

LIST OF ACRONYMS

FRELIMO	Front for the Liberation of Mozambique
RENAMO	Mozambique National Resistance
PDD	Party for Peace, Democracy and Development
PIMO	Independent Party of Mozambique
CNE	National Electoral Commission
STAE	Technical Secretariat for Electoral Administration
CCM	Christian Council of Mozambique
ICM	Islamic Council of Mozambique
LINK	Forum for NGOs
SEOM	SADC Election Observer Mission
UNDP	United Nations Development Programme
EISA	Electoral Institute of Southern Africa
PCN	National Convention Party
FUMO	Mozambique United Front
MONAMO	Mozambique Nationalist Movement
FAP	Patriotic Action Front
PRD	Democratic Renewal Party
ALIMO	Independence Alliance of Mozambique
PUN	National Unity Party
UDF	United Democratic Front
PPPM	Mozambican People's Progress Party
PEMO	Ecological Party of Mozambique
UNAMO	Mozambique National Union
PPLM	Progressive Liberal Party of Mozambique
PADELIMO	Democratic Liberal Party of Mozambique
PANADE	National Democratic Party

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The Mission extends special thanks to the Secretary General, Dr. Kasuka Mutukwa and his staff for the well coordinated Mission arrangements.

The Mission would not have been successful without the cooperation and assistance of all the election stakeholders in Mozambique, notably government authorities, the CNE, STAE, political parties, civil society organisations, the media, the diplomatic community, other international observers and the ordinary Mozambican citizens in general.

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CHAPTER 1: INTRODUCTION

BACKGROUND

The SADC Parliamentary Forum is a regional organisation comprising 12 Parliaments and representing more than 1 800 Members of Parliament. It was established in 1996 as an autonomous institution of SADC in accordance with Article 9 (2) of the SADC Treaty. Forum's Member Parliaments are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The Forum's objectives are among others, the promotion of democracy, good governance, gender equality, transparency and accountability in the SADC. One of the ways through which the Forum seeks to achieve these objectives is through election observation. The Forum recognises the importance of election observation as promoting good governance and respect for the rule of law. It believes that elections are a process, or cycle, involving several separate, but inter-related phases, namely: the (i) pre-election, (ii) voting & counting, and (iii) the post-election phase. So far, elections observed by the Forum are Namibia and Mozambique (1999), Mauritius, Tanzania and Zimbabwe Parliamentary (2000), Zambia (2001), Lesotho and Zimbabwe Presidential (2002), Botswana, Malawi, South Africa, Namibia and Mozambique (2004). The Forum brings to the process of election observation, a wealth of experience from MPs who are themselves products of the electoral process.

The Forum observes elections primarily in terms of the constitutional and legal framework of each of the SADC Member States, together with the Forum's Norms and Standards for Elections in the SADC Region (2001), SADC Principles and Guidelines Governing Democratic Elections (2004) and the African Union's (AU) Guidelines on Democratic Elections (2002). All three instruments reflect the importance of democratic practices and the holding of credible and legitimate elections that reflect the will of the people.

TERMS OF REFERENCE

The SADC Parliamentary Forum Election Observer Mission to Mozambique was guided by the following Terms of Reference, which are informed by the legal framework for elections in Mozambique and the SADC Parliamentary Forum's Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII). The full text may be found at Appendix 1.

In summary, the Mission's Terms of Reference were to:

1. Analyse the constitutional and legal framework within which elections are conducted;
2. Assess the historical, socio-economic and political environment within which elections are taking place;
3. Assess the extent to which the elections are conducted in line with the constitutional and legal framework provisions of each of the countries and in relation to the Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII);
4. Assess the gender trends and voter turnout in relation to previous elections; and

5. Assess the organisational arrangements of the electoral process with respect to inter alia, the:
- Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities
 - Secrecy of the ballot and the transparency and legitimacy of the electoral process
 - Voter registration and the state of the voters' roll with special attention to the inclusiveness and availability of voters' roll to stakeholders,
 - The campaign process and the conduct of political parties with reference to codes of conduct,
 - Publication of the election calendar, preparation and distribution of voting materials,
 - Civic and voter education including the quality of the education, the role of the electoral commission, civil society organisations and political parties,
 - Role of security forces,
 - Gender mainstreaming in political activities and manifestos, electoral systems, practices and processes, including the management and administration of elections,
 - Role of the media with respect to fair and balanced media reporting and coverage on election activities,
 - Polling stations with reference to adequacy, location and voters' access to information on polling stations,
 - Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements,
 - Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders, and
 - Conflict resolution mechanisms in place with reference to the working relationship between the CNE, Government and political parties.

METHOD OF WORK

The SADC Parliamentary Forum Election Observer Mission to the third multi-party elections in Mozambique observed the national elections held on 1 & 2 December 2004 at the invitation of the National Elections Commission (CNE). The Mission comprised 43 people including 23 Members of Parliament (MPs), the Secretary General, Dr Kasuka Mutukwa, Secretariat and parliamentary staff as well as interpreters (Appendix 2). As with other previous missions to other SADC member countries, the composition of the Mission to Mozambique was consistent with the provisions of the Forum Constitution with regard to equitable representation of men and women as well as opposition and government parties on Forum delegations. The Mission Leader was the Deputy Speaker of the National Assembly of Tanzania, the Hon Juma Akukweti. The co-Deputy Mission Leaders were the Hon. Matthew Mulanda from the National Assembly of Zambia and Hon. Obed Bapela, from the National Assembly of South Africa.

Following the conclusion of the main Mission, a four-person post election observation Mission was deployed to remain in Mozambique from 6th to 10th December. Hon. Obed Bapela led it.

There were two approaches to the observation of elections as a process and not as an event. The first was the preparatory work in the pre-election phase followed by the actual field observations.

PRE-ELECTION PHASE

The preparations for the Observer Mission to the third Mozambican Presidential and Parliamentary Elections began in July 2004 with the deployment of a seven-person team to observe the registration of voters. Consequently, this team was in Mozambique from 13th July to 19th July 2004.

The Mission's Terms of Reference were set out as follows:

- a. To observe and verify the impartiality and the functioning of the CNE and STAE, with respect to the registration of voters as provided in the laws of Mozambique.
- b. To assess the impartiality and legality of the decisions taken by the CNE, its officers and STAE in addressing disputes and settling concerns relating to the registration process.
- c. To consult with a good sample of stakeholders on the conduct of the process (e.g. political parties, relevant government departments, civil society organisations and the media).
- d. To assess the state of election-preparedness within the CNE, STAE and among all the stakeholders in the Republic of Mozambique.
- e. To assess the registration process in terms of the Norms and Standards for Elections in the SADC region. This includes consideration of such issues as broad participation of eligible voters, adequacy of facilities and the time allocated for voter registration, inspection of the voters' roll, and consultations with stakeholders. The Mission will also carry out a gender analysis of the process in addition to ascertaining that voter identification protocols are such as to enable as many eligible voters as possible while at the same time minimising the illegal and multiple voter registration, among other issues, and
- f. To familiarise the observation mission with the electoral systems and processes in the Republic of Mozambique as part of preparations for the observation of the 1st and 2nd December 2004 Presidential and Parliamentary Elections.

During its tour of duty, the Voter Registration Observation Mission made the following findings and observations:

- a. All the stakeholders that the Mission established contact with expressed their commitment and willingness to ensure that as many Mozambicans as possible registered as voters;
- b. Although civic and voter education had been conducted, in practice, this was mitigated by shortcomings leading to an unprecedented influx in the number of registrants in the last two to three days of registration;
- c. Registration brigades received training for a minimum one week period to enable them to perform their duties. Some of the registration staff had participated in previous registration exercises; and
- d. Every registration brigade had at least one-third women representation. The Mission commended the CNE and STAE for ensuring gender sensitivity in the composition of

registration brigades. Similarly, the Mission commended the women in Mozambique for heeding the various appeals by the CNE and other stakeholders urging women to register as voters;

- e. Political parties, especially FRELIMO and the RENAMO Electoral Coalition should be commended for their active participation in the registration process through duly accredited agents who were present at all the registration centres visited by the Mission;
- f. While the Mission was advised that the supply side of registration materials experienced temporary shortages in some centres, these were given due attention.
- g. By and large, the CNE and STAE have an adequate infrastructure and organisational system designed to run the Mozambican electoral process; and
- h. There were allegations of intimidation, which the Mission could not verify.
- i. Some stakeholders and media practitioners expressed the view that there had been some qualitative improvements in media space since the 1994, 1999 and 2003 elections.



In view of the above, the Mission made the following recommendations:

- a. In order to arrest apathy and sustain citizens' interest and participation in electoral processes, the CNE, STAE, political parties and civil society organisations, among other stakeholders, should consider undertaking civic and voter education on a continuous basis; and
- b. The CNE and STAE should continue improving the quality of voters' rolls in order to eliminate shortcomings such as duplication of names and incorrect entries.

The Mission concluded that save for the challenges highlighted in this statement, the 2004 voter registration process in Mozambique was open and consolidative of the 1994, 1999 and 2003 experiences with respect to voter registration. The Mission expressed the hope that its findings, observations and recommendations made in this statement, should go some

way in assisting and consolidating the registration of voters in Mozambique, as part of the deepening of the democratic process.

ORIENTATION WORKSHOP

An Election Observation Orientation Workshop for MPs was held from 16th to 18th September in Gaborone, Botswana. The workshop started with the observation of a minute of silence in remembrance of two members of Parliament from the National Assembly of Angola, Hon. Augusta Malite Valentim and Hon. Teresa Jamba both of whom had recently perished in a tragic car accident in Zambia. The workshop was convened in order to orient MPs and parliamentary staff with the process of observing elections in Botswana, Namibia and Mozambique. Valuable input was gained from presentations by representatives of the national electoral commissions of the respective three countries mentioned above. Of the three presentations was one by Rev. Arao Litsure, the President of Mozambique's National Electoral Commission (CNE) who provided highlights on the state of election preparedness in Mozambique.

The objectives of the orientation workshop were outlined as follows:

- a. To assess the state of democracy in the SADC countries from the point of view of electoral systems and processes.
- b. To share information on regional and international election observation principles, guidelines and norms and standards for elections in the SADC region.
- c. To build the capacity of MPs to observe and to report on election observation in an impartial and objective manner as provided in the Election Observation Guide for Members of Parliament and Norms and Standards for Elections in the SADC Region.
- d. To strengthen the capacity of MPs in conflict analysis, prevention, mitigation and resolution.
- e. To familiarise MPs with the relevant constitutions and election-related legal provisions of Botswana, Namibia and Mozambique.
- f. To familiarise MPs with the state of election preparedness in the three countries.
- g. To compile Terms of Reference for election observation for the Botswana, Namibia and Mozambique election observation missions.

In his opening remarks, the Secretary General noted it was its second time that the Forum was observing elections in Mozambique having observed the 1999 elections. Whereas in 1999, the observation mission featured only 11 members, the 2004 observation mission had over 30 persons. This, he noted, was a sign that the Forum had indeed come a long way. He urged the Mission members to be open and to interact freely, and encouraged them to raise issues as and when they arose during the course of the Mission's work in Mozambique.

In his welcome remarks, Mission Leader Hon. Juma Akukweti said the beneficiaries of the elections were the people of Mozambique. Noting that democracy was a complex process, he emphasised the Mission's work as that of reporting on verifiable facts, and not on rumours. He said elections were high stakes events that could either strengthen or ruin peace and stability. He urged the Mission members to rise above personal preferences and to strive

for objectivity. He reminded the Mission that it had a collective responsibility and that it should be guided by two principles, namely impartiality and objectivity. The Mission itself was diverse in its composition and emphasized the twin principles of gender balance and political plurality within its membership. He said that these principles were reflected in the composition of the Mission membership and that as members of the Mission, the MPs had ceased to belong to partisan political parties, but that they were in Mozambique as SADC Parliamentary Forum ambassadors.

On methodology, Hon. Akukweti said the Mission's TOR were much the same as those that had guided the Botswana and Namibia observation missions in 2004. He urged Mission members to familiarise themselves with the TOR as well as other relevant documents such as the Norms & Standards for Elections in the SADC Region, the Mozambique Electoral Law and the Code of Conduct for Candidates, Political Parties, Coalitions of Parties and Groups of Citizens Contesting the General Elections of 2004. He noted that the SADC Parliamentary Forum observes elections in terms of the constitution and laws of the country. He thanked the various SADC parliaments for seconding MPs to join the observation Mission to Mozambique despite the end-of-year schedules and deadlines at their respective constituencies and parliaments. He observed that this was evidence of the commitment on the part of Speakers of Parliaments. The Mission leader invited any of the Mission Members who might have a stake in the election to declare such conflict of interest for consideration. There were no declarations from any of the observers.

