



ELECTION OBSERVATION MISSION TO THE 15 OCTOBER 2014 PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ASSEMBLY ELECTIONS IN MOZAMBIQUE

**Preliminary Statement
Maputo, 17 October 2014**

Executive Summary

“EISA commends the people of Mozambique for peacefully exercising their constitutional and democratic right to vote, urges stakeholders to maintain calmness”

The Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Integrated Election Observation Mission with The Carter Center (TCC) to the 2014 elections in Mozambique. This mission took place following the negotiated political settlement between the Government of the Republic of Mozambique and the Renamo party, and included electoral reforms such as the changes in the composition of the electoral management body at all levels. The Mission comprised 87 long and short-term observers. The Mission was led by the Right Honourable Raila Odinga, Former Prime Minister of the Republic of Kenya, with Denis Kadima, EISA’s Executive Director as the Deputy Mission Leader. The TCC component of the Mission was led by Professor John Stremlau, TCC Vice President of Peace Programmes.

The Mission observed key pre-electoral and electoral phases. Its preliminary findings, recommendations and conclusion are contained in this interim statement. The Mission found electoral campaigns to be generally peaceful albeit with isolated incidences of violence. The general observation is that the atmosphere on the polling day was peaceful and orderly enabling the people of Mozambique to freely exercise their democratic and civil right to choose their leaders. The isolated incidences of skirmishes in places such as Nampula were localised and therefore did not affect the overall conduct of the elections. The National Electoral Commission (CNE) was satisfactorily responsive in the overall management of the electoral process.

The Mission made recommendations for improvement future electoral processes. Key among these include:

- Enforcement of the code of conduct of political parties;*

- *Assessment of future sustainability of the current institutional arrangement of the CNE, as well as simplification of procedures of counting of votes;*
- *Need for the Police to uphold neutrality in maintenance of law and order during elections;*
- *Review of the campaign funding framework; and*
- *Publishing of final results by polling station to increase the transparency of the process*

In its assessment of the context and conduct of the 15 October 2014 elections the EISA Observation Mission has come to the conclusion that the election in Mozambique were generally peaceful and in conformity with the laws of Mozambique and the international continental and sub-regional standards. The Mission particularly commends the CNE's professionalism in managing the electoral process.

1. Introduction

The Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Integrated Election Observation Mission with The Carter Center (TCC) to the 15 October 2014 Presidential, Legislative and Provincial Assembly elections. The Mission deployed a team of 23 EISA long-term observers to the eleven provinces of Mozambique since 29 August 2014. They were later joined by a contingent of 64 Short Term Observers (STOs) drawn from EISA and TCC, to constitute a fully-fledged mission comprising 87 observers drawn from over 40 countries worldwide. The Mission was led by the Right Honourable Raila Odinga, Former Prime Minister of the Republic of Kenya, with Denis Kadima, EISA's Executive Director as the Deputy Mission Leader. The TCC component of the Mission was led by Professor John Stremlau, TCC Vice President of Peace Programmes.

The 15 October 2014 Presidential, Legislative and Provincial Assembly elections in Mozambique took place within a context of a negotiated political settlement between the Government of the Republic of Mozambique and the Renamo party. The signing of the agreement on cessation of hostilities between the two parties on 5 September 2014 inspired hope for peaceful elections. EISA Observation Mission noted the efforts made by the electoral stakeholders in Mozambique to continuously improve their electoral process through the reform of the electoral framework by the three parliamentary political parties with input by civil society.

EISA has been involved in electoral processes in Mozambique since the 2004 national elections. The Institute has deployed missions to observe the 2004 and 2009 general elections as well as supported the transparency of the 2013 municipal elections. EISA has also maintained a presence in Mozambique through its field office since 2004 and contributed to the recent electoral reforms.

This statement presents EISA's preliminary findings, recommendations and conclusion on the 2014 electoral process in Mozambique. It is being issued while the tabulation of results at district level is still in progress. A final report will be issued by EISA within a few weeks.

