

# EISA INTERNATIONAL ELECTION OBSERVER MISSION REPORT

## MOZAMBIQUE



PRESIDENTIAL, LEGISLATIVE AND  
PROVINCIAL ELECTIONS  
15 OCTOBER 2019



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# EISA INTERNATIONAL ELECTION OBSERVER MISSION REPORT

## MOZAMBIQUE

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### REPUBLIC OF MOZAMBIQUE PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ELECTIONS

15 OCTOBER 2019



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Observer Mission Report, No. 60

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## ACRONYMS AND ABBREVIATIONS

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AU	African Union
AR	Assembly of the Republic
CAD	Coligação Aliança Democrática
CC	Constitutional Council
CNE	National Electoral Commission
CRM	Constitution of the Republic of Mozambique
CSO	Civil Society Organisation
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Electoral Management Body <sup>1</sup>
EU	European Union
FRELIMO	Front for the Liberation of Mozambique
GPA	General Peace Agreement
IEOM	International Election Observation Mission
LTO	Long Term Observer
MDM	Mozambique Democratic Movement
MISA	Media Institute for Southern Africa
PAs	Provincial Assemblies
PRM	Mozambique Republic Police
RENAMO	Mozambique National Resistance
SADC	Southern African Development Community
STAE	Technical Secretariat for Electoral Administration
STO	Short Term Observer
TAM	Technical Assessment Mission
TVM	Mozambique Television
UNDP	United Nations Development Programme
WF	Women's Forum (Forum Mulher)
WLSA	Women and Law in Southern Africa

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1 Unless the context otherwise makes specific reference to an institution, EMB refers to the CNE and STAE

## ACKNOWLEDGEMENTS

The Electoral Institute for Sustainable Democracy in Africa (EISA) Election Observation Mission (IEOM) to the 2019 presidential, legislative and provincial elections in Mozambique would not have been possible without the assistance and support of several individuals and institutions.

EISA expresses its appreciation to the mission leader, His Excellency, John Dramani Mahama, former president of the Republic of Ghana, and his deputy, Mr. Denis Kadima, EISA's executive director, for their leadership. EISA also acknowledges its long-term and short-term observers for their commitment and hard work in the field.

EISA wishes to thank the stakeholders who provided invaluable information and support necessary for the success of the EISA IEOM. These include the National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE) at the national, provincial and district levels, the political parties, the judiciary, civil society groups, the Broadcasting Authority and independent experts.

EISA thanks the leadership of other international observer missions for their partnership and camaraderie. Specifically, we thank the international observer missions from the African Union (AU); the Southern African Development Community (SADC); the European Union, the Commonwealth, and the Electoral Commissions Forum of SADC countries (ECF-SADC).

Thanks to the Elections and Political Processes Department at the EISA head office and the EISA country office in Mozambique for organising the EISA IEOM. Specific thanks to members of the core team that supported the mission.

The deployment of the EISA IEOM was made possible by the generous financial contribution of the Norwegian Ministry of Foreign Affairs represented by the Royal Norwegian Embassy, Mozambique.



## EXECUTIVE SUMMARY

This is the fourth EISA IEOM has deployed to presidential and legislative elections in Mozambique since 1999. This IEOM builds on the findings of previous IEOMs. The mission comprised 20 long-term observers (LTOs) and 20 short-term observers (STOs). The EISA IEOM was led by His Excellency, Mr John Dramani Mahama, former president of Ghana, deputised by Mr. Denis Kadima, EISA's executive director.

The LTOs arrived in Mozambique on 26 August 2019 and were deployed to the 10 provinces and the City of Maputo. LTOs remained in the country until 28 October 2019 and followed electoral campaigns in 99 out of the 154 districts in the country. They also observed the training of election officials, the distribution of election materials, and engaged key stakeholders in their areas of deployment, including the election management authorities at all levels – the police, the judiciary, political parties, citizen observers, and civil society organisations (CSOs). On election day the IEOM visited 249 polling stations across 21 districts of the country.

On 15 October 2019 Mozambicans headed to the polls to perform their civic duty, and the election administration institutions established efficient structures to guarantee smooth electoral operations. While the mission notes that there are gaps in the legal framework that impacted on the level playing field and inclusiveness of the process for some contestants, it also notes that the framework allowed for a largely competitive process, whereby citizens were able to freely express their will at the ballot. However, the counting process was marred by irregularities in some polling stations, and the results aggregation allegedly had some discrepancies with the number of ballots for presidential candidates not matching the number of ballots for governorship candidates.

The political context in Mozambique was characterised by a deep mistrust of public institutions and processes by some of the stakeholders, including political parties and sections of civil society. The mistrust was often expressed by stakeholders consulted by the EISA IEOM who repeatedly voiced their

lack of confidence in the National Electoral Commission (CNE) and the Technical Secretariat for Election Administration (STAE), which together constitute the EMB.

