

**Mozambique Local Elections
19 November 2003**

**REPORT OF THE COMMONWEALTH
EXPERT TEAM**

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COMMONWEALTH EXPERT TEAM

24 November 2003

Dear Secretary-General,

We thank you for sending us to Mozambique to be present for the 2003 Local Elections and have pleasure in submitting our report.

After what has been a rewarding mission for members of the team, you will find that our Conclusions reflect a general determination that the 2003 Local Elections were intrinsically democratic, and that the people of Mozambique have been allowed to express their will in a peaceful atmosphere.

We were all humbled by the openness, warmth and generosity of Mozambicans, particularly those who assisted the team during its mission in the country.

We trust that our recommendations for technical assistance would offer ways in creating an environment conducive to enhancing and improving the electoral machinery. We do genuinely believe the Commonwealth could assist the people of Mozambique.

Mr Leshele Thoahlane
Chair
Independent Electoral Commission
Kingdom of Lesotho

Hon Esther Audu
Chair
Abuja Municipal Area
Council;
Board Member:
Commonwealth Local
Government Forum
Federal Republic of Nigeria

HE Rt Hon Don McKinnon
Commonwealth Secretary-General
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

INTRODUCTION

INVITATION AND COMPOSITION OF THE EXPERT TEAM

This report presents the observations, conclusions and recommendations of the Commonwealth Expert Team, which was present in Mozambique for the Local Elections held on 19 November 2003.

The Commonwealth Secretary-General's decision to send an Expert Team followed an invitation from the President of Mozambique (see response to invitation in Annex C). The Team consisted of:

Mr Leshele Thoahlane (Leader of the Team)
Chair
Independent Electoral Commission
Kingdom of Lesotho

Hon Esther Audu
Chair
Abuja Municipal Area Council
Board Member:
Commonwealth Local Government Forum
Federal Republic of Nigeria

The Team was assisted by two members of staff from the Commonwealth Secretariat, Mr Linford Andrews (Political Affairs Division) and Ms Emefa Toppar (Corporate Services Division).

TERMS OF REFERENCE

The Team's Terms of Reference were as follows:

"The Commonwealth Expert Team for the 19 November Local Elections in Mozambique shall observe the preparations for the elections, the polling, counting and results process and the overall electoral environment and will report to the Commonwealth Secretary-General, with recommendations, if appropriate, for Commonwealth technical assistance. The Secretary-General will in turn send the Team's report to the Government of Mozambique, the President of the Comissão Nacional de Eleições and Commonwealth Governments. It will then be made public."

The experts were invited in their individual capacities and it was made clear in advance by means of a Circular to Commonwealth Governments and a press release (see Annex D) that the views they expressed regarding the elections would be their own and not those either of their respective Governments or of the Commonwealth Secretariat.

ACTIVITIES OF THE EXPERT TEAM

The Expert Team arrived in Mozambique on 12 November and began work by holding a series of briefing meetings in the Hotel Cardoso. These are listed at Annex E. Some of these meetings provided information on the electoral process; others provided background on the overall environment in which the elections were being held. The Team was also provided with written briefing materials, including the "Handbook on Electoral Legislation and Regulations for Mozambique's 2003 Municipal Government Elections".

During a period of 3 days (13 – 15 November), the Team was briefed by the Comissão Eleitoral de Eleições (*CNE – National Electoral Commission*), Secretariado Técnico da Administração Eleitoral (*STAE – Technical Secretariat for the Administration of Elections*), representatives of various political parties, Commonwealth High Commissioners, the media, civil society, the UNDP (Mozambique Office), The Carter Center and the Mozambique Police. The Team received their letters of accreditation from Reverend Arão Asserone Litsure, President of the CNE, on 15 November.

On Sunday 16 November members of the Team commenced their deployment, with one group based in Maputo, and the second group travelling to the Tete and Sofala provinces. The Team members were able to observe campaigning on their first day of deployment, in Maputo and in the municipality of Moatize (Tete province). One team, consisting of Mr Thoahlane and Ms Toppar, was based in Maputo and from there covered the provinces of Maputo, Gaza and Inhambane. Another, consisting of Ms Audu and Mr Andrews, covered both the Tete and Sofala provinces from bases in Tete and Beira respectively.¹

During deployment the teams toured their areas assessing the environment, meeting people and observing the final preparations for the election. On Election Day itself, 19 November 2003, they were present at polling stations in time to observe their opening. They then visited as many stations as possible during the day and observed the closing procedure. The Teams then observed the counting of votes, which was conducted at all polling stations immediately after the closure of the polls. The Teams were able to observe the count, and the sealing of the ballots. On polling day the Expert Team visited 32 polling stations in Maputo, Beira, and Dondo (Sofala Province).

From 20 to 23 November the Expert Team prepared its report and held a number of follow-up meetings, with the CNE, the UNDP, The Carter Center, and FECIV, to obtain clarification and additional information. The Team left Mozambique on Monday 24 November and Ms Emefa Toppar carried its report to London.