CONSULTATIONS WITH STAKEHOLDERS

At the commencement of its observation process, on 23rd November 2004, the Mission held consultations with a wide spectrum of stakeholders and other interested parties. Those consulted included representatives from the Front for the Liberation of Mozambique (FRELIMO) and the Mozambique National Resistance (RENAMO) Electoral Union, [which is a united front of 11 political parties]. Other stakeholders consulted included the Party for Peace and Democracy (PDD), the Independent Party of Mozambique (PIMO), the Christian Council of Mozambique (CCM), the Islamic Council of Mozambique (ICM), Civil Society Organisations such as LINK, media organizations, the national electoral commission (CNE), and the Technical Secretariat for Electoral Administration (STAE). In addition, the Mission also held consultations with the SADC Election Observer Mission (SEOM), the Commonwealth Observer Group, the Carter Centre Observer Group, the African Union Observer Group, the European Union Observer Group, the United Nations Development Programme (UNDP), and the Mozambique Police Service. In the field, the Mission interacted with other observers and local election monitoring groups.

The Mission also attended a briefing session convened by the CNE for international observers. The briefing sought to clarify issues relating to observation arrangements and legal provisions of the 2004 electoral process.

Briefing by the CNE

The first briefing was with the President of the National Electoral Commission (CNE), Rev. Arao Asserone Litsure, who provided an update on preparations for the elections. He informed the Mission that everything was ready and that the computer software aimed at centralising data from the provincial to the national level had been approved by the electoral commission. He advised that 12,744 polling stations had been established inside Mozambique and 60 outside the country for Mozambicans living abroad. There were 66,000 officers who would be deployed to administer the elections. He directed the Mission to the legal framework that would guide their work, as contained in the Electoral Law and in the Regulations for Observers. He noted that the two documents would provide the guidelines for the conduct of the elections. Questions were then invited from members of the Mission. In reply, Rev. Litsure said voting both inside and outside Mozambique would take place during the same dates. Computers would be used in the process of tabulating the votes cast. The computer software was undergoing an audit and the results of the audit would be presented on the 27th of November. The Mission was informed that the legal requirement for the announcement of the results was not more than 15 days after the elections.

Rev. Litsure also advised members of the Mission that there were some key areas that required the consideration of observers. They included the prohibition of cell-phones inside the polling stations. Observers would be free to observe as closely as possible but would not be permitted to observe the actual casting of votes. Observers would not be allowed to interview voters as this could cause disruptions. Party representatives and observers would be allowed to follow the ballot boxes from the provinces to Maputo.

BRIFIENG BY THE SADC DIPLOMAT CORPS

The briefing with SADC High Commissioners and Ambassadors featured diplomatic envoys to Mozambique representing Malawi, Swaziland, Mauritius, Zimbabwe, Tanzania, Zambia, and South Africa. The Mission was informed by the diplomatic envoys that as the third democratic election, the 2004 poll was an exciting election, with President Joaquim Chissano stepping down and the opposition parties viewing it as an opportunity to take power. The Mission was informed that violent incidents had been minimal and that it was everyone's wish that this would continue until the end of the elections. The security situation was under control and the police and army had been deployed throughout the country and were maintaining a highly visible presence. In some rural areas, the Mission was reminded that Mozambique had been heavily mined during the long years of war, and while attempts at de-mining were still on going, Mission members were warned not to stray too far out of the main roads and areas of human settlement.

BRFIEFING BY FRELIMO

During the briefing with FRELIMO, the Mission was told by Ms. Alcinda Abrieu, Head of FRELIMO Cabinet for the elections and Member of the Political Bureau of FRELIMO that one of FRELIMO's goals was the eradication of absolute poverty by 2015 and that this would go hand in hand with democratic freedoms and human rights. FRELIMO would additionally strive to eradicate corruption and bureaucracy and improve the country's public administration. The Mission was also told that the main basis of FRELIMO's programme would be the development of the economy, social justice and the promotion of equality. The Mission was

informed that FRELIMO had mobilised party cadres and deployed them in the 128 districts as early as 2003, with the task of mobilising people to vote for the party's candidates. The brigades had to be trained at district, provincial and national levels to ensure that they knew the electoral law. Workshops were also convened to ensure that election agents and members conformed to ethical behaviour, stressing the need for a peaceful campaign with no confrontation, insults, intimidation and the respect of others' views.

The Mission was told that during the run-up to elections, FRELIMO had experienced differences of opinion with the European Union and its delegation of observers regarding international observers' access to the vote tabulation centres.

The Mission was informed that FRELIMO did not use state resources such as government vehicles to facilitate its electoral campaign, and that much of the support for FRELIMO's campaign came from individual donations and fundraising events.

CONSULTATIONS WITH RENAMO

During its consultations with RENAMO, the Mission met Mr Joaquim Marungo and Mr. Lutero Simango, both members of RENAMO's Central Cabinet for Elections. The RENAMO representatives told the Mission that RENAMO's popularity was clear and that the only method of stopping it was the use of force. The RENAMO representatives then proceeded to catalogue a series of alleged acts of intimidation in the three provinces of Cabo Delgado, Tete and Gaza. The Mission was told that the alleged intimidation by FRELIMO in the named provinces had somewhat subsided, but that problems in holding rallies in the midst of allegedly very aggressive FRELIMO supporters, still persisted. The Mission was told that RENAMO had identified "hot spots" where its campaign was being frustrated and its rallies were being disrupted. RENAMO supporters had however, been instructed to refrain from reacting. The police were allegedly doing nothing to stop the intimidation against RENAMO. That aside however, the RENAMO representatives advised the Mission that the campaign was progressing well and that RENAMO was determined to tackle all the obstacles so that Mozambique could have a smooth election.

Explaining the composition of the CNE, the Mission was told that when there was no consensus or agreement on given issues as RENAMO was always defeated by FRELIMO's majority on the CNE. RENAMO noted that when compared to the previous two elections, the 2004 election campaign was much better, especially with regard to the conduct of candidates.

Regarding acceptance of election results, the RENAMO delegation equated an election to football match where competing teams were required to be aware of and adhere to the rules of the game. RENAMO said, "We want to put the question of accepting the results back to you. After the elections, you have to tell us whether the elections were free and fair."

CONSULTATIONS WITH PDD

The Secretary General of the PDD, Mr Eduardo Geque and the PDD Senior Advisor to the PDD President, Mr Castro Castelo, informed the Mission that FRELIMO was on a campaign to entice PDD members to defect to FRELIMO. The PDD was a year old. The Mission

was informed that the party had been formed to fill a political vacuum allegedly because the other small parties were “too insignificant” and the two main parties (FRELIMO and RENAMO) were “not addressing the issues”. PDD representatives argued that in a very short time, the PDD had become one of the most popular parties. PDD was not represented in the CNE structures, and its representatives hoped that after the elections, with 5% of the votes, it would be eligible for CNE membership. The Mission was informed that Television Mozambique had carried reports of intimidation and assault in Tete carried out by FRELIMO cadres. The PDD representatives said that “doors, locks, windows, flags and posters” were removed by FRELIMO cadres, but the PDD was still a peaceful party. The Mission requested to know whether PDD was ready to accept the results of the elections. The Mission was told that claims of intimidation against the PDD were not being taken seriously. As a political party, the only way that PDD could solve the problems encountered was by following the electoral law, but that justice depended on the electoral organs.



With regard to the media, the PDD was of the view that the broadcasting services were not covering the entire population of Mozambique. The party alleged that television broadcasting services reached only 30% of the population. The Mission was told that the PDD had been restricted from transmitting all its messages through the media. The party alleged that there was more coverage of FRELIMO statements compared to other parties. The PDD representatives said an analysis of the coverage depicted a picture that suggested other parties were silent when in fact they were also making statements, but that their statements were being ignored. The PDD did not have accurate figures of the size of its membership, but that people were joining every day.

CONSULTATIONS WITH PIMO

The PIMO representatives who briefed the Mission on their party's campaign were Mr. Avelino Coieque, a member of PIMO's Elections Office and Mr Isaias Vasco, a PIMO parliamentary candidate. The Mission was told that PIMO's governing philosophy stressed the importance of moral strength, because human beings could not develop without morality.

PIMO, therefore, advocated political and economic development as well as decentralisation of government and transparency. The PIMO representatives noted that generally, the 2004 electoral campaign was proceeding smoothly compared to past campaigns. There had, however, been some instances of intimidation against PIMO members, and specifically, five instances involving FRELIMO caravans where a number of PIMO vehicles were destroyed. The party alleged that in November 2004 alone, there were six incidents of violence perpetrated by FRELIMO cadres, and that a woman was injured. The PIMO representatives alleged that PIMO campaign literature such as posters had been defaced and removed by FRELIMO supporters but because of PIMO's moral stand, the party would not retaliate.

With regard to the media, the Mission was told that there had been a lack of efficient press coverage of PIMO activities - "Only negative interpretations of our political campaign are reported," charged the PIMO representatives. However, according to the PIMO representatives, there were no problems with radio coverage. Commenting on the role of observers, PIMO was of the view that observers were able to come to an accurate assessment of the transparency and fairness of the electoral process only if they were able to observe all areas and provinces, and that PIMO would not accept a verdict emerging out of partial observation. On whether the party would accept the election result as the will of the people, the Mission was told that this would be based on levels of fairness and transparency. The party representatives declared that, 'When elections are orderly, transparent and democratic and observers are happy, we will be happy too. We will not refuse to accept the results.'

CONSULTATIONS WITH CIVIL SOCIETY

During the Mission's consultation with the Non-Governmental Organisation umbrella body LINK, the Mission was told that during previous electoral campaigns candidates were preoccupied with regurgitating negative memories of the civil war. In the 2004 campaign, however, LINK observed that candidates were talking about the Beira Development Corridor, rural development, HIV-AIDS, unemployment, corruption, private sector promotion, among other development challenges. LINK felt that there had been significant progress in democratic development. The Mission was told that civic education had been stepped up well before the elections, but that this should continue even after the elections.

MISSION DEPLOYMENT

The Mission's deployment to the provinces for commencement of the next phase of the Mission began with the first departures for field observations on the 26th of November, 2005 and the return of the teams to Maputo on 4th December. In the aftermath of this initial deployment, the post election observation Mission remained to observe the process from 6th to 10th December. In all, the Mission visited and covered over five hundred and ninety two (592) polling stations throughout the country.

While some of the teams travelled by air to their observation provinces, others travelled by road. A total of 11 teams were deployed, one to each of the 10 provinces, with Maputo City accommodating the 11th team. The teams were deployed to the following provinces: Maputo Province, Gaza, Inhambane, Sofala, Manica, Zambezia, Tete, Nampula, Cabo Delgado and Niassa. Meanwhile, the Mission Leader and the Secretary General remained in Maputo; the former had the opportunity of visiting Sofala and Gaza Provinces to observe the campaign. Each team had two MPs, a parliamentary staff member and an interpreter.

While in the field the teams undertook the following in accordance with the terms of reference:

- Consulted widely with the CNE Provincial Electoral Officers and Returning Officers concerning the state of election preparedness.
- Met with representatives from most of the political parties contesting in the provinces concerning their preparations for the election and any issues of concern.
- Held discussions with the local police commissioners regarding security arrangements for the elections and whether there was any political or electoral violence.
- Observed political party campaigns including rallies, press briefings and road shows.
- Assessed media coverage of the elections through meetings with journalists and accessing newspapers, television and radio.
- Interviewed local people to determine their attitudes towards the electoral process.
- Noted the presence of security officers (police), local and regional observers at the election campaign events and at polling stations.



The breakdown of the MPs on the Mission was as follows:

- Twenty-two Members of Parliament
- One Presiding Officer
- Seventeen Men
- Six Women
- Nine Opposition Parties
- Nine Ruling Parties
- Four No-Party (Swaziland)

The gender breakdown of parliamentary staff was as follows:

- Five Women
- Eight Men

The membership and leadership of the provincial teams was determined on the basis of the following considerations:

- Population density
- Number of polling stations within the area
- Accessibility (communication)
- Gender balance
- Political plurality
- Members' election observation experience and training
- Staff election observation experience and training
- Country spread

Upon the return of the teams from the provinces, presentations of field reports were made and a drafting committee was detailed with the task of finalising the Mission's Interim Statement, which was later adopted and released at a press conference (Appendix 5) Except for those members of the Mission deployed for the post electoral observation team, all members of the Observer Mission departed for their respective countries on 6th December 2004.