The CNE is responsible for deciding on the amount to give each political party and presidential candidate, with the responsibility for the administration of the campaign finances falling under STAE. One hundred and eighty million (180 000 000) meticaís (@ 1USD = 60MT) was allocated as public funds for political campaigns.<sup>1</sup> Parties consulted by the EISA IEOM highlighted the late disbursement of funds as the funds were released on 30 August 2019, a day before the start of the campaign period, and it took time for the parties to further disburse the funds within their structures across the country. Smaller parties were the most affected by the delayed disbursement of party campaign funds, as their campaigns largely depended on public funds. Observers noted government vehicles with covered number plates conveying campaign materials at campaign events.

While the campaign period did not manifest in widespread violence, there were incidents that regrettably led to the loss of lives during the campaigns. These included car accidents, stampedes, and the assassination of Mr Anastácio Matavel shortly before election day. He had been a focal point for civil society participation in the 2019 electoral process.<sup>2</sup> The EISA IEOM also noted a trend in political intolerance demonstrated by confrontations between party supporters, which resulted in the destruction of rival party campaign materials. The IEOM also witnessed some acts of intolerance during the campaign phase.<sup>3</sup>

Operations were conducted in a calm atmosphere throughout election day. The process was well organised overall, although there were isolated irregularities reported by EISA observers. The EISA IEOM noted that

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1 This was the exchange rate at the time of campaigning; the current exchange rate now is \$1=70MT.

2 EISA issued a public statement on the death of Mr Matavele, condemning in the strongest terms his assassination and noting with concern that the perpetrators were officers of the Special Operations Group of the riot police. The statement is available on EISA's website: <https://www.eisa.org.za/pdf/moz2019eom2.pdf>

3 In some areas, such as Tete, traditional leaders reportedly barred parties other than FRELIMO from campaigning in their areas of jurisdiction. In other areas FRELIMO reportedly collected voters' cards or recorded the data that was on those cards.

due to the volatile situation in Cabo Delgado, where acts of violence had been reported since October 2017, seven polling stations did not open on election day.

Most of the polling stations visited (94%) opened at the stipulated opening time of 07.00 hours, while the few that opened later were within 15 minutes of the official opening time. The stipulated procedures for opening and voting were followed to a large extent in all the polling stations visited.

The participation of women as election officials, party agents and observers was noted, as 51% of election officials, 28% of party agents and 38% of citizen observers encountered on election day were women. The EISA IEOM also noted that young people participated in the process in the same roles.

Security officials were visible at all polling stations in a manner that was considered unobtrusive. Most of the polling stations visited (79%) were accessible to persons with disabilities. The inaccessible stations were either located upstairs or in facilities with very rough surfaces. Priority was given to persons with disabilities, the elderly, nursing mothers and other persons requiring assistance.

Party agents were present at all polling stations visited and discharged their mandate without hindrance, with the predominant presence of the three parliamentary parties i.e. Frelimo, Renamo and the Mozambique Democratic Movement (MDM). Some smaller political parties did not send agents to observe the process on their behalf.

EISA observers were present at 20 polling stations for the closing of the polls. The process was peaceful and orderly. However, there were instances where there were discrepancies between the numbers of ballot papers in the different ballot boxes. Considering that all voters received the same number of ballots, the discrepancies could not be easily explained. Observers also noted the slow pace of the ballot reconciliation and counting processes that continued late into the night. This is linked to the high percentage of excess ballots provided at the stations and the process of cancelling unused ballot papers.

The EISA IEOM issued a statement on arrival on the death of Mr Matavele during the pre-election phase, and a preliminary statement at the closure of

the polls and the beginning of the results aggregation process.<sup>4</sup> This is the final report of the EISA IEOM; it presents the mission's overall assessment of the process. The IEOM noted that the electoral process was conducted within the context of legislative reforms. However, the mission noted the many pieces of legislation that have a bearing on the electoral process and which should be reviewed and tightened. The mission also noted that the insecurity in some areas of the country, notably Cabo Delgado, was a cause for concern. The EISA IEOM noted that the presence of armed groups impacted on the electoral contest as the use of force created an atmosphere of fear. It also impacted on the electoral outcome and its acceptance.

The mission commends the people of Mozambique for turning out to perform their civic duty, and the election administration structures for their efforts to ensure smooth electoral operations, while recognising that there are gaps in the legal framework.

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4 The statements are annexed hereto as Annexure E, Annexure F and Annexure G.

## EISA'S APPROACH TO ELECTION OBSERVATION

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

EISA seeks to realise effective and sustainable governance in Africa through strengthened electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, and technical support to continental and regional bodies on election observation, advocacy and other targeted interventions. Within this broad context EISA fields election observer missions (IEOMs) to assess and document the context and the conduct of selected elections on the continent.

EISA deploys international observer missions as a contribution to the transparency, integrity and improvement of electoral processes. In its assessment of elections EISA recognises that an election is a technical process with deep political implications, as opposed to an event. It therefore adopts a holistic approach that enables it to cover the main aspects of the electoral process and the context within which the elections were conducted.

The EISA IEOM's methodology was guided by its commitments as an endorser of the Declaration of Principles for International Election Observation (DOP). The IEOM assessed the extent to which the legal framework and procedures in the 2019 electoral process complied with Mozambique's commitments and obligations set out in the following international instruments: the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); the OAU / AU Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance (ACDEG); the Principles for Election Management, Monitoring and Observation (PEMMO),

the Revised SADC Principles and Guidelines Governing Democratic Elections, and the SADC Protocol on Gender and Development.