¹ During deployment, the Team visited the following municipalities: Maputo, Inhambane, Tete, Moatize, Beira, Dondo

THE LOCAL DEMOCRACY AND ELECTORAL FRAMEWORK

Local democracy in Mozambique can be traced back to the 1990 Constitution and the 1994 Local Government Act. The Municipal administration consists of four components, viz a Municipal Assembly, elected by citizens; the Mayor or President of the city who is the chairperson of the executive, also elected by the citizens; a Municipal Council or Executive selected by the President or Mayor, with half its members drawn from the assembly; and finally, an administration employed by and subject to the authority of the local authority, and not the central government.

Elected municipal government was introduced in 1998 for 33 major cities and towns as part of reforms to provide representative government and promote the decentralisation of political authority. The first municipal elections were held in 1998 in these 33 urban municipalities. Renamo and 14 smaller parties opposed the legal arrangements for the 1998 elections, and boycotted the poll. For this and other reasons, turnout was low: only about 15 percent of the eligible electorate.

In the 2003 elections again only the 33 existing municipalities would elect assemblies and mayors/ presidents. Originally the plan was to extend gradually elected local government to other towns and districts (there are 148 altogether) before the authorities decided that this was too ambitious, given the complicated nature of the reforms, and the intense political competition generated by the municipal elections.

The proportional representation of the closed party/coalition of parties is used to allocate seats. The law prescribes that anybody who is 18 years and above and is not disqualified by any legislation is entitled to register and can vote.

ELECTION MANAGEMENT

The election management body is the Comissão Eleitoral de Eleições (CNE – National Electoral Commission), consisting of a President, plus 18 other members². The President of the CNE is chosen from nominations by legally constituted registered civil society organizations. Two Vice-Presidents assist the President - one from each major party. The CNE's responsibilities include upholding the freedom, justice and transparency of elections and the equitable treatment of citizens in these procedures;

² The 19 full members of the CNE include ten representing Frelimo and eight representing Renamo, the proportions reflecting their share of seats in the National Assembly. (Handbook on Electoral Legislation for Mozambique's 2003 Municipal Government Elections, p. 70)

voter and party registration; approval of codes of conduct; promotion of civic education; guarantee of electoral security; provision of public financial aid to political parties; supervision of the distribution of electoral materials; and proclamation of the results.

The CNE is assisted by the Secretariado Técnico da Administração Eleitoral (STAE – Technical Secretariat for the Administration of Elections), whose responsibilities include the administration of registration; the distribution of electoral material; the training of station staff; and the organization of the elections themselves.

At the regional level, the CNE/ STAE are supported by 11 Provincial Commissions (CPEs), provincial offices of STAE, as well as district level bodies (CDEs)³. Each CPE/ CDE is composed of 9 members (including a president and two deputy presidents). The Presidents of the Provincial Commissions are also proposed by civil society organisations, selected by Commission members, and are appointed by the President of the Republic.

THE LAW

The principal legislative acts⁴ relating to electoral arrangements are:

- Electoral Act No. 3/ 1993
- Law No. 3/ 1999: Electoral Law
- Law No. 18/ 2002: Amendments to the Laws No. 5/ 1997 and No. 9/ 1999 in relation to the institutionalization of systematic electoral registration for elections and referendums.
- Law No. 19/ 2002: Amendments to the Law No. 6/ 1997 in relation to the election of local government organs.
- Law No. 20/ 2002: Creation of the National Electoral Commission (CNE).

The 1993 Electoral Act (3/93) established a National Electoral Commission (Comissão Nacional de Eleições/CNE) as well as provincial and district electoral commissions to supervise the 1994 elections and ensure their conformity with the constitution and other laws. Since then separate CNEs have been established for each election, after protracted debates about their composition.

For the 2003 local elections an agreement was reached on the law establishing a new CNE only in October 2002. The CNE was finally

³ Unlike the CNE, a permanent body, these institutions are established and function only during a period of 45 days (in the case of CPEs) and 30 days (with respect to CDEs) before the beginning of registration ((Handbook on Electoral Legislation for Mozambique's 2003 Municipal Government Elections, p. 71)

⁴ Source: Handbook on Electoral Legislation and Regulations for Mozambique's 2003 Municipal Government Elections, Electoral Institute of Southern Africa (EISA), 2003

established on this legal basis in January 2003. The 2002 law also established the 11 Provincial Commissions (CPEs).

THE ELECTORAL SYSTEM

In the 2003 election, as in the previous local poll, voters would complete two ballots, one for the assembly and one for the presidential election. As in all Mozambican elections since 1994, seat allocation for the assemblies would be through the D'Hondt system of proportional representation (based on the closed lists provided by political parties, the system is inclusive and is able to guarantee the participation of minorities.)

Assembly ballot papers would refer to parties, coalitions of parties, and registered groups of citizens only, not to individual candidates. All candidates must appear on lists for each assembly submitted by parties, alliances of parties or groups of citizens previously approved by the CNE. Seats would then be distributed between the nominating parties, alliances or groups, according to their proportionate share of the vote and then allocated to the candidates in the order that they appear on the nomination lists. Individual candidates, nominated by parties, party alliances, or in the case of independents, groups of citizens will be named on the ballots for the mayoral elections.

