



# EISA Pre-Election Assessment Mission Report



# MOZAMBIQUE

## 11-15 August 2014

## LIST OF ABBREVIATIONS

<b>AR</b>	Assembly of the Republic
<b>CNE</b>	National Electoral Commission
<b>CSO</b>	Civil Society Organisation
<b>DFID</b>	Department for International Development
<b>EISA</b>	Electoral Institute for Sustainable Democracy in Africa
<b>Frelimo</b>	Frente de Libertação de Moçambique
<b>MDM</b>	Mozambique Democratic Movement
<b>MT</b>	Meticais
<b>PAM</b>	Pre-election Assessment Mission
<b>Renamo</b>	Resistência Nacional Moçambicana
<b>STAE</b>	Technical Secretariat for the Administration of Elections
<b>VR</b>	Voter Register

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## EXECUTIVE SUMMARY

Through its Africa Democracy Strengthening Programme (ADS), the Electoral Institute for Sustainable Democracy in Africa (EISA) seeks to contribute to the improvement of electoral processes on the continent. In this regard, it deploys pre-election assessment missions before election day to enable it assess whether the context in a country is conducive to the holding of democratic elections. The deployment of its PAMs also provide the necessary background information that will be useful to other international EOMs during the elections.

*The 15 October 2014 national and provincial elections will be the fifth since Mozambique's return to multiparty democracy in 1994. These elections take place within a context of political uncertainties and tensions raised by the retreat of the main opposition party leader – Afonso Dhlakama to the bush in October 2013. Following the Renamo leader's retreat to the bush, there has been renewed hostilities in some areas of the country, Renamo boycotted the November 2013 municipal elections and threatened to also boycott the 2014 general elections. To forestall a detraction of the 2014 electoral process, negotiations were reopened and some positive outcomes have been recorded ahead of the 2015 elections. The outcome of the negotiations which include electoral reforms, signing of a peace deal and passing of an amnesty law, have been regarded as palliative measures to pave the way for the general elections rather than address the root causes of the political conflict. Within this politically sensitive context, it is important to note that adequate steps have been taken to prepare Mozambique for the conduct of competitive elections in October.*

The EISA PAM to Mozambique comprised two staff drawn from its Head Office, namely: Mr. Robert Gerenge, Head of Special Programmes and Ms Olufunto Akinduro, Head of Elections and Political Processes was in Mozambique from 11 to 15 August 2014. The team was supported by Mr. Miguel de Brito, the EISA Mozambique Office Country Director. The Mission consulted key electoral stakeholders in Maputo and Beira during the period of its stay. EISA wishes to thank

the stakeholders that availed themselves to meet with the team. EISA is also grateful to the UK Government for its support to the ADS programme.

In its assessment of the pre-election context in Mozambique, the EISA PAM noted the complexity of the political context within which the elections will be taking place. It also noted the efforts of all stakeholders to strike a balance between political stability of the country and the holding of democratic elections. Within this context, the electoral reforms that took place earlier in the year were largely driven by the need to meet the demands of Renamo. The PAM therefore notes that the legal framework guiding the conduct of the critical elections of 15 October adequately guarantees the rights and freedoms of Mozambican citizens. The institutional framework for the elections, though a peculiar arrangement, is suited for the politically sensitive context within which it operates. The PAM however noted with concern that the politicisation of the electoral authorities at all levels, even down to polling station administration could present a two-sided effect. On the one hand, it could serve to engender the trust of political parties in the process, thus ensuring that they accept the outcome of the elections. On the other hand, it could compromise the neutrality and professionalism of the electoral authority, thus reducing citizens' trust in the process. The PAM also notes with concern the financial implications and sustainability of the expanded electoral commission.

The PAM noted with satisfaction the central role played by Mozambican civil society in the political and electoral process. With its long standing record of non-partisan citizen observation, it is anticipated that the presence of citizen observers could boost confidence in the process.

The profile of the three presidential candidates presents a set-up for competitive elections. The presidential elections will be contested by 3 candidates from the three main political parties. It is interesting to note that the presidential candidate of the ruling party – Mr Filipe Nyusi – is the only one of the three who has not contested an election before. He will be contesting against Mr. Afonso Dhlakama of Renamo who has

been a presidential candidate in all elections since the return to multi-party democracy in Mozambique and has a background in the liberation struggle. Mr. Daviz Simango of the MDM was a presidential candidate in the 2009 elections and his party gained some support during the 2013 municipal elections that were boycotted by Renamo.

## 1. HISTORICAL BACKGROUND AND CONTEXT OF THE 2014 NATIONAL AND PROVINCIAL ELECTIONS

Mozambicans will go to their fifth post-civil war presidential and legislative elections on 15 October 2014 in a context characterised by political uncertainties. After 20 years of relative peace and stability, under four consecutive Frelimo (Frente de Libertação de Moçambique) governments, these elections take place amidst political conflicts between the Government of Mozambique, the ruling party – Frelimo – and the main opposition party (also a former rebel movement) - Renamo (Resistência Nacional Moçambicana). The recent agreements between the Government and Renamo, which include: signing a peace accord; passing an amnesty law; release of a calendar for the disarmament and integration of Renamo’s “residual armed forces” the security forces; and extensive revisions of the electoral legislation that seemingly benefits the opposition; are perceived to be only temporary measures to allow the electoral process to take place, rather than a resolution of the structural problems that led to the renewal of the conflict. Furthermore, the deadline for Renamo’s full “demobilisation, disarmament and integration” is well beyond the deadline for the announcement of election results. In other words, Renamo goes into the elections as an armed party, in what many see as an insurance policy against an unfavourable election outcome.

