

# Mozambique Political Process Bulletin

2008 Local Election Issue 30– 31 March 2009

---

Editor: Joseph Hanlon (j.hanlon@open.ac.uk)

Deputy editor: Adriano Nuvunga - Research assistant: Tânia Frechauth

Published by CIP, Centro de Integridade Pública and AWEPA, the European Parliamentarians for Africa

---

## Constitutional Council confirms Frelimo win in Nacala

### Not enough fraud to change result

Frelimo's victory in the 11 February second round of the contest for mayor of Nacala was confirmed today by the Constitutional Council (CC).

The National Election Commission (CNE) had reported that some ballot papers had been fraudulently invalidated, but argued that the results were valid because the fraud was not large enough to change the result -- Frelimo's Chale Ossufo won by 4119 votes while the number of invalid votes was only 2346. This is accepted by the CC.

But the CC went on to say it was "imperative" that the CNE and the public prosecutors office (*Ministerio Publico*) take prompt action to prosecute those responsible. Indeed, the credibility of the electoral administration institutions depends on their taking action against those who have carried out these "criminal actions", independent of whether they affected the outcome, declared the CC.

In Bulletin 28 we reported that the *Bulletin* team actually saw Amido Fernando, vice president of polling station 1894, using ink to put a second mark on ballot papers for the Renamo candidate Manuel dos Santos, to make them invalid. For the first time, the CNE looked more closely at the invalid ballot papers during the requalification process, and in its ruling on 18 February "recorded, with dread, the invalidation made in bad faith ... by using the indelible ink or a pen." The point, made by the *Bulletin* and observers, was that in several polling stations there were invalidations so gross as to be obvious -- a second mark made with an ink or pen which was not available to the voter when they marked their ballot paper.

The CC noted that two of the 99 polling stations had been moved because of the heavy rain and that the CNE accepted that there had been inadequate publicity about the change. Nevertheless, turnout at these two polling stations was similar to that in others. Therefore the CC concluded that the change was legal and acceptable.

The final result, confirmed by the CC, was 24,131 votes for Ossufo (54.7%) and 20,012 for dos Santos (45.3%) on a turnout of 54%. In the first round neither

candidate gained more than half the vote. In the first round, there were two minor candidates, and Ossufo won 49.8% and dos Santos 47.8%, on a turnout of 57%.

The ruling, Acordao no. 5/CC/2009, will be posted on the CC website:  
<http://www.cconstitucional.org.mz/>

## Renamo complaint rejected again on technicality

The Constitutional Council (CC) on 17 March rejected a Renamo protest on the technical grounds that Renamo objected to CNE decision (*deliberacao*) 148 instead of decision 146. The CC has been repeatedly critical of Renamo's inability to follow the detailed procedures of the very complex election laws.

Renamo submitted to the CC 68 documents setting out claimed irregularities and frauds in the Nacala second round, and called on the CC to annul the declared results of the elections -- *deliberacao* no 148/CNE/2009.

Under the election law, protests must first be submitted at the lowest possible level, and Renamo had, correctly, made its first complaint to the CNE, which rejected the protest in *deliberacao* no 146/CNE/2009. The CC ruled that Renamo should have objected to *deliberacao* 146, not to *deliberacao* 148, and therefore the protest could not be considered.

The ruling, Acordao no. 3/CC/2009, is posted on the CC website:  
<http://www.cconstitucional.org.mz/>

The CC in its ruling today returned to the issue of timing. Parties have three days after formal notification of a decision to make a protest, and the CC has already criticised the CNE for delays in notification. The CNE had only given formal notification of the results to Renamo on 23 February, even though they were announced to press and public on 20 February. The CC makes the obvious point that results should be formally handed to the party agent (*mandatario*) at the same time they are given to the press.

## International observers call for more transparency

International observers in their report on the 19 November elections call for increased transparency. In particular, the report says:

Transparency is critical to engender trust and undertake credible elections. The mission commends CNE for the transparency of the voting and counting processes. However, it notes that greater transparency in a number of areas could further improve the electoral process. It therefore urges the CNE to engage more fully with stakeholders in developing the electoral observation regulation; to provide fuller information on the processes of the elections, such as the numbers of tables at each voting station and the numbers of registered voters per table; and to provide public access to the results of the first round of counting (*editais*) throughout the counting process.

The international mission also points out that obvious violations of the electoral law, as occurred in Ilha de Mocambique, have not been followed up. "It also notes the

absence of any consequences for officials found guilty of misdemeanours in previous elections. In order to avoid a culture of impunity among electoral officials that the absence of credible sanctions can generate, the international observer mission urges the CNE to ensure all aspects of the electoral law are rigorously applied.”

They also say that they saw instances where complaints were made but not followed up, and call on the CNE to make the complaints procedure easier.

The international observer report was issued 11 March and covers both the 19 November election and the 11 February second round. It is posted on:  
[http://www.cip.org.mz/pub2008/index\\_en.asp](http://www.cip.org.mz/pub2008/index_en.asp)

## Registration

There will be another update of the electoral register this year, largely to allow people who have turned 18 to obtain a voters card, but also for those who have moved or failed to register before. In addition, there must be a registration for Mozambicans living abroad, who have a right to vote in national elections.

## No date yet for national election

No date has been set yet for elections later this year for President and national and provincial parliaments. After previous bad experiences, the law now specifies that voting cannot take place in the rainy season, which, according to the National Meteorological Institute, starts in the second half of October. The date must be proposed by the CNE and announced by the President at least 180 days in advance. This means, in effect, that a date must be announced by 15 April and is likely to be in mid-October.

It has been assumed that all three elections would be held on the same day. But the long queues and delayed closings in local elections last year have caused some rethinking, and spokesman Junvenal Bucuane told Noticias (19 March) that no decision had yet been taken.

=====

### **Mozambique Political Process Bulletin**

Editor: Joseph Hanlon (j.hanlon@open.ac.uk)

Deputy editor: Adriano Nuvunga -- Research assistant: Tânia Frechauth

Material may be freely reprinted and circulated. Please cite the Bulletin.

Prior issues available online: <http://www.tinyurl.com/mozamb>

Published by CIP, Centro de Integridade Pública and AWEPA, the European Parliamentarians for Africa

=====

### **To subscribe: Para assinar:**

In English: <http://tinyurl.com/mz-en-sub>

Em Português: <http://tinyurl.com/mz-pt-sub>

**To unsubscribe:** <http://tinyurl.com/mz-en-unsub>

=====

### **Also on the web: Também na internet:**

In English: [http://www.cip.org.mz/pub2008/index\\_en.asp](http://www.cip.org.mz/pub2008/index_en.asp)

Em Português: <http://www.cip.org.mz/pub2008/>

=====