Over a dozen parties would be contesting the elections⁵ though only two – the ruling Frelimo and Renamo – would field candidates in all 33 municipalities. The remainder would be smaller parties, some 13 of which have registered, although none of them have made much impact in the past. There has been great interest in what are known in Mozambique as citizens' lists – non-party private coalitions created to contest an individual city – ten of which have registered. In the last elections in 1998 one such group, Juntos pela cidade (JPC; "Together for the city"), which gathered a large number of civil society activists and prominent citizens (including Frelimo members) interested in making local government more effective and representative, made a strong showing in the city of Maputo where it won one third of the vote.

Beira, the country's second largest city, has always been considered to be a natural stronghold of Renamo, although since 1998 it has been held by Frelimo, as Renamo boycotted the 1998 elections – a decision which deprived the party of the chance to win power in cities of the north and centre where it has done well in national elections.

⁵ According to the CNE, parties which registered to contest the 2003 local elections were: Frelimo, Renamo-UE, Partido Trabalhista, Partido Ecologista, Partido PALMO, UNAMO, União para Mudança, PIMO, UPI, GIDA, OCINA, JPC, AMAR, Os VERDES, IPADE, PACODE and SOL

THE ELECTORAL TIMETABLE

The Electoral Timetable is set out as follows⁶:

26 June – 25 July 2003	:	Registration update
75 days before Polling Day	:	Deadline for Nomination of Candidates
30 days before Polling Day	:	Publication of Lists of Candidates
15 days before Polling Day	:	Commencement of Campaigns
2 days before Polling Day	:	End of Political Campaigns
Polling Day	:	19 November 2003

APPOINTMENT OF VOTING STATION STAFF

According to the electoral law, five staff would serve in each station, viz. as president (presiding officer), a vice president, a secretary, and two other officials/ counters. They are to be at least 18 years of age, technically competent, literate in Portuguese and at least two should have fluency in the local language.⁷

NOMINATION OF CANDIDATES

The electoral law provides that political parties, coalition of parties and groups of voters can submit nominations of candidates for the elections, with signatures supporting the nomination; the total number of signatures being not less than 1% of the aggregate number of the registered voters.⁸

VOTER REGISTRATION

The municipal elections, initially scheduled for 28 October 2003, were postponed until 19 November owing to administrative and logistical delays. The CNE announced the postponement in late July 2003, anticipating that the registration of voters, which had started three weeks late, would not be completed on time (due to the shortage of film for processing of voter ID cards – a problem corrected within 2 days). The electoral register was being prepared for both the municipal and national elections, the latter due in December 2004. Opposition parties and some civil society members condemned the way voter registration had been carried out, claiming that proper procedures were not followed; further

⁶ Only key pre-election deadlines are highlighted here. The electoral regulations also stipulate a comprehensive series of deadlines covering the announcement of results.

⁷ Article 45, Law No. 19/ 2002: Amendments to the Law No. 6/ 1997 in relation to the election of local government organs.

⁸ Article 125, Law No. 19/ 2002: Amendments to the Law No. 6/ 1997 in relation to the election of local government organs.

claiming that the computerization process was not efficient, due to the lack of technical know how – thus leading to a list which was not properly reconciled.

THE CAMPAIGN

We noted that these elections would be taking place in an environment characterised by peaceful and tolerant campaigning. Candidates were allowed to campaign from 4 to 17 November 2003. Independent campaigning was substantial, particularly in the print and broadcast media. Rallies tended to focus around small groups of party supporters, in most cases of the two major parties (Frelimo and Renamo), with gatherings centred on the local branch office of the respective party. There have been a few incidences of reports of minor, isolated violent acts but not of such magnitude so as to discredit the process. Police in some polling areas cited only minor problems during the campaigns, e.g. the tearing down of the campaign posters of an opposing party. None of the political parties complained about any restrictions by the police. In Inhambane, some opposition parties complimented the police on having been fair and firm to everybody. In Moatize (Tete Province), we witnessed a Frelimo rally, which was characterised by the presence of many young people, who collected the publicity material being handed out. Billboards and posters were in evidence in several areas, many of the latter having formed part of civic education campaigns conducted by domestic observer groups such as FECIV (Instituto de Educação Cívica). We noted that the smaller political parties were not as active in campaigning as the two major ones, though there was a significant degree of awareness among people of the existence of the smaller parties. We also received reports of the possible usage of public property for campaigning, e.g. public vehicles for transport.

CIVIC AND VOTER EDUCATION

The CNE had the primary responsibility for conducting a voter education campaign across the country. NGOs such as FECIV were involved in conducting extensive voting campaigns across the country. The level of civic education done by all organisations was quite commendable and was effective as regards awareness. The extensive use of TV, Radio, newspapers, posters, pamphlets, and even the use of local languages in getting the message across to voters, etc was good.

MEDIA

We received no negative reports from political parties on access to the media. The CNE confirmed that political parties were allocated fair and equal airtime on radio and television. Media coverage in the run-up to the elections appeared to be extensive, judging from reports from various organisations. Coverage by the broadcasting media was vigorous, with daily broadcasts and “infomercials” covering aspects such as voting procedures.

