the presence of the media, Costa said that the MDM and other, smaller parties excluded from all or some of the constituencies had not provided the legally required documentation for their candidates (such as a criminal record certificate, or copies of valid identification cards).

There were also cases of parties that did not provide the required lists of their candidates broken down by constituency, and by full and supplementary candidates. Worse still were cases where parties provided names – but no supporting documents.

Furthermore, MDM election agent Jose Manuel de Sousa had admitted the existence of irregularities in the MDM lists, but did so way past the deadline for correcting them.

Parties had almost two months – from 1 June to 29 July – to submit the nomination papers for their candidates. Yet it was only on 15 August that the CNE received a letter from Sousa accepting that two parliamentary candidates (in Manica and Zambezia provinces) had not submitted any documentation. The letter asked Costa to accept the late delivery of these nomination papers – which the CNE could not do without breaking the electoral law.

The MDM also requested that exceptions be opened for many of its candidates for the elections to the provincial assemblies. The provinces are divided into district constituencies for these elections, but Sousa admitted that the paperwork submitted by the MDM for Cabo Delgado province did not include a breakdown by district. As for Milange district, in Zambezia province, Sousa admitted that nomination papers for the MDM candidates had not yet been submitted, and he again asked Costa to allow late submission. He said these irregularities resulted from “human error”.

On 1 September, Costa received another letter from the MDM, this time signed by the party’s president, Daviz Simango, which admitted that dozens of the party’s candidates for the provincial elections had not yet submitted residence certificates (all candidates for the provincial elections must prove that they have lived in the district constituency for at least six months).

The CNE had notified the MDM that these documents were missing and, under the law, it had five days to provide them. It had not done so, and Simango claimed this was because district and municipal authorities were refusing to issue the certificates in good time. He asked for intervention by the CNE across the country to ensure “a rapid solution to the problem”. He appended a list of no less than 160 MDM candidates who still did not have residence certificates.

Costa told the diplomats that he had received this letter over a month after the close of nominations and it was quite impossible for him to accept the MDM’s request.

He pointed out that all parties were informed of the requirements for candidates in May. Furthermore, it was not just the MDM which had problems obtaining official documents (the former

rebel movement Renamo, for instance, had raised the question in June). The CNE had worked with the Justice Ministry and the Ministry of State Administration to ensure that documents needed for electoral purposes were speedily issued, and as a result many candidates were able to obtain their certificates.

“But only on 1 September did the MDM raise this problem with us”, exclaimed Costa.

The MDM has presented itself as a victim of alleged CNE injustice and manipulation. But when he gave an impassioned press conference on Tuesday, Sousa failed to mention that he and Simango had sent letters to the CNE asking it to break the law in favour of the MDM, and admitting that it failed to present documents in due time.

Costa denied that the CNE had violated the law by rejecting whole lists. The law states that every constituency list for the parliamentary elections must contain as many names as there are seats, plus at least three supplementary candidates. It is wise, however, for parties to submit many more names – the maximum number of supplementary candidates allowed is 50 per cent of the number of seats. Thus if full candidates are rejected for irregularities in their nomination papers, they will be replaced by supplementary candidates. But if there are not enough supplementary candidates, then the whole list will fall.

For example, Niassa province has 14 seats, and so a party contesting Niassa must present a list with 14 full candidates and at least three supplementary ones. But if it does not take out the insurance of adding extra supplementary candidates, then if just one of the full candidates is irregular, then the whole list becomes invalid.

This is what happened to the MDM in most of the country. A CNE source told AIM that for Zambezia province the MDM presented a list of 45 full candidates, but only four supplementary names. The loss of just two candidates for uncorrected irregularities was sufficient to doom the entire list.

AIM's source said that in Nampula the MDM submitted six supplementary names, but in the rest of the country it only provided the bare minimum of three supplementary candidates.

Reacting to the charges that the CNE is biased against the MDM, Costa said “if we wanted to damage Daviz Simango and his party, we would have done so in the municipal elections (in November 2008, when Simango was running for mayor of Beira). But then his papers were all in order. And when there was a mistake in the count in Beira, we corrected it”.

It was claimed that the CNE works for the ruling Frelimo Party – yet in the municipal elections, Costa said, Frelimo was unable to place any polling station monitors in the city of Chimoio, because the Frelimo list of monitors arrived late and the CNE refused to accept it.

“For elections to be free, fair and transparent, there must be no manipulation of the electorate by political parties”, said Costa. “When they go to the media and they talk of blood flowing, they are trying to persuade the electorate to vote out of fear”.