2. Mission Methodology

EISA Long Term Observers (LTOs) were deployed to the 11 Provinces of Mozambique on 29 August 2014. They witnessed the signing of the cessation of hostilities agreement and observed the beginning of election campaigns, training of election personnel and final operational preparations by CNE-STAE for the Election Day. The EISA observers also interacted with electoral stakeholders, including political parties, civil society, the National Electoral Commission (CNE), the Technical Secretariat for Electoral Administration (STAE), the police and the media. The Mission leadership met with the outgoing Head of State, President Armando Guebuza and the Frelimo Party, Renamo and the Mozambique Democratic Movement (MDM) presidential candidates namely Filipe Nyusi, Afonso Dhlakama and Daviz Simango respectively.

The LTOs will remain in the provinces to observe the district and provincial-level tabulation processes until 22 October and an expert team will remain in the country till 31 October 2014.

Within the framework of the integrated mission, EISA and TCC adopted a harmonised methodology that entailed joint briefing and orientation of observers and a joint deployment plan of STOs. On 11 October 2014, STOs were deployed in 38 teams covering all provinces of Mozambique. The STOs observed the final days of the campaigns and operational preparations by CNE-STAE on the eve of elections. A team of STOs will remain in the field to follow the district-level tabulation process in selected districts.

EISA-TCC observers were equipped with computer tablets that enabled them to capture and transmit data in real time.

EISA's assessment of the electoral process was premised on the principles and standards set out in the African Charter on Democracy, Elections and Governance, the African Union Declaration of the Principles Governing Democratic elections in Africa, the Principles for Election Management, Monitoring and Observation and the Mozambican legal framework governing elections.

3. Preliminary Findings

3.1. Political Environment

The 2014 Presidential, Legislative and Provincial Assembly elections in Mozambique took place within the context of political negotiations and subsequent signing of the cessation of hostilities agreement between the Government and Renamo on 5 September 2014. The agreement inspired hope for violence free elections and an opportunity for the people to express their democratic right in choosing their next leaders. The negotiations were necessitated by demands by Renamo to further open up the management of elections to the country's main political parties.

The mission noted that the 2014 elections were conducted within a year after the conduct of the 2013 municipal elections, which were boycotted by Renamo as a protest to what it saw as inadequate reforms. More reforms were made subsequently in 2014 to ensure an inclusive management of the electoral process. These reforms however did not extend to

include the interests of non-parliamentary parties. The proximity of the 2013 municipal elections kept the momentum for the technical preparations of the elections, and sustained a competitive election mode on the part of political parties.

3.2. Constitutional and Legal Framework

The Constitution of Mozambique of 2004 guarantees fundamental rights and civil liberties for all its citizens. The Constitution protects the right of Mozambicans to choose leaders through universal, direct, secret and periodic suffrage, through referenda on major national issues and through permanent democratic participation in government affairs. The right to vote is not only limited to citizens residing in Mozambique but also extended to those in the diaspora, provided that they are registered voters and that they fulfil all other legal requirements. A two term presidential term limit is also provided for in the constitution. The Mission lauds the entrenched respect for this provision since the first multiparty elections in 1994 as it is a critical ingredient for democratic consolidation in the country. These constitutional provisions conform to the principles contained in international, regional and sub-regional instruments such as the African Charter on Democracy, Elections and Governance, the African Union Declaration of the Principles Governing Democratic Elections in Africa and Principles for Election Management Monitoring and Observation (PEMMO).

Extensive reforms brought about a number of changes in the legal framework for elections in Mozambique. The revised laws include Law No 8/2013 on the election of the President and the Assembly of the Republic; Law No 4/2013 on the election of the Provincial Assemblies; Law No 5/2013, which pertains to registration of voters; and Law No 6/2013, which governs the CNE. The changes brought about by these laws are but not limited to: increased representation of parliamentary parties in all structures of electoral administration from national to polling station levels; shortening the complaints and appeals process against results where disputes can now be appealed directly with the Constitutional Council from the district level courts; sharing of electronic voters' roll with political parties (45 days before elections) to ensure transparency; and recount of ballot papers at the district level on demand by political parties among others.

3.3. Electoral Management

The political accommodation and the need to safeguard trust presented a peculiar framework that was tested during these elections. The mission noted the initiative to ensure full inclusion of the parliamentary parties in the process, but the capacity of political parties to effectively mobilise the required number of personnel and agents was quite limited. The mission also noted that the efforts towards inclusiveness were restricted to the three parties represented in parliament. Yet, there were 31 other registered political parties which had expressed interest in contesting the 2014 elections, some of which felt that their interests were not adequately addressed by the reforms.