GEOGRAPHIC AND DEMOGRAPHIC PROFILE OF MOZAMBIQUE

The Republic of Mozambique lies on the east coast of Africa, bordered to the north by Tanzania, to the west by Malawi, Zambia and Zimbabwe, and to the south by Swaziland and South Africa. Mozambique's long coastline of about 2,470 km on the shores of the Indian Ocean is separated from Madagascar to the east, by the Mozambique Channel. The most recent population census in 1997 established a population of just over 16 million, with annual growth rate estimates of between 1.22% and 2.7%. Current population figures put the number of Mozambicans at 18.8 million. Northern Mozambique as the most populous region, followed by southern Mozambique, and with central Mozambique registering the least populated region.

The majority of the population are Bantu-speaking, including Swahili-speaking Muslims along the coast of northern Mozambique. The Makua and Lomwe, in Nampula and Zambezia provinces are the most numerous group, accounting for an estimated 40% of the total population. The Yao, to the east of Lake Malawi are Muslims, while the Makonde, straddle the Mozambique-Tanzania border in the northeast. The Sena inhabit the lower Zambezi valley, while the Chewa predominate in Tete province, adjacent to southern Malawi. Central Mozambique has the Ndau, Manyika, Barwe, Teve and Korekore, with the Shangana-Tsonga and Swazi groups comprising the southern populations. Additional to these groups are mixed race people, products of a rich tapestry of inter-racial mingling of Arabs, Portuguese and African populations, in part, a racial remnant of almost five centuries of Portuguese colonial history, and Arab trading contacts.

POLITICAL OVERVIEW

Mozambique became a Portuguese colony in the 19th century and an overseas province in 1951. Nationalist groups began to form in the 1960s. The Front for the Liberation of Mozambique (FRELIMO) was formed in 1962 and launched a military campaign in 1964. Independence was attained on 25 June 1975, with Samora Machel as President. The reconstitution of FRELIMO into a 'Marxist-Leninist Vanguard Party' came in 1977. Meanwhile, Rhodesia and apartheid South Africa stepped up their destabilisation of the new government by supporting the Mozambique National Resistance (RENAMO). In the meantime, FRELIMO cemented Marxist rule in the country, outlawing rival political pluralism, while simultaneously lending support to the nationalist movements in Rhodesia and South Africa. The first decade of Mozambique's independence was characterised by civil war, sabotage from Rhodesia and apartheid South Africa and economic collapse. During most of the civil war, the government was unable to exercise effective control outside of urban areas, many of which were cut off from the capital. An estimated 1 million Mozambicans perished during the civil war, 1.7 million took refuge in neighbouring states, and several million more were internally displaced.

At the third FRELIMO party congress in 1983, President Machel conceded the need for major political and economic reforms. Three years later, he died, along with several advisers, in a suspicious plane crash. His successor, Joaquim Chissano, continued the reforms and began peace talks with RENAMO. The new constitution enacted in 1990 provided for a multi-

party political system, market-based economy, and free elections. The civil war ended in October 1992 with the Rome General Peace Accords. Under supervision of the ONUMOZ, the peacekeeping force of the United Nations, peace returned to Mozambique. By mid-1995 more than 1.7 million Mozambican refugees who had sought asylum in neighbouring Malawi, Zimbabwe, Swaziland, Zambia, Tanzania, and South Africa as a result of war and drought had returned, as part of the largest repatriation witnessed in Sub-Saharan Africa. Additionally, a further estimated 4 million internally displaced returned to their areas of origin.

THE 1994 ELECTIONS

As in the case of South Africa, the 1994 elections in Mozambique marked a political watershed and for the first time in their history, Mozambicans were able to participate in multi-party elections held within a democratic political dispensation. The elections were held under a system of proportional representation, and party lists were adopted, with votes being converted into seats by the *de Hondt* method. A threshold of at least 5% of the vote at national level was also introduced for any party to qualify for parliamentary seats. The country was divided into eleven provinces, which included the City of Maputo counting as a province in its own right. The provinces shared 250 seats, which were allocated based on registered voters. Accordingly, the province with the largest number of registered voters would receive the highest number of allocated parliamentary seats. Hence seats were distributed as follows: Nampula 54; Zambezia 49; Cabo Delgado 22; Sofala 21; Inhambane 18; Maputo City 18; Gaza 16; Tete 15; Manica 13; Maputo Province 13; Niassa 11.

In all, 6.1 million people, representing 78% of those eligible, registered to vote. The turnout was 88% with a relatively high 11.7% of votes ending up as spoilt ballots.

Table 1: 1994 Registration & Allocation of Seats

PROVINCE	VOTERS REGISTERED IN 1994	SEATS
Cabo Delgado	568,169	22
Nampula	1,365,796	54
Niassa	282,513	11
Manica	322,201	13
Sofala	530,066	21
Tete	397,260	15
Zambezia	1,270,098	49
Gaza	398,381	16
Inhambane	471,524	18
Maputo City	459,166	18
Maputo Province	330,887	13
Total	6,396,061	250

In the 1994 elections only three of the 14 contesting political parties won enough votes to cross the stipulated 5% threshold. Hence FRELIMO won 44.3% of the validly cast national vote, while RENAMO secured 37.8% and the Democratic Union (UD) 5.1%.

Table 2: 1994 Parliamentary Election Results

POLITICAL PARTY	VOTES	%	SEATS
FRELIMO	2.1 million	44.3%	129
RENAMO	1.8 million	37.8%	112
UD	246,000	5.1%	9

In the Presidential poll, the FRELIMO candidate, Joaquim Chissano secured 53.3% of the vote (2.63 million votes). The RENAMO candidate, Afonso Dhlakama won 33.7% (1.67 million votes).

The 1999 Elections

The immediate challenge of the National Electoral Commission (CNE) was the re-registration of voters for the 1999 elections, following RENAMO's criticism that the previous voters' roll was flawed. A new voter registration process was, therefore, initiated in July 1999, and registration took place from 20 July to 17 September.

Table 3: 1999 Registration & Allocation of Seats

PROVINCE	VOTERS REGISTERED IN 1999	SEATS
Cabo Delgado	618,451	22
Nampula	1,434,764	50
Niassa	356,693	13
Manica	421,266	15
Sofala	593,877	21
Tete	503,422	18
Zambezia	1,384,626	49
Gaza	465,151	16
Inhambane	495,981	17
Maputo City	455,640	16
Maputo Province	369,234	13
TOTAL	7,099,105	250

RENAMO contested the 1999 election as part of an electoral alliance (the RENAMO Electoral Union) with ten smaller political parties. The presidential contenders were RENAMO's Afonso Dhlakama and FRELIMO's Joaquim Chissano.

Table 4: 1999 Parliamentary Election Results

POLITICAL PARTY	%	SEATS
FRELIMO	48.5%	132
RENAMO	38.8%	118

In the Presidential poll, the FRELIMO candidate, Joaquim Chissano secured 52.3% of the vote. The RENAMO candidate, Afonso Dhlakama won 47.7%.

LEGAL FRAMEWORK

Mozambique's electoral system is guided by the Constitution of the Republic, which provides that the people of Mozambique shall exercise their political rights through universal, direct, equal, secret and periodic elections for the appointment of their representatives. The constitution prescribes the Proportional Representation (PR) model for elections. The legal framework for the election of the President of the Republic and members of the National Assembly is set out under provisions of Law no. 7/04, known as the 'Electoral Law'.¹ The eight parts of the Electoral Law comprise:

- General provisions with details of fundamental principles and who may vote (Articles 1 to 12);
- Status of the candidates (verification and publication of candidate lists) (Articles 13 to 17);
- Electoral campaign and propaganda (rules for campaigning, publicity and voter education) (Articles 18 to 40);
- The electoral process (organisation of voting stations, ballot papers, voting and counting) (Articles 41 and 115);
- Election of the President of the Republic (election regime, candidates, withdrawal or death of candidates and second ballot) (Articles 116 and 140);
- Elections for the legislature (composition of and mandate for the Republic's Assembly, passive electoral capacity, organisation of polling stations, election regime, presentation of candidates, replacement and withdrawal of candidates, appeals) (Articles 141 to 173);
- Contentious and unlawful elections (Articles 174 to 220);
- Final provisions (Articles 221 to 228).

The election of the President of the Republic is conducted in a single electoral constituency, covering the whole territory of Mozambique. The candidate who obtains more than half (50%) of the valid votes is elected. Should this not happen in the first round of voting, a second round of voting involving candidates with the two highest votes is conducted. In the second round, which must take place by the 21st day after the publication of the results of the first round, the candidate with the highest valid votes is elected. The term of office of the President of the Republic is five years.

Mozambique's National Assembly consists of 250 members elected for a term of five years. The members are elected in electoral districts in ten provinces, including the municipality of Maputo. Voters living abroad constitute electoral districts for Africa and for the rest of the world. The number of members of the National Assembly to be elected in each of the voting districts is proportional to the number of registered voters in each district. Once the total number of registered voters has been established, it is divided by 248 (or 250 if there are no votes from those residing abroad) in order to obtain the quotient, which corresponds to one seat. Dividing the total number of voters registered in a voting district by the quotient indicated above, gives the number of seats (mandates) for the electoral district (if the result is more than the half of the electoral quotient, one more seat is given to that electoral district).

ELECTORAL MANAGEMENT & ADMINISTRATION

The electoral process is led and managed by the National Electoral Commission (CNE), which was set up under the provisions of Law no. 20/02. The CNE consists of 19 members and is chaired by a president, assisted by two vice-presidents. The political parties and party coalitions with representatives in the National Assembly appoint 18 members of the CNE in line with their representation in the National Assembly. The president of the CNE is elected by members of the CNE from among candidates proposed by civil society organisations. The government appoints one member with a permanent seat in CNE open sessions and meetings, with the right to participate but not to vote. The term of office of CNE members is five years and they must be appointed within 60 days of the opening of each legislature.

It is the CNE's general responsibility to lead and supervise the voter registration exercise, the electoral laws and referenda. In the exercise of its functions, the CNE is assisted by Provincial Electoral Commissions as well as by city and district electoral commissions. The latter are set up identically to the CNE except that they have only nine members. The provincial committees are set up 45 days before the census and cease their activities ten days after the publication of the electoral results. The other commissions are set up 30 days before the census and cease their activities five days after the publication of the electoral results.

As defined in the provisions of Article 7 of Law no. 20/02, the main duties of the CNE are as follows:

- Prepare the schedule for the electoral process with deadlines for all elements;
- Ensure that the census and the electoral process are conducted ethically and are entirely free, fair and transparent;
- Receive and peruse the candidates for the legislative and presidential elections (presidential candidates are perused by the Constitutional Council)
- Promote civil and voter education;
- Approve the materials to be used in the election process (registration material, ballot papers, etc);
- Approve the code of conduct for candidates and for the police during the election process;
- Approve the regulations on the use of public places by candidates;
- Allocate times for campaigning on public radio and TV;
- Ensure that all candidates receive funds before the start of the election campaign;
- Set up sites for voter registration and polling stations;
- Prepare schedules for the registration of presidential and legislative election results; and
- Decide within 48 hours on complaints and appeals about decisions taken by support units and electoral process agents

As part of its supervisory role, the CNE is also responsible for verifying the authenticity and validity of the electoral process.

TECHNICAL SECRETARIAT FOR ELECTORAL ADMINISTRATION (STAE)

The CNE is supported by a Technical Secretariat for Electoral Administration (STAE), chaired

by a general director who is assisted during elections by two deputy directors appointed by political parties represented in the National Assembly in proportion to their representation. STAE is a state entity and is represented at provincial, district and city levels. The main duties of STAE, which is the executive arm of the CNE, are:

- To carry out and update voter registration and to organise and execute the electoral process;
- To ensure the availability of transport and the distribution of all materials relating to the census and the electoral process; and
- To train electoral agents, namely the staff for the voting stations.

CONSTITUTIONAL COUNCIL

The Constitutional Council has the following responsibilities:

- To receive, verify and decide on the names of candidates for the post of President of the Republic;
- To analyse and take final decisions about electoral complaints, claims and appeals;
- To analyse the minutes of the national centralisation of results of the presidential and legislative elections, validate and announce the election results; and
- To set the date for the entry into office of the President of the Republic.

