



OBSERVER MISSION REPORT

**PRESIDENTIAL,
PARLIAMENTARY &
PROVINCIAL ELECTIONS**

**MOZAMBIQUE
28TH OCTOBER, 2009**

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ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES

Ref: ECF-SADC

25th February 2010

The Chairperson,
National Electoral Commission
Maputo
Mozambique

Dear Prof Leopoldo,

The Electoral Commissions Forum of SADC Countries (ECF-SADC) has honored the invitation to observe the Presidential, Parliamentary and Provincial Elections in Mozambique held on the 28th October 2009.

The Observer Mission hereby forwards its Report to the host Commission, the National Electoral Commission of Mozambique. The Mission believes that this Report will assist your Commission in addressing areas requiring improvement and that other sister Commissions in the SADC region will also learn some lessons from the Mozambique electoral processes.

The Mission is grateful to all stakeholders who participated in the Mozambique elections.

Yours faithfully,

Hon Justice Florence Mumba

Mission Leader: ECF-SADC Observer Mission to the Mozambique Presidential, Parliamentary and Provincial elections, 28th October 2009.

cc. *ECF President*
ECF Chairperson
All SADC Electoral Commissions

CHAPTER 1

INTRODUCTION

The Electoral Commissions Forum (ECF) of the SADC countries received an invitation letter from the National Electoral Commission of Mozambique dated 27th July 2009 to observe the Presidential, National Assembly and Provincial Elections to be held on the 28th October 2009 in the Republic of Mozambique. In response to this invitation, the ECF duly deployed to Mozambique a 17 Member Observer Mission.

The ECF, comprising all 14 SADC member states' Electoral Commissions, was launched in July 1998 and is governed by a Constitution. Among its various functions and activities, the ECF's mandate includes the following:

- To strengthen co-operation amongst Electoral Commissions in the SADC region;
- To promote conditions conducive to free, fair and transparent elections in the SADC region;

The ECF views election observation as an important component of promoting democratic elections and consolidating democracy in the SADC Region. The rationale behind the Forum observing elections, therefore, is to assist fellow Election Management Bodies identify areas needing improvement in elections administration

The Electoral Commissions represented in the Observer Mission were Botswana, Democratic Republic of Congo, Lesotho, Malawi, South Africa, Swaziland, Zambia and Zimbabwe, with the first delegates arriving in Maputo on the 19th October 2009.

The Mission was led by Justice Florence Mumba, Chairperson of the Electoral Commission of Zambia.

CHAPTER 2

2.1 HISTORICAL AND POLITICAL BACKGROUND

2.1.1 History

In the period between the first and sixth centuries AD, Bantu speaking peoples migrated from the north and west into the area covered by modern day Mozambique. They were agricultural communities and knowledgeable in the technology of processing iron which they used to make tools and weapons. They traded with Arab traders along the east coast where coastal ports such as Sofala flourished.

However, from the year 1500 AD, Portuguese trading ports and forts had displaced the Arabic and Swahili commercial and military hegemony on the new European sea route to India and the Far East. Vasco da Gama's voyage into the Indian Ocean in 1498 marked the Portuguese entry into the coastal areas. Later the Portuguese penetrated the interior region seeking gold and setting up garrisons and trading posts at places like Sena and Tete on the Zambezi River. They also engaged in slave trade and raised armies comprising slave troops. Thus did Portugal establish its colonial rule over Mozambique.

During the 19th Century other European powers, e.g., the British and the French increasingly involved in the trade and politics of the region around the Portuguese East African territories. By 1951 Portuguese colonies in Africa were branded as "Overseas Provinces of Portugal".

2.1.2 Independence Movement

Anti-colonial ideologies spread across Africa. Many clandestine political movements were established in support of the independence of Mozambique. Portuguese policies were based on racism and exploitation of the majority black population in support of a minority Portuguese settler and colonial community. This was fertile ground for nationalist movements like FRELIMO which by 1960 was well established to commence a guerilla war for the liberation of Mozambique. This war began in earnest in 1964 particularly in the north and west of the country. After ten years of intense fighting FRELIMO had taken control of most of the country and on 25th June 1975 Mozambique became an independent country under the leadership of FRELIMO with Samora Machel

as its first president. The bulk of the Portuguese settler population fled either towards the end of the war or upon Mozambique's attainment of independence, leaving a trail of destruction of the country's basic infrastructure.

2.1.2 Civil War

The new FRELIMO government supported and sheltered the liberation movements of South Africa and Rhodesia. The government of Rhodesia, and later South Africa, in turn fostered and supported an armed rebellion in central Mozambique by the name of the Mozambican National Resistance (RENAMO). As result the country was plunged into a long and bitter civil war pitting FRELIMO against RENAMO from 1977 to 1992. The situation was further worsened by acts of military incursions and economic sabotage by the Rhodesian and South African minority white racist regimes. The infrastructure had collapsed across the border and thousands of civilians were killed or displaced within their country. Others became refugees in South Africa, Zimbabwe and other neighbouring states.