This is the fourth EISA IEOM deployed to presidential and legislative elections in Mozambique since 1999. This IEOM builds on the findings of previous IEOMs. It comprises 20 long-term observers (LTOs) and 20 short-term observers (STOs). The EISA IEOM was led by His Excellency, Mr. John Dramani Mahama, former president of Ghana, deputised by Mr. Denis Kadima, EISA's executive director.

Prior to the arrival of the LTOs, EISA deployed a pre-election assessment mission (PAM) to assess the pre-election context from 5 to 9 August 2019. The LTOs arrived in Mozambique on 26 August 2019 and were deployed in the ten provinces and the City of Maputo. During their pre-election deployment, the LTOs visited 99 districts where they observed, among other things, the electoral campaigns, the training of election officials, and the distribution of election materials. The LTOs also engaged key stakeholders in their areas of deployment, including the election management authorities at national, provincial and district levels; the police; the judiciary; political parties; citizen observers; and civil society organisations (CSOs). The LTOs provided weekly reports that contributed to the IEOM's overall assessment of the process.

On election day, EISA observers visited 249 polling stations across 21 districts of the country. The LTOs remained in the country until 28 October 2019 to cover the results aggregation and the complaints processes.

The mission issued a statement on its preliminary findings and recommendations at a press conference held on 17 October 2019 (see Annex F for preliminary statement). The short-term observers and mission leadership departed on 19 October 2019, while the LTOs remained on the ground until 30 October 2019 to observe the announcements of the results and follow the immediate post-election phase.

## INTRODUCTION

Mozambique is on the east coast of southern Africa, with a 2 500km coastline on the Indian Ocean facing Madagascar. It borders South Africa, eSwatini, Zimbabwe, Zambia, Malawi and Tanzania. Mozambique is a member state of the Southern African Development Community (SADC). According to the latest population figures, Mozambique's population stands at 27 909 708 million.<sup>5</sup> According to the World Bank, 66% of its population live and work in rural areas.<sup>6</sup>

The Mozambican economy is largely based on primary industry and on agriculture: the country is a major producer and exporter of cashew nuts, cotton, prawns, sugar, citrus, timber, copra, and coconuts. The discovery of oil, natural gas and other minerals in the northern Cabo Delgado, Tete and Inhambane provinces is set to expand its economic options, although the province faces security challenges, with persistent insurgent attacks.

Mozambique is a multi-ethnic country, with the following being the major indigenous ethnic groups in the country: Ndau, Tonga, Tsonga, Mwera, Kalanga, Makwe, Nyasa, Chewa, Gaza, Nguni, Maviha, Kunda, Sena, Lemba, Swahili, Chopi, Yao, and Makonde. The official language is Portuguese. As a former Portuguese colony, it also has a considerable number of Mozambicans of Portuguese origin, as well as other populations with a diverse background. Mozambique is multi-religious, with indigenous religious practices co-existing with Christianity, Islam and other religions.

The mission noted that the economic outlook for Mozambique has been subdued, in part due to the 2015 world market price shocks, as well as the 2016 hidden debt scandal, in which the government improperly guaranteed

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5 These were the official census figures released by the National Statistics Institute (INE) following the 2017 national census, see a report by Club of Mozambique at <https://clubofmozambique.com/news/watch-almost-28-million-people-in-mozambique-in-2017-says-census-aim-report/> (Accessed 5 November 2019)

6 See <https://www.worldbank.org/en/country/mozambique/overview> (Accessed 5 November 2019)

loans without parliamentary approval.<sup>7</sup> The debt scandal resulted in both development partners and investors withdrawing support from Mozambique in regard to the state budget and the basket-funding mechanism. In 2019, Mozambique was devastated by Cyclones *Idai* and *Kenneth*, which severely impacted agricultural production and destroyed infrastructure. A combination of these factors is expected to see the country achieve only a paltry 2% Gross Domestic Product (GDP) growth for 2019.<sup>8</sup>

In its IEOM reports on the 2009 and the 2014 presidential, legislative and provincial assembly elections EISA made some key recommendations, including:

- the need for transparent selection of criteria and procedures of CNE members, especially those drawn from CSOs;
- the need to improve access to the electoral process by reducing the bureaucratic requirements for parties and candidates to submit documents;
- the need to build firm institutional mechanisms for the prevention, management and resolution of election-related conflict, especially by introducing an enforceable Code of Conduct to be signed by parties ahead of elections, thus committing them to uphold peace throughout the electoral cycle;
- the expeditious processing of election results by the CNE-STAE and the Constitutional Council to avoid the long delays experienced in past elections that contributed to speculation and suspicion in the post-election phase;
- the need for the CNE to increase transparency in the management of the electoral process by clarifying its decisions to all stakeholders in a timely manner;
- the need to simplify the results processing procedures at polling station to make them more efficient; and
- the need for a clear chain of command between CNE and STAE.

The IEOM notes that some of its recommendations have been implemented while others remain outstanding. For instance, the recommendation

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7 <https://www.worldbank.org/en/country/mozambique/overview> (Accessed 5 November 2019)

8 <https://www.worldbank.org/en/country/mozambique/overview> (Accessed 5 November 2019)



with respect to the disaggregation of data by gender had been partially implemented for the 2019 elections, while recommendations on the need to review the structure of the EMB remain largely outstanding.

