



Commonwealth Observer Group

Mozambique National and Provincial Elections

28 October 2009

INTERIM STATEMENT

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A relatively calm campaign and a well managed vote. A number of benchmarks for democratic elections have been met although some concerns remain

A need to provide for increased transparency and a more level playing field in order to increase confidence and encourage fully inclusive multi-party politics in Mozambique

The 28 October 2009 elections are Mozambique's 4th national multi-party elections. The Commonwealth was pleased to be invited by the Minister for Foreign Affairs and Co-Operation to observe the elections, and I am honoured to have been asked by the Secretary-General of the Commonwealth to lead its Observer Group.

The Commonwealth team has been present in the country since 21 October. We have met with a range of stakeholders, including the National Election Commission (CNE), the Electoral Administration Technical Secretariat (STAE), political parties, civil society, media, other observer groups and Commonwealth High Commissions and representatives of the international community present in Mozambique.

During the election period, Commonwealth Observers reported from ten of the 11 provinces in the country and we have co-ordinated closely with other regional and international observers as well as national observers, building up a comprehensive picture of the conduct of the process. This is our Interim Statement, and represents an overview of our key findings up to this point. It is important to stress that this statement is only interim, as the tabulation process is continuing and the final results yet to be declared.

Key Interim Findings

- The 28 October National and Provincial elections in Mozambique were conducted in a largely peaceful atmosphere. Voting and counting in the polling stations on election day was well administered and now the vital tabulation process is underway. While there were some reports of incidents during the campaign it benefitted from the calls for good behaviour by party leaders, for which they are to be commended. The election, up to this point, has met a number of key democratic benchmarks, providing for freedom of association, expression, assembly and movement, as well as equal and universal suffrage and the right to vote.
- However, disputes over the nomination of party lists for the National and Provincial Assembly elections and a lack of transparency in some key aspects of the work of the National Election Commission (CNE) were of concern.

- There was controversy during the pre-election period regarding the rejection of some political party lists for the National Assembly elections, with claims and counter-claims being made between some opposition parties and the CNE, requiring a ruling by the Constitutional Council. The CNE claimed it had adhered strictly to legal provisions but affected parties claimed interference with their submissions. The nominations process would have enjoyed more confidence and credibility had greater transparency been provided.
- Voters were offered a competitive choice between political alternatives in the Presidential elections. But for the National and Provincial Assembly elections the rejection of candidate lists for some parties – while acknowledging that in some instances parties may also have been culpable - was to effectively limit the choices offered to voters in affected Provinces. This impacted on both the National and Provincial Assembly elections, and is most acutely illustrated by fact that Frelimo was unopposed in more than 60 of the 141 constituencies for the 10 Provincial Assemblies.
- CNE and STAE have a strong technical capacity and the delivery of materials across the country was vastly improved compared to 2004, thereby enabling the commencement of polling on time in the vast majority of cases. However, there is concern at the lack of transparency in some aspects of CNE's work. For instance a lot of key information was not published in good time or at all, such as: party candidate lists; information on which parties were contesting in which district for Provincial Assembly elections; polling station codes; and, the number of voters registered in each polling station.
- The electoral calendar as prescribed by related laws is somewhat compressed, creating tight deadlines for the CNE and a lack of adequate sequencing of key electoral elements, such as the completion of voter registration and the commencement of candidate nomination.
- During the campaign, contestants enjoyed the requisite freedoms. There were some violent incidents reported, particularly at the start of the campaign, such as skirmishes between party supporters or attacks on some party offices. But overall the campaign was relatively calm. However, it was also reported that state resources were used by the ruling party in the conduct of its campaign.
- Overall, media provided comprehensive coverage of the campaign and in-depth coverage on the day of the election. It is encouraging that media monitoring efforts suggest that there was generally balanced coverage among public and private media.
- On election day, observers reported that voters were free to express their will through a secret ballot. Polling stations generally opened on time and were well organized by the staff, who appeared to be well trained. There were some reports of minor incidents and technical shortcomings, such as inaccurate or missing voter lists, but overall it was a well-administered vote. Observers reported that the count at the polling station was generally well conducted but lengthy. The presence of party representatives at the polling stations and their ability to receive a certified copy of results at the polling station and at district and provincial levels helps provide transparency and accountability for this crucial aspect of the process and greater confidence in the outcome.
- The process is continuing, with results being tabulated at District, Provincial and National levels. It is expected that final results will be tabulated fully and transparently with official results issued as soon as available in order to maintain confidence. We also hope that if the CNE makes any corrections to the final result due to decisions on invalid votes or because of adjudication on complaints that these changes will be fully transparent.
- Each election should build on the last, strengthening the process and providing for improved conditions. Looking forward, it appears that by virtue of its parliamentary size and longevity in power, the ruling party enjoys a predominant position. In order to further deepen democracy in Mozambique it is important to ensure that for future elections the process enjoys a greater degree of transparency and the playing field is reasonably level for all aspirant participants, thereby increasing confidence and participation and helping to encourage consolidation of the country's multi-party system.