The Mozambican landscape and framework for elections is predominantly a product of a settlement between two main parties - Frelimo and Renamo - since the end of the civil war, and has been renegotiated in successive electoral processes. The electoral reforms that governed the 2009 and current cycle are arguably

products of acquiescence rather than consensus. In 2007, and again in 2013, Frelimo approved electoral laws without Renamo’s consent. In 2013, Renamo announced a boycott of the local elections on the grounds that Frelimo had full leverage over the election management bodies through a de facto majority in the decision-making structure. Despite Renamo’s resistance, the new electoral legislation was approved in February 2013. Frelimo, Mozambique Democratic Movement (MDM) and civil society organisations (CSOs) went ahead with the composition of a new National Electoral Commission (CNE). Renamo responded with an armed attack on citizens in the central Muxungué area in June 2013, just after voter registration started. This escalated in multiple armed attacks (in parallel with unproductive negotiations) in the central region of the country and a forced retreat of Renamo leader Afonso Dhlakama into the bush. Following protracted negotiations with the Government, the Renamo leader Afonso Dhlakama returned from the bush to the capital, Maputo, on 4 September 2014 to demonstrate his overt commitment to the peace deal by ratifying the cessation of hostilities agreement with President Armando Guebuza. Although these developments took place after the departure of the EISA PAM, it is incorporated in this report due to their significance in two major ways.

Firstly, Dhlakama’s return to Maputo has inspired hope for violent free elections in October. Security had hitherto been a major concern due to political violence in central Mozambique. Indeed, the peace deal serves as a political fulcrum for peaceful resolution of disputes that may arise in the subsequent phases of the electoral process. Secondly, prospects for exercising genuine choice between Frelimo and other political parties by voters is enhanced as all parties, including Renamo, can freely conduct campaigns across the country. The space for voters to make a more informed choice is increased through Dhlakama’s direct engagement with them during campaigns as opposed to when he would be campaigning from his hide-out.

The post-2009 electoral reforms process has brought about several changes in the institutional framework

of the elections, particularly in the management of elections. In an attempt to make the election management more inclusive of all political parties, the number of commissioners has increased from 13 to 17. The current CNE comprises 7 commissioners drawn from civil society, 5 from Frelimo, 4 from Renamo and 1 from MDM. The distribution of representation of the parties in the CNE is proportionally attributed to each party's numerical strength in Parliament. The chairperson was drawn from the civil society in order to foster neutrality in the leadership of the CNE. The Technical Secretariat for Electoral Administration (STAE) also has political representation within the new set up with 26 party representatives appointed to the Secretariat during election period. Whether the reconstitution of the CNE will enjoy trust from all political players remains to be tested in the management of the upcoming polls in October.

Out of the 11 candidatures submitted for the 2014 presidential race, only three were confirmed by the Constitutional Council: Afonso Dhlakama (Renamo, who is running for the fourth time; Daviz Simango, (MDM, running for the second time); Filipe Nyusi (Frelimo, running for the first time). The candidature of Filipe Nyusi presents significant elements of the upcoming elections. It can be seen as signifying the passing of the baton within the ruling Frelimo party, not only from one person to another<sup>1</sup>, but also from one generation to another<sup>2</sup>, some would also argue, that there is a shift from one region to another<sup>3</sup>. The Frelimo candidate is not a well-known personality and does not have a strong political career, having spent most of his professional life at the National Railways Company, with a 6-year stint as Defence Minister, before becoming the Frelimo presidential candidate. Additionally, his selection as presidential candidate was far from consensual within the party.

Another dynamic in the presidential race is the MDM factor - the "new kid on the block" - a party created in 2009, on the eve of the fourth general elections. In

2009, MDM was allowed to compete only in 4 of the country's 11 parliamentary constituencies and it won 4% of the vote, which gave it 8 seats in Parliament (out of 250). Its leader won 8.5% of the presidential vote. Four years down the line, during the 2013 municipal elections (these elections were boycotted by Renamo), MDM won 38% of the national urban vote, including majorities in the second, third, and fourth largest provincial capitals in the country<sup>4</sup>.

The 2014 general elections in Mozambique also take place in a context of high expectations of an impending economic boom as a result of the discovery and exploration of significant reserves of gas and oil in the northern part of the country. Control of state power through government is seen as key to control access to the benefits of revenues from mineral resources. Although those revenues will not start flowing into the State coffers in earnest until after 2018, the eyes of politicians will already be on the prize as they compete in this year's elections.

## 2. ELECTORAL FRAMEWORK

### 2.1. The constitutional and legal framework:

The 2014 General Elections, consisting of the election of the President of the Republic, the Assembly of the Republic and the Provincial Assemblies, are governed by the 2004 Constitution as well as the recently revised Electoral Law, most importantly Law No 8/2013 on the election of the President and the Assembly, and Law No 4/2013 on the election of the Provincial Assemblies. In addition, Law No 5/2013 on voter registration and Law No 6/2013 that governs the National Electoral Commission are fundamental.

The 2004 Constitution guarantees political freedoms as well as the rights to participation. Freedom of association, expression and movement are enshrined in the constitution. The constitution clearly asserts that Mozambicans exercise power and the right to choose who governs them through universal, direct, secret and

<sup>1</sup> the current President has reached his two-term limit

<sup>2</sup> the Frelimo candidate for 2014 for the first time is not a veteran of the liberation struggle against Portuguese colonialism

<sup>3</sup> the Frelimo candidate for 2014 would be the first northern Presidential candidate since the country's independence in 1975. Presidents Machel, Chissano and Guebuza are all from the Southern Region.

<sup>4</sup> MDM won in Beira, Quelimane and Nampula

periodic suffrage, through referenda on major national issues and through permanent democratic participation in government affairs. The right to vote is not limited to citizens residing in Mozambique but also those in the diaspora, provided that they are registered voters and that they fulfil all other legal requirements such as mental sanity and so on.

Although the Constitution provides for freedom of expression, it is however forbidden to publish the results of opinion polls or of surveys of voters' opinions and the way they intend to vote from the start of the election campaign until the publication of the election results by the National Electoral Commission<sup>5</sup>.