In 1986 President Samora Machel was killed in a plane crash blamed on the technological machinations of the South African *apartheid* regime. He was succeeded by President Joaquim Chissano. At this stage talks began between FRELIMO and RENAMO resulting in the so-called "Rome Agreement" establishing a ceasefire and ushering in a multi-party political system under a new constitution. The civil war officially ended in October 1992 under the Rome general Peace Accord. By mid 1995 more than 1.7 million refugees had returned from neighbouring countries and four million internally displaced persons had returned to their homes.

Today Mozambique is still in the process of recovering from the effects of the devastating civil war. It is a multi-party democracy that enjoys considerable foreign investment. Mozambique is a member of the SADC, the African Union and the United Nations. It is also a member of the Non- Aligned Movement, the Organization of the Islamic Conference, the Commonwealth of Nations, and the Community of Portuguese Language Countries and maintains close ties with other Lusophone countries.

2.1.4 Governance

Mozambique is a multi-party democracy. The executive comprises the President, Prime Minister and a Council of Ministers. The legislative arm of government consists of a National Assembly and Municipal assemblies. The Judiciary comprises a Supreme Court and Provincial, district and municipal courts. Suffrage is universal at eighteen years of age.

The country is divided into eleven provinces; namely, Cabo, Delgado, Gaza, Inhambane, Manica, Maputo City, Maputo, Nampula, Sofala, Tete and Zambezia.

The Election system in Mozambique is based on proportional representation. The nine provinces plus the city of Maputo area constitute a constituency. Only parties who pass five percent threshold will win a seat in the national assembly. Three parties contested for the 2009 Presidential Election, six parties were contesting for the national assembly and two for Provincial. The current president is Mr. Armando Émilio Guebuza (FRELIMO). The two other candidates running for the same office were: Mr. Alfonso Macacho Marceta Dhlakama (RENAMO) and Daviz Mbepo Simango (MDM). These were the country's fourth multi-party elections.

All political parties were required to submit a calendar of all their political campaign rallies and media coverage is expected to be based on the calendar.

CHAPTER 3

3.1 LEGAL FRAMEWORK

The constitution of Mozambique provides for the election of the President and the National Assembly. These provisions are further amplified by Law 7/2007.

The Constitution provides for the establishment of an independent electoral commission, namely, the CNE. The Commission consists of thirteen members including the Commission President who is the head of the Commission. Five of these members are from political parties and eight are from civil society.

The Commission is served by a separate secretariat called STAE whose role is to carry out the day-to-day electoral duties including the conduct of elections. The main function of the CNE is to supervise the electoral process including voter education, voter registration, polling and results of poll.

The electoral law in Mozambique is contained in the following legal instruments:

- (a) The Constitution, which provides the overall framework within which elections shall be held;
- (b) Law 7/2007 which governs elections to the office of the President and the National Assembly;
- (c) Law 10/2007 which governs elections to the provincial assemblies;
- (d) Law 15/2007 which harmonizes elections to the office of the President, National and Provincial Assemblies such that these are held simultaneously, that is, on the same date;
- (e) Law 18 which governs local government elections.

The electoral system in Mozambique is majoritarian for the presidential elections and proportional representation for the national and provincial assemblies. The law provides for a run-off election in the event that none of the presidential candidates garners more than fifty percent of the total votes cast. In the event of a run-off, a simple majority will secure victory.

A presidential candidate qualifies for nomination if he is backed by at least ten thousand voters and submits his papers to the constitutional council within the prescribed time.

Candidates for the legislature are nominated by their parties on lists submitted to the CNE. Such candidates are vetted by the CNE to confirm their eligibility. All political parties are required to register with CNE. Voter registration is compulsory for all citizens who have attained the age of eighteen. Voters must present acceptable voter documentation such as birth certificates, passports and previous voters' registration cards. A system is in place that enables foreign based citizens to cast their ballots in the countries in which they are resident.

Delimitation of constituencies is done prior to every national election. The seats are allocated in a proportion determined by a formula based on the total number of constituencies and the total number of registered voters. Europe and Africa based voters return one member each out of 248 members of the National Assembly.