The Legal Framework

Mozambique has signed and ratified key regional and international instruments, relating to political and civil rights. The constitution and election-related laws provide basic freedoms and rights required for an election. These include the provision of freedoms of association, expression, assembly and movement. The right to participate as both voters and candidates is also provided for, though there were concerns regarding the opportunity to participate for some candidate lists. However, there are now a number of separate laws relating to the election, creating quite a complex legal framework, with some overlapping provisions.

Election Administration

The make up of the members for the national, provincial and district level Election Commissions was also altered. Now all bodies have a mixed membership of appointees from the two largest parties in Parliament alongside a majority of appointees from civil society. In theory this is a reasonable mechanism for ensuring broader and non-political representation on the election management bodies. However, the mechanism for identifying the civil society representatives did result in some sectors of civil society expressing concern that the party members did not give proper consideration to all civil society nominees, thereby undermining some of the intended confidence-building measures.

An updated voter registration exercise was conducted, resulting in more than 9 million registered voters for these elections. There were some technical problems during the registration exercise but universal suffrage is largely provided for. For future elections, it is important that the printing and distribution of voter registers avoids any of the problems – albeit localized ones - identified during this process.

Election Campaign

The election campaign lasted for 45 days, followed by a 48-hour period of campaign silence. It was reported to the Observer Group that overall the election campaign was relatively peaceful, and that a call by the Presidential candidates for a peaceful campaign generally had a positive impact on the conduct of supporters. There were reports of problems, notably at the outset of the campaign but also isolated incidents throughout. For instance there were reports of some violent clashes between party supporters, damaging of party premises or disruption of rallies by groups of supporters. Such incidents are of concern but appear to have been kept to a relatively low level in this instance.

Voting, Counting and Tabulation

On the day of the election, the Commonwealth Observer Group reported that the delivery of materials had been well conducted, enabling a timely opening in the vast majority of cases. During the early phase of the day relatively large numbers of people turned out and there were long, orderly queues in many places. Polling stations were generally well organised and the processing of voters was extremely thorough if a little slow, partly due to the fact that people were voting in three elections simultaneously. Overall, Observers reported very positively on the conduct of voting, commenting that in the vast majority of stations the process was carefully and properly managed.

It was reported that the CNE issued a number of relatively late new instructions on the administering of voting, which led to some inconsistent procedures in the polling stations, though all in the spirit of the law. There were problems in some areas with the printing or delivery of the voter registers. For example, in a District in Sofala, observers reported that in a number of places batches of names were missing from the list, and polling officials were inconsistent in dealing with the problem. In a District in Nampula there was some tension as a polling station had the wrong register, preventing people from voting at the time of our visit. There were reports that two national observers were detained, which if true is extremely unfortunate.

Observers reported that polling stations closed on time, with persons waiting to vote being allowed to do so and that the count of ballots was rigorous. It is important that complaints and appeals are dealt with fairly and openly and that any anomalous individual polling station results are looked into. We are cognisant that the tabulation process is still on-going and a vital element of the process. We will issue a final detailed report of conclusions and recommendations at a later stage.