As part of the political negotiations, the legal framework was extensively reviewed to further increase the space for the opposition's involvement in the process. The reforms will be mentioned in further details in the later sections of this report. In summary, the reforms include:

- Increased representation of political parties in the CNE
- Political party representation in STAE
- Complaints and appeals against CNE's decisions to be lodged at District Courts in the complaints and appeal processes
- CNE empowered to disburse campaign funds to political parties in proportion to the number of candidates.
- Political parties to receive an electronic copy of the voter register 45 days before election.
- Political parties, the Constitutional Council and the CNE can demand a recount of the ballot to be done at District Electoral Commission
- Appointment of 3 polling station election officials by political parties<sup>6</sup>

## 2.2. The electoral system:

The President of the Republic is elected by direct suffrage and by absolute majority of the valid ballots cast. If no candidate obtains an absolute majority, a run-off between the two candidates with the highest number of votes is held. Mozambique has never held a

run-off election as all the past four elections were won by the Frelimo presidential candidate with an absolute majority in the first round. Presidential term of office is restricted to two consecutive five year terms. A former president who has served two consecutive terms is however eligible for re-election five years after the last term.

Members of the Assembly of the Republic (AR) are elected for a mandate of five years by a closed-list proportional representation. For elections of Members of the AR, the provincial boundaries constitute the parliamentary constituencies for election to the National Assembly. The distribution of the seats in each province is done according to the number of registered voters in the province, as opposed to the size of the general population of each province. This means that the number of seats allocated to each province would vary from one election to the next<sup>7</sup>. For the parliamentary elections, the number of seats per constituency is determined by distributing a total 248 seats proportionally to the number of voters registered in each province.

248 of the 250 seats are elected from the 10 provinces and Maputo City, each acting as a constituency, with the number of seats allocated to each based on the proportion of registered voters in the respective province. Two members are elected by expatriates, one for Africa and one for Europe each. Votes are then converted into parliamentary seats through the Hondt method.

For the Provincial Assembly, the constituency is the district in a given province. Members are also elected on a closed-list proportional representation system. All the ten provinces will elect a total 810 members for the Provincial Assemblies.

## 2.3. Party and campaign finance:

The regulatory framework on party finance is provided in Law no. 8/2013, of 27 February 2014 governing Presidential and Parliamentary Elections. Article 37 states election campaigns can be financed from:

<sup>5</sup> Article 24 of Law no. 8/2013, of 27 February 2014 governing Presidential and Parliamentary Elections

<sup>6</sup> Mozambique Political Process Bulleting Issue 55- 9 April 2014

<sup>7</sup> See table 1 for details of seat allocation in the 2014 AR elections.

- a) Contributions from the candidates themselves, and from the proposing political parties, coalitions of political parties and groups of citizen voters;
- b) Voluntary contributions from Mozambican and foreign citizens;
- c) The product of election campaign activities;
- d) Contributions from friendly national and foreign parties;
- e) Contributions from national or foreign non-governmental organisations.

The State Budget also includes a sum for financing the election campaign, which is disbursed to the beneficiaries up to 21 days before the start of the election campaign. Funding of campaigns by foreign governments, governmental organisations and institutions or national or foreign public companies is prohibited.

The criteria for distribution of public funding of presidential and parliamentary campaigns is set by the CNE which takes into account the proportion of candidates presented in accordance with the number of places to be filled. The legal framework also provides for mandatory disclosure of campaign expenses. Each political party is required to account for its expenditure arising from the financing by the State within 60 days of official proclamation of the election results. The law prohibits the use of state resources for campaign purposes. It is important to mention that whilst this provision has been in the legal framework over the years, its enforcement has been minimal.

For the 2014 elections, the budget allocation for state funding of campaigns was 70million meticais (\$2,302,631.58)<sup>8</sup>. The CNE in its deliberation of 9 July (Deliberation n. 58/CNE/2014) issued the guidelines for disbursement of the allocated state funds for campaigns.

Funds for presidential elections will be disbursed on an equal basis among the 3 candidates, while funds for national and provincial assemblies will be disbursed among parties and coalitions in proportion to the

number of constituencies where they are contesting. Funds for AR and provincial assembly elections will be disbursed in three tranches to contesting parties and coalitions. An initial 50% of the funds will be disbursed to eligible parties 21 days before the commencement of campaigns; and the other 50% will be disbursed in two installments after justified spending of the first disbursement. The use of this public funds is restricted to the production of campaign materials but not for salaries or equipment such as cars. The allocated funds for the 2014 elections were distributed as follows:

- Presidential elections: 23,300,000.00 (\$766,447.37 USD), representing 33.29% of the allocated budget
- The total allocation for the 30 parties and coalitions contesting for 250 seats in the Assembly of the Republic elections is 23,400,000.00 MT (\$769,736.84 USD) representing 33.43% of the total allocated budget.
- The total allocation for the 11 parties and coalitions contesting for 810 seats in the Provincial Assembly elections is 23,300,000.00 MT (\$766,447.37), representing 33.29% of the total budget allocation<sup>9</sup>.

- *The adoption of a new electoral package is one of the key pre-electoral issues in the 2014 electoral process.*
- *The politicisation of the STAE and polling station level staff raises concerns about the neutrality and professionalism of election managers at this level.*
- *The cost of a 17-member electoral commission should be analysed for purposes of establishing the sustainability of such a structure and for monitoring the costs of elections*
- *The legal framework provides a clearly stipulated criteria for disbursement of allocated state funding for campaigns*
- *While the availability of public funding of campaigns may serve to reduce the undue influence of money in politics and also reduce the extent to which state resources will be used for campaign purposes; the sufficiency of these funds should be considered.*
- *While political parties may be able to mobilise and recruit the required number of polling station staff, their capacity to recruit and train competent persons is yet to be proven.*

<sup>8</sup> Exchanged at 30.4mt to 1 USD

<sup>9</sup> See appendix 2 for a breakdown of the disbursement of state funding for the 3 categories of elections taking place on 15 October 2014

Political parties consulted by the EISA PAM whilst registering their satisfaction with the criteria for disbursement of state funding, noted that the allocated funds for the 2014 elections is quite minimal in comparison with the responsibilities of parties in the elections.