- a) Republic with 8 from among civil society.
- b) Independence: The CNE is an independent body subordinate only to the constitution (and therefore the constitutional council) while a number of other subordinate organs are answerable to it alone.
- c) Adequacy of resources: The CNE provides adequate election material and equipment that ensures a successful electoral process. It was however evident in most polling stations that the following complementary resources would have been facilitative;
 - Communication systems
 - Transport
- d) Electoral laws / regulations: Law 7/2007 of 26 February governs election of the president and national assembly
 - Law 8 / 2007 of 26 February governs the National Electoral Commission
 - Law 9/2007 of 26 February governs voter registration
 - Law 10/2007 of 18 June governs election of Provincial Assembly
 - Law 15/2007 of 2009 April governs simultaneous elections of the President, National Assembly and Provincial Assembly.
 - Law 18/2007 (governs local government elections)
- e) Qualifications to vote: Chapter 11, article 10. The voters are Mozambicans who at the date of the elections have attained eighteen years, who are registered in the census books without having any incapacity as foreseen in the present law.
- f) Qualifications to stand: Presidential: Nominations of parties, party coalitions or citizens are submitted to the constitutional council within 60 days before the Election Day nominated by citizens of 10,000 voters.
- g) Candidates for the Legislature: are nominated by parties or coalitions on lists submitted to the CNE which ensures eligibility of candidates.

- h) De-limitation of constituencies: There are 13 constituencies in 10 Provinces. Delimitation – after which the seats are allocated in proportion to the registered voters registered by the CNE. Europe and Africa expatriates return 1 member each out of 248 MP's
- i) Assessment of adequacy of the foregoing:
- j) Registration of political parties:
- k) Arrangements for voter registration: Registration is compulsory. Voters must present acceptable identification documents, i.e. birth certificates, passports, and legal document with photograph, previous card or 2 witness as how are voters with cards
- l) Candidate selection methods:
- m) Civic and voter education: CNE is responsible for promoting civic education via the state media
- n) Voting system: (including absentee voters)
- o) Voter with disabilities:
- p) Training of officials / party / domestic observers:
- q) Nominations:
- r) Supply / distribution of material:
- s) Selection of polling stations:
- t) Evaluation of foregoing:

CHAPTER 4

4.1 THE ROLE OF THE MEDIA

The Electoral legislation of Mozambique states that the presidential candidates, political parties, coalitions and other electing citizen groups competing in the elections have the right to use public broadcasting services and public television during the electoral campaign period in accordance with the terms defined by the regulations of the National Commission of Elections.

The Electoral regulation further states that:

1. The national press must include in there publication electoral material
2. Whenever the national press includes electoral material in their publications they must adopt criteria of rigor and absolute exemption, avoiding the disturbance of the published articles and discrimination of different candidates.
3. The press companies owned or controlled by the state must include obligatory material concerning the electoral campaign using the principles referred in the previous numbers of the present article.

4.1.1 Observations

The following are some of the observations by the Mission as well as views raised by stakeholders in the electoral process of Mozambique with regard to the Media.

1. The opposition political parties raised concerns about the public media not fairly covering all political parties.
2. MISA claimed that the private media was financially constrained compared to the public media which has access to public funding.
3. MISA alleged that there wasn't much access to information granted to the media.
4. The public media requests political parties that are allocated airtime to provide broadcasting materials, e.g. tapes.
5. After the poll day, the national television station and the radio broadcast election results.

4.2 POLITICAL CAMPAIGNS

The Electoral Legislation of Mozambique allows for political party campaigns to start 45 days before the date of the election until 48 hours before the poll day. During this

period, political parties are free to carry out campaign activities, which among others include:

1. Campaign rallies
2. Pasting of political party posters
3. Conducting interviews with both the public and private media
4. Campaign motorcades

CHAPTER 5

5.1 PRE-ELECTION PHASE

5.1.1 Pre-Poll Mission activities

The Mission met with the following stakeholders:

- (a) The CNE-Mozambique which provided the Mission with a comprehensive brief on their preparedness and readiness to conduct the election.
- (b) Political parties representatives, media institutions, civil society organizations and Non Governmental Organizations who briefed the Mission on how the preparations regarding elections were conducted. The stakeholders generally expressed concern on the electoral laws that are changed every time there is an election. This they felt caused conflict amongst electoral stakeholders and affected communication with the National Electoral Commission of Mozambique.
- (c) The SADC mission shared its observation notes with the ECF-SADC Mission and concurred with some of the observations.

The Mission also arranged the following visits:

- To the CNE Provincial warehouses where election materials were checked and dispatched to the provinces.
- To observe campaign rallies by contesting political parties.

5.2 READINESS

This section covers the pre-poll period of the 2009 Presidential, Parliamentary and Provincial Elections in Mozambique.

5.2.1 Delimitation

The Electoral Commission of Mozambique CNE is responsible for demarcation of electoral boundaries in conjunction with the Territorial Administration. There are 13 constituencies for the 10 Provinces and the city of Maputo returning a total of 248 MPs one is for Africa and the other for Europe.