ISSUES

As the 2003 local elections were only the second ones of their kind held in Mozambique since independence, it was a relatively new experience for the electorate. During the Team's extensive series of briefings held with the CNE, political parties, Commonwealth High Commissioners, civil society and the media, however, the following key issues emerged:

- There were challenges to the current legal arrangements, though there were no plans to boycott the poll. The law was being challenged because some criteria were not clear, e.g. there was an issue of the residence permit of a Renamo candidate in Mocuba, who was disqualified due to a dispute over the area in which he currently resided;
- There appeared to be a lack of clarity, in terms of the law, on the precise determination of how one's area of residence is defined. We were informed by several organisations that, in order to qualify as a candidate in the elections, the latter would have to reside for at least 6 months in a particular municipality. A factor that seemed to be equally unclear was who was mandated to issue residence permits.
- Nomination of candidates: There were reports received from opposition parties of some technical errors, e.g. complaints that they were not granted sufficient time to correct errors in the submission of their signatures for candidacy. The technical nature of the problem could have been misconstrued as a political ploy on the part of the ruling party;
- The timing for preparation of the elections was too short, leading to delays and postponement from 28th October to 19th November 2003. The credibility of the election could be questioned due to a perception that it was rushed;
- There were complaints from opposition parties that some party symbols/names of candidates did not appear on ballot papers in some municipalities. This seemed to be the case of Mr António Simões, an independent candidate for Ilha de Moçambique and Mr Isidiro Aly Assane, an independent candidate running for the President/Mayor of the Municipal area of Angoche. Mr Aly Assane informed the media that he was going to submit a complaint to the Constitutional Council allegedly because the symbol of his group (GIDA) did not appear on the ballot paper.
- There was a delay in the distribution of funds by donors, due to the fact that budgets were finalized late, and also due to the high level of budgeting from government. Regular meetings were not held

between the government and donor agencies to clarify the state of affairs in this respect;

- The lack of regular meetings and consultations with political parties by the CNE created room for suspicion;
- Lack of inclusion of smaller parties: of concern to the smaller political parties and some civil society organisations was the perceived exclusivity of the CNE, as well as the fact that party funding had been unequally allocated. The smaller parties felt that there is favouritism in favour of the ruling party;
- The fact that political parties were represented on the CNE raised the issue of whether this compromised the independence of the institution in its mandate to manage electoral processes in Mozambique;
- The Constitutional Council took too long to resolve issues presented to them thereby creating room for suspicion.
- There did appear to be a concern on the part of some organisations that the electorate did not have an adequate opportunity to familiarise themselves with their own candidates. In previous elections in 1998, this had manifested itself through the electorate voting on party lines for the Presidential candidates, rather than through the focus on any one particular candidate.
- The maturity of Mozambican politics since independence has brought various challenges to bear on the day-to-day running of the political apparatus, one of the primary challenges being the need to enhance the capacity of office bearers within political parties;
- Voter registration: the fact that there was still a need to reconcile computer-generated voters lists, as utilised in these local elections, with that of the handwritten versions, alluded to the fact that there was a greater probability of errors being made in determining the registration status of a voter, when he/she has to cast his/her vote i.e. duplications of names, etc;
- In deliberations with the electoral management bodies, as well as the political parties, there seemed to be a lack of clarity on conditions when a voter would not be allowed to vote;
- Voter/Civic Education: of all the issues of concern to NGOs carrying out civic education, major ones highlighted were: the lack of funds; lack of adequate resources and lack of infrastructure. It must be emphasised though, that major inroads have been made by major NGOs carrying out civic education projects. The fact that the

Mozambican populace were by and large aware of their right to register and/ or vote, was testimony to this.

- Women: while the active participation of women candidates and voters in the elections has not been discouraged, women's groups such as the Forum Mulher have expressed concern at the perceived subservience of women in Mozambican society, and the perception among women themselves, that they do not enjoy the same status as men in the political arena.
- Boundaries of municipalities were not clearly defined and so people believed that there could be importation of people from neighbouring villages to vote.
- Logistical problems in terms of transportation were reported.

THE POLL AND THE COUNT

The environment prior to the polling day (Wednesday 19 November 2003) was calm and conducive to the smooth conduct of the electoral process.

ARRANGEMENTS

The poll in each municipality was conducted as follows:

Every municipality was sub-divided into several areas (localidade), each area consisting of several polling stations. Each polling station consisted of one or more polling tables, with each table managed by a President (Presiding Officer), assisted by polling officers. The officials were all young, trained personnel. The prescribed polling process was as follows.

The polls would open at 7.00am and close at 6.00pm. The opening of most of the stations conformed to the requirements of Mozambican law. Before the commencement of the poll the ballot boxes would be shown to observers and the candidates' agents. They would then be locked in full view of all present. There were no party symbols visible within 300 metres as required by law. On arrival at the polling station the voter would show her/his hands to a polling official (usually the Presiding Officer, wearing a red armband) to verify that no double or multiple voting was being attempted, though no further checking was done, e.g. the use of a special ultra-violet device to check for traces of the special ink which would be applied after voting. The voter would then present her/his voter registration card to be checked against the voters' register (either the 1999 register or the updated computerized version). The President (Presiding Officer) would then read out the name and number loudly for everyone in the centre to hear, while one of his staff would check the register. The voting procedure would then be explained to the voter. The explanation for the voting method was thorough, though it tended to slow the process, but this should be seen in the context that there is insufficient time, financial and human resources to undertake a very thorough intensive voter education campaign to cover almost every voter - therefore this explanation complemented the voter education. The procedures seem to us to have been complied with.