EISA contributed to the transparency of the 2013 municipal elections through the deployment of a Technical Assessment Mission (TAM), the report of which contributed to some of the electoral reforms in the lead-up to the 2014 elections. EISA noted the changes made in terms of the reporting lines and accountability of the district and provincial level electoral commissions to the national commission during the 2014 elections.

The 2019 EISA IEOM also noted efforts made by the electoral stakeholders in Mozambique to improve the electoral process through reforms to the electoral framework by the three parliamentary political parties, with input from civil society.



Source: Mozambique Happenings

# 1

# Historical and Political Overview



- I.1 Historical Background and Political Context
- I.2 Political Negotiations and Peace Agreements
- I.3 Electoral Trends
- I.4 Political and Electoral Developments ahead of the 2019 Elections

## **I.1 HISTORICAL BACKGROUND AND POLITICAL CONTEXT**

Mozambique gained independence from Portugal in June 1975. Two years later the country entered a 16-year civil war, from 1977 to 1992, which ended with the signing of the Roma General Peace Agreement (GPA) between the government and Renamo.<sup>1</sup>

Since the end of the civil war the country has held regular multiparty elections every five years (1994, 1999, 2004, 2009, 2014). The 2019 elections were the sixth consecutive general elections. Since 1998, Mozambique has also held consecutive municipal elections. It is commendable that, despite the history of intermittent armed conflicts, Mozambique has held regular elections affording its citizens the opportunity to elect their representatives.

The first multiparty elections held in 1994 were won by Frelimo with the then incumbent President Joaquim Chissano at its helm. Renamo became the main official opposition in parliament alongside a small coalition, the União Democrática (UD). In the 1999 elections Frelimo and Renamo increased their seats while the UD lost all its seats in the Assembly. Noteworthy, is that the 1999 presidential election was decided by the votes from Nampula Province. Before the aggregation of Nampula ballots Joaquim Chissano and Afonso Dhlakama were equally placed. Chissano won a second term

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<sup>1</sup> <https://peacemaker.un.org/mozambique-general-peace-agreement92>; also see <https://www.aljazeera.com/news/africa/2014/09/mozambique-government-renamo-sign-truce-201495111325375814.html>; <https://www.swp-berlin.org/10.18449/2019C36/>

as president. Over the next ten years (1999 to 2009) the country's political landscape became bipartisan, with Frelimo and Renamo being the only parties represented in the National Assembly.

In 2004 Frelimo presented a new presidential candidate, Armando Guebuza, who won the presidential race, with the ruling party securing parliamentary victory. However, five years later in 2009 the incumbent President Guebuza and Frelimo won an even larger victory. Afonso Dhlakama, unhappy with Renamo polling its widest margin of loss to Frelimo, returned to his base in Gorongosa to restart a low-level armed conflict. The 2009 elections also saw a change in the political space, with the entry of the newly created Movimento Democrático de Moçambique (MDM) gaining representation in the Parliament.

Following the 2009 elections, Renamo pursued its demands for political reforms and objected to the electoral law and the composition of the CNE. It further called for public sector reform with decentralisation and the redistribution of wealth to reduce the influence of Frelimo. The revision of the electoral law started in 2010. However, the new law was passed and promulgated only in 2013, ahead of the municipal elections, with changes being made only after Renamo withdrew from the political process.

With Renamo boycotting the 2013 municipal elections, MDM benefitted and won four municipalities, emerging as a potentially serious rival to both Renamo and Frelimo. A new round of negotiations between the government and Renamo took place, and as a result Dhlakama returned to Maputo shortly before the 2014 general elections after obtaining assurances from the government, including the integration of the Renamo forces in the defence and police forces. However, as Dhlakama was once more unhappy with the outcome of the 2014 elections, he again returned to Gorongosa and new talks between him and President Nyusi were ongoing when he passed away on 3 May 2018.

The 2014 elections took place in the context of political tension following Renamo's boycott of the 2013 municipal elections and the low-level war it had been waging against government troops. The 2014 presidential election

was regarded as the most competitive in Mozambique's electoral history, with Frelimo presenting a new presidential candidate, Filipe Nyusi, who had no political antecedents rooted in the liberation struggle. The Renamo leader Afonso Dhlakama stood for the fifth consecutive and last time as a presidential candidate, due to the legal age limit. The 2014 elections also saw MDM testing its growing popularity and the possibility of increasing its representation in the parliament. The election was won by Frelimo (56.01%/114 seats) and Nyusi securing the presidential vote. Renamo trailed behind in second place (32.51%/89 seats) followed by MDM (8.6%/17 seats).

Once again Afonso Dhlakama was dissatisfied with the outcome and returned to Gorongosa to pressure the government. Dhlakama passed away during negotiations in 2018 and was replaced by Ossufo Momade.