#### **2.4. Election management:**

As the institution tasked with the overall responsibility in managing elections, the National Electoral Commission (CNE) was reconstituted as part of the post-2009 electoral reform process. It was officially established in 12 March 2014 and comprises 17 commissioners of which 7 are drawn from the duly recognised civil society organisation, 5 Frelimo, 4 Renamo and 1 MDM. In order to guarantee neutrality of the leadership of CNE, the chairperson is elected by CNE members and is drawn from the civil society. Although the CNE is administratively costly due to the bloated membership, it was noted during the PAM that political accommodation and the need to safeguard trust remained overriding as expressed by the opposition parties themselves. Decisions by the CNE are made by unanimity rather than voting which is considered critical to sustain consensus in election management.

The CNE is supported by the Technical Secretariat for Election Administration (STAE), which is the executive arm of the CNE. STAE acts under the direction and supervision of CNE and is in charge of organizing, executing and assuring the technical administrative activities of the electoral processes. STAE is headed by a Director-General nominated by the Prime Minister. During electoral cycles, the CNE is reinforced through the creation of provincial and district/city commissions that support the national Commission. STAE has permanent branches at provincial and district/city level. To address some of the issues raised about the neutrality of the provincial level commissions, the revised legal framework also provides for representation of all political parties within these structures.

Within the current structures of the EMB, the Technical Secretariat for Electoral Administration (STAE) also has

political representation. The revised electoral law now provides that STAE during the period of elections will include 2 Deputy Directors General drawn from Frelimo and Renamo respectively; 6 Deputy Departmental Directors (3 from Frelimo, 2 from Renamo and 1 from MDM); and 18 other staff (9 from Frelimo, 8 from Renamo and 1 from MDM)<sup>10</sup>

The involvement of political parties has also been extended to polling operations. Each polling station is staffed by 7 members of which 3 are nominated by the 3 main parties and 4 are recruited through the competitive public recruitment process. The presiding officer and the secretary are recruited through a competitive process while the clerks are recruited from political party nominees. The PAM found this to be worrisome especially given that the onus to train the party-nominated polling clerks rests on the parties themselves.

While Renamo generally expressed satisfaction with the make-up of the CNE and STAE, the MDM registered its dissatisfaction with the level of its representation within the new structure because it considered its interests as under-represented. This new composition of the CNE and STAE may promote political parties' acceptance of electoral outcomes as they are involved in the process at all levels.

### **3. KEY FINDINGS ON THE PRE-ELECTION PHASE**

#### **3.1. Voter registration**

Voter registration in Mozambique is guided by Law 5/2013 of 22 February. In its assessment of the legal framework for registration of voters, the EISA PAM noted that the law sufficiently guarantees the right to all citizens who may have attained the age of 18 on election day to be registered to vote in elections. The law further provides for citizens living outside Mozambique in countries where there is a foreign mission to be registered. It is also satisfactory to note that the law takes into account the difficult terrain of the country and the need for participation of vulnerable groups such

<sup>10</sup> Article 5 of LAW NO. 6/2013 OF 22 February provides for the composition of the Commission

as internally displaced persons. In this regard, the law provides for the establishment of mobile registration brigades to complement the fixed registration brigades in such inaccessible areas. The law also guarantees the transparency of the registration process by giving political parties and citizen groups the mandate to observe the process. The credibility of the register is strengthened by the provision for display of the register for claims and objections. The law also mandates CNE to provide copies of the voter register to political parties 45 days before the elections.

Registration of voters and review of the voter register towards the 2014 national and provincial elections was conducted from 15 February 2014 to 29 April 2014 with a ten day extension<sup>11</sup> necessitated by a request from Renamo due to Afonso Dhlakama's inability to register within the original registration period. The extension of the registration was a necessary step taken by the authorities to forestall further political tensions which could have arisen from Mr Dhlakama's inability to register. The registration exercise was conducted with minimal records of disruptions except in some areas of Sofala Province where the registration brigades could not gain access for security reasons, there were also disruptions due to bad weather in some areas.

At the end of the process, the provisional number of registered voters was 10,697,245<sup>12</sup>, representing 88.7% of the total voting age population<sup>13</sup>. The 2014 voter registration figures also reflected a decrease in comparison to the 2009 registration process that recorded over 90% coverage of the voting population. In August 2014, the CNE announced the final voter registration figures which reflected a 1.7% increase from the provisional figures announced in May. The final register of voters as announced in August, has 10,874,328 voters<sup>14</sup>. The new registration data was provided after CNE's final verification of the register that took place after all the voter registration results had been received from the field. CNE explained that

the provisional results of the registration exercise were based on reports sent via SMS from the field.

The main implications 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, Zambezia, Sofala and Gaza<sup>15</sup>.

Another complication emanating from the final update of the register was its timing. The final voter registration figures were announced on 3rd August, after the close of submission of candidate lists for the elections<sup>16</sup>. There was a possibility that some party lists would not have the required number of candidates for the number of allocated seats. While this was fortunately not the case, it is important that the voter register be finalised in good time before the close of the candidate registration period. The CNE also needs to develop a system of transmission of registration results in real time for verification procedures.

Below is a summary of voter registration statistics and the corresponding allocation of seats for the 2014 elections

<sup>11</sup> Registration ended 9 May 2014

<sup>12</sup> This includes 7,709,736 newly registered voters and 3,059,804 previously registered voters during the 2013 registration ahead of the municipal elections.