Then the voter would be given two ballot papers, one for the election of the President of the Municipal Council, and the other for Members of the Municipal Assembly. The voter would then move to a screened compartment and make a cross in the white square next to the party symbol and picture of one candidate of his/her choice (for the election of the President of the Municipal Council) or next to the party symbol (for the election of the Members of the Municipal Assembly). Should the voter not have been able to read or write, he/ she would then have had the option of placing a thumbprint in the white square. The Presiding Officer

adequately explained this option to voters at the polling stations visited. The voter would then fold the ballot papers and place them in ballot boxes marked 'PCM' (President of the Municipal Council – blue in colour) and 'AM' (Municipal Assembly – white in colour). The voter's right index finger would then be marked with a special dye, then he/she would be marked on the register as having voted, and he/she would be free to leave the polling station.

At the official closing time, any voter who was already on the premises of the polling station would be allowed to cast his/her vote. Then the Presiding Officer would commence the counting process. This would involve the opening of each ballot box (commencing with the one marked 'PCM') in front of observers and party agents. Votes would then be counted in front of observers and party agents, and then a results list for each polling table would be compiled, which would then be signed by each party agent. The ballot papers would be placed in sealed plastic bags, which would then be sent first to the district STAE and then to the provincial STAE. STAE would then send these on to the CPE in the province for further verification and tabulation of results. The CPE then submits these results to the CNE in Maputo for final tabulation, before the official announcement of results.

The final count and announcement of official results⁹ are then supposed to be concluded within 15 days from the date of the poll.

An analysis of the process, based on the Expert Team's observations¹⁰, is presented below.

EVALUATION

Adequacy of Polling Stations: Schools and other public buildings were utilised for the purposes of voting and counting, including the announcement of results. Most had adequate space and lighting facilities, but in a number of polling stations there were standby arrangements in case the lights failed. There were first aid and medical services provided by the Red Cross in some polling stations. The layout of the polling

⁹ During the conclusion of this report, preliminary results were already beginning to emerge.

¹⁰ A total of 32 polling stations were visited in the following Municipalities: MAPUTO: Esc. Secund. Josina Machel, EP1 3 de Fevereiro, Esc. Secund. da Polana, EP1 Maxaquene Khovo, Inst. Nac. De Educação Física, Inst. Industrial de Maputo, EP1 Unidade 22, EP1 Nova, EP1 Triunfo, EPC Ed Mondlane, EPC de Maxaquene "B", EP1 Costa do Sol BEIRA: EP1 Agostinho Neto, EP1 Eduardo Mondlane, EP1 da Ponte-Gea, EPC dos Pioneiros, EPC Munhava Central, EP1 Maguiguane, EPC de Massange, EPC de Inhamizua, EP2 de Estoril, EP2 Anexa a Igreja, EP1 Palmeira 1, EP1 Heróis Moçambicanos, EPC do Esturro, EPC de Matacuane, EPC 12 de Outubro, Piscina do Goto; DONDO (Sofala Province): EP1 Eduardo Mondlane, EP1 25 de Setembro – Mafarinha, EP1 7 de Abril, EP1 Antigos Combatentes

stations, though, created congestion problems. The location of the ballot boxes between the Presiding Officer and the voter created congestion in some polling centres - when a voter who has voted has to place his marked ballot in the box, he/she either has to wait until the Presiding Officer has finished explaining the procedure to another voter, or the other voter has to stand aside in order to give the opportunity to the first voter to put his/her ballots in the box. A re-arrangement of the layout could help in easing the congestion. Some polling stations had inconvenient physical constraints, which was also a hindrance to disabled voters, e.g. polling tables being situated on the upper classroom floors of a school, with no clear signs indicating the way to the polling tables (an example was the polling centre at EP1 Agostinho Neto in the Chaimite area of Beira, where voters had to ascend numerous flights of stairs to the polling table). We also noted that many polling stations were not always well identified from a distance, due to the lack of clear signs or posters indicating as such.

Opening and Closing Times: there was some variation in the opening and closing times. Most stations visited began voting at approximately 7.00am. However, in some places the opening was delayed, for various reasons (such as the Presiding Officer sealing the ballot boxes in front of party agents, or the late arrival of polling station staff). The closing times also tended to vary, e.g. at Piscina do Goto polling centre in Beira, some polling tables were still polling up to about 6.30 p.m. and 6.45 p.m. in the same centre. We believe that, as the opening and closing times are outlined in the electoral laws, that this should be enforced more strictly.

Turnout: Of concern to the Team were numerous reports that voter turnout was lower than expected, with one initial estimate suggesting a figure lower than 30 percent¹¹. Initial reports on TV Moçambique also suggested that up to 70 percent of voters had not turned up to vote. Among the reasons cited for the apathy of voters were an overall lack of trust in political parties, and the perception among voters that their votes would not bring about any changes in the government. To the Team it appeared that voter turnout was at its peak during the morning, with a lull during much of the day, then a peak once again in late afternoon, just prior to the closing of the polls. Of note were the longer queues at polling tables with the updated 2003 computerized registers and shorter ones at polling tables with the 1999 handwritten voters' registers.