OBSERVERS

The process of voter registration, and elections, may be observed by national and international observers in accordance with the regulations set out by the CNE.



CHAPTER 3: MISSION FINDINGS

THE PREPARATION FOR ELECTIONS

Voter Registration

More than 1.2 million people registered to vote in June and July 2004, bringing the official register to 9.1 million people, according to the CNE. However, the accuracy of the 9.1 million figure was a subject of much discussion and debate for several reasons. The first was that an estimated 500,000 to 750,000 voters had died but their names had not been removed from the voters register. Secondly, an estimated 500,000 people had registered for the second time, on claims that they had not registered before. While in 1994, 78% of the population were registered as voters; in 1999, it was 85.5% of the population. It can be extrapolated that if those same high levels were maintained for 2004, a realistic electoral figure for registered voters would fall between 6.7 million and 7.8 million. The figure arrived at for the 2004 elections was 7.6 million registered voters.

Significantly, Mozambicans living outside were able to vote, for the first time in Mozambique’s electoral history. However, the registration of Mozambicans living outside Mozambique was very low. Originally, STAE had estimated that there were 300,000 Mozambicans of voting age living in the nine countries where the registration took place. These countries were South Africa, Zimbabwe, Swaziland, Zambia, Malawi, Tanzania, Kenya, Portugal and Germany. From the 300,000 estimate, only 45,865 registered from the seven African countries and only 1,101 in Europe. According to the CNE, the external registration process had encountered two problems. The first was that many Mozambicans living outside the country had no documents identifying them as Mozambicans, and without proof of their nationality, they were not able to register. The second was that there were very few registration brigades, and with the exception of South Africa and Kenya, they were all located in Mozambican embassies and consulates. Many people living in outlying areas could not travel to the embassies in the capital cities.

The disparity in size between voters registered in Europe (1,101) and those registered in Africa (45,865) highlights a glaring anomaly – which is that the emigrants in Europe would vote the same number of deputies (1) as the African emigrants, despite the larger size of the African emigrant vote.

Table 5: 2004 Registration & Allocation of Seats

PROVINCE	VOTERS REGISTERED IN 2004	SEATS
Cabo Delgado	794,270	22
Nampula	1,831,897	50
Niassa	453,461	12
Manica	531,264	14
Sofala	802,149	22
Tete	660,741	18
Zambezia	1,749,121	48
Gaza	609,214	17

Inhambane	579,356	16
Maputo City	600,249	16
Maputo Province	483,493	13
Diaspora Africa	45,865	1
Diaspora Europe	1,101	1
TOTAL	9,095,185	250

The registration of voters is governed by law no 18/02. All citizens who meet the criteria for voters have a duty to register. In accordance with the law, voter registration is permanent and is updated annually, although in practice, and for a number of reasons, Mozambique's electoral authorities have failed to carry out annual voters roll updates.

STAE is responsible for the conduct of voter registration and for that purpose it creates voter registration brigades and sets up voter registration posts. Citizens must register at the registration post closest to their homes, and voting stations must, wherever possible, also be the registration posts. In less populated areas STAE may set up mobile brigades covering a maximum distance of approximately 10 km. Setting up of voter registration posts at police stations, hospitals and military units or in buildings associated with political organisations, religious sites or places selling alcohol is not permitted. Political parties have the right to inspect the voter registration exercise and must, for this purpose, advise the CNE of the names of their inspectors to whom the CNE must issue credentials within five days. Inspectors have the right to monitor all acts relating to the voter registration exercise. Eligible voters can register upon presentation of an identity card or passport.

However, if the voter does not have either of these documents, he or she may do one of the following:

- Use any document with an updated photograph, signature, or fingerprint generally used for identification.
- Use a driver's license, military identification card, military booklet, etc.
- Be recognised by the registration body.
- Present two witnesses who have been registered at the same voter registration post or by religious or traditional authorities of good reputation.
- Present a birth certificate.

Registration books are compiled based on registration papers. Each book must contain the names of about 500 voters from the same area. Between the 4th and 13th day after the end of the voter registration exercise, the books must be made available to the public for checking and complaints may be lodged with STAE in the relevant district or city. Each book must contain the names of the registered voters and their registration numbers. Each voter is given a voter card as proof of registration. The card contains a photograph, registration number and full name of the voter; place and date of birth; signature or fingerprints; identity or passport number and, wherever possible, the geographic identification of the place of registration.

If a voter's address has changed, he or she must return the voter's card and complete a new registration form, attaching a document proving the change of address. The change of address form must be sent to the registration unit where the voter is registered in order for his or her name to be removed from the registration book in that area. The total number of registered voters is sent to the CNE for publication in the government gazette within 30 days after the STAE data has been received.

While commending the efforts of the CNE and STAE to update and computerise the voters' roll, the Mission noted with concern the late submission of the voters' roll. In order to ensure a smooth electoral process, the Mission saw the need for a single comprehensive voters' roll, and urged the CNE to ensure that the voters' roll is publicised well in advance of the date of the election.

VOTER EDUCATION AND INFORMATION

The voter education campaign for the 1st and 2nd December, 2004 general elections began throughout Mozambique on 16th September, 2004. A total of 1,200 voter education agents were trained, and were stationed throughout the country. The voter education campaign lasted a month, ending on 15th October. Two days later the political parties and their candidates took over the voter education work in the official election campaign, which runs from 17th October to 28th November.

The Mission found that the level of education of voters could have been higher. The emphasis of the voter education programme should lay stress on the duty of citizens to turn up to vote. Levels of voter abstention in the 2004 elections suggested the need for more voter education. This should be carried out collectively by the CNE, political parties and civil society organisations. In 2004, voter education only began on 16th September. It was the view of the Mission that it should have begun much earlier, and that ideally, voter education needs to be part of a continuous civic education programme in order to attract the highest possible number of voters in future elections.

The Mission noted that the level of education and awareness by the elections officials was adequate and in some cases, exemplary.

DELIMITATION OF ELECTORAL BOUNDARIES

Mozambique is divided into eleven electoral provinces, which include the City of Maputo. The CNE is responsible for the delimitation of constituencies. No delimitation of constituencies took place for the 2004 elections, and the same provincial electoral boundaries effective in 1999 were followed in 2004. The provincial electoral constituencies shared 250 seats, which were allocated based on registered voters. Accordingly, the province with the largest number of registered voters received the highest number of allocated parliamentary seats

NOMINATION OF CANDIDATES/PARTY LISTS

To contest presidential elections candidates must be citizens who have registered for the election and have been resident in Mozambique for the 12-month period preceding the election. In addition, they need to have an unblemished criminal record, and they must be

over 35 years. Names of presidential candidates are submitted by political parties, coalitions or by citizen groups, to the Constitutional Council for up to two months before the date of the election. Submissions must be endorsed by at least 10,000 voters who are not permitted to endorse more than one candidate.

During the 2004 elections the Constitutional Council accepted five of the eight presidential nominations. Three nominated candidates were rejected after it was found that they had not satisfied the requirement for 10,000 valid endorsements. Of all the presidential candidates, only two – Messrs Dhlakama and Guebuza were seen to have the most support from the electorate. Mr. Dhlakama was running for the third consecutive time, having lost in both the 1994 and 1999 presidential elections. Mr. Guebuza was running for the first time, backed by the ruling party and with a well coordinated pre-election campaign in many of the country's rural areas. In 2004, Mr Guebuza was the first one to lodge his nomination papers.

In the parliamentary elections all citizens of voting age are eligible to contest if they have registered to contest, have not been convicted of crimes and are not regarded as delinquents or criminals. Serving magistrates, members of the military forces, serving professional diplomats and members of the CNE and its support units, including STAE, may not run for election. Lists of party candidates are submitted by the various parties or coalitions between 75 and 55 days before the date of the elections. Thereafter, a list of candidates is submitted to each electoral district, with the number of effective candidates equal to the number of places available for that district plus at least three stand-by candidates. The lists may include independent aspiring candidates, and no candidate may appear on more than one list.

Political parties must register their symbols and logos with the CNE. Coalition parties must show signed proof containing the approval of the members of the coalition and indicating the leadership of the coalition, its denomination, its symbol and logo and the definition of the scope of the coalition.

PARTICIPATION OF WOMEN

The Mission observed that Mozambique had made significant advances in its attempt to ensure equitable gender representation, which was consequently reflected in the composition of political party leadership structures. Towards this end, a good example is FRELIMO, which had introduced a minimum 30% quota for women in its party lists for representation in the National Assembly. Notably, Luisa Diogo, Prime Minister in the outgoing FRELIMO government is a woman. FRELIMO also chose her to head its party list in Zambezia.

Notably, five out of the 11 candidates chosen to head the FRELIMO provincial lists were women, in contrast to the RENAMO Electoral Union coalition, in which all 11 people at the head of its provincial lists were men. However, the Mission noted that Mozambique was one of the few countries in SADC that had achieved the attainment of the minimum SADC requirement of 30% representation of women in the legislature, as recommended by the 1997 SADC Declaration on Gender and Development.

Some of the Mission's provincial teams noted that in many of the rural communities, the

number of women visiting polling stations surpassed that of men. The rationale given was that many of the men had migrated to the towns or to neighbouring countries to look for work. Most of the Mission's provincial teams also reported that generally, there was a fair balance of men and women in the composition of the electoral staff component at most of the polling stations visited.

POLLING STATIONS

There were 12,804 polling stations (12,744 in Mozambique and 60 for Mozambicans voting abroad). Each polling station is authorised to serve about 1,000 voters, with a flexible upper ceiling of 1,150 voters. Wherever possible, polling stations must be situated at the same place as the registration posts. The CNE must publicise the locations of the polling stations in the media and post the list of polling stations and their locations in public places 30 days before the elections. Voters were allowed to vote only where they had originally registered to vote, apart from essential public service workers such as police officers or electoral officials

A five-member panel consisting of a president, a vice-president, a secretary and two examiners serviced each polling station. This team was empowered to take charge of the management of the voting at each polling station and the verification of results.

Of concern to the Mission was the failure of 37 polling stations to open during the two-day voting period. According to the CNE, the polling stations failed to open because of heavy rain in the affected areas, as well as the lack of necessary elections materials such as register books.

Some of the Mission teams observed however that in several cases, some polling stations were crowded in one area (e.g. at one school) where there were as many as 10 polling stations. In several instances it was observed that distances between stations were huge and this tended to restrict democratic participation by citizens in rural areas who might be unable to afford the transportation costs to the polling station.

Despite this obstacle, the Mission was nevertheless of the view that the total number of polling stations was reasonable, and was capable of ensuring that as many eligible voters as possible were able to exercise their right to vote.

One of the objections raised by the various observer groups, including the SADC PF Mission, was the stipulation by the CNE forbidding all verbal exchanges or conversation at the polling stations. This CNE was however later revised this protocol to refer to the forbidding of any conversation that was deemed to have electoral-related content. Mission members were able to observe this provision and succeeded in carrying out their work satisfactorily and without hindrance.

Generally, Mission members observed that most of the polling stations that opened were able to open at the stipulated time of 0700 hrs and to close at the stipulated closing time of 18.00hrs. At most of the polling stations the queues were short. Only during the first day of voting were long queues seen at some of the polling stations. However, by the second day, no queues were seen at many polling stations. Inside the polling stations, Mission teams noted

the atmosphere as being orderly and calm, and that the elections officials were in most cases well trained, confident, impartial and in full control. It was also observed that the majority of the polling stations were clearly marked and very few people were seen to have been turned away for lack of relevant voter identification.

CNE STAFF

The CNE is responsible and legally mandated to organise and manage national elections in Mozambique. From this perspective, the Electoral Law provides that the CNE shall ensure the elections are conducted 'ethically and are entirely free, fair and transparent.' Furthermore, according to the 1992 Peace Accord, the CNE's membership of 19 people should consist of 'persons who, by their professional and personal characteristics, give guarantees of balance, objectivity and independence in relation to all political parties.'

While the CNE takes the key electoral decisions, it is its executive wing, the Electoral Administration Technical Secretariat (STAE) that implements these decisions. The Mission, therefore, observed that the CNE functions within a politicised structure, whereby its membership is drawn from the political parties represented in parliament. Furthermore, in the intervening periods between elections, STAE is subordinate to the Ministry of State Administration (MAE), which is responsible for administrative functions of the state.

The Mission teams were unanimous in their high impressions on the professional competence and high level of knowledge displayed by the elections officials. It was the general impression of the Mission teams that the elections staff and officials displayed good understanding and confidence in the tasks that they were mandated to carry out. All the three main parties contesting the elections had party agents at all the stations visited.