The 2019 elections were regarded as highly competitive for different reasons from the 2014 elections, with all three parliamentary parties experiencing their own set of challenges. Frelimo was struggling to address the financial crisis created by the so-called hidden debt scandal, while Renamo was faced with an internal leadership crisis following the death of its founding leader; and MDM had lost vibrant senior members (Mário Albino left MDM to create AMUSI, and Manuel de Araújo returned to Renamo, the party to which he originally belonged). The elections took place in the context of a negotiated political settlement between the government and Renamo that resulted in the signing of the political agreement on 6 August 2019, which inspired hope for peaceful elections.

Frelimo and the incumbent president Filipe Nyusi secured a large majority, not only in all provinces but also by securing all ten governorship positions. However, the outcome of the elections was not unanimously accepted, with the opposition parties and civil society organisations raising serious concerns over important aspects of the electoral process such as the voter registration that gave Gaza, the main Frelimo stronghold, an increase in the number of registered voters. This resulted in the province obtaining 22 seats in the National Assembly, an increase of 8 seats from the 14 seats gained in the 2014 elections, while the number of seats decreased in opposition strongholds (Zambezia, 45 down to 41 seats, Nampula, 47 down to 45 seats).

## **1.2 POLITICAL NEGOTIATIONS AND PEACE AGREEMENTS**

Political negotiations and peace agreements between the government and Renamo have been part of Mozambique's politics for over three decades. Negotiations started discreetly in the late 1980's when the civil war was still in full swing. It culminated with the signing of the Rome General Peace Agreement in 1992 paving the way to the holding of the 1994 election.

With the ending of the civil war, the United Nations oversaw the demobilisation of 100 000 troops and collected 200 000 weapons between 1992 and 1994.<sup>2</sup> The peace agreement, however, allowed Renamo to keep a residual force for its leader's security. This residual force was later to be used by Afonso Dhlakama to pressure the government into making political concessions.

In 2009 Afonso Dhlakama was not satisfied with the outcome of the presidential election that gave Armando Guebuza 75% of the vote to his 16.4%, with Frelimo obtaining 191 seats and Renamo obtaining 51 seats in the National Assembly. In addition, although the country experienced remarkable economic growth, most Mozambicans did not benefit, and over half of the population remained in poverty. In Dhlakama's view this imbalance mostly affected his native central area and the north, which, together with a fear of political marginalisation, heightened tensions between Renamo and Frelimo. Moreover, in Renamo's view, discussions on political reforms were moving too slowly. This caused the party to withdraw from the political process with the consequence that the amendments they called for were finalised without their input and the text was promulgated into law by President Guebuza in their absence. Dhlakama refused to take part in the municipal elections scheduled for September 2009, and later moved to Nampula, then to Gorongosa, to launch a low-level insurgency. Sporadic fighting between Renamo and government forces culminated in October 2013 when the military raided Renamo bush camps. In response, Renamo abrogated the 1992 Rome Peace Accord that had ended the post-independence civil war. A new peace agreement (the Agreement on Cessation of Military Hostilities) between the government and Renamo was

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2 <https://issat.dcaf.ch/Learn/Resource-Library2/Case-Studies/Mozambique-Civil-Society-Roles-in-DDR>

reached in late August 2014 and signed on 5 September 2014 by Armando Guebuza and Afonso Dhlakama.

Following the 2014 elections friction persisted between the government and Renamo, with the latter pushing for decentralisation and claiming their constitutional right to govern the provinces where they had won the majority in provincial assemblies. Tensions culminated with the killing of a law professor who had supported Renamo's position. Fighting flared up in late 2015 and continued into 2016, centred in the northwestern part of the country where citizens fled to neighbouring Malawi. Peace talks between the government and Renamo began in 2016, and in August 2017 Dhlakama and President Nyusi met for peace negotiations.

After Dhlakama's death in May 2018, dialogue continued with his successor, the new Renamo leader Ossufo Momade. A permanent ceasefire agreement was signed on 1 August 2019, followed by the signing of a final political and military agreement (the Final Peace Agreement) to end the dispute and foster peace and reconciliation, setting the stage for a peaceful environment for the 2019 elections. The agreement included a provision for the disarmament, demobilisation and reintegration (DDR) of 5 221 Renamo fighters. The DDR was to be conducted by the military commission composed of members of the defence and security forces, Renamo commanders, and military experts from foreign countries.

While in Rome, addressing the Sant' Egidio Community that had brokered the 1992 General Peace Agreement, President Nyusi said 'the dialogue with Renamo for the accomplishment of effective peace in Mozambique continues to progress', and assured that 'the timetable for the DDR of Renamo residual combatants will be fulfilled'.<sup>3</sup> The DDR commenced on 29 July 2019 with Renamo President Ossufo Momade hoping for a 'humanised and dignified reintegration' as he awaited the 'fulfilment of promises made by both the government and the international community'.<sup>4</sup> However, on the first day of the DDR, observers and media noticed that only six of the 50 Renamo fighters that were scheduled to be symbolically demobilised, had handed over their weapons. This gesture was seen as contrary to the spirit

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3 Online clubofmozambique.com, 9 July 2019

4 Online clubofmozambique.com, 29 July 2019

of the DDR process. Unsurprisingly, the DDR process came to a halt and neither the Embassy of Switzerland in Mozambique that had facilitated the peace agreement, nor the government, provided a timeframe for the DDR to be completed.