5.2.2 Voter Registration

Registration is compulsory and a permanent voter's roll is updated each year of elections by STAE under the supervision of CNE.

The registration was done both manually and digitally. The present voters' roll captured 9,205,000 out of the target of 10 million giving a 92.7%; the total population is based on a 2007 national census. Voters must present acceptable documents which include birth certificates, passports and any legal document with photograph, thumbprint or signature of previous voter's card, or identified by two witnesses registered as voters in the area. Inspection of the voters roll was conducted for a period of 10 days to allow the voters to verify their details.

5.2.3 Voter / Civic Education

CNE is responsible for promoting civic education through Civil Society organizations and the mass media. To ensure that all the voters are reached voter educators were recruited from the communities, trained and supervised by the districts. Voter Education was done throughout the country, started in 2007, covering the following;

Registration of voters;
Registration of political parties;
Nomination of candidates; and
Elections processes.

The voter educators were only withdrawn when political campaigns started. During this period of campaign, civic education was restricted to the media, radio and television only, in particular using the state's public mass media.

5.2.4 Nomination of candidates

Presidential nominations of parties, party coalitions or citizens are submitted to constitutional council within 60 days before Election Day, while candidate nominated by citizens (independent candidates) must be endorsed by 10,000 voters.

The CNE ensures the eligibility of candidates. Nominations were received from nine candidates and were scrutinized after this stipulated period and only three were validly nominated on 14th August 2009. The remaining six failed to meet the requirements of 10,000 acceptable signatures. The three accepted presidential candidates were:

Daviz Mbepo Simango (MDM)

Armando Émilio Guebuza (FRELIMO)
Alfonso Macacho Marceta Dhlakama (RENAMO)

The national assembly was contested by 6 political parties and the provincial assemblies were contested by different parties from province to province.

5.2.5 Recruitment and Training of poll staff

Training of the poll staff covered a period of two months, beginning with Training of Trainers and down to Provincial, District and Polling Station level staff.

Training was done over a 10-day period, of which 3 days was dedicated to theory and 7 days to practicals. Each polling station is allocated 7 polling staff. A total of approximately 100,000 polling staff were trained throughout the country, which gave the CNE an additional pool of 10,000 trained persons to fall back on in cases of withdrawals and staff unavailability.

5.2.6 Distribution of Materials

Ballot papers are packed according to polling stations requirements directly from the printers. The election materials were ready by 18th October 2009 and were distributed to the respective provinces and districts for timely distribution to the polling stations. Most of the polling stations visited before Election Day indicated that they were ready and everything was working according to plan.

The road network is not good in some areas therefore, helicopters are used to transport material. Water transport is also used in some areas.

5.2.7 Security

Security of elections had been assured by government in security personnel allocated according to each polling station's security risk assessment. In most stations two police officers were strategically deployed such that they could monitor what was happening in a non-intrusive manner, enabling voting to continue without security personnel's interference, except for situations where they were specifically called by the presiding officer to assist in maintaining order in queues.

5.2.8 Overall Readiness

Our assessment of the preparatory processes is such that everything points to an overall timely election readiness. Almost all people that we spoke to, such as ordinary citizens, polling staff, security personnel (police), district and provincial electoral staff including the CNE and STAE themselves, gave a general impression that everything was running according to plan and that they would be able to deliver the elections according to plan.

CHAPTER 6

6.1 THE POLL, COUNT AND RESULTS PROCESS

The Mission divided itself into six teams to cover three of the ten provinces of the country.

All the teams managed to make pre-poll visits in their assigned provinces to familiarize themselves with the location of the Polling Stations, met with electoral staff and observed pre- election activities.

6.1.2 Overview the Poll

The Mission observed the following on polling day:

- Most polling stations opened on time.
- Opening procedures were adhered to.
- Voting went smoothly in most polling stations.
- The polling staff seemed adequately trained.
- The voters roll was arranged alphabetically and there were voting streams in place
- The voters were able to cast their ballots without difficulty, in particular, the elderly were given precedence
- The secrecy of the ballot was safe guarded.
- In most voting stations visited observers were present when voting started at 7:00 am.
- Party Agents were present in the voting stations visited.
- The signage regarding polling stations was visibly displayed.
- The police were present at the polling stations to provide security.
- The conduct of the elections was orderly and peaceful.
- There was a high turn-out of voters at some polling stations.
- There was live public media coverage on radio and television of the polling day.

- The closing procedures were adhered to.
- The counting process was slow in most polling stations.

CHAPTER 7

7.1 CONCLUSION AND RECOMMENDATIONS

The Mission observed that the National Electoral Commission of Mozambique had put in place all logistical arrangements to facilitate the holding of credible elections. The Mission is of the view that a conducive environment existed for the people of Mozambique to exercise the right to vote.

