



EISA ELECTION OBSERVER MISSION

THE 2009 PRESIDENTIAL, NATIONAL AND PROVINCIAL ASSEMBLIES ELECTIONS IN MOZAMBIQUE

INTERIM STATEMENT

Maputo, 30 October 2009

FOR IMMEDIATE RELEASE

1.0. Introduction

EISA deployed a Continental Election Observer Mission to the 2009 Presidential National and Provincial Assemblies 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.

2.0. 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 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 the 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 insight 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.

2.5. 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 assemblies 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 from 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.

3.0. 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: 5 nominated by political parties and 8 from CSOs. This is an improvement from 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 ninety (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, coalition 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 (9) presidential candidates. The submissions are to be supported by a minimum of ten thousand (10 000) registered voters and their signatures, candidates' proof of no criminal record, his/her Identity Document, and a non-refundable deposit of 100 000.00 Meticais (about USD 3 500.00). Of the nine nominees, the Constitutional Council approved three (3) and disqualified six (6). 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 assemblies 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 ten (10) parties and coalitions were disqualified from the national assembly election contest. The mission was further informed that there were nineteen (19) political parties and coalitions participating in the national assembly elections in thirteen (13) constituencies. Of these, only two parties, namely Frelimo and Renamo, contested elections in all the constituencies. Seventeen (17) political parties and coalitions contested only in some provinces.

As with the disqualification of some presidential nominees, stakeholders that the mission met 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 that 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 was not generalised and did not lead to loss of life, the mission received reports of serious injuries inflicted in 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 level 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 turn-out was a commendable 80%, in 2004 it declined substantially to a mere 36.42%. The mission was informed by 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, preliminary observations 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 turn

out as these long queues were generally a result of a slow voting process. Where the EISA teams were present, the voter turn out 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 each one of them tended to pay little attention to the detail of the process.

The management of the electoral process and election results ultimately rests with CNE. The mission observed that the results management process was painstakingly slow and lengthy. The mission is 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.

4.0. Areas for Improvement and Recommendations

4.1. Independence of the CNE

Many Mozambican stakeholders who briefed the mission did not perceive 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. Further more, the law itself must be clearer and 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 Mozambican authorities ensure that all registered political parties are accorded their right to participate in elections by avoiding last minute requirement of documents to be submitted by parties and candidates.

4.3. Constructive Management of Election-Related Conflicts

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 conflicts. As part of the mechanisms for managing election-related conflicts 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 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.

4.5. Enhancing the Transparency of 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 time frames 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.

5.0. Conclusion

In conclusion, as of today (30 October 2009), the 2009 Mozambican presidential, legislative and provincial assemblies 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.

Dr. Christiana Thorpe

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Mission Leader

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), Tchad (Njamena), 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 provides technical support to election management bodies, political parties, civil society organizations, governments, parliaments, regional economic communities 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

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