It was the view of the Mission that the CNE carried out its functions, duties and responsibilities within the professional and legal provisions of its mandate.

BALLOT BOXES

The electoral law requires that at the end of the first day of voting, ballot boxes are sealed with numbered plastic security tags and that the numbers are read out and recorded in the minutes and given to party agents. At the start of the second day, the tags are cut and the numbers read out again to ensure that they are the originals. Additionally, the law specifies that on the night between the two voting days, party delegates can be allowed to sleep with the ballot boxes, along with the police and polling station officials.

The Mission observed that the requirements for the management of ballot boxes were generally met. As stipulated in the electoral law, in the overnight period between the first and second day of voting, ballot boxes must be sealed and left in the care of the police. The candidates in any given constituency all have their representatives at the polling stations and each candidate representative may appoint one or two people to supervise the ballot boxes until the next day. When voting resumes the polling station supervisor must break the seals of the ballot boxes in the presence of the members of the polling station panel, candidate representatives and any observers present at the polling booth.

It was also observed that the supply of the necessary equipment to most polling stations had been completed on time. The equipment included material such as the voters' roll, records of the process of elections, the ballot boxes, the polling booth, ink for finger prints and indelible ink, calculators, forms, etc.

INTERNATIONAL, REGIONAL OBSERVERS & LOCAL MONITORS

The observation of elections in Mozambique is governed by a code of conduct, issued by the CNE and setting out regulations for the observation of the 2004 general elections. At least 222 international observers were registered by the final week before the election. In addition to the SADC Parliamentary Forum Observer Mission, they included observer groups from the Commonwealth, Carter Centre, Electoral Institute of Southern Africa, SADC Election Observer Mission, the African Union and the European Union.

A large contingent of local election monitoring teams comprising of civil society representatives was also part of the observation and monitoring of the 2004 elections. They consisted of seven organisations including the Christian Council of Mozambique (representing the main protestant churches), the Islamic Council, the Catholic Bishops Conference, and the Human Rights League. Representatives from the CCM informed the Mission that it was the duty of political leaders to assist in building peace, and to refrain from fomenting violence. The pacification process in Mozambique had been strengthened by religious organisations.

On the tension between the European Union and the CNE, the Mission was informed by the CCM that it was important to establish and encourage dialogue. The two parties needed to understand each other and negotiate: "The CCM position is that no outsiders should come and dictate terms to Mozambicans, even if they are bringing in money. However, if there is nothing to hide, why not open the doors? We encourage the CNE to come up with a clear position on this matter."

The Mission was told by the Commonwealth Observer Group that the Commonwealth would be deploying observers throughout the country and that it was the wish of the Commonwealth Mission to liaise with the SADC Parliamentary Forum Mission because such liaison would be valuable. The independence of each of the observer mission teams did not preclude cooperation and liaison. The EU Mission said it had 125 accredited observers. The Carter Centre Mission advised that it had covered the 1999 elections, in addition to its agricultural support work through Global 2000. It had also observed the November 2003 municipal elections as well as the voter registration. It had a 60-member delegation, inclusive of staff and leadership. The Carter Centre Mission would remain in Mozambique until the end of January 2005.

The UNDP had also assisted the electoral process through the provision of technical support, civic education and staff training. However, UNDP would not be observing the elections. It would nonetheless be liaising with the different observer missions.

At a joint briefing session with former US President Jimmy Carter (Carter Centre), the SADC Parliamentary Forum Secretary General noted that the biggest challenge of the Mozambican elections was the long period of tabulation. Mr. Carter said Mozambique's tabulation period

was as far as he knew, “the longest in the world.” Such a long period raised concerns on what could be happening, and this was why the Carter Centre would remain in the country until a full constitutionally recognised result in announced. The Carter Centre observed that the normal discrepancy of spoilt ballots in most elections was 1% of the votes. During the 1999 elections in Mozambique, it was 11%. Such a rate of spoilt ballots was too high.

The Mission was informed that from the EU point of view, in the event of a close election, it would not be able to sanction the validity of the results if its mission was not accorded the opportunity of observing the provincial tabulation system. The Mission was informed that the EU had signed a memorandum of understanding in 2003 with the Mozambique government that observers would have access to the tabulation system.

THE POLITICAL PARTY CONTEXT

A total of 20 political parties and coalitions and five presidential candidates contested the 2004 elections. Presidential nominations were submitted to the Constitutional Council and required 10,000 nomination signatures. Parliamentary candidates had to submit a series of documents, including a certificate stating they had no criminal record, to the CNE. The 2004 elections marked the retirement of President Joaquim Chissano. In his place, FRELIMO fielded Mr. Armando Emilio Guebuza as its presidential candidate while RENAMO fielded Mr. Afonso Dhlakama. Also in the presidential race were Mr. Raul Domingos of PDD, Mr. Ya’ – Qub Sibindy of PIMO and Mr. Carlos dos Reis of MBG.

RENAMO contested as the RENAMO Electoral Union, in a coalition with 10 other parties. These were:

- i. National Convention Party (PCN)
- ii. Mozambique United Front (FUMO)
- iii. Mozambican Nationalist Movement (MONAMO)
- iv. Patriotic Action Front (FAP)
- v. Democratic Renewal Party (PRD)
- vi. Independence Alliance of Mozambique (ALIMO)
- vii. National Unity Party (PUN)
- viii. United Democratic Front (UDF)
- ix. Mozambican People’s Progress Party (PPPM)
- x. Ecological Party of Mozambique (PEMO)

The only change in the composition of the coalition in 2004 from the 1999 coalition was that the Mozambique National Union (UNAMO) had left.

The Constitutional Council, the body in charge of verifying the nomination papers of presidential hopefuls, rejected three other candidates for the Republican Presidency. They were Mr. Neves Serrano, leader of the Progressive Liberal Party of Mozambique (PPLM); Mr. Joaquim Nhota, leader of the Democratic Liberal Party of Mozambique (PADELIMO); Mr. Jose Massinga, leader of the National Democratic Party (PANADE).

THE POLITICAL PARTY CAMPAIGN

The Mission observed that the elections were conducted within the provisions of Mozambique’s electoral Code of Conduct No. 34/2004 for Presidential and Parliamentary

candidates, political parties and coalitions of parties

In preliminary briefings on the 2004 electoral process, members of the Mission heard from various presenters and speakers that the run-up to the 2004 elections was the most peaceful to date. On the ground in all the provinces where the Mission members were deployed, the overwhelming observation was that the campaign was generally marked by a spirit of political tolerance and mutual respect by political parties, citizens and candidates. However, there were reports received alleging ongoing intimidation of opposition leaders and members, and that some houses in Manica province belonging to the opposition were burned. The team in Manica could not verify these allegations from first hand observation. In almost all areas visited, the Manica team noticed that people were quite aware of the elections and that they were eager to vote. All the teams reported seeing campaign literature such as posters and banners in the streets, pinned on tree-trunks and pasted on walls. Rallies, motorcades and marches drew support especially on the last day of campaigning.

The Mission noted that in general, the Mozambique police force carried out their duties competently. It was however noted that there was no visible police presence at some of the polling stations visited, and some of the security personnel were clad in civilian attire.

MEDIA COVERAGE

The constitution of Mozambique is recognised as providing for one of the most progressive provisions in the SADC region, with regard to freedom of expression. Article 74 of the constitution states that “every citizen has the right to freedom of expression and to the press, including information”, and that “freedom of the press comprises the freedom of expression and access to sources of information, protection of independence of confidentiality, the right to create printed papers and other sorts of publications.” It was from this perspective that the Mission held the view that the media in Mozambique was not generally subject to undue legal restrictions.

Overall, media coverage was extensive, in the week before the elections, at least 359 journalists, including 33 foreigners, had been registered to cover the elections.

During the first media briefing with the Mission, a question was raised on the fact that the nature of SADC PF’s composition, with a disparate group of people, meant that it was difficult at the end of the observation mission to come up with a united opinion. In reply, SADC PF Secretary General said that it was this diversity, which was an asset and accords the SADC PF team a wide background and perspective. He noted that mission members should represent different parties and that there should be a gender balance.

It was noted that the mission to Mozambique was the SADC Parliamentary Forum’s thirteenth in the SADC region in five years. Additionally, MPs were amongst the best people to observe elections because they were familiar with the electoral process. Each SADC parliament sent a delegation according to its capacity.

At the second and final Press Conference, the Mission noted that as the counting and tabulation was still underway in the country it was not possible to pass immediate judgment

on the whole electoral process. A team was still going to be in the country to verify the rest of the tabulation and counting process.

A number of questions were raised by media representatives present including the fact that the President of RENAMO had said in an interview with Radio Mozambique that RENAMO election agents were expelled from the polling stations and not allowed to sleep in the polling station. In reply, the Mission reported that its observers had observed cooperation between the CNE and party agents, including instances where party agents were allowed to spend the night in the same room with the ballot boxes. In the places visited by the Mission, therefore, no party agents had been chased away. The Mission also wanted to know if the *delegados da lista* (party agents) had spoken to any members of the Mission during their work. The Mission advised that no party agents refused to answer the Mission's questions and none had raised complaints of harassment or intimidation.

THE POLL AND THE COUNT

The Mission observed that sufficient human and material resources were available at most of the polling stations visited. The CNE polling station officers had been trained and were ready and prepared to conduct their duties and responsibilities. The Mission observed that the CNE was well organised and conducted the process in a transparent manner. As noted above in the section on participation of women, the Mission observed a balance in the number of men and women officials at the level of Presiding Officers at the polling stations.

Generally, all polling stations observed by the Mission opened and closed at the scheduled authorised times and the legal procedures for the opening and closing of the polling stations and ballot boxes was adhered to. Eligible voters who had queued at the time of closing the polling stations were allowed to vote.

The Mission was consequently of the view that the vote counting procedures at the polling stations visited was transparent and was conducted in terms of the legal provisions. At the polling station level, *delegados da lista* (party agents) and observers were able to witness the counting and verification process. *Editais* (results sheets) were prominently displayed at each polling station and political party agents and observers were given copies of the results.

Distances covered by the provincial teams were enormous. Therefore, the teams were forced to prioritise on the number of polling stations to visit. The prioritisation had to account for geographical representation. Constraints identified included the long distances, the limited time and the small size of the teams.

However, a major challenge encountered by the CNE during the electoral process centred on the introduction of the computerised tabulation system. Hence the Mission noted that efforts taken by the electoral authorities aimed at streamlining the process of recording and documenting the elections were met with objections and suspicions by some stakeholders with regard to the reliability of the computerised tabulation system, as well as fears that the computer database could be open to manipulation.

The fact that the electoral counting process in Mozambique is complex could be said to have exacerbated the difficulties encountered in the counting system. Consequently, instead of relying on the computerised system, several provinces opted to manually process the results voting sheets (*editais*).

Two of the identified problems encountered were that computers rejected hundreds of legitimate polling station results sheets (*editais*) because the numbers on the sheets did not correspond with those in the computer database, forcing most provinces to process many of the *editais* manually.

Secondly, this problem caused 556 fake polling stations to appear in addition to the authorised list of 12,744 national polling stations, prompting members of the opposition parties to level allegations of fraud against the STAE. However, STAE management were understood to be equally perplexed at how the fake polling stations might have occurred. The explanation given was that the errors could have arisen as a result of data input for polling stations that had more than one register book. Computer experts in Maputo were understood to have concurred with this explanation as a plausible answer to the problem.

COMPLAINTS MECHANISM

The final body of arbitration in the aftermath of the election is the Constitutional Council. It does this by analysing and taking the final decisions on electoral complaints, claims and appeals. During the period of the Mission's observation many of the allegations of intimidation as alleged by RENAMO, could not be immediately verified by the Mission from records or minutes of complaints lodged with the police or CNE. Therefore, the Mission was unable to authenticate the validity of the various complaints reported by RENAMO.

Nevertheless, attempts were made by the Mission to verify whether complainants were able to register their complaints through the CNE. The Mission was not able to conclusively establish whether the legal channel for lodging complaints was followed by complainants. In its consultations, the Mission met the Principal Police Superintendent in Maputo, Mr Fernando Sumana. He told Mission members that as a measure of the importance of maintaining safety, 70% of the police strength had been deployed for the elections. The Mission was told that from the start of the electoral campaign on 17th October, no serious incidents had been reported to the police. However, in the aftermath of the elections, with preliminary results indicating heavy RENAMO losses, RENAMO released a 108-page document to the EU and other diplomats, detailing 'massive fraud and crime.'