The Mission however, recommends the following to the National Electoral Commission of Mozambique:

- The counting process should be improved in order to improve timely results management.
- The presiding officers at polling stations should take a supervisory role rather than a participatory role.
- The colours of the ballot papers should be more distinct.
- The voters should be distributed equitably amongst the presiding officers present.
- Polling station layout should allow for a smooth flow of voters.
- Regarding political campaigning, the mission recommends that each political party submit a calendar of activities so that coverage of their activities is based on the calendar submitted

Annex 1

THE OBSERVATION STATEMENT SUBMITTED TO THE NATIONAL ELECTORAL COMMISSION OF MOZAMBIQUE

INTRODUCTION

The Electoral Commissions Forum (ECF) of the SADC countries received an invitation letter from the National Electoral Commission of Mozambique dated 27th July 2009 to observe the Presidential, National Assembly and Provincial Elections to be held on the 28th October 2009 in the Republic of Mozambique.

In response to this invitation, the ECF duly deployed to Mozambique a 17 Member Observer Mission.

The Mission hereby presents this statement on its observations. A full report will be availed at a later stage.

The ECF Mandate

The ECF, comprising all 14 SADC member states' Electoral Commissions, was launched in July 1998 and is governed by a Constitution. Among its various functions and activities, the ECF's mandate includes the following:

- To strengthen co-operation amongst Electoral Commissions in the SADC region;
- To promote conditions conducive to free, fair and transparent elections in the SADC region;

The ECF views election observation as an important component of promoting democratic elections and consolidating democracy in the SADC Region. The rationale behind the Forum observing elections, therefore, is to assist fellow Election Management Bodies identify areas needing improvement in elections administration

.....
Forum Presidency: Rev A. Malumalu - President (DRC), Justice A. Msosa -Vice President (Malawi)

EXCO: Chairperson: Justice F. Mumba (Zambia), - **Vice Chairperson:** Chief S.G Dlamini (Swaziland), Justice A.C P C. de Sousa (Angola) Justice S. Gaongalelwe (Botswana) Mr A Rahman (Mauritius) M.K. Mwinyichande (Zanzibar) Justice G. Chiweshe (Zimbabwe)

Mission Composition and Structure

The Electoral Commissions represented in the Observer Mission were Botswana, Democratic Republic of Congo, Lesotho, Malawi, South Africa, Swaziland, Zambia and Zimbabwe, with the first delegates arriving in Maputo on the 19th October 2009.

The Mission was led by Justice Florence Mumba, Chairperson of the Electoral Commission of Zambia.

Pre-Poll Mission activities

The Mission met with the following stakeholders:

- (d) The CNE-Mozambique which provided the Mission with a comprehensive brief on their preparedness and readiness to conduct the election;
- (e) Political parties representatives, media institutions, civil society organizations and Non Governmental Organizations who briefed the Mission on how the preparations regarding elections were conducted. The stakeholders generally expressed concern on the electoral laws that are changed every time there is an election. This they felt caused conflict amongst electoral stakeholders and affected communication with the National Electoral Commission of Mozambique.
- (f) The SADC mission which shared its observation notes with the ECF-SADC Mission

The Mission also arranged the following visits:

- to the CNE Provincial warehouses where election materials were checked and dispatched to the provinces.
- Observation of political rallies by contesting political parties.

Deployment

The Mission divided itself into six teams to cover three of the ten provinces of the country. All the teams managed to make pre-poll visits in their assigned provinces to familiarize themselves with the location of the Polling Stations, met with electoral staff and observed pre- election activities.

Overview on the Poll

The Mission observed the following on polling day:

- Most polling stations opened on time.
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- The voters roll was arranged alphabetically and there were voting streams in place
- The voters were able to cast their ballots without difficulty, in particular the elderly were given precedence
- The secrecy of the ballot was safe guarded.
- In most voting stations visited observers were present when voting started at 7:00 am.

- Party Agents were present in the voting stations visited.
- The signage regarding polling stations was visibly displayed.
- The police were present at the polling stations to provide security.
- The conduct of the elections was orderly and peaceful.
- There was a high turn-out of voters at some polling stations.
- There was a live public media coverage on radio and television of the polling day.
- The closing procedures were adhered to.
- The counting process was slow in most polling stations.

In relation to the above observations, the Mission recommends the following to the National Electoral Commission of Mozambique:

- The counting process should be improved in order to improve timely results management.
- The presiding officers at polling stations should take a supervisory role rather than a participatory role.
- The colours of the ballot papers should be more distinct.
- The voters should be distributed equitably amongst the presiding officers present.
- Polling station layout should allow for a smooth flow of voters.