The structural changes led to an expanded National Electoral Commission (CNE) and its Technical Secretariat for Electoral Administration (STAE) from national to the district levels. Within this framework every leadership position is deputised by representatives of the three parliamentary parties during the elections period. This has led to a more

accepted election management body by the parties. However, the structural changes have implications on the administrative and election management costs. For instance, they have brought about an increase of administrative personnel from 1500 to 4500. At the polling station level, out of the 7 polling station officials, 3 are representatives of the three parties.

In line with this new arrangement in election management, the three parliamentary parties were each supposed to nominate one polling clerk to be trained and deployed in all the 17013 polling stations. The recruitment of the other four polling clerks was done by STAE through a competitive recruitment process. The Mission noted that some political parties did not submit full lists of their nominated polling clerks to be trained by STAE in good time. This caused delays in the completion of the training programme for all the polling station personnel.

The Mission noted with satisfaction the overall preparedness of the CNE and STAE in organising the 2014 elections. Noteworthy is their responsiveness and the transparent manner in which they dealt with issues relating to election management, including in dealing with election observers. The CNE kept the electoral stakeholders informed on the different activities relating to the electoral process through regular updates.

3.4 Voter Registration

Voter registration was conducted by CNE from 15 February to 29 April 2014 and was extended to 9 May 2014 following a request by political parties due to the problems encountered at the beginning of the process. These challenges related to inaccessibility to some registration centres due to poor roads, heavy rains and insufficiency of transport. There were also inadequacies in the technical knowhow of using the voter registration machines by some voter registration personnel. The extension of the voter registration period permitted for the registration of a higher number of voters. It also enabled the eleventh hour's registration of the Renamo presidential candidate, Alfonso Dhlakama. A total of 10,963,148 voters including 89,685 in the diaspora, corresponding to 89.83% of the eligible voters were registered¹. The provisional estimate from the National Institute of Statistics indicated an electorate of 12,203,717 potential voters.

In August 2014, the CNE announced the final voter registration figures which reflected a 1.7% increase from the provisional figures announced in May 2014. CNE explained that the provisional results of the registration exercise were based on reports sent via SMS from the field. The main implication of the additional voters was that it changed the allocation of seats in the national and provincial assemblies. The seat redistribution as a result of the new registration figures affected four provinces namely: Nampula (lost 2 seats), Zambezia (gained 2 seats), Sofala (lost 1 seat) and Gaza (gained 1 seat). The final voter registration figures were announced on 3 August, after the close of submission of candidate lists for the elections on 21 July 2014. Political party lists contained at least three alternate names, which were used to increase the number of effective candidates for provinces where additional seats were allocated such as in Zambezia.

¹ See CNE deliberation 65/CNE/2014

3.5 Campaign Finance

The Legal framework in Mozambique provides for the private and public funding of political party campaigns. This excludes funding of campaigns by foreign governments, governmental organisations and institutions or national or foreign public companies. Foreign donors are instead allowed to contribute funds directly to the state budget and the state allocates these accordingly as part of the campaign finance budget. It is worth noting that the legal framework does not provide for ceiling on privately raised funds nor does it require the disclosure of funding sources. These omissions have the potential to allow the negative influence of money on the country's politics.

The Mission found from its interaction with political parties that this arrangement presents a challenge to some parties as the 70 million Meticaís (approximately USD 2,3 million) provided by the treasury was not enough to enable them to mount significant election campaigns. Consequently, some of these parties were not able to contest elections in all constituencies.

Public funding for election campaigns is managed and distributed by the CNE 21 days before the start of the election campaign. The legal framework provides for mandatory disclosure of campaign expenses within 60 days of official proclamation of the election results to ensure accountability. The Mission found that there were some delays in the disbursement of funds leading to some parties not being able to procure campaign materials in time. In some cases parties were late in submitting the required information before disbursements into their bank accounts could be made, while in others the Ministry of Finance was late in making the funds available.