The following were identified as constituting the core of the RENAMO complaints:

- a. Claims that large numbers of RENAMO delegates were excluded from the electoral process, leaving polling stations unmonitored both during the days of voting and during the count;
- b. Claims that ballot boxes were tampered with during the night between the two days of voting (1st and 2nd December) to add Guebuza votes and to remove Dhlakama votes;
- c. Issues relating to excessive blank and invalid votes (*nulos*);
- d. Factors making it difficult for RENAMO supporters to vote; and
- e. Various issues before the election, notably the registration of voters and registration lists.²

With regard to the allegations as outlined above, the Mission had already concluded its work in Mozambique by the time the allegations were made by RENAMO. Consequently, the Mission was not in a position to verify or pass judgment on the allegations.

POST-ELECTION PHASE

RESULTS

As noted above, the process of tabulation of the total eligible votes cast in elections in Mozambique is reputedly the longest in the world. Following the final day of polling on 2nd December, it was not until 18th December that the official results were legally due to be announced. In effect, by 18th December, only the four provinces of Inhambane, Maputo, Tete and Manica had announced their results, with the remaining seven provinces still left to declare.

It was not until 16.00 hrs on 21st December that the summary results were released by the CNE. By 23rd December, the full results had still not been released. As contained in the summary results, the 2004 elections registered an overall turnout of 3.3 million of the 7.6 million potential voters, representing 43% of registered voters. Only two parties gained seats in parliament. Of the total votes cast in the Presidential election, 5.56% were blank and invalid votes. Correspondingly, 8.32% were blank and invalid votes in the Parliamentary poll. Both these figures were comparably lower than figures of blank and invalid votes in 1999. Having concluded its work much earlier than these dates, the Mission was, therefore, unable to witness the official announcement of the results.

Nevertheless, one of the Mission's observations was the large number of polling stations with very low voter turnouts.

The Parliamentary and Presidential summary results as announced on 21st December by the CNE are given in Table 6 & 7 below.



Table 6: 2004 Parliamentary Results

POLITICAL PARTY	VOTES	%	SEATS
FRELIMO	1,889,504	62.03	160
RENAMO	905,289	29.73	90

Table 7: 2004 Presidential Results

PRESIDENTIAL CANDIDATE	VOTES	%
Armando Guebuza (FRELIMO)	2,004,226	63.64
Afonso Dhlakama (RENAMO)	998,059	31.74

CONCLUSIONS AND RECOMMENDATIONS

Having concluded that up to the period of the Mission's departure, that is excluding the final tabulation of results, the electoral process Mission **had been conducted in a free, fair and transparent manner and in compliance with most of the regional norms and guidelines**, Mission was of the view that multi-party democracy in Mozambique would be strengthened and enhanced through the following measures:

- Authorities should consider de-linking STAE from the civil service so that it falls directly under and reports to the CNE, even outside period of elections. This should enhance stakeholders' perception of the election management body as professional, impartial and independent;
- Scheduling elections during the dry season in order to avert the inevitable problems associated with the rainy season;
- Further enhancing the accuracy of the computerised voters' roll and possibly linking it with other national civil registration systems such as registration of births and deaths;
- Streamlining the tabulation and declaration of results in order to reduce the period between the closing of polls and the announcement of results at national level with the view to enhancing the confidence of stakeholders and observers in the process;
- Increasing the number of polling stations and ensuring that they are clearly marked for ease of access; and
- CNE, political parties, civil society organisations should seriously consider embarking on continuous civic and voter education to assist in attracting the highest possible number of voters in future elections.

BEST PRACTICES FROM THE 2004 ELECTIONS

Based on its observation of the electoral process in Mozambique, the Mission identified the following as good practices emerging from the elections:

- Constitutional and legal framework conducive for the conduct of free and fair elections;
- The peaceful and tolerant atmosphere within which elections were conducted;
- The Proportional Representation electoral system which, with the requisite political will, should facilitate the equitable participation of men, women, and minorities in the electoral process as candidates;
- Practical efforts were made to ensure that wherever they presented themselves, the disabled and aged were afforded the first opportunity to exercise their right to vote;
- Balanced state media policy and practice in the coverage of all political parties;
- Reasonable accessibility by political parties and stakeholders to the state-controlled media;
- The consultations and cooperation between the CNE/STAE and stakeholders contributes positively in building confidence in both the election authorities and the process as a whole;
- Counting of ballots at polling stations enhances transparency and allays security concerns with this delicate part of the process. This is in conformity with regional norms and guidelines for elections;

- The authorisation of party agents allowing them full access to the process, including being allowed to spend the night of the first day of voting in the same room as the ballot boxes clearly enhances stakeholder confidence in the security of the ballots and therefore the authenticity of the results;
- The public funding of political parties encourages fair political competition, which should go a long way in strengthening the democratic process through strong and well-organised political parties, and
- All parties had signed up to a code of conduct, which is a sign of collective commitment to the rule of law.

APPENDICES

(Footnotes)

¹Source: Handbook on Mozambique's Electoral Laws – 2004 General Elections, EISA, 2004.

² Mozambique Political Process, Issue 24.

TERMS OF REFERENCE FOR THE OBSERVATION OF ELECTIONS IN MOZAMBIQUE

1.0 FRAMEWORK

The SADC Parliamentary Forum Observer Mission Mozambique was be guided primarily by the following:

- a) The national constitution of the countries
- b) The relevant Acts of Parliament and other rules and regulations governing the electoral process
- c) SADC Parliamentary Forum Norms and Standards for Elections (2001)
- d) SADC Declaration on Gender and Development (1997)
- e) SADC Principles and Guidelines Governing Democratic Elections (2004)
- f) OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII)
- g) Relevant provisions of the SADC Treaty (1992)
- h) Relevant United Nations instruments to which SADC Member States have acceded including the Universal Declaration for Human Rights (1948)

2.0 TERMS OF REFERENCE

The Terms of Reference of the Missions were to:

- 2.1 Analyse the constitutional and legal framework within which elections are conducted
- 2.2 Assess the historical, socio-economic and political environment within which elections are taking place
- 2.3 Assess the extent to which the elections are conducted in line with the constitutional and legal framework provisions of each of the countries and in relation to the Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII)
- 2.4 Assess the gender trends and voter turnout in relation to previous elections
- 2.5 Assess the organizational arrangements of the electoral process by examining the following:
 - a. Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities
 - b. Secrecy of the ballot and the transparency and legitimacy of the electoral process
 - c. Voter registration and the state of the voters roll paying special attention to the inclusiveness and availability of voters roll to stakeholders,
 - d. The campaign process and the conduct of political parties with reference to codes of conduct,
 - e. Publication of the election calendar, preparation and distribution of voting materials,
 - f. Civic and voter education including the quality of the education, the role of the electoral commission, civil society organisations and political parties,

- g. Role of security forces,
- h. Gender mainstreaming in political activities and manifestos, electoral systems, practices and processes, including the management and administration of elections,
- i. Role of the media with respect to fair and balanced media reporting and coverage on election activities,
- j. Polling stations with reference to adequacy, location and voters' access to information on polling stations,
- k. Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements,
- l. Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders,
- m. Conflict resolution mechanisms in place with reference to the working relationship between the IEC, Government and political parties

3.0 INTERIM STATEMENT/REPORT

- 3.1 The mission issued an interim statement on the overall conduct of the electoral process. The statement covered the following among other issues: good practices, challenges, recommendations and a conclusion.
- 3.2 The statement also made a determination as on whether or not the process was: free and fair/substantially free and fair, not free and fair, a reflection of the will of the people, credible and legitimate, in accordance or not in accordance with the Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII)

4.0 FINAL/COMPREHENSIVE REPORT

The comprehensive mission report shall be produced and published not more than thirty (30) days after the official winding up of the mission. The report will be submitted to the policy organs of the SADC Parliamentary Forum after which it becomes a public document.

2004 MOZAMBIQUE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS Arrival Statement

At the invitation of the National Electoral Commission of Mozambique (CNE) the SADC Parliamentary Forum (SADC PF) will be observing the organisation and conduct of the 1st and 2nd December 2004 Presidential and Parliamentary Elections in the Republic of Mozambique. The 43-member observation mission will be led by the Deputy Speaker of the National Assembly of the United Republic of Tanzania. The two co-deputy mission leaders are Honourable Matthew Mulanda and Honourable Obed Bapela, both members of parliament from Zambia and South Africa, respectively. Other members of the Mission are Members of Parliament from Angola, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe, as well the Secretary General of the SADC PF, Dr. Kasuka Mutukwa, Secretariat and parliamentary staff (see attached list)

The observation Mission will be in Namibia from 23rd November 2004 to 5th December 2004 and will observe the conduct of the electoral process in all the 11 provinces Mozambique. This is the second time that the SADC PF will be observing Presidential and Parliamentary Elections in Mozambique, having observed and published a report on the 1999 elections. Since 1999, the SADC PF has observed twelve elections in 10 SADC Member States, the latest of which was the just-ended Namibia Presidential and Parliamentary Elections.¹

The SADC PF's engagement with the 2004 Mozambique Presidential and Parliamentary Elections formally commenced with the observation of the supplementary voter registration in July 2004. During this exercise, the SADC PF deployed a seven-member team to consult with CNE, STAE FRELIMO, RENAMO Electoral Coalition, the media fraternity, civil society organisations under the aegis of the Election Observatory, Christian Council of Mozambique, the Islamic Council of Mozambique and the Mozambique national police service.

The team also observed the registration of voters in twenty randomly selected registration centres in Maputo, Sofala, Nampula and Manica provinces, urban and rural alike. The team was in Mozambique from Tuesday 13th July 2004 to Monday 19th July 2004 after which it issued a statement on its assessment of the process. The observation Mission to Mozambique will among other issues assess the following:

1. The constitutional and legal framework within which elections are conducted;
2. The historical, socio-economic and political environment within which elections are taking place
3. The extent to which the elections are conducted in line with the constitutional and legal framework provisions of each of the countries and in relation to the Norms and Standards for Elections in the SADC Region², SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII);
4. Gender trends and voter turnout in comparison to previous elections;
5. The organizational arrangements of the electoral process by examining the following:

- a. Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities
- b. Secrecy of the ballot and the transparency and legitimacy of the electoral process
- c. Voter registration and the state of the voters roll paying special attention to the inclusiveness and availability of voters roll to stakeholders,
- d. The campaign process and the conduct of political parties with reference to enforcement of and compliance with codes of conduct,
- e. Publication of the election calendar, preparation and distribution of voting materials,
- f. Civic and voter education including the quality of the education, the role of the electoral commission, civil society organisations and political parties,
- g. Role of security forces,
- h. Gender mainstreaming in political activities and manifestos, electoral systems, practices and processes, including the management and administration of elections,
- i. Role of the media with respect to fair and balanced media reporting and coverage on election activities,
- j. Polling stations with reference to adequacy, location and voters' access to information on polling stations,
- k. Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements,
- l. Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders, and
- m. Conflict resolution mechanisms in place with reference to the working relationship between the CNE and STAE, Government and political parties.

While in Mozambique, the Mission will endeavour to consult all the stakeholders in the electoral process, including but not limited to the CNE and STAE, political parties, the diplomatic community, civil society and international organisations. Other local and international observer groups and the media fraternity will also be consulted. Consultative meetings with stakeholders have been scheduled for 24th December and 25th December 2004 at Hotel Avenida, Avenue Julius Nyerere in Maputo before field teams leave for all provinces where they will observe the pre-election campaign activities, voting, counting of ballots and hopefully the declaration of results.

The provincial teams will reconvene in Maputo on 5th December 2004 to issue a statement on the conduct of the electoral process. The statement will cover among other issues, good practices, challenges, findings and recommendations for future elections. In the statement, the Observer Mission will also make a determination as to whether or not the process was free, fair, credible and legitimate.

Issued by the Secretary General, Dr. Kasuka Mutukwa
SADC Parliamentary Forum³
SADC Forum House
Windhoek
Namibia

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Nyerere Mozambique Office +258 1 487 630 effective 22nd November 2004

19th November 2004

(Footnotes)

¹ Since 1999, the SADC Parliamentary Forum has observed elections in Mozambique (1999), Namibia (1999) Mauritius (2000), Zimbabwe-Parliamentary (2000) Tanzania (2000), Zambia (2001), Zimbabwe-Presidential (2002), Lesotho (2002), South Africa, Malawi, Botswana and Namibia (2004)

² The Plenary Assembly of the SADC Parliamentary Forum unanimously adopted the Norms and Standards for Elections in the SADC Region on 25th March 2001 as a blueprint for the design and conduct of credible and transparent electoral systems and processes in the SADC region.