Conclusion

The Mission observed that the National Electoral Commission of Mozambique had put in place all logistical arrangements to facilitate the holding of credible elections. The Mission is of the view that a conducive environment existed for the people of Mozambique to exercise the right to vote.



.....
Justice Florence Mumba
Mission Leader
Electoral Commission Forum of SADC countries

30 October 2009, Maputo Mozambique

Electoral Commissions Forum of SADC Countries Observer Mission to Mozambique – October 2009

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| | DEPLOYMENT PLAN- ECF MISSION IN MOZAMBIQUE 2009 | | | | | |
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CONTACT NUMBER FOR TRANSPORT COORDINATOR - **SAMORA 829369526**

REPUBLIC OF MOZAMBIQUE
NATIONAL ELECTORAL COMMISSION

DELIBERATION NO: 75/2009 OF 10TH NOVEMBER 2009

In Regard to the Approval of Publication and Verification of Results of General Elections:

President, Parliamentarians and Provincial Assembly

on 28 October 2009

Statement by Chairperson of CNE-Mozambique: Prof Joao Leopoldo

INTRODUCTION

In accordance with article 120 of Act No. 7/2007 dated 26 February 2007, in relation to the election of the President and members of parliament, article 126 of Act No. 10/2007 dated 5 June 2007 in relation to the election of the Provincial assembly, the President of the National Electoral Commission verifies and announces the result of the Central government within a period of fifteen days commencing on the day of closure of voting. The results are published in the bulletin of the republic, other communication media and are stuck on the door of the office of the National Electoral Commission.

Under the writ protection of article 115 of Act No. 7/2007 and article 121 of Act No. 10/2007 the National Election commission met again in a plenary session on the 10th day of November 2009, bearing in mind the process of centralization of the data on the election of the President, Legislators and the Provincial Assembly on the 28th day of October 2009, subsequently made general verification basing on our Acts and in reference to our Provincial publications received by the Provincial elections commissioners and the city of Maputo. The subjects of centralization of data were technically effected by the Technical Secretariat of Electoral Administration according to what we have in the second part of article 29 and the third part of article 30, both in Act no. 8/2007 dated 26 day of February 2007.

The work of the centralization and general verification of the results of the election of 2009 was initiated immediately on the 3rd day of November, after the receipt of the official report and publications from the provincial elections commissioners which they did without interruption until their conclusion.

In conformity with the law, the centralization of verified data was done after the estimation of votes that were considered null and void, complaint and protest gathered all over the election circles.

At the end of the work, the National election commission in our article 115 of Act No. 7/2007 of 26 February, and article 121 of Act No. 10/2007 of the 5th day of June 2007, for the purpose of consensus, a provision of publication and general confirmation of the official report was duly signed by members of

the CNE and authenticated in accordance with our law, this made it an integral part of the present deliberation.

However, before the presentation of the centralization of the election results, reference was made to the environment of the process of voting, counting and verification of the result of three elections.

LEGISLATION APPLIED

The process of election of 2009 unrolled out with strict observation of the official documents and fundamental instruments.

1. Constitution of the Republic of Mozambique
2. Act No. 7/2007 of 26 February, law of the election of the President and legislators.
3. Act No. 10/2007 dated 5th day of June, Laws of Provincial Assembly
4. Act No. 15/2009 of 9 April, law of harmonisation of electoral legislation
5. Act No. 6/2006 of 2 August, the organ of council constitution
6. Act No. 5/2008 of 9 June, introduce alteration of law of the organ of council constitution
7. Act No. 9/2007 of 26 February, law of electoral census
8. Order No. 16/2009 of April, of council Ministers, fixed period for actual realisation of electoral census of national territory and foreigners
9. Precedential Order No. 1/2009 of 20 April, Fixed data for General elections and Provincial Assembly
10. Deliberation No. 9/CNE/2009 OF 14 May, approved calendar for the vote for the election of legislators and Provincial Assembly
11. Deliberation No. 10/CNE/2009 OF 14 May, which define all relative election procedures of candidates, legislators and for Provincial Assembly.

LIST OF CANDIDATES ADMITTED OR REJECTED

In 2009 general election competition, 24 political parties presented list of their candidates and 5 of political parties formed a political coalition in relation to the deliberation No. 65/2009 of September, the 6th supplementary publication of the 1st series of Republic bulletin No. 35 of 5 September. At the time of legal verification, the forum admitted 17 political parties and 2 coalition political parties. For the Provincial Assembly election, 13 political parties competed and 2 coalition political parties as indicated in deliberation No. 66/CNE//2009 of 5th September, the 7th supplementary publication of the 1st series of Republic bulletin No. 35 of 5 September. 4 political parties were already admitted.