While top-level negotiations and tensions that culminated in the signing of the ceasefire and the political agreement were yet to bear fruit, and the signing parties had yet to demonstrate their commitment to the agreement, a strong dissidence emerged between the Renamo leadership and its military wing. A self-proclaimed military Junta dissociated itself from the leadership, stating that Ossufo Momade's agreement with President Nyusi did not serve Renamo's interests.

Ossufo Momade's leadership was questioned, with the Junta announcing that they had overthrown and replaced him with Mário Nhongo, a self-proclaimed general. They claimed that Ossufo Momade had no legitimacy in representing the party and that the cease-fire signed between him (as the Renamo representative) and the government was invalid. Within a few days the Junta went from verbal threats to armed attacks in Sofala and Manica provinces in attempts to disrupt the preparation of the elections, demanding that the government talk to them. The split within Renamo made the finalisation of the DDR process unlikely.

After earlier attacks on trucks on the road between Beira and Chimoio in Manica province, on 17 and 28 September three trucks came under fire, and several occupants were injured. The Junta denied any involvement in the repeated violence that injured or killed vehicle occupants. However, the Junta eventually acknowledged responsibility for the attacks and warned the government that attacks would not stop if the elections were not postponed. For many Mozambicans this was perceived as a return to warfare, as opposed to the development that was expected following the final ceasefire and the political agreement. First contacts between the Government and the Junta were reportedly through the Embassy of Switzerland in Mozambique. However, this did not prevent further attacks by the Junta throughout the 2019 elections, and on 24 October, AIM News reported an attack on a police car on the main north-south highway EN1 in the Txiriro area, Gorongosa district, Sofala province, that killed a police officer near Pungue River, attributed to the *Junta Militar*.



In the meantime, larger-scale political violence came to threaten peace and stability in the period leading up to the 2019 elections. An alleged Muslim insurgency that had been devastating the gas-rich Cabo Delgado province since October 2017 spread quickly to more places in the province, with the number of civilian casualties showing a marked increase. Initially, the insurgents targeted and killed civilians and burned houses. Later the attacks escalated to roadblocks and clashes with security forces before the government retaliated on the eve of the election day. AIM News quoted *Carta de Mocambique* on 11 Oct. 2019: ‘the Mozambican Forces went onto the offensive against terrorist groups in the districts of Mocimboa da Praia and Macomia, Cabo Delgado, and inflicted severe losses on the insurgents. Following the fight with the Forças de Defesa e de Segurança (FDS), the insurgents appeared to have fled the area, but attacks resumed soon afterwards, including killing over 25 soldiers on 27 October (Unian Information Agency, 2019), almost two weeks after election day. The government, through President Filipe Nyusi, repeatedly expressed its willingness to engage with the insurgents, requesting that they identify themselves and make their political claims known. The insurgents did not respond. Instead, violence has continued to spread to more areas of the province, and the insurgents have even briefly occupied some towns.

The EISA IEOM noted that the presence of armed groups impacted on the electoral contest as the use of force created an atmosphere of fear. It also impacted on the electoral outcome and its acceptance.

**Table 1: Summary of Peace Agreements, Dates, Designations, Results/ Observations**

Date	Designation	Place	Result/Observation
4 October 1992	General Peace Agreement (GPA)	Roma	Renamo became a political party  Dhlakama ran for president in 1994
5 September 2014	Agreement on Cessation of Military Hostilities	Maputo	Dhlakama took part in 2014 election
6 August 2019	Final Peace Agreement	Maputo	DDR failure, Renamo dissidence

### 1.3 ELECTORAL TRENDS

Since the introduction of multiparty democracy, Frelimo has remained the dominant party. Traditionally, Frelimo has received votes from the southern provinces i.e. Inhambane, Gaza, Maputo Province, Maputo City and Cabo Delgado in the north. Cabo Delgado province is known for its unwavering support of the liberation war, and for that reason its elected representative has always held the Ministry of National Defence portfolio in government. Renamo's support is geographically located in the central Nampula, Zambezia, and Sofala, while in Manica, Tete and Niassa support for the two dominant parties has been shared over the years.

Table 2 shows the number of seats the political parties obtained in consecutive elections between 1994 and 2014 to the National Assembly (Assembly of the Republic) (AR) consisting of 250 seats. Table 3 shows the respective vote percentages obtained by party presidential candidates since 1994.

**Table 2: AR electoral trends 1994-2014**

Parties	Seats in the Assembly of the Republic (AR)				
	1994	1999	2004	2009	2014
Frelimo	129 (51.6%)	133 (53.2%)	160 (64%)	191 (76.4%)	114 (56.01%)
Renamo	112 (44.8%)	117 (46.48%)	90 (36%)	51 (20.14%)	89 (32.51%)
UD	9 (3.6%)	—	—	—	—
MDM	—	—	—	8 (3.2%)	17 (8.6%)

Source: <http://africanelections.tripod.com/mz.html>

**Table 3: Presidential electoral trends 1994–2014**

Parties	Seats in the Assembly of the Republic (AR)				
	1994	1999	2004	2009	2014
Frelimo	53.30%	52.29%	63.74%	75.01%	57.03%
Renamo	33.73%	47.71%	31.74%	16.41%	36.61%
UD	—	—	—	—	—
MDM	—	—	—	8.59%	6.36%

