

Increased transparency for observers

National and foreign election observers have been given increased access in new observer regulations published last month. A wide range of formerly secret election commission documents are now public, and observers are now allowed to watch the previously secret summation process by election commissions. The new regulations are attached.

But the new regulations also impose new restrictions on observers. Apparently they can only be authorised to observe in one municipality (which means, for example, they cannot observe in both Maputo and Matola). (Art 22.3) Observers are not allowed to make public comments until their organisation has first made a statement. (Art 26.2.e) And the CNE reserves the right to restrict the ways international observers can “communicate” and to set rules on how observers are to be “accompanied” – which the international community sees as unacceptable restrictions on the freedom of observers. (Art 28)

Regulations are also made more bureaucratic. All observers must present a CV (Art 19.1). All drivers and interpreters are required to register as observers (Art 26.2.m) but this may conflict with the requirement that Mozambicans cannot have the status of international observers (Art 6.2)

In the 2004 election many election regulations were kept formally secret (even though they were distributed to thousands of polling stations) and last year when the Bulletin asked for access to this information, it was denied. The new regulations reverse this, and make all key documents public.

The regulations (Art 25.1.g) give observers the right to:

“Consult the deliberations, directives, regulations, and instructions issued by the National Elections Commission and STAE on material relating to the voting.”

Votes are counted in each polling station in public, with press, observers and party delegates present. But in the past the summation process carried out by the election commissions has always been secret, including unexplained changes to results sheets submitted by polling stations. The new rules open up many of these processes. The regulations (Art 25.1.c) give the observers the right to:

“Observe the operations following the voting at all levels, namely the centralisation and summation of electoral results at district, city, provincial and central level, including the announcement, validation, and proclamations of electoral results.”

But it remains unclear if observers will be able to watch revalidation of invalid votes (*nulos*) and discussions about the rejection or changing of polling station results sheets (*editais*), and if observers will have access to changed and rejected *editais*.

The final section of the regulations (Art 28), which international agencies feel can be used to control observers, seems unclear, and states:

“Article 28: Accompanying the observation

1. Entities recognised and given observer credentials must communicate in organised forms adopted for this purpose by the National Elections Commission, referring to internationals,
2. The National Elections Commission has the authority to define modalities for the accompanying of observers.”

The restriction of observers to a single municipality is actually an inference drawn from the regulations. Articles 7 and 22 restrict observers to a single *circulo eleitoral*. But this phrase is not defined in the law on municipal elections. Since the phrase is defined as a province in the national election law and the district in the provincial election law – in both cases the area covered by electoral lists – it is *assumed* to mean the municipality in the observer regulations.

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