(AIM)

Pf/ (1058)

40909E **US DIPLOMAT DEMANDS “INCLUSIVE” ELECTIONS**

Maputo, 10 Sept (AIM) – The US charge d'affaires in Mozambique, Todd Chapman, on Thursday demanded “inclusive” elections in Mozambique.

He was speaking at a meeting between the chairperson of the National Elections Commission (CNE), Joao Leopoldo da Costa, and diplomats from major donor nations, concerned at reports that the CNE is discriminating against extra-parliamentary parties.

The claims of discrimination arise from the CNE's exclusion of parties from all or some of the 13 constituencies in the 28 October parliamentary elections. The CNE argues that these parties submitted candidates whose nomination papers contained irregularities which they failed to correct, despite the CNE notifying them of the problems.

Chapman brushed all legal questions aside, saying he was not interested in "legal details". Repeatedly he demanded "inclusion" rather than "exclusion", thus giving the impression that he thought all political parties should be allowed onto the ballot paper.

Diplomats from European Union countries were more moderate in their comments, but expressed concern "at reports that give the impression that fundamental practices of fairness and transparency are not being followed".

Transparency had been called into question, particularly by the failure of the CNE to give a prompt explanation for its exclusion of parties.

Costa said that the CNE was calling in parties one by one, explaining why their candidates had been rejected, and the CNE's full decisions would be published in the official gazette, the "Boletim da Republica".

He insisted that the CNE had done no more than follow the Mozambican electoral legislation which specifies the documents that each candidate for the parliamentary and the provincial elections must present.

The requirements were not impossible to meet. Costa pointed out that one recently formed organisation, the Party for Freedom and Democracy (PLD), unheard of until a couple of months ago, had submitted adequate documentation, allowing it to stand candidates in nine constituencies.

"If someone stands for President in a European country, a minimum of documentation is required", he pointed out. "We too have requirements established by law".

The political parties had plenty of time to submit their paperwork, he said. The CNE had made clear what was required in May, and the period for delivering nomination papers ran from 1 June to 29 July. Despite this, most of the parties did not deliver their nomination papers until the last day.

When the CNE analysed the candidates' papers and found that documents were missing or invalid, it notified the parties, which then had five days to correct irregularities. Some parties then responded by submitting the names of candidates who were not on the initial list. This addition of new candidates past the deadline violated the law.

In some cases, there were names but no documents at all accompanying them. "There's no way we could accept that", said Costa.

Each name must have a "processo individual" – which is a file of the relevant documents. A CNE source told AIM that in fact the CNE stretched the rules. On 29 July, it accepted candidates even if their "processo individual" contained just one document (such as the letter accepting nomination, or a copy of their identity card). The parties were then notified to submit all the missing documents within five days.

Costa stressed that the criminal record certificates are important, because people convicted of serious crimes are not eligible to stand in elections. In some cases, candidates submitted criminal record certificates which showed that they had been sentenced to five year prison terms for theft.

“Should we let this pass in the name of democracy?”, Costa asked.

(The detailed position is that people sentenced to prison terms of two years or more are ineligible to run for elected office until 20 years from the date of the sentence. Minor offences do not carry this penalty.)

Costa told the diplomats that some parties were so short of candidates that they had repeated the same names several times. There were lists for provinces which looked complete – but only because the same person was included two or more times. Sometimes the same name was submitted for more than one province. There were cases where the same candidate’s name was on lists for three provinces. Costa pointed out that this was criminal behaviour which could land the parties concerned in court.

“Inclusive procedures”, he told Chapman, “must not trample on the law”. He noted that last year, during the municipal elections, the CNE had been “pragmatic” towards parties that submitted papers late – and had been criticized by the Constitutional Council for its failure to apply the law strictly.

“If we had been rigorous then”, he added, “Frelimo would have run unopposed in many municipalities, and we would then have been accused of bias in favour of the ruling party”.

If, as Chapman appeared to suggest, everybody should be allowed to stand, then what was the point of having electoral laws at all, Costa wondered.

He also defended the CNE against accusations that last Monday’s drawing of lots for places on the ballot paper was illegal. There had been no “favouritism” shown towards Frelimo and Renamo. The law states that in drawing up the ballot paper lots are first drawn among those parties standing in all constituencies, and then among the parties only standing in parts of the country. The CNE had followed this procedure to the letter.

(AIM)

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