Source : <http://africanelections.tripod.com/mz.html>

The main features of the Mozambican election outcome include Frelimo's continued dominance, Renamo's unthreatened second place, and the advent of a third political party in the AR. In 1994, beside Frelimo and Renamo, a newly created coalition, União Democrática (UD), won nine seats but did not win seats in 1999<sup>14</sup>. Frelimo and Renamo remained the only two parties in the Assembly of the Republic from 1999 to 2009. In 2009, the newlyformed Movimento Democrático de Moçambique (MDM) won eight seats to become the third political party in the AR. In 2014, these three parties remained in the AR; Frelimo with 144 seats, Renamo with 89 and MDM with 17 seats. Frelimo and Renamo have remained the dominant parties as no other party has changed the balance of power. In the period leading up to the 2019 general elections, a newly created party, AMUSI (Acção do Movimento Unido para Salvação Integral) contested the elections, almost countrywide, for the Assembly of the Republic and for president. However, AMUSI gained only 0.45% votes nationwide (and zero seats in both national and provincial assemblies), while its leader Mário Albino obtained 0.73% in the presidential election (STAE Acórdão N° 25/CC/2019 December 22, 2019).

Mozambique has had a history of contested electoral outcomes since the first multiparty elections in 1994. On the eve of the elections in 1994 the Renamo leader Afonso Dhlakama announced that he was pulling out of the process, arguing that CNE and STAE were preparing large-scale fraud in favour of Frelimo. It took much effort from Maputo-based diplomatic missions to convince Dhlakama to reconsider his decision. Since then Renamo has protested the outcome of all subsequent elections. Renamo's demands formed the basis of a continued political dialogue in the country, which resulted in the continuous restructuring and decentralisation of the political system. Afonso Dhlakama died on 3 May 2018, and the 2019 elections were the first national elections held without him as a candidate.

The Mozambique political space has become increasingly bi-partisan, with the appointment and composition of public service institutions and the election management body determined along the lines of party representation in the AR. The ruling party's increasing dominance in the AR has given it a stronger representation and voice in decision-making. This has been another source of controversy between Frelimo and Renamo.

The EISA IEOM is of the view that the partisan model of decision-making in the country has shaped the political and electoral landscape in favour of the parties represented in the AR to the exclusion of non-parliamentary parties. The continued negotiations and power-sharing arrangements over the past 25 years seem to indicate that Mozambique is trapped in a transitional phase, as subsequent elections (2009, 2014, 2018 and 2019) were preceded by structural reforms and peace agreements, as listed in Table 1 above. Within the Mozambican context, it would appear that the power-sharing arrangement has come full-cycle over the past 25 years and should be reconsidered, as it compromises the principles of inclusion and equal opportunity for all parties.

#### **1.4 POLITICAL AND ELECTORAL DEVELOPMENTS AHEAD OF THE 2019 ELECTIONS**

The political and electoral developments ahead of the 2019 elections included some issues that could influence voters' perception of the two major parties, Frelimo and Renamo. The two parties had issues that could have adversely impacted their run for elections at a time when they really needed support.

Frelimo had a threefold drawback. First, politically, the Frelimo government had accepted that they would repay the hidden debt while the opposition unanimously opposed the move, as the debt was ruled illegal by the Administrative Auditing Court (Jubilee Debt Campaign, 17 June 2019). President Filipe Nyusi headed to the elections with the burden of the debt crisis and the financial hardship the country experienced due to the debt and the subsequent withdrawal of international reaction thereto.<sup>5</sup> Even though the hidden debt had been contracted in 2013–2014, before Filipe Nyusi became president, the scandal 'spurred local and overseas criminal prosecutions, and led donor governments to suspend aid to Mozambique, undermining the state's credibility and placing the country in financial distress, by reducing its access to credit needed to fund development and government operations'.<sup>6</sup>

Secondly, in electoral matters, the EMB was regarded by some of the opposition parties as biased in Frelimo's favour. This was compounded

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5 <https://www.worldfinance.com/special-reports/the-mozambique-debt-crisis>

6 <https://www.hsd.org/?view&did=828897> · PDF

by the discrepancies in voter registration, both by an inexplicable increase of voters in its own stronghold and simultaneous decrease in the number of registered voters in areas considered as opposition strongholds. In addition, the turn taken by the Renamo complaint over the Gaza voter registration issue appeared questionable. On one hand, the Court set the hearing of the complaint to a date after the elections; and on the other hand, the CNE declined the offer by a civil society organisation to conduct a free audit of the Gaza voter registration.

Thirdly, there was a perception that Frelimo was responsible for the assassination of civil society activist and key citizen observer, Anastácio Matavele, on 9 October 2019 in Xai-Xai (Gaza) by a police Special Unit squad shortly before the elections. Because the assassination took place in the ruling party's stronghold of Gaza, this could be interpreted a warning to citizen election observers. (See Annexure G, EISA Statement on the Death of Matavele). After the death of its long-time leader and co-founder Afonso Dhlakama, Renamo presented a new candidate, Ossufo Momade, whose popularity and legitimacy within the party and beyond was still untried. However, this was proven not to be the case as seen by the breakaway group.