3.6 Electoral Campaigns

The election campaign period officially started on 31 August and ended on 12 October 2014 in terms of the law. EISA observers witnessed over 126 election campaign activities in about 50 towns and locations around the country. Out of these campaign activities, about 54 (43%) were held by Frelimo; 36 by Renamo (29%) and 33 (26%) by MDM. Only 3 (2%) of these were held by the other parties including Partido Movimento Nacional para Recuperação da Unidade Moçambicana (MONARUMO) and the Partido Humanitário de Moçambique (PAHUMO). The campaigns started off smoothly but within one week there were emerging isolated incidents of violence and intimidation in Gaza and Nampula province. In the second week of campaigning these escalated and spread to other provinces such as Sofala, Manica and Tete. The Mission observed incidents involving supporters of parties contravening the electoral law and code of conduct by damaging election campaign materials and in some cases vandalising houses and cars of their opponents. The Mission noted the efforts made by the CNE to appeal to all political parties and their supporters to act within the law and desist from acts of violence.

There was a glaring level of distrust of the Police by the two main opposition parties namely Renamo and MDM. They expressed concerns that the Police were not providing the required security to ensure that their rallies were not interrupted by the ruling

party's supporters while they were visibly present at all Frelimo rallies. The Mission found that the Police were not furnished with campaign plans by the concerned opposition parties contrary to the required procedure. The parties expressed fear that their plans would be communicated to Frelimo by the Police and thereby sabotaged by the governing party. Opposition parties also alleged that when their campaign plans were communicated to the Police, the latter did not show up, reportedly claiming that they had a shortage of Police officers and vehicles.

3.6 Role of the Media

There is both public and private electronic and print media in Mozambique. In conformity with regional and sub-regional norms, the Electoral Law provides for the candidates for the position of President of the Republic, the competing political parties, coalitions of political parties and groups of citizens voters to free use the public radio and television services during the period of the elections under the terms defined by regulations set by the CNE.

The Mission noted the public media which possesses the largest national geographical and regional coverage in the country had given airtime to the contesting parties for party political campaigns. The Mozambique Television (MTV) had allocated maximum 15 minutes per week to the contesting parties. Similarly, Radio Mozambique had dedicated 5 minutes for each party per day, in line with a CNE deliberation. The Mission observed that the public media covered the three Presidential Candidates in Mozambique on public TV and radio as they traversed the country. However, opposition parties complained that the public broadcaster favoured the ruling party, Frelimo, by allocating it more airtime in addition to the time to the coverage of Frelimo campaign events than those of the opposition. One opposition party formally complained to the National Media Council that political commentary on public TV was dominated by pro-Frelimo commentators.

On the other hand, the private media and community-based radios in particular charge fees to parties for airtime. As a result, allocation of airtime was dependent on affordability.

3.8 Participation of Women

Participation of women in the electoral process and political rallies has been notably high. The Mission found that there is no provision in the legal framework for quotas for women. As a result women's participation as party candidates remains low. In the last two elections in 2004 and 2009 women constituted 34.8% and 39.2% of elected Members of Parliament. In 2014, women comprised 40% of Frelimo's, 27.6% Renamo's and 20.4% of MDM's election candidates respectively. The Mission will provide a gender-disaggregated data on the election results in its final report.

The EISA Observers also noted low representation of women in the leadership positions of the Provincial and District CNE and STAE structures. The EISA LTOs noted in a number

of districts that there were either no woman at all or only few present during consultation meetings with the STAE offices. On Election Day, women constituted 36.1 % of Presiding Officers in polling stations visited. The Mission's observers noted an average of 3 women per polling station out of the stipulated 7 Polling Clerks.

3.9 Polling day observation

The EISA and TCC Integrated Mission visited a total of 543 polling stations in 80 districts across the 11 provinces. Out of these 543 stations, the Mission observed the opening of 37 stations; the polling at 434 stations; the closing of 32 stations and counting at 27 stations. The general observation is that the atmosphere on the polling day was peaceful and orderly enabling the people of Mozambique to freely exercise their democratic and civil right to choose their leaders.

Opening

Most of observed polling stations opened on time while at least 6 of 37 polling stations opened later than 15 minutes, with one opening later than 30 minutes. Observers did encounter at least one polling station during polling observation that opened later than 9:00am. Election materials were available in most polling stations at opening. There were few instances where the voters' rolls were mixed up leading to delays in opening. The observers also noted isolated cases where delays in delivery of materials led to late opening of some of the polling stations. For instance, in Angoche in Nampula Province, the Angoche primary school polling station opened at 11 am. The delay was caused by unavailability of voter registration books which created disturbance by voters at the opening time. A polling station in the 12th October primary school in Matacuane, Beira also opened only at 14.30, seven and a half hours late. Similarly a polling station in Mungassa primary school, Beira, opened at 13.25, more than six hours late in contravention of the electoral law which stipulates that any opening related problems have to be solved by 11 am.