<sup>13</sup> Mozambique Political Process Bulletin 26, 18 May 2014 [http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/National\\_Elections\\_26-18May2014\\_Final\\_registration-Parliament\\_seats.pdf](http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/National_Elections_26-18May2014_Final_registration-Parliament_seats.pdf)

<sup>14</sup> Mozambique political process bulletin 34, 18 August 2014

<sup>15</sup> Nampula lost two seats; Zambezia gained two seats; Sofala lost a seat and Gaza gained one seat.

<sup>16</sup> Submission closed on 21 July <http://allafrica.com/stories/201405180091.html?viewall=1>

**Table 1: Voter Registration statistics and seat allocation for the 2014 elections**

	No. of registered (August 2014)	Seats in 2009	Seats allocated (August 2014)
Niassa	615,065	14	14
Cabo Delgado	964,071	22	22
Nampula	2,079,129	47	45
Zambézia	1,948,859	45	45
Tete	971,644	22	20
Manica	712,938	16	16
Sofala	926,746	21	20
Inhambane	598,276	14	16
Gaza	591,194	14	16
Maputo province	757,594	17	16
Maputo city	708,812	16	18
Rest of the world	1,835	1	1
Africa <sup>17</sup>	86,985	1	1
<b>Total</b>	<b>10,874,328</b>	<b>250</b>	<b>250</b>

Source: *Mozambique Political Process Bulletin NE-34 18 August 2014 and CNE Deliberations*

### 3.2. Political party regulation and candidate registration

Law no. 8/2013, of 27 February which regulates presidential and parliamentary elections makes provisions for the procedures guiding the registration parties and coalitions that intend to contest an election and also the registration of candidates for the elections.

The law mandates parties and coalitions that intend to contest in the national elections to register their intent a letter of request<sup>18</sup>. It also stipulates the procedures for submission of party/ coalition lists for the parliamentary elections and submission of candidature of presidential elections.

Presidential candidates are required to be presented by a political party or a coalition of parties or by a group of citizens and supported by 10,000 signatures of registered voters. Presidential candidates are also required to submit documentation that proof they are Mozambican

citizens not holding citizenship any other country, duly registered to vote, that they hold no criminal records and they have been resident in the country for up to a year prior to the elections. The required documentation is to be submitted 75 days before election day to the Constitutional Council<sup>19</sup>. Candidates for Assembly of the Republic are required to submit authenticated copies of their ID or birth certificate; voter card; a note of acceptance to be included on the party list; certificate of non-criminal record and a declaration of the candidate's eligibility. Parties and coalitions are required to submit lists that include candidates for the number of seats allocated to the concerned province with at least 3 supplementary candidates. The law empowers the CNE to verify individual candidate's documentation and to either request additional documentation or reject candidature. The decisions of the CNE are subject to appeal at the Constitutional Council.

For the 2014 general elections, 31 political parties, 2 coalitions and 2 citizen groups were registered by the CNE<sup>20</sup>. 30 of the 31 registered parties will contest the AR elections while 11 will contest the provincial assembly elections and 3 parties will contest the presidential elections.

Lists for Assembly of the Republic elections were received from 33 of the registered parties and citizen groups. The CNE rejected the documentation from 3 parties on the basis that some candidates had incomplete documentation, especially the certificate of non-criminal records, thus leaving 30 parties to contest the elections. At the close of candidate and party list submission on 21 July 2014, 11 presidential candidatures were received by the Constitutional Council. Out of the 11 candidatures received, only 3 presidential candidates were approved as some of the candidates did not have the required certificate of non-criminal record and in other instances, the signatures submitted were not verifiable.

<sup>17</sup> There are Mozambican international missions in the following African countries: South Africa, Angola, Swaziland, Algeria, Botswana, Egypt, Ethiopia, Malawi, Kenya, Tanzania, Zambia, and Zambia

<sup>18</sup> Article 175 of Law no. 8/2013

<sup>19</sup> Titles V and VI of Law no. 8/2013 addresses the issue of candidature for presidential elections presentation of candidature for members of parliament.

<sup>20</sup> See Annex 1 for list of registered parties and coalitions for the 2014 elections

Below is a list of the presidential candidates:

Afonso Dhlakama	Renamo
Daviz Simango	MDM
Filipe Nyusi	Frelimo

The party and candidate registration process was completed without appeals made to the Constitutional Council. Political parties consulted by the EISA PAM however raised concerns about the challenge encountered by presidential candidates in gathering notarised signatures of 10,000 voters in support of their candidature. Parties noted that the new procedure instituted by the CNE required that signatories had to appear before the notary public in person, this was a cumbersome process for the candidates. Beyond the logistical challenge posed by this arrangement, the EISA PAM noted that such a procedure could contribute to political tensions as voters could be targeted by political opponents for openly registering their support for a candidate. Furthermore, such mandatory open display of support could jeopardise the secrecy of the ballot for such voters on election day.

Another contentious legal provision is the fact that in order to qualify for the electoral contest, a candidate should bear no prior criminal record. Political parties consulted by the PAM noted that the documentation required for this purpose was not easily obtainable.

While Renamo expressed its satisfaction with the candidate registration process, the MDM in its consultation with the EISA PAM, registered its discontent with the level of its participation in the candidature verification process. It noted that with only one representative in the CNE, it was not possible for it to participate fully in the candidate verification process which was done by sub-committees of the CNE. Its representative could participate in only one sub-committee, hence its dissatisfaction with the process.

### 3.3. Civil society

The legal framework for elections in Mozambique gives formal recognition to the role of civil society groups

in the electoral process. Organised civil society is represented in the CNE and in fact holds the position of the Chair of the Commission.

Beyond recognising the rights of citizens to participate and to run for elections, Title VIII of Law no. 8/2013, recognises the role of citizen observers in the electoral process. It stipulates the requirements for accreditation, and the rights and responsibility of observers. With regard to the role of citizen observers, the law permits individuals and organised groups to be accredited as observers. The EISA PAM recognises this as a good practise that may be replicated in other countries.