At the end of the period of verification of candidates and assisting with irregularities of processes, the CNE under the umbrella of article No. 176 of Act No. 7/2007 of 26 February and Article No 145 of Act No. 10/2007 of 5 June, proceeded with admittance of a permanent fixed list and list of competitors of which their list have been totally rejected and publicized in the Republic bulletin of the deliberation No.

65/CNE/2009 of 5 September and the deliberation No.66/CNE/2009 of 5 September, pertinent to this subject as previously published by the Social Communication Organs.

DRAFT LIST OF ADMITTED CANDIDATES

After the refined fixed list, in observation of the calendar of electoral vote and our regulation of draft of lists approved by Deliberation No. 58/CNE/2009 of 26 August, the committee resolved that the draft of the list be admitted. Therefore, it resulted in the fixed positioning of competitors in the vote bulletin, followed by the work of conception and production of voting materials for the three elections of 28 of October 2009.

COMPLAINTS/ APPEAL ABOUT THE REJECTED LISTED CANDIDATES.

Political parties and coalition political parties namely PASOMO, PLP, PT, SOL, PUMILD, MDM,UD, PARENA, UDM, UE, UNO, ECOLOGISTA-MT, PIMO, PANAOC, MPD AND PCD, in conformity with decision taken by CNE, through Deliberation No. 65 and 66 highlighted on day 5 September, in the enjoyment of one's right, the intervention of appeal together with the petition of the constitutional council were equally nullified in agreement with the penalty of the law and in general allegations by political parties, there had no facts. (pages 4-7 missing)

The electoral advertisement had a principal objective such as the mobilization of the electorate to obtain the votes of electors through explanation of principle ideologies, political, social and economics programmes, government platforms and included electors preparations for voting through electoral civics education.

Electoral campaigns went well as indicted by these examples, with educative messages and peaceful demonstrations, much more with high feeling of political responsibility, patriotism and political competitiveness, civic education focusing particularly the electors and all citizens in general. All this movement s contributed to a better participation of voters during voting, which was revealed by order, calmness, tranquility and freedom, except for some minor isolated unpleasant incidences between candidate sympathizers. The Social Communication Organs contributed impressively on the process basing on the equality and impartiality. We have an Act and a Regulation on the Exercise of the Rights of opinion approved by Deliberation No. 59/CNE/2009, of 26 February.

PREPARATION OF ELECTORAL AGENTS FOR VOTING AND VERIFICATION OF THE RESULTS.

The electoral organs through the Technical Secretariat of Electoral Administration (TSEA) proceeded according to our law, to make a competitive public recruitment for the citizens of Mozambique who are above eighteen years of age to assist in the voting process; technically they should be qualified to work accordingly, like members of polling stations.

There were 12 595 polling stations within the national territory and 104 polling Station in foreign countries. Seven and five members were recruited and sent to polling stations and trained 105 000 candidates as members of polling station and hired 88 685 to deliver promptly in the process of voting and partial verification of the results.

Polling officers created voting material and effected electoral verification basing on the electoral Act in force and on polling manual, all educational materials were made for the electoral agents involved in the voting process and verification of the electoral result.

Electoral formation also included the members of electoral commission from central level up to district (CNE and STAE)

The indictment materials resulting from voting process and verification, jointly with competent electoral entity within the fixed legal term and jointly with the police authorities handled electoral crimes. The electoral Act recommends that all parties' interventions be rendered in collaboration with Electoral Administration Organ, for effective and immediate competent action as appropriately arranged in article 42 of Act No.8/2007 of 26 February.

The National Election Commission waits for all parties to accomplish legal assistance for fairness, freedom and transparent process desired by our people for all of us.

The official proceedings, edited electoral processes and partial verification does not include neither complaints, protest nor counter protest which have been presented before the delegation of candidates, candidates representatives, political parties and competing coalition parties outside the scope of requalification of the votes considered null and void, complaints or protests.

The national electoral commission was not going to be presented neither questioned with relevance to the outcome arranged in article No.183 of Act no.7/2007 of 26 February or 154 of Act No. 10/2007 of 5 June.

FINAL RESULTS

The three elections were simultaneously fulfilled on 28 October 2009 and in these elections, the results were presented in the following order;

- President of the Republic
- Republic Assembly

- Provincial Assembly

The election commenced by the President of the republic, by casting a vote as authorised by the Constitutional Council, by sentence 08/CC/2009, 14 August then followed by national citizens competing for a post of the president of the Republic.

1. Armando Émilio Guebuza
2. Daviz Mbepo Simango
3. Alfonso Macacho Marceta Dhlakama

The final voting was fulfilled on the 28 October 2009; the votes deposited in the ballot box were perfectly counted by the assembly of polling officers, including the CNE. Requalification level of voting objectives, following the data presented according to the following structure.