Adequacy of the register: we found this area to be one that produced the most problems at many polling stations. The main problem appeared to be the usage of two separate registers, the 1999 handwritten register, and the 2003 computerised version. In reconciling the two registers during the updating process, it appeared that errors were made. The use of more than one register was cumbersome as they were bulky. At many

¹¹ The Carter Center observation team had noted with concern this initial estimate in its Statement on the Municipal Elections, issued on 21 November 2003

polling stations, some voters informed us that when they presented their voter registration cards for cross-checking, the correct voter ID number would be on the list, but against a different name e.g. at EP1 Palmeira 1 polling station in the Chipangara area of Beira, a Renamo party member complained that his number appeared on the register, but that the name next to it was someone else's. There were also complaints that voters' cards could easily be forged.

Polling procedures: At all the stations at which we were present we were pleased to note that only those who were on the register were allowed to vote, and that officials demanded identification documents (the national ID) from the relatively small number of voters who had either lost or misplaced their voter registration cards.

Efficiency of polling officials: at most stations we visited the Presiding Officers seemed to be aware of the procedures governing the polling process, there were sufficient polling officials and they discharged their duties efficiently. However, the Presiding Officers were spending a lot of time explaining procedures to voters, instead of supervising the process. There was a distinct lack of adequate supervision at some polling stations especially with regard to the management of the queues. On the positive side, there was relatively fast processing of voters: the average time taken by each voter was four minutes.

The participation of political parties: the participation of several political parties was encouraging since it created room for competition for the first time, thereby showing signs of the development of political maturity. There appeared to be less accusations levelled at each other, on the part of both major parties (Frelimo and Renamo), thus creating a more level playing ground and an atmosphere conducive for the elections. This aspect we view as a progressive step forward.

The role of the party agents: In most of the polling stations, there were party agents from the major parties. In Beira and Dondo municipalities, for instance, it was commendable to note the presence of agents from one of the smaller parties participating in the elections in those municipalities (i.e. IPADE) at most of the polling centres visited. In general, party agents were satisfied with the way the process was conducted.

Secrecy of the ballot: we noted with concern that most polling stations had positioned the voting booths so that it faced towards the polling tables, thus allowing others to view a voter while he/she cast his/her vote. When we queried this, Presiding Officers stated that this was due to the experience of the 1998 polls, when many people stole the pens and ink pads; and/or wrote campaign messages inside the voting booths. The CNE confirmed this, and also informed us that polling booths were positioned as such to enable the staff to assist disabled voters. Whilst these explanations are understandable, our impression is that the current

set up does not fully secure the secrecy of the ballot. It can also be misconstrued to give the impression that the Presiding Officer and staff are keeping an overly watchful eye on the voters. For instance, at Escola Secundária da Polana (Distrito Municipal 1, Maputo), Renamo party agents voiced their concerns about the positioning of the voting booths.

Voter behaviour: During the polling, although many young female voters appeared to be uncomfortable with the dipping of the finger in the ink, this did not cause any major problems. The turnout was low, but the youth participated in large numbers, which is a commendable development on the part of Mozambique. In some polling stations families brought their children who played around happily and joyfully and turned the whole affair into a family outing. Generally, the voters themselves were very orderly as they waited calmly for their turn to vote. We have noted, however, that many people were going about their normal business (e.g. markets remaining open), while we were made to understand that it was a public holiday.

Security: According to our observation it was effective and discreet, with police officers in most cases remaining the legally required 300m from the polling stations.

Logistics/materials: it was positive to note that the delivery of all materials to provinces and then to polling stations took place on schedule.

Domestic/ International Observers: we welcomed the presence of both domestic and other international observers, who in our view were diligent and competent. There were 5 groups of international observers: the Commonwealth Expert Team, the European Union, AWEPA (European Parliamentarians for Africa), the CPLP (Comunidade dos Países de Língua Portuguesa), and a group of 15 observers from 12 countries deployed throughout Mozambique by The Carter Center. There were also domestic observers at several polling stations visited by the Team, including FECIV, AMODE (Associação Moçambicana para o Desenvolvimento da Democracia), AMOPROC, CEDE (Center of Democracy and Development Studies) and the Christian Council of Mozambique (CCM).

Women Voters: Women voters turned out in commendably large numbers in all polling stations we visited. While many women evidently understood the importance of their “right” to vote, there were some who did not display an understanding of the significance of their vote. In general, women seemed satisfied with their status as voters. There were some complaints of intimidation and blackmail. They also complained about the lack of civic education to complement their efforts, e.g. to obtain voters’ cards, which should have placed more emphasis on the importance of participation in local council activities. There were only a small number of women candidates, as well as only a few female polling station staff.

The Count: counting commenced immediately following the closure of the polls. Counting was well conducted and procedures were generally followed to the letter viz. the counting of unused ballot papers, the spoiled ballot papers, packaging and sealing of unused and spoilt papers, the counting of votes through the enumeration of confirmation of voting against names listed in the voters' register, the counting of papers in the two sets of ballot boxes and their replacement in the ballot boxes, and finally, the process of filling in the result sheet which the party agents watched before signing. It was noted though, that at one polling centre (Piscina do Goto, in Ponte-Gea, Beira), the blank votes were sealed together with the valid votes.