Towards the general elections, civil society groups working in coalitions<sup>21</sup> will deploy observers to be present at polling stations on election day, conduct a sample-based parallel vote tabulation (PVT) exercise and training of conflict mediators. The PAM, in its consultation with the Electoral Observatory and the Youth Parliament, was informed that the observatory deployed observers during the voter registration process and also conducted an audit of the voter register. It commended the conduct of the voter registration exercise. Another significant aspect of civil society participation is the inclusion of CSO representatives in the national negotiations and dialogues with Renamo.

The EISA PAM gathered that on election day, the observatory plans to deploy 2500 observers while the Youth Parliament will deploy 2000 observers. As at the time of the PAM's visit, accreditation was ongoing.

The EISA PAM noted that the electoral and political processes in Mozambique are open to participation of civil society and the context also allows CSOs to operate freely.

### 3.4. Gender and minority rights

Article 36 of the Mozambican Constitution recognises the equality of men and women before the law and article 122 of the Constitution stipulates the commitment of the state to the development and

<sup>21</sup> Coalitions such as the Electoral Observatory which brings together rights groups and religious groups to deploy citizen observers across the country to observe different aspects of the elections.

encouragement of women's participation. Beyond these provisions of the Constitution, there are no special provisions for women such as quotas or the 'zebra-style' list system<sup>22</sup>. The PR system in Mozambique over the years has yielded remarkable results for women's representation in elective positions. Elections to the Assembly of the Republic in 2004 resulted in 34.8% female members and the 2009 elections saw an increase in the number of female members with 39.2%<sup>23</sup>. While this record is commendable, it is important to mention that Mozambique is yet to meet the 50% benchmark for women's representation in parliament. The status of women's participation as candidates in the 2014 elections is not expected to reduce.

The PAM noted that the legal framework does not mandate the electoral authorities to make special provision for voters with disability. The law only provides for their participation through the support of a chosen assistant. While noting that the provision of special materials for persons with disability is a cost-intensive initiative, an incremental introduction of services for disabled voters should be considered.

### **3.5. Security**

Though the EISA PAM did not consult with security agencies, there were concerns about the continued activities of Renamo rebels in some parts of the country. Some stakeholders consulted also noted the retaliatory strategy adapted by the rebels against citizens in reaction to the negotiations with the government. Stakeholders feared that should the Amnesty Law not be passed through, the October elections would be marred by violence and intimidation. These fears are based on the experience from the November 2013 municipal elections in which there were records of kidnappings and attacks attributed to Renamo rebels ahead of the elections and excessive use of force by the security agencies during the elections. The voter registration process earlier in 2014 were also marred with records of violence and intimidation.

### **3.6. Campaigns**

Title III of Law no. 8/2013, of 27 February regulates the conduct of electoral campaigns. It provides for the commencement of electoral campaigns 45 days before election day and end of campaigns 48 hours before. The law provides for equitable use of state media for campaigns and prohibits the use of state resources for campaign purposes.

As at the time of the PAM's visit campaigns were yet to commence officially. It was noted that the three major parties were already undertaking political propaganda in different forms in their areas of influence (for instance Frelimo in Maputo and the MDM in Beira). The extent of the ongoing propaganda was limited as the ongoing negotiations were given more priority.

### **3.7. Preparedness of the EMB**

Title IV of Law no. 8/2013 of 27 February provides for election procedures. Towards the 2014 elections, the CNE has established 17,200 polling units. Each polling unit is expected to be staffed by 7 officials. 3 of the 7 election officials are to be nominated by political parties with representation in parliament<sup>24</sup>. The recruitment and training of election officials therefore becomes an enormous aspect of the preparations for the elections for political parties and the CNE alike as over 120,000 staff have to be recruited and trained before the 15 October 2014 elections.

At the time of the PAM's visit, the CNE-STAE's recruitment process was ongoing and political parties that were consulted noted that the process has so far been open. At the level of political parties, there were concerns about the capacity of each party to mobilise over 17,000 election officials and another 17,000 as party agents<sup>25</sup>.

The PAM noted that the inclusion of representatives as election officials poses the risk of undermining the performance of the 4 non-partisan officials who will

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<sup>22</sup> A system that mandates the alternation of male and female candidates on party/coalition lists to ensure equal representation.

<sup>23</sup> <http://ipu.org/wmn-e/classif.htm>

<sup>24</sup> Article 49: To form the polling stations, the Electoral Administration Technical Secretariat recruits, three members indicated by the political parties represented in parliament, and selects the others through a public tender on the basis of their curricula, from among technically qualified Mozambican citizens older than 18 years of age.

<sup>25</sup> Article 55: Each competing political party, coalition of political parties or group of citizen voters has the right to appoint, from among the voters, one full delegate and one supplementary delegate for each polling station.

have to work in the presence of at least 2 representatives per party (one representative working as an official and the other working as a party agent). While the inclusion of party nominees as polling station staff may serve to boost the confidence of political parties in the outcome of the elections, it negates the principles of neutrality and professionalism of election officials. Furthermore, there are concerns that the presence of party nominated officials in the polling stations may not serve to boost voter confidence in the process.

The changes in the institutional framework ahead of the 2014 elections, impacted significantly on the budget for the elections. It is envisaged that the new structure and composition of CNE and STAE will require an additional an additional budget of over 30 million USD<sup>26</sup>. The request for supplementary budget was submitted to the Assembly of the Republic at the time of the PAM's visit. The sustainability of such costly elections needs to be further examined.

The CNE concluded the drawing of lots for positions of candidates on the ballot. It is therefore expected that the design of the ballot will be agreed upon and printing is expected to commence thereafter. Articles 60 and 61 of the law provide for the design of the ballot. For the presidential elections, the ballot will bear the names, photos and party symbols of the candidates. The ballot for the parliamentary elections are expected to bear the acronyms and symbols of the parties and coalitions contesting in the elections. While the design of the presidential ballot will be simple, the ballot for the Assembly of the Republic is expected to be long as there are 30 parties and coalitions contesting the elections.