Voting Process and Secrecy of the Ballot

The voting process went smoothly in most polling stations across the country. The polling personnel demonstrated professionalism and understanding of the polling operations. By law polling stations must be staffed by minimum of 3 and maximum 7 polling station personnel. The EISA-TCC observers found an average of 6.7 voting personnel in the visited polling stations. A total of 97.79% visited polling stations upheld the secrecy of the vote and 85.9% of these were accessible to physically challenged persons, including the elderly. The observers found that not all parties were represented by agents at the polling stations. The observers encountered 573 Frelimo; 372 Renamo and 329 MDM agents.

Closing and counting processes

Most polling stations closed at 6.00pm as required by the law. The counting process was generally transparent and proceeded smoothly soon after closing. However, there were a few reconciliation problems in some stations leading to delays in the counting of the votes. Once these were overcome, the counting took place throughout the evening and

completed by midnight. A case in point is the Eduardo Mondlane Industrial and Commercial School polling centre in Inhambane Province where counting ended at 5.00am on 16 October 2014. The Mission noted that the processing of results in the polling station was laborious. For instance, the reconciliation process alone entailed the removing of ballot box seals and re-sealing of the ballot boxes even before the actual vote counting.

4. Recommendations

While the EISA Mission is aware that the vote tabulation process is ongoing, it makes the following preliminary recommendations based on the aforementioned observations, the Mission makes the following recommendation for future improvement of the electoral processes in Mozambique:

- All electoral stakeholders should uphold political tolerance and accommodate each other particularly during campaigns.
- Concerted effort should be taken to enhance the participation of women in the electoral process by electoral stakeholders including parliament, CNE, political parties and civil society organisations as well as the improvement of their representation.
- The CNE should endeavour to provide the final voters' roll before the beginning of the candidate nomination process;
- The CNE should consider simplifying the procedures pertaining to results processing at polling stations;
- The CNE should consider publishing final results by polling station to increase the transparency of the process;
- Adherence to the code of conduct by political parties should be systematically enforced by the CNE;
- The CNE should consider assessing the cost of election management brought about the new operational and administrative structure with a view to ensuring long term sustainability;
- The CNE and political parties should cooperate closely in ensuring timely disbursement of campaign funds;
- In line with best international standards, the Mozambican authorities should provide for ceiling on privately raised funds and the disclosure of funding sources in order to avoid the potentially negative influence of money on the country's politics;
- Police should uphold neutrality in maintenance of law and order during elections;
- The public media should provide a balanced and fair coverage of election campaign related activities; and
- The CNE should take greater care in putting the right voters' roll in the right polling stations to avoid misallocation of voters' rolls.

5. Conclusion

The Mission commends the people of Mozambique for peacefully exercising their constitutional and democratic right to vote.

In its assessment of the context and conduct of the 15 October 2014 elections, the EISA Observation Mission has come to the conclusion that the election in Mozambique were generally peaceful and in conformity with the laws of Mozambique and the international continental and sub-regional standards. The Mission particularly commends the CNE's professionalism in managing the electoral process.

The Mission urges political leaders and the people of Mozambique to maintain calmness as they await the announcement of the provisional and final election results by the CNE and the Constitutional Council respectively. The Mission further urges all parties to pursue legally established channels to resolve any disputes that may arise relating to the outcome of these elections.

About EISA

Formed in 1996, the Electoral Institute for Sustainable democracy in Africa (EISA) has established itself as a leading player in the field of elections and democracy in Africa. EISA has evolved from an election-focused NGO working in the Southern Africa region into a more diversified Pan-African organisation working with global, regional, sub-regional and national partners. The Institute's work covers not only election assistance and observation but also other Democracy & Governance fields like political party development, election conflict management, legislative strengthening, the African Peer Review Mechanism and local governance and decentralisation. With its headquarters in Johannesburg (South Africa), EISA has current and past field offices in countries including Angola, Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Kenya, Madagascar, Mali, Mozambique, Rwanda, Somalia, Sudan and Zimbabwe, a reflection of its broader geographical mandate.

EISA has observed and supported electoral processes as well as maintained physical presence in Mozambique since 2004.

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