

## Mozambique political process bulletin

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Editor: Joseph Hanlon (j.hanlon@open.ac.uk)  
Deputy editor: Adriano Nuvunga Research assistant: Tânia Frechauth

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## CNE says no substitutions allowed & keeps rejections secret

After a ten-day delay, the National Elections Commission (CNE) finally published its decision on the acceptance and rejection of lists of candidates for the 28 October election. Two controversial decisions have been made: in practice, no substitutions for rejected candidates were allowed, and reasons for individual rejections remain secret.

Each candidate for national or provincial parliament must submit five documents:

- an authenticated (notarised) copy of their identity card,
- birth certificate,
- authenticated copy of voter's card,
- certificate of no criminal record, and
- a statement from the candidate saying they accept to stand and are not standing anywhere else.

Candidates for provincial parliaments must also submit:

- a statement from district authorities saying that they have lived in the district where they are standing for at least six months.

Documents had to be submitted by 29 July.

Lack of documents caused the CNE to reject hundreds of candidates.

The electoral laws say that if there are problems with documents, the party agent (*mandatário*) is notified and has five days to correct the problem. If this fails, the party can then "substitute" the rejected candidate by another. But the CNE in its ruling says the possibility to "substitute" has no practical effect, because the law also says that lists cannot be changed and candidates cannot be submitted after 29 July. Thus, "substitution" can only mean candidates moving up the list. Parties have contested this interpretation of the law in their appeal to the Constitutional Council.

Each list must have as many candidates as there are parliamentary seats for the constituency, plus reserves (*suplentes*) – at least three reserves for national parliament, and reserves equal to at least half the number of constituency seats for provincial parliaments. If this condition is not met, the list is not accepted and the party does not stand in that

constituency. Thus, for example, MDM only had full lists accepted for four of 13 constituencies for national parliament (AR).

The CNE adds that parties were not informed if lists were too short, because no legal substitution could increase the size of the list.

The second contentious decision by the CNE is that it is not allowed to publish names of rejected individual candidates or reasons for rejection on the grounds that the “honour, good name, reputation and public image” of rejected candidates must be protected, and thus it would be unethical to publish this information. It notes, for example, that some candidates were rejected because they have criminal records.

This secrecy makes it impossible for observers and the media to check the validity of rejection of candidates, in an environment in which the CNE has already lost significant public trust. It could be argued that in attempting to stand for election, candidates have forgone some of their right to privacy.

The CNE published its ruling, Deliberação 65/CNE/2009, in the daily *Notícias* yesterday (16 September). Although the ruling is dated 5 September, for ten days the CNE had refused to show it to press, observers or the political parties. In its ruling, the CNE laments the fact that parties all waited until the last minute to submit lists and documents.

## **Appeals to Constitutional Council**

Eight parties have appealed to the Constitutional Council against the rejection of lists by the CNE. AIM reports that the CNE has until Saturday 26 September to announce a decision, but that because of the urgency of the matter, it is dividing the initial work among the seven judges and hopes to be able to announce its rulings sooner.

If Sundays and holidays are excluded, then the CC decision could be as late as Tuesday 29 September. That would leave less than a month for the CNE and STAE to produce and pack ballot papers and equipment and transport them to the polling stations, which will be very difficult.

## **Lists posted at CNE in complete mess**

The CNE has posted all candidates lists on notice boards outside its headquarters in Maputo, but it such a jumble that it is hard to make sense of them. Provincial and national parliament lists are mixed, lists are in different formats, the numbering on some lists is wrong, some names are repeated. Many lists have no page numbers; some lists are missing pages while others are posted twice. Some list the provisional number of seats and some the final number. Nevertheless, it is possible to see that some lists have been approved with insufficient candidates.

## **CNE approved incomplete lists**

The CNE ruling also contains changes to the number of seats in a few constituencies, because of the most recent registration. Previous numbers had been provisional, based on last year’s registration lists. For national parliament (AR), Sofala and Tete gain one seat each, while Cabo Delgado and Nampula lost one seat each.

The CNE stresses that no list was disqualified because of the increase in number of candidates required. Thus some approved lists for provincial assemblies do not contain

enough candidates. The biggest change was Matola, where the number of seats was increased from 39 to 44. That increased the required number of candidates from 59 to 66, and the Frelimo list was approved with just 59. Similarly a short Frelimo list was approved in Manhiça and short Renamo lists accepted in Matutuine, Boane and Xai-Xai.