Media Coverage: media coverage of the polling day was notably extensive, across all media, viz. print, radio and tv.

CONCLUSIONS AND RECOMMENDATIONS

Although the Team consisted of only a few members, we tried to cover as much as possible. We travelled freely and widely during our stay.

The political environment existed for the people of Mozambique to express their will in the Local Elections of the 33 municipalities. The voters cast their votes freely.

Therefore, so far as the conduct of these elections is concerned:

THE LOCAL DEMOCRACY AND ELECTORAL FRAMEWORK

- **Election Management Body:** we commend the President of the CNE and his staff on their successful management of the electoral process.

- **The Voters' Register:**

We believe that present voter registration arrangements should be revised, so that there is a consolidation of the 1999 and 2003 registers into a single, comprehensive register.

We also believe that in future the register must be more easily available, at clearly identified locations, and that copies should be publicly available, especially to candidates and political parties.

- **Political Parties:** We commend the political parties for the peaceful and mature manner in which they conducted their campaign.
- **Domestic Observers:** The domestic observers need to be congratulated as well as the organizations that assisted them.
- **Civil Society:** The spirit of participation by the civil society was encouraging too. Awareness needs to be improved for better participation especially the importance of the polling process.
- **Candidates:** The publication of the list of candidates qualified to contest 30 days before polling date was delayed and so candidates were not well known by the voter. We were disappointed at the small number of women who were nominated as candidates and hope that steps can be taken to increase the number for future elections;
- **Voter and Civic Education:** Though the significant extent of current voter and civic education is recognised, there is a need for

much more of both, so that voters are aware of the importance of registering to vote, the importance of the vote itself, the role of Government and Parliament, and the choices and opportunities before the citizen. We noted the frustration of NGOs that they were not able to do more in these areas, due to a lack of funds and logistical constraints, and hope that they will be enabled to do more in the future. The involvement of NGOs at all levels is very commendable. They are actively supportive, involving themselves in promoting peace, engaging in civic education, training observers, providing trainers and some even in developing skills and economic activities.

- **Supply of Materials:** The CNE and STAE deserve our commendation for the delivery of the election material on time. Their staff was well trained, dedicated and competent.
- **Media Coverage:** we welcome the extensive coverage provided by the print and electronic media both prior to and after the elections.
- **Officials:** it was encouraging to note that STAE officials were monitoring progress at various polling stations, and were at hand to deal with technical difficulties as they arose.
- **Donor funding:** The donor agencies participation was very encouraging since most of them raised funds to support the election. They have contributed to ensure the success of the entire electoral process. However, lack of funds leading to other deficiencies is an area of concern. There is need for more and prompt financial support for effectiveness.

THE POLL AND THE COUNT

Earlier in the report we noted some shortcomings in the poll and count process. The most important were:

- The numerous errors in the reconciliation of the 1999 handwritten and 2003 computerised voters' registers;
- The physical placement of voting booths, facing towards the polling tables, thus jeopardizing the secrecy of the ballot;
- the lack of strict observance of polling station opening and closing times at some centres;
- the lack of proper identification of some polling stations;

But these were outweighed by the successes:

- the commitment to the election by those who voted;
- the large numbers of women voters;
- the adherence to procedure;
- In spite of our concerns on the secrecy of the ballot we did not come across any evidence that it inhibited people from exercising their right to vote. Even the party agents that we talked to did not seem to be perturbed to the extent that they would say it prejudiced the credibility of the outcome.
- the positive atmosphere, good management and efficiency witnessed at the polling stations, as well as the discreet security.

OVERALL JUDGEMENT

Our overall judgement is that within the technical limitations we have outlined, and given the shortcomings noted above, the elections were well conducted, credible and a reflection of the will of the people.

RECOMMENDATIONS

We recommend:

- measures to create the conditions for wider consultation between the election management institutions and the political parties and civil society;
- an enhancement of the training programme for all voter registration and election officials, to overcome technical difficulties outlined in our findings; e.g. the utilisation of an improved dye/ink to mark voters' right index fingers;
- a revised re-registration process, to adequately reconcile the 1999 handwritten and 2003 computerised registers. All political parties should be involved in the registration process to guide against fraud, if possible, and minimise negative accusations levelled against members of the ruling party working in STAE and CNE;
- that the layout of polling/voting booths must be revisited in order to guarantee the secrecy of the ballot, in particular the enactment of legislation that prohibits any markings or writings in the polling/voting booths other than on the ballot paper, as well as any items being left behind which can be construed to be a message to subsequent voters. This must be coupled with an intensified voter education campaign;
- A tightening of the law on residence to ensure that it is not capable of multiple interpretations i.e. a voter could reside in a particular area for over six months, even if he does not continuously live there.

TECHNICAL ASSISTANCE

We therefore recommend technical assistance as follows and urge the Commonwealth Secretary-General to respond positively to our request along these lines:

- a voter registration adviser to assist in the proposed re-registration of voters, and the consolidation of the 1999 and 2003 registers.