4 406 093 voted in the presidential elections, which represented 44.63% of the registered number.

Relating to the total of voting at a national level, there were 3 942 178 votes expressly validated, represented 89.47% and 199 260 votes were nullified, that represented 4.52% in relation to number of voters.

Candidates for the post of the President of the Republic obtained votes as indicated on table 4

Table 4- votes obtained by each candidate for President of the republic

| Candidate | Votes obtained | |
|----------------------------------|----------------------|----------------------------|
| | Total votes obtained | Corresponding percentage % |
| Daviz Mbepo Simango | 340.579 | 8.599 |
| Armando Émilio Guebuza | 2.974.627 | 75.005 |
| Alfonso Macacho Marceta Dhlakama | 650.679 | 16.407 |

With the bases of this data, it indicated that the citizen Armando Émilio Guebuza , for the presidential election of 28 October 2009 obtained a total of 2 974 627 votes corresponding to 75.005% of expressly validated votes in all national territory and foreign countries. The National Election Commission announced that Citizen Armando Émilio Guebuza was elected the president of the Republic of Mozambique for a period of five years which counts from the date of his inauguration to the post according to our constitution of the Republic.

The Citizen Alfonso Macacho Marceta Dhlakama is a second more voted candidate with 650 679 votes corresponding to 16.407% of expressly validated votes in all national territory and foreign countries.

According to our constitution of the republic, he was confirmed a quality member of council of the states, to perform for a period of five years.

THE ELECTION OF THE REPUBLIC ASSEMBLY

4 387 250 voted in the Republic Assembly elections, which represented 44.44% of the registered number.

ELECTION OF THE PROVINCIAL ASSEMBLY

3 975 703 voted in the Provincial Assembly elections, which represented 43.86% of the registered number.

Table 5 – a map of legislators result

| PARTIES AND COMPETITIVE COALITION | VOTES | |
|---|----------------------|------------|
| | Total votes obtained | Percentage |
| Frelimo -Frelimo | 2.907.335 | 74.66 |
| Renamo -Mozambique National Resistance | 688.72 | 17.69 |
| Alimo -Mozambique Independence Alliance | 14.959 | 0.38 |
| PT –Labour Party | 1.239 | 0.03 |
| UDM - Mozambique Democracy Union | 2.190 | 0.06 |
| PARENA - National Reconciliation Party | 5.610 | 0.14 |
| ECOLOGISTA-MT - Ecologist Movement Party | 5.267 | 0.14 |
| PDD - Peace, Democratic and Development Party. | 22.410 | 0.58 |
| UE - Electoral coalition union | 6.786 | 0.17 |
| PPD - Popular Development Party | 712 | 0.02 |
| UM - Union for Change | 1.641 | 0.04 |
| PVM - Green Party of Mozambique | 19.577 | 0.50 |
| MPD - Democratic Patriotic Movement | 2.433 | 0.069 |
| PLP -Democratic Freedom Party | 26.929 | 0.70 |
| PANAOC - National Rustic Workers Party | 852 | 0.02 |
| PAZS - Solidarity and Freedom | | |

| | | |
|---|---------|------|
| Party | 16.626 | 0.43 |
| PRDS- Social Democratic Reconciliation Party | 399 | 0.01 |
| MDM- Democratic Movement of Mozambique | 152.836 | 3.93 |
| ADCD- Democratic Alliance for Past Warriors | 17.275 | 0.44 |

CONCLUSION

The National Election Commission concluded in harmony the electoral operations of the general election of the President, Legislators and Provincial Assembly of 28 October 2009.

The National Electoral commission salutes all the Mozambican citizen voters residing in the national territory and abroad. The NEC would like to thank particularly the candidates, Political Parties, Political Coalition Parties, Civil Social Organization, National Societies and Public Administration by a high feeling of obligation, attitude, community spirit and unequivocal manifestation of the degree of conscience and patriotism.

The National Electoral Commission salutes polling officers who were dedicated not withstanding difficulties of logical character, you assumed the responsibility given, you did not spare your energy to make the voting possible in all the polling stations and fulfill with responsibility the partial verification.

The National Electoral Commission would also like to thank the delegation of candidates, national and International observers and social communication Organs, for your impartiality and equality in the treatment of various candidates, particularly Journalists, for good work done during and after the election. In many occasion you were compelled to sacrifice, forsake, tolerate, reflect and patriotic. The people have legally testified and confirmed your practical acts of participating in the electoral process.

The National Electoral Commission honours security forces for the protection that guaranteed necessary security and tranquility, therefore, taking part for the success of electoral process.

The National Electoral Commission congratulates all the private and public entities for collaborating with each other for the attainment of these elections.