³ ³ The SADC PF is a regional organisation of the national parliaments of SADC Member States. Formed in 1996, the organisation's establishment was subsequently approved by the Summit of Heads of State and Government as an autonomous institution of SADC, with the primary objective of strengthening the implementation capacity of SADC by involving parliamentarians in its activities. Among other areas of intervention throughout the region, the SADC PF is involved in election observation, capacity building for Members of Parliament on a wide range of issues including gender empowerment. The Forum is also involved in HIV and AIDS, regional integration advocacy and the use of Information Communication Technologies (ICTs) in advancing the work of national Parliaments. The Forum is the voice of parliamentarians in the SADC region. The headquarters of the Forum is in Windhoek, the capital city of Namibia.

MOZAMBIQUE ELECTION OBSERVATION MISSION Deployment Plan

	PROVINCES	MEMBERS	COUNTRY	GENDER	PARTY	STAFF
	MISSION HQ	Hon Deputy Speaker Juma Akukweti, Mission Leader Dr. Kasuka Mutukwa, Secretary General	Tanzania	M	-	Mr. James Warburg: 082 221 158 Mr. Miquel Nkosi
1	Maputo City	Hon. Beatrix Socola Hon. Jeremiah Mnyandu	Angola South Africa	F M	UNITA ANC	Mr. Ernest Mushonga & Interpreter
2	Maputo Province	Hon. Matthew Mulanda (Deputy Mission Leader) Hon Folger Nyirongo	Zambia Malawi	M M	MMD PPM	Mr. Lawson Chitseko & Interpreter
3.	Gaza (Xai Xai)	Hon. Princess Dlamini Hon. Wilson Khumbula	Swaziland Zimbabwe	F M	- ZANU Ndonga	Ms. Karina Talakinu & Interpreter
4.	Inhambane (Inhambane City)	Hon. Alfredo Junior Hon. Macaefa Billy	Angola Lesotho	M M	MPLA BWP	Ms. Christine Nyaguze & Interpreter
5.	Sofala (Beira)	Hon. Kate Kainja Hon. John Makume	Malawi Lesotho	F M	MCP LCD	Mr. Raymond Mkhonta & Interpreter
6.	Manica (Chimoio)	Hon. Rebecca Mokoto Hon. Wiseman Ntshingila	South Africa Swaziland	F M	ANC -	Mr. Motialepula Mokhele & Interpreter
7.	Zambezia (Quelimane)	Hon. Chief George Chimombe Hon. Grace Sialumba	Zimbabwe Zambia	M F	- UPND	Ms. Ndahafa Kaukungua & Interpreter

8.	Tete (Tete City)	Hon. Ernest Malenga Hon. Maqhawe Mavuso	Malawi Swaziland	M M	UDF -	Ms. Patience Mpoyiya & Interpreter
9.	Nampula (Nampula City)	Hon. Obed Bapela (Deputy Mission Leader) Hon. Matthew Mwale	South Africa Zambia	M M	ANC UPND	Ms. Hildeth Coimbra & Interpreter
10.	Cabo Delgado (Pemba)	Hon. Rothomeng Matete Hon. Reynold Mrope	Lesotho Tanzania	M M	BNP CCM	Mr. Stephen Kawimbe & Interpreter
11.	Niassa (Lichinga)	Hon. Adelastela Mkilindi Hon. Helder Albuquerque	Tanzania Angola	F M	TLP MPLA	Mr. Chippa Tjirera & Interpreter
	MISSION SECRETARIAT					
	<p>Sala Nampula Hotel Avenida Avenue Julius Nyerere Tel. +258 1 487 630 Tel. +258 1 487 630/1</p> <p>Mr. Takawira Musavengana, Programme Officer, 081 222 1152 Mr. Unaro Mungendje, Finance & Administration, 081 221 153 Ms. Vicencia Cardoso, Translator/Interpreter, 082 370 534 Ms. Baoti Kauvee, Logistics & Documentation, 082 370 535 Mr. John Tjiramba, General Services, 082 221 154 Mr. John Mukela, Mission Rapporteur, 082 301 993</p>					

ELECTION OBSERVER MISSION TO THE 2004 MOZAMBIQUE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

**1st - 2nd December 2004
INTERIM STATEMENT**

1. INTRODUCTION

- 1.1 The SADC Parliamentary Forum (the Forum) Election Observer Mission to the third multi-party elections in Mozambique has observed the national elections held on 1st & 2nd December 2004 at the invitation of the National Elections Commission (CNE). The Mission comprised 43 people including 23 Members of Parliament (MPs), the Secretary General, Dr Kasuka Mutukwa, Secretariat and parliamentary staff as well as interpreters. As with other previous missions to other SADC member countries, the composition of the Mission to Mozambique was consistent with the provisions of the Forum Constitution with regard to equitable representation of men and women as well as opposition and government parties on Forum delegations. The Mission Leader was the Deputy Speaker of the National Assembly of Tanzania, the Hon Juma Akukweti. The co-Deputy Mission Leaders were the Hon. Matthew Mulanda from the National Assembly of Zambia and the Hon. Obed Bapela, from the National Assembly of South Africa.
- 1.2 This interim statement covers the Mission's assessment methodology, findings, recommendations and conclusions in respect of the period up to the first two days of counting of ballots and tabulation of results at the polling station level. As counting of ballots, tabulation and verification of results is still in progress throughout the country, the Mission is unable, at this point to pass any judgement on the final outcome of the ballot counting, tabulation, verification and declaration of results. As the Mission winds up its work and prepares to depart, a team of 11 persons, comprising 4 observers and technical staff will remain in the country to observe the declaration of results, at least at the provincial level. The team's findings will feed into the final Mission report which will be published not more than 60 days from the end of voting.
- 1.3 The Mission extends its gratitude to the Government and people of Mozambique for inviting the Forum to observe the 2004 Presidential and Parliamentary Elections. While in the country, the Mission received the full cooperation and support of the CNE, political parties, relevant government officials, the police, civil society organisations, the people of Mozambique and SADC Diplomats accredited to Mozambique.

2. SADC PARLIAMENTARY FORUM

- 2.1 The Forum is a regional organisation comprising 12 Parliaments and representing more than 1 800 Members of Parliament. The organisation was established in 1996 as an autonomous institution of SADC in accordance with Article 9 (2) of the SADC Treaty¹. The Forum's objectives are among others, the promotion of democracy, good governance, gender equality, transparency and accountability in the SADC region. One of the ways through which the Forum seeks to achieve these objectives is through election observation. The Forum recognises the importance of election observation in

promoting multi-party democracy, good governance and respect for the Rule of Law within the SADC region. Since 1999, the Forum has observed 13 elections in 10 SADC member states. These were Mozambique and Namibia in 1999; Mauritius, Tanzania and Zimbabwe Parliamentary elections in 2000; and Zambia (2001). Others were Zimbabwe Presidential elections and Lesotho in 2002. This year (2004), the Forum has observed and published reports on the conduct of elections in South Africa, Malawi, Botswana, Namibia and Mozambique. In 2001, based on observed challenges and opportunities presented by electoral processes in the SADC region, the Forum developed and adopted recommendations on Norms and Standards for Elections in the SADC Region. Among other things, the recommendations were aimed at ensuring transparency in the conduct of elections as well as strengthening the democratic process.

- 2.2 The Forum observes elections primarily in terms of the constitutional and legal framework of each of the SADC Member States, together with the Forum's Norms and Standards for Elections in the SADC Region (2001), SADC Principles and Guidelines Governing Democratic Elections (2004) and the African Union's (AU) Guidelines on Democratic Elections (2002). All three instruments reflect the importance of democratic practices and the holding of credible and legitimate elections that reflect the will of the people.

3. 2004 MOZAMBIQUE ELECTORAL PROCESS

- 3.1 This is the Forum's second election Observer Mission to Mozambique. In 1999, the Forum deployed an 11-member election observation delegation to the second multi-party general election in Mozambique.
- 3.2 The Forum views elections as a process or a cycle comprising a series of inter-related phases as opposed to a one or two day event. These phases include but are not limited to the pre-election, polling, counting and post-election phases. Within each phase, there are a number of important activities that take place, notably the electoral commission's consultations with stakeholders on the election time-table, registration of voters, compilation and inspection of the voters' roll, nomination of candidates, the campaign, media coverage of the process, among other activities.
- 3.3 It is against this background that the Forum's engagement with the 2004 electoral process in Mozambique commenced with the deployment of a seven-person team from 13th July to 19th July 2004, to observe the conduct of the supplementary registration of voters for the 2004 General Elections. The delegation observed the registration of voters in three provinces of Maputo, Nampula and Sofala. At the end of its mission the delegation made its findings, observations and recommendations known to the stakeholders.
- 3.4 In September 2004, the Forum convened an orientation workshop for MPs and staff who were earmarked to be part of the observation missions to the Botswana, Namibia and Mozambique elections. The workshop benefited from presentations by representatives of national electoral commissions of the three countries mentioned

above, including one by Rev. Arao Litsure, the President of Mozambique's National Electoral Commission (CNE). Rev. Litsure's presentation provided highlights on the state of election preparedness in Mozambique at that time. The Forum's election observation Mission to the 2004 Presidential and Parliamentary Elections arrived in Mozambique on 22nd November 2004, two weeks before polling day.

4. MISSION TERMS OF REFERENCE

In summary, the Mission's Terms of Reference (TOR) were to:

- 4.1 Analyse the constitutional and legal framework within which elections are conducted.
- 4.2 Assess the historical, socio-economic and political environment within which elections are taking place.
- 4.3 Assess the extent to which the elections are conducted in line with the constitutional and legal framework provisions of each of the countries and in relation to the Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII).
- 4.4 Assess the gender trends and voter turnout in relation to previous elections.
- 4.5 Assess the organisational arrangements of the electoral process with respect to inter alia, the:
 - a) Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities,
 - b) Secrecy of the ballot and the transparency and legitimacy of the electoral process,
 - c) Voter registration and the state of the voters' roll with special attention to the inclusiveness and availability of voters' roll to stakeholders,
 - d) The campaign process and the conduct of political parties with reference to codes of conduct,
 - e) Publication of the election calendar, preparation and distribution of voting materials,
 - f) Civic and voter education including the quality of the education, the role of the electoral commission, civil society organisations and political parties,
 - g) Role of security forces,
 - h) Gender mainstreaming in political activities and manifestos, electoral systems, practices and processes, including the management and administration of elections,

- i) Role of the media with respect to fair and balanced media reporting and coverage on election activities,
- j) Polling stations with reference to adequacy, location and voters' access to information on polling stations,
- k) Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements,
- l) Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders, and
- m) Conflict resolution mechanisms in place with reference to the working relationship between the CNE, Government and political parties.

5. METHOD OF WORK

5.1 At the commencement of its observation process, on 23rd November 2004, the Mission held consultations with a wide spectrum of stakeholders and other interested parties. Those consulted include representatives from the Front for the Liberation of Mozambique (FRELIMO) and the Mozambique National Resistance (RENAMO) Electoral Union which is a united front of 11 political parties. Other stakeholders consulted include the Party for Peace and Democracy (PDD), the Independent Party of Mozambique (PIMO), the CNE, and the Technical Secretariat for Electoral Administration (STAE), the Christian Council of Mozambique (CCM), the Islamic Council of Mozambique (ICM), Civil Society Organisations such as LINK and media organizations. In addition to the other registered political parties, the Mission also held consultations with the SADC Election Observer Mission (SEOM), the Commonwealth Observer Group, the Carter Centre Observer Group, the African Union Observer Group, the European Union Observer Group, the United Nations Development Programme (UNDP), and the Mozambique Police Service. In the field, the Mission interacted with other observers such as EISA and local groups. The Mission also attended a briefing session convened by the CNE for international observers. The briefing sought to clarify issues concerning the observation arrangements and legal provisions of the process of observing the 2004 General Elections.