The PAM's assessment of the CNE and STAE preparedness for the elections is that the timelines provided in the election calendar have so far been complied with and these institutions have over the years proven their capacity to manage elections.

- *An improved results transmission system for voter registration should be considered to ensure that the verification of the voter register is conducted in good time ahead of the close of candidate registration*
- *Whilst the inclusion of party nominated polling station staff may enhance political parties' confidence in the outcome of the elections, this may be counter-productive for voter confidence in the voting process.*
- *Inclusion of party-nominated polling station staff negates the fundamental principles of neutrality and professionalism of election officials*
- *The Mozambican electoral authorities have so far kept up with stipulated timelines in the election calendar and it is expected that the final stages of preparations for the elections will run smoothly.*
- *The mandatory attendance of signatories for notarisation could impact on the secrecy of the ballot In the long run*

<sup>26</sup> IMF Country Report 14/148 [http://books.google.co.za/books?id=rzz0AwAAQBAJ&pg=PA30&lpg=PA30&dq=additional+budget+election+mozambique&source=bl&ots=5izSKsTx7L&sig=AMx3bzmi0OFVebcA7uIevzwUUTM&hl=en&sa=X&ei=KYQfVJqHGZHcao\\_ugaAN&ved=0CFsQ6AEwBw#v=onepage&q=additional%20budget%20election%20mozambique&f=false](http://books.google.co.za/books?id=rzz0AwAAQBAJ&pg=PA30&lpg=PA30&dq=additional+budget+election+mozambique&source=bl&ots=5izSKsTx7L&sig=AMx3bzmi0OFVebcA7uIevzwUUTM&hl=en&sa=X&ei=KYQfVJqHGZHcao_ugaAN&ved=0CFsQ6AEwBw#v=onepage&q=additional%20budget%20election%20mozambique&f=false)

## ANNEXURES

### Annex 1: Registered Political Parties for the 2014 Elections

1. Partido do Progresso do Povo de Moçambique- PPPM
2. Partido Movimento Nacional para Recuperação da Unidade Moçambicana – MONARUMO
3. Partido Ecologista Movimento da Terra – PEC-MT
4. Partido da União para a Reconciliação – PUR
5. Partido Social Liberal e Democrático – SOL
6. Partido Humanitário de Moçambique – PAHUMO
7. Partido Movimento Patriótico para a Democracia – MPD
8. Partido Movimento Democrático de Moçambique – MDM
9. Partido Popular Democrático de Moçambique – PPD
10. Partido de União para a Mudança – UM
11. Partido de Renovação Social – PARESO
12. Partido Resistência Nacional Moçambicana – RENAMO
13. Partido os Verdes de Moçambique – PVM
14. Partido Trabalhista – PT
15. Partido Independente de Moçambique – PIMO
16. Partido Frente de Libertação de Moçambique – FRELIMO
17. Partido de Reconciliação Nacional – PARENA
18. Partido de Solidariedade e Liberdade – PAZS
19. Partido Social Democrata Independente – PASDI
20. Partido União dos Democratas de Moçambique – UDM
21. Partido Nacional de Moçambique – PANAMO
22. Partido Aliança Independente de Moçambique – ALIMO
23. Partido Nacional de Operários e Camponeses – PANAOC
24. Partido de Liberdade e Desenvolvimento – PLD
25. Partido União Africana para Salvação do Povo de Moçambique – UASP
26. Partido Movimento da Juventude para Restauração da Democracia – MJRD
27. Partido Frente Democrática Unida – UDF
28. Partido de Ampliação Social de Moçambique – PASOMO
29. Partido Unido de Moçambique da Liberdade Democrática – PUMILD
30. Partido de Reconciliação Democrata Social – PRDS
31. Coligação de Partidos Políticos União Eleitoral – UE
32. Partido para a Paz, Democracia e Desenvolvimento/Aliança Democrática – PDD/AD
33. Coligação União Democrática – UD
34. Grupo de Cidadãos Eleitores Associação Cultural Lhuvuka Arte – ACLA
35. Associação Juntos pela Cidade – JPC

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**Annex 2: Breakdown of Disbursement of State Funding of Political Parties**
**Presidential elections**

Name of Candidates	Amount (MT)	Amount (USD)
Afonso Dhlakama	7,766,666.67	255,482.46
Filipe Jacinto Nyusi	7,766,666.67	255,482.46
Daviz Mbepo Simango	7,766,666.67	255,482.46
<b>Total</b>	<b>23,300,000.01</b>	<b>766,447.37</b>

**Assembly of the Republic**

Party	Seats	Amount (MT)	Amount (USD)
MDM	250	1,200,492.51	39,489.89
RENAMO	250	1,200,492.51	39,489.89
FRELIMO	250	1,200,492.51	39,489.89
ALIMO	108	518,612.76	17,059.63
PASOMO	115	552,226.55	18,165.35
MJRD	248	1,190,888.57	39,173.97
PIMO	75	360,147.75	11,846.97
USAP	33	158,465.01	5,212.66
PLD	248	1,190,888.57	39,173.97
PPD	16	76,831.52	2,527.35
SOL	33	158,465.01	5,212.66
PAHUMO	161	773,117.18	25,431.49
PARESO	201	965,195.98	31,749.87
PUMILD	98	470,593.06	15,480.03
PEC-MT	250	1,200,492.51	39,489.89
PAZS	61	292,920.17	9,635.53
PVM	248	1,190,888.57	39,173.97
MONARUMO	248	1,190,888.57	39,173.97
PDD/AD	248	1,190,888.57	39,173.97
PAREMA	248	1,190,888.57	39,173.97
PPPM	135	648,265.96	21,324.54
UM	93	446,583.21	14,690.24
JPC	N/A	0.00	
PRDS	14	67,227.58	2,211.43
PT	151	725,097.48	23,851.89
PANAOC	248	1,190,888.57	39,173.97
MPD	248	1,190,888.57	39,173.97
EU	250	1,200,492.51	39,489.89
PASD	97	465,791.09	15,322.08
PUR	248	1,190,888.57	39,173.97
<b>Total</b>	<b>4873</b>	<b>23,400,000.00</b>	<b>769,736.84</b>