OTHER ASSISTANCE

We also recommend assistance in appropriate areas by Commonwealth NGOs such as the Commonwealth Local Government Forum, the Commonwealth Broadcasting Association, the Commonwealth Press Union, and the Commonwealth Journalists Association.

ACKNOWLEDGEMENTS

We are pleased to have this opportunity to express our thanks and deepest appreciation to all those who have assisted us during our stay in Mozambique.

In particular we wish to acknowledge the co-operation and assistance of the President of the CNE, the Director-General of STAE, and their staff in Maputo and in the regions, the Mozambique Police and the civil society organisations, Commonwealth High Commissioners and others who briefed us in Maputo and in the provinces.

We owe our interpreters - Mr Abel Felizardo Viageiro, Mr João Gaspar Barroso and Ms Carla Helena María Luis; and drivers - Mr José Pio Pofo, Mr João Norberto de Carvalho Arouca, and Mr Galbo Remane, our special gratitude. They were a great asset to the Team, without whom we could not have achieved the objectives of our mission. Their assistance often went way beyond the call of duty.

Our special thanks and deep appreciation to Mr Linford Andrews and Ms Emefa Toppar who provided administration and technical support to the team, often working into the late hours.

Most of all, however, we wish to express our appreciation to the people of Mozambique. We will not forget the friendliness, kindhearted nature and good spirits, which we encountered in our travels around the country.

ANNEX A

MAP OF MOZAMBIQUE

ANNEX B

BIOGRAPHIES OF THE MEMBERS OF THE EXPERT TEAM

MR LESHELE ABEL THOAHLANE

Mr Leshele Thoahlane is currently Chairman of the Independent Electoral Commission in Lesotho. He is also Chairman of the Executive Committee of the Electoral Commission Forum for SADC countries. Mr Thoahlane is a lawyer by profession and served as Lesotho's Minister of Finance from 1991-1993. He was Lesotho's Ambassador to Belgium from 1983-1985 and Ambassador to the USA from 1985-1986. In 1994-1999, he was Executive Secretary for the African Capacity Building Foundation in Harare, Zimbabwe. Mr Thoahlane has previously observed elections in Zanzibar, the Zimbabwe Parliamentary Elections in 2000 and the Zimbabwe Presidential Elections in 2002.

HON QUEEN ESTHER JOHN AUDU

Hon Esther Audu is the Executive Chairman of the Abuja Municipal Area Council, Board Member, Commonwealth Local Government Forum, Board Member, World Conference of Mayors, Vice President Association of Local Government of Nigeria (ALGON). She served as Member Presidential Policy Advisory Sub Committee on Women and Youth Development, and also served as President National Council of Women Societies Abuja, Nigeria. She was Member Elect National Assembly, House of Representatives (AMAC/BWARI Federal constituency) Nigeria. She is Member, Women Consultative Caucus (WCC) Nigeria, and was member National Fund Raising Committee of The People's Democratic Party (PDP) Nigeria.

ANNEX C

**REPLY FROM COMMONWEALTH DEPUTY
SECRETARY-GENERAL TO THE INVITATION FROM
THE GOVERNMENT OF MOZAMBIQUE**

ANNEX D

**PRESS RELEASE ISSUED BY COMMONWEALTH
SECRETARIAT IN LONDON AND MAPUTO ON 14
NOVEMBER 2003 AND DEPARTURE STATEMENT
ISSUED BY EXPERT TEAM ON 24 NOVEMBER 2003**

ANNEX E

LIST OF MEETINGS HELD

Agência de Informação de Moçambique/ Mozambique news Agency (AIM)
Centro de Estudos de Democracia e Desenvolvimento/Center of
Democracy and Development Studies (CEDE)
Comissão Nacional de Eleições/ National Electoral Commission (CNE)
Conselho Cristão de Moçambique/ Christian Council of Mozambique (CCM)
Electoral Institute of Southern Africa (EISA)
Forum Mulher /Women's Forum
Frente de Libertação de Moçambique (FRELIMO)
Frente Unidade de Moçambique/ Mozambique's United Front (FUMO)
High Commission, Malawi
High Commission, Mauritius
High Commission, Nigeria
High Commission, South Africa
High Commission, Swaziland
High Commission, Tanzania
High Commission, United Kingdom
High Commission, Zambia
High Commission, Zimbabwe
Instituto de Educação Cívica/ Institute of Civic Education (FECIV)
Juntos pela Cidade/ Together for the City (JPC)
Lusa
Notícias
Organização dos Trabalhadores Moçambicanos/ Mozambique Trade Union
(OTM)
Partido do Progresso do Povo de Moçambique/ Mozambique People's
Progress Party (PPPM)
Partido Independente de Moçambique (PIMO)
Polícia da República de Moçambique/ Police of the Republic of
Mozambique
Rádio Moçambique – Radio Mozambique (RM)
Resistência Nacional Moçambicana (RENAMO)
Secretariado Técnico de Administração Eleitoral/ Technical Secretariat for
Electoral Administration
Socio Television (STV)
Televisão de Moçambique/ Mozambique Television (TVM)
The Carter Center
United Nations Development Programme (UNDP)