5.2 At the end of the two-day briefing session, on 26th November 2004, the Mission deployed observer teams to all Mozambique's ten (10) provinces, in addition to the city of Maputo. The teams were in the following provinces: Maputo Province, Gaza, Inhambane, Sofala, Manica, Zambezia, Tete, Nampula, Cabo Delgado and Niassa. Maputo City constituted the 11th deployment province. While the Mission Leader and Secretary General remained in Maputo, the former had the opportunity of visiting Sofala and Gaza Provinces to observe the campaign. Each team was comprised of two Members of Parliament, one parliamentary staff member, and one interpreter. While in the field the teams undertook the following in accordance with the TOR:

- i. Consulted widely with the CNE Provincial Electoral Officers and Returning Officers concerning the state of election preparedness
- ii. Met with representatives from most of the political parties contesting in the provinces concerning their preparations for the election and any issues of concern.
- iii. Held discussions with the local police commissioners regarding security arrangements for the elections and whether there was any political or electoral violence.
- iv. Observed political party campaigns including rallies, press briefings and road shows.
- v. Assessed media coverage of the elections through meeting with journalists and accessing newspapers, television and radio
- vi. Interviewed local people to determine their attitudes towards and assessment of the electoral process.
- vii. Noted the presence of security officers (police), local and regional observers at election campaign events and at polling stations.

5.3 The Mission visited over five hundred and ninety two (592) polling stations throughout the country.

6. FINDINGS

Based on the above process, the Mission makes the following findings:

6.1 Legal Framework

- a) The 2004 Elections were conducted in terms of Article 135 of the Constitution of Mozambique and the Electoral Law specifically Act No 7/2004 as amended. The Mission noted that the main principles of the current Electoral Law are derived from Protocol 3 of the 1992 Peace Accord, which established the framework for the CNE, the basic system for electing MPs, and the rules for the registration of voters.
- b) The Mission noted that this is Mozambique's third general election since the signing of the General Peace Accord between FRELIMO and RENAMO in October 1992 in Rome. The first general elections were held in 1994 and the second in 1999. The 2004 election marks the retirement of the current Head of State, President Joaquim Chissano. Replacing him as the presidential candidate for FRELIMO is the party's Secretary General, Mr. Armando Emilio Guebuza. The other candidates are Mr. Afonso Dlakama, of RENAMO, Mr. Raul Domingos of PDD, Mr. Ya'-Qub Sibindy of PIMO and Mr. Carlos dos Reis of MBG. Twenty political parties contested the parliamentary elections.
- c) The Constitution of Mozambique protects the franchise rights of Mozambican citizens. The Mission noted that the Mozambique electoral law provides detailed rules for electoral registration, the election campaign, election procedures, electoral disputes and irregularities, as well as descriptions of the mode of election of the President of the Republic and Members of Parliament.

- d) The Mission noted that the law provides for the establishment of a Constitutional Council for the purpose of among other things, verifying the eligibility of candidates for the Presidency, taking the final decision on electoral complaints and appeals, as well as validating election results. The Constitutional Council is made up of individuals appointed by political parties represented in Parliament, with the current Council comprising of three FRELIMO-appointed members and two RENAMO-appointed members. The Chairperson of the Council is appointed by the President of the Republic.
- e) The Mission noted that unlike the members of the CNE, despite owing their allegiance to their respective political parties, all the members of the Constitutional Council must be qualified legal professionals with a minimum of five years experience, thus guaranteeing the Council a level of professionalism.
- f) The Mission finds the constitutional and legal environment in Mozambique conducive for the conduct of free and fair elections.

6.2 Political Environment

- a) The Mission observed that the elections were conducted within the provisions of Mozambique's electoral Code of Conduct No. 34/2004 for Presidential and Parliamentary candidates, political parties and coalitions of parties. The Mission further observed that the elections were held in a peaceful and calm political environment. The run-up to the elections was generally equally calm and peaceful. The election was marked by a high spirit of political tolerance and mutual respect by political parties, citizens and candidates during the recently-ended elections as a comparative improvement from previous elections in 1994 and 1999.
- b) Notwithstanding allegations and claims of intimidation, which the Mission could not verify, including isolated incidents of election-related vandalism such as the destruction of campaign material, Mozambicans deserve commendation for demonstrating political maturity and tolerance in the run-up to the elections, and the general conduct of the elections.
- c) The Mission noted that in general, the Mozambique police force carried out their duties competently. It was however noted that there was no visible police presence at some of the polling stations visited. The Mission observed that some security officers were in civilian attire.

6.3 National Electoral Commission (CNE)

- a) The legal mandate to organise and manage national elections in Mozambique rests with the CNE. The law provides that the CNE shall ensure the elections are conducted 'ethically and are entirely free, fair and transparent.'
- b) The Mission noted that the CNE consists of nineteen (19) members and is chaired by a president, assisted by two vice-presidents. Political parties and party coalitions with representation in the National Assembly appoint 18 members of

the CNE in line with their respective representation in the National Assembly. The current composition of the CNE consists of 10 FRELIMO-appointed members and 8 members from the RENAMO Electoral Coalition. The CNE elects its president from candidates proposed by civil society organizations. The government appoints one member with a permanent seat in the CNE with the right to participate but not to vote.

- c) The Mission took cognizance of the fact that Protocol 3 of the 1992 Peace Accord stipulates that a National Elections Commission (the CNE) shall consist of “persons who, by their professional and personal characteristics, give guarantees of balance, objectivity and independence in relation to all political parties.”
- d) In noting the above, the Mission observed that while it is the CNE that takes the key electoral decisions, it is its executive wing, the Electoral Administration Technical Secretariat (STAE) that implements these decisions. With regard to the composition of members of the CNE, the Mission observed that the CNE functions within a politicized structure, whereby its membership is drawn from the political parties represented in parliament, as noted in point (b) above. Further, with regard to STAE in the intervening periods between elections, STAE is subordinate to the Ministry of State Administration (MAE). This ministry is responsible for all the administrative functions of the state.
- e) The Mission notes the efforts taken by the electoral authorities aimed at streamlining the process of recording and documenting the electoral process through the introduction of a computerised tabulation system. The Mission however, recognises the objections and suspicions raised by some stakeholders with regard to the reliability of the computerised tabulation system, as well as fears that this computer database could be open to manipulation.
- f) Notwithstanding the above, the Mission is of the view that the CNE carried out its functions, duties and responsibilities within the professional and legal provisions of its mandate.

6.4 The Voters' Roll

While commending the efforts of the CNE and STAE to update and computerise the voters' roll, the Mission noted with concern the late publication of the voters' roll. Ideally, a single and comprehensive voters' roll should be made public well in advance of the date of election.

6.5 Media Coverage

- (i) The Mission observed that under Article 74 of the Mozambican constitution, “every citizen has the right to freedom of expression and to the press, including information.” The constitution further establishes that “freedom of the press comprises the freedom of expression and access to sources of information, protection of independence of confidentiality, the right to create printed papers and other sorts of publications.”

- (ii) The Mission holds the view that the media in Mozambique is not generally subject to undue legal restrictions, and that the Mozambique constitution and practice is unique in the SADC region as it guarantees journalists the privilege of not disclosing sources of information.
- (iii) In light of the above, and specifically in the run-up to the elections, both the electronic and print media, government-controlled and privately-owned alike, audiences were accorded and provided with live debates and information on the electoral process. It is however regrettable that the mainstream media coverage in Mozambique is mostly concentrated in the country's urban areas, and especially in Maputo.
- (iv) During the period of the Mission's observation, the media were generally balanced in their coverage of candidates and political parties, alike.

6.6 Gender Representation

- (i) The Mission observed that generally, Mozambique has made significant strides in its attempts to ensure equitable gender representation, and consequently, this is reflected in the composition of political party leadership structures. In this regard, Mozambique is one of the few countries in SADC that has achieved and even surpassed the attainment of the minimum SADC requirement of 30% representation of women in the legislature, as recommended by the 1997 SADC Declaration on Gender and Development.
- (ii) The Mission noted the commendable efforts by some political parties to promote equitable gender representation, the consequences of which are that women are encouraged and empowered to run as candidates for political office in order to balance gender representation at all levels of decision-making.
- (iii) The Mission also noted that this success could possibly be attributed to the facilitating role of the Proportional Representation (PR) electoral system in Mozambique, in that it has built-in mechanisms that are capable of ensuring that women, the youth and minorities, among other disadvantaged groups are equitably represented.

6.7 Polling Stations

- (i) According to CNE estimates, an average of 1, 000 voters were expected at each of the 12, 744 polling stations. Barring some of the long distances between polling stations, the Mission found the number of polling stations reasonable to ensure that as many eligible voters as possible exercise their right to vote.
- (ii) The Mission however observed that in many instances, polling stations were not well marked.

- (iii) The Mission however regrets that 37 polling stations failed to open during the two-day voting period. According to the CNE, the polling stations could not open due to heavy rain in the affected areas as well as the lack of necessary elections materials such as register books.

6.8 The Poll and the Count

- (i) The Mission observed that sufficient human and material resources were available at most of the polling stations visited. The CNE polling officers had been trained and were ready and prepared to conduct their duties and responsibilities. The Mission observed that the CNE was well organised and conducted the process in a transparent manner. With respect to gender representation among the election officials the Mission observed a balance in the number of men and women officials including at the level of Presiding Officers.
- (ii) Generally, all polling stations observed by the Mission opened on time at 07h00 and the legal procedure for the opening of ballot boxes was adhered to. Similarly at closing time, at 18h00, the legal procedure for the closing of the polling stations was adhered to. Eligible voters who were in the queue at the time of the closing of the poll were allowed to vote.
- (iii) The Mission is of the view that the vote counting procedures at the polling stations visited was transparent and was conducted in terms of the legal provisions. At the polling station level, delegados da lista (party agents) and observers are able to witness the counting and verification process. Editais (results sheets) were prominently displayed at each polling station.

6.9 Voter Turnout

The Mission observed that the turnout of voters was generally low at most of the polling stations visited.

7. GOOD PRACTICES FROM THE 2004 MOZAMBIQUE ELECTION

The Mission has observed the following as good practices from the Mozambique elections:

- (a) Constitutional and legal framework conducive for the conduct of free and fair elections.
- (b) The peaceful and tolerant atmosphere within which elections were conducted.
- (c) The PR electoral system which, with the requisite political will, should facilitate the equitable participation of men and women and minorities in the electoral process as candidates.
- (d) Practical efforts were made to ensure that wherever they presented themselves, the disabled and aged were afforded the first opportunity to exercise their right to vote.

- (e) Balanced state media policy and practice in the coverage of all political parties.
- (f) Reasonable accessibility by political parties and stakeholders to the state-controlled media.
- (g) The consultations and cooperation between the CNE/STAE and stakeholders has helped in building confidence in both the election authorities and the process as a whole.
- (h) Counting of ballots at polling stations enhances transparency and allays security concerns with this delicate part of the process. This is in conformity with regional norms and guidelines for elections.
- (i) That party agents were allowed full access to the process, including being allowed to spend the night of the first day of voting in the same room with the ballot boxes clearly enhances stakeholder confidence in the security of the ballots and therefore the authenticity of the results.
- (j) The public funding of political parties encourages fair political competition which should go a long way in strengthening the democratic process through strong and well organised political parties.
- (k) All parties have signed up to a code of conduct, which is a sign of collective commitment to the rule of law.

8. RECOMMENDATIONS

The Mission holds the view that multi-party democracy in Mozambique, which has been practiced for the past ten years, will be further strengthened and enhanced through the following measures:

- (a) Authorities should consider de-linking STAE from the civil service so that it falls directly under and reports to the CNE, even outside periods of elections. This should enhance stakeholders' perception of the election management body as professional, impartial and independent.
- (b) Scheduling elections during the dry season in order to avert the inevitable problems associated with the rainy season.
- (c) Further enhancing the accuracy of the computerised voters' roll and possibly linking it with other national civil registration systems such as registration of births and deaths.
- (d) Streamlining the tabulation and declaration of results in order to reduce the period between the closing of polls and the announcement of results at national level with the view to enhancing the confidence of stakeholders and observers in the process.

- (e) Increasing the number of polling stations and ensuring that they are clearly marked for ease of access.
- (f) CNE, political parties, civil society organisations should seriously consider embarking on continuous civic and voter education with the view to attracting the highest possible number of voters in future elections.

9. CONCLUSION

In view of the above findings and recommendations, the Mission is of the view that the third multi-party elections in Mozambique ***were conducted in a free, fair and transparent manner and in compliance with most of the regional norms and guidelines***. The Mission hopes that the final results, which are yet to be announced, will reflect the will of the people.

Done and signed at Maputo, Mozambique this 5th Day of December 2004.

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LESOTHO

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(Footnotes)

¹ The SADC Parliamentary Forum headquarters is in Windhoek, Namibia