**Provincial Assemblies**

<b>Party</b>	<b>Seats</b>	<b>Amount(MT)</b>	<b>Amount(USD)</b>
MDM	811	5,453,477.63	179,390.71
RENAMO	811	5,453,477.63	179,390.71
FRELIMO	811	5,453,477.63	179,390.71
ALIMO		0.00	
PASOMO		0.00	
MJRD		0.00	
PIMO		0.00	
USAP		0.00	
PLD		0.00	
PPD		0.00	
SOL		0.00	
PAHUMO	115	773,304.47	25,437.65
PARESO		0.00	
PUMILD		0.00	
PEC-MT		0.00	
PAZS		0.00	
PVM	47	316,046.18	10,396.26
MONARUMO	135	907,792.21	29,861.59
PDD/AD	415	2,790,620.49	91,796.73
PAREMA	145	975,036.08	32,073.56
PPPM		0.00	
UM		0.00	
JPC	80	537,950.94	17,695.75
PRDS		0.00	
PT		0.00	
PANAOC		0.00	
MPD		0.00	
EU	87	585,021.65	19,244.13
PASD	8	53,795.09	1,769.58
PUR		0.00	
<b>Total</b>	<b>3465</b>	<b>23,300,000.00</b>	<b>766,447.37</b>

Source: Mozambique Process Bulletin, NE 35- 25 August 2014

**Annex 3: List of stakeholders consulted**

	<b>Institution</b>	<b>Persons met</b>
1	Comissão Nacional de Eleições / National Electoral Commission	<ul style="list-style-type: none"> <li>• Mr. António Chipanga, 1st Deputy-Chair (Frelimo)</li> <li>• Mr. Rodrigues Timba, Coordinator, Legal Affairs Committee (Frelimo)</li> <li>• Mr. Barnabé Lucas Nkomo, 2nd Deputy Coordinator, Organisation and Operations Committee (MDM)</li> <li>• Mr. Paulo Cuinica, Coordinator, Internal and External Affairs (Civil Society)</li> </ul>
2	DfID	<ul style="list-style-type: none"> <li>• Mr. Jonas Pohlman, Governance Team</li> <li>• Ms. Jemima Gordon-Duffy, Governance Team</li> </ul>
3	Renamo	<ul style="list-style-type: none"> <li>• Mr. Saimone Macuiane, MP, Head of Legal Affairs Department, Chief Negotiator</li> <li>• Mr. Augusto Mateus, Director, President's Office, Advisor to the President</li> </ul>
4	MDM	<ul style="list-style-type: none"> <li>• Mr. Daviz Simango, President</li> <li>• Mr. Nilton Soares, Head of Finance</li> </ul>
5	Liga dos Direitos Humanos / Human Rights League	<ul style="list-style-type: none"> <li>• Amílcar Andela, Vice-President of the Human Rights League</li> </ul>
6	Parlamento Juvenil (Youth Parliament) & Fórum Mulher (Women's Forum)	<ul style="list-style-type: none"> <li>• Quitéria Guirengane-Youth Parliament</li> <li>• Karina Dulobo- Women's Forum</li> <li>• Cremildo Hobjana- Youth Parliament</li> <li>• Décio Tsandzana-Youth Parliament</li> </ul>
7	Conselho Constitucional / Constitutional Council	<ul style="list-style-type: none"> <li>• Mr. Hermenegildo Gamito, Chief Justice</li> <li>• Mr. João Guenha, Justice</li> <li>• Mr. Manuel Franque, Justice</li> </ul>
8	Observatório Eleitoral / Electoral Observatory	<ul style="list-style-type: none"> <li>• Anastácio Chembeze, Executive Director</li> <li>• Augusta Almeida, Programme Officer</li> </ul>
9	Centro de Integridade Pública / Centre for Public Integrity	Adriano Nuvunga, Executive Director
10	Embassy of Sweden	Claire Smellie (Sweden Democracy/HR),
11	UK	<ul style="list-style-type: none"> <li>• Ms. Joanna Kuenssberg, British High Commissioner</li> <li>• Ms. Alicia Herbert, DfID Mozambique Head of Office</li> <li>• Ms. Farida Shaik, Deputy High Commissioner</li> <li>• Ms. Jemima Gordon-Duffy, DfID Governance Team</li> <li>• Ms. Tara Soomro, DfID Consultant</li> </ul>

## ABOUT EISA

### INSTITUTIONAL BACKGROUND

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has just signed an MOU with the Economic Community of Central African States (ECCAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Central African Republic, Democratic Republic of Congo, Kenya, Madagascar, Mali, Mozambique and Somalia, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

### Election observation activities

EISA has deployed continental witness missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015), Liberia (2011), Madagascar (2005, 2007, 2013), Malawi (1999, 2004, 2009), Mauritius (2000, 2005, 2010, 2014), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014), Tanzania (2005, 2010), Uganda (2011), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015), and Zimbabwe (2000, 2002, 2008). Reports on these missions can also be found on our website.



**T +27 11 381 60 00 · F +27 11 482 61 63  
14 Park Rd · Richmond · Johannesburg  
PO Box 740 · Auckland Park 2006 · South Africa**

#### **About EISA**

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Central African Republic, Gabon, Kenya, Madagascar, Mali, Mozambique and Somalia.

#### **Our vision**

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment.

#### **Mission statement**

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

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