But *Magazine Independente* looked closely at the lists posted outside the CNE and discovered that several lists for provincial parliaments should not have been approved because they did not have sufficient extra names (*suplentes*), it reported yesterday (16 September). The *Bulletin* found others approved by the CNE even though they did not have sufficient candidates, and there had been no change to the number of seats.

For Frelimo, in Beira the list has only 8 reserves (*suplentes*) instead of 13 as required, Vilankulo 5 instead of 9, and one short in Monapo and Balama. For Renamo, the list is one name short in Barué.

## Donors hit lack of information & transparency

Budget support donors today criticised the National Elections Commission (CNE) for its failure to release information on the exclusion of parties, which “gives an impression of lack of transparency.” The statement of the budget support donors (Programme Assistance Partners, Parceiros de Apoio Programático, PAP, G19) was head by the read of the group, the ambassador of Finland.

The statement continues that it is not clear that procedures have been followed correctly nor that the electoral calendar has been respected. The credibility of the electoral process will be put into question if these questions are not resolved quickly.

After reading the statement, the ambassador added that he had the impression that excluded political parties had not been given the chance to make corrections, as set out in the law.

The G19 includes 16 bi-lateral budget support donors, the African Development Bank, the World Bank, and the European Commission. The United States and the United Nations are associate members.

## Who turned off the tap

Residents of Mbobo neighbourhood in Morrumbala, Zambézia, accuse the head of the local water commission, António Domingos, of turning off the water on the morning of 13 September so that people would go to a Frelimo rally. Normally the local public tap functions from 4 am to noon and 2 to 6 pm, but on this day the water stopped at 6 am and only resumed at noon, after the rally finished.

## Campaign incidents, in brief

### Other incidents

**CNE president skips class.** Without explanation, CNE president João Leopoldo da Costa did not appear at a meeting with the youth parliament, where Salomão Moyana, Alice Mabota e António Frangoulis were waiting to debate him. Instead, the three spoke and unanimously condemned the CNE for violating the law.

**MDM-Renamo confrontations.** MDM is taking over from Renamo in some parts of Cabo Delgado. In Pemba on 13 September there was a demonstration by Renamo militants in front of their own headquarters, claiming that provincial delegate Mustagibo Bachir actually belongs to the MDM. And in Montepuez the Renamo headquarters suddenly became the MDM office because the owner, former Renamo MP Cornélio Quivela, had joined the MDM.

## **Electoral violence**

**Nampula.** Two unidentified young men beat Frelimo camera man Rodrigues Raúl. When he was passing the MDM office in a Frelimo march, the two youths came out of the MDM office and blocked Raúl's motorcycle and injured Raúl, who was taken to hospital.

**Lago, Niassa.** A group of Frelimo supporters disrupted a rally by MDM head Daviz Simango on the morning of 16 September, forcing Simango to leave the area.

**Nampula city.** Renamo blocked streets to prevent campaign cars with Filipe Paúnde passing.

**Eráti, Nampula.** One Renamo militant was hurt in a confrontation between Frelimo and Renamo.

## **Use of state cars**

**Nhamatanda, Sofala.** A procession with governor Alberto Vaquina used an Isuzu double cabin van MMH-76-99 of the public works department and a white Toyota Patrol MDS-77-18 belonging to the provincial social action department.

**Nacala Porto, Nampula:** Frelimo processions on 13 and 14 September used Toyotas MMJ-03-63 and MMJ-85-95 belonging to Nacala city.

## **Afghanistan recount: a lesson for Mozambique?**

In Afghanistan there have been indications of ballot box stuffing similar to that which occurred in Mozambique in 2004 and 2008. As in Mozambique, fraud in Afghanistan was indicated because of an "exceptionally high number" of votes cast in a polling station "in relation to the number of ballots available" or an extremely high number of votes cast for only one candidate, according to the United Nations-backed Elections Complaints Commission (ECC). The ECC has the right to override the Afghan national elections commission, so the ECC earlier this week ordered an audit and recount of ballots at polling stations where the total number of votes represented a voter turnout of 100 percent or where one candidate received 95 percent or greater of the total valid votes.

This could be a good guideline for Mozambique, to force an automatic check of all polling stations with impossibly high turnouts or massive votes for one candidate.

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