The political context in Mozambique was characterised by a deep mistrust of public institutions and processes, most especially the electoral authorities. This lack of public trust has shaped political negotiations and the decisions originating from that process. The context of the 2019 elections was no different as most stakeholders consulted by the EISA IEOM expressed their lack of trust in the government, the police, the National Electoral Commission (CNE) and the Technical Secretariat for Election Administration (STAE).

The political environment of the 2019 presidential, legislative and provincial elections was characterised by some critical developments which made the outcome of the elections difficult to predict. In large part, the two major parties, Frelimo and Renamo, had internal issues that could impact their capacity to mobilise supporters.

# 2

## Legal and Institutional Framework



- 2.1 The Constitution
- 2.2 The Electoral System
- 2.3 Legal Reforms ahead of the October 2019 Presidential, Legislative and Provincial Elections
- 2.4 Election Management: The National Electoral Commission
- 2.5 Dispute Resolution Mechanisms
- 2.6 Political Party and Campaign Finance
- 2.7 Conclusion

The 2019 elections were guided by the Constitution and several pieces of legislation outlined below:

- The Constitution of 2004, as amended in 2007 and 2018;
- National Electoral Commission Law which guides the election management body in its duties and functions (CNE Law hereinafter);
- Law 2/2019: Amends and republishes Law 8/2013, which establishes the legal framework for the election of the President and Members of Parliament (Law 2/2019 hereinafter);
- Law 3/2019, which establishes the framework for members of the Provincial Assemblies and Provincial Governments (Law 3/2019 hereinafter); and
- Voter Registration Law 5/2013.

### 2.1 THE CONSTITUTION

The Constitution of the Republic of Mozambique creates the necessary legal architecture and institutions for the conduct of elections. It creates the EMB, comprising the National Elections Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE). The constitution also contains a bill of rights that guarantees the fundamental freedoms and rights critical for the conduct of elections. The IEOM noted that in keeping

with the Principles for Election Management, Monitoring and Observation (PEMMO), the Constitution of Mozambique responds as follows:

- It guarantees the fundamental freedoms and promotes the values of political stability;
- It provides mechanisms for the redress of conflict arising out of the electoral process;
- There are mechanisms for the review of the Constitution, which have been employed for its continued amendment vis-à-vis the electoral process;
- It provides for equality in general, and gender equality in particular, although it does not specifically make provision for affirmative action;
- It provides for a defined electoral system.

The Constitution provides for the right to form and belong to political parties, which is enhanced by the Political Parties Law (Law 7/1991). Article 75 of the Constitution states that political parties must be national in character, must defend national interests, must contribute towards the formation of public opinion, and must enhance the patriotic spirit. The IEOM finds that these values are non-restrictive in character and promote national cohesion in line with the spirit of the Constitution, which provides for a unitary system.

The IEOM notes that the Constitution protects the right of Mozambicans to choose their leadership through universal, direct, secret and regular suffrage, which is in keeping with international best practice. The right to vote is also extended to citizens in the diaspora, thus enhancing the inclusivity of the process.

The following rights are critical to the right to vote and be voted for, the right to equality before the law, to freedom of expression and information, the right to regular and equitable broadcasting, freedom of assembly and demonstration, freedom of association, freedom to form, join and participate in political parties, freedom of movement, and the right of recourse to the courts. These rights are fundamental and their presence in the Constitution embraces the expectations of such key legal instruments as the ACDEG, PEMMO, the SADC Principles and Guidelines Governing Democratic Elections, as revised in 2015, among other documents.

The IEOM noted that, as per the 2018 constitutional amendment, there are two government structures at the provincial level. These are the Provincial Executive Council, led by a provincial governor, and provincial state secretary, led by a state secretary in the province, with the former being elected as the head of the winning list (Art. 279 of the Constitution) and the latter (Art. 159 of the Constitution) being appointed by the president of the Republic. Provincial governors are part of decentralised governance and the essence of their mandate is to 'organise citizens' participation in the solution of their problems, promotion of local development and democratic consolidation' (Art. 267 of the Constitution). The state secretary in the province is the representative of national government at provincial level and 'he/she is the one who ensures the realization/prosecution of state exclusive sovereign functions at the provincial level'(Art. 141 of the Constitution).

The president can serve a maximum of two terms, which is important for the consolidation of democracy in the Mozambican context. Term limit provisions have been in force since the advent of multi-party democracy in 1994. The IEOM finds the constitutional framework consistent with the broad principles enshrined in international benchmarks.

### **CNE Law no 6 of 2013**

The CNE Law 6/2013, as updated/revised and republished by Law 9/2014, gives life to the provisions in the Constitution on the EMB. Article 1 of the Law provides that it establishes the functions, composition, organisation, powers and operation of the CNE. The law establishes an election management authority which has a policy- making arm called the CNE and an implementation body, the Secretariado Técnico de Administração Eleitoral (Technical Secretariat for Electoral Administration) (STAE). The IEOM notes that Article 2(1) of the CNE Law provides that the EMB shall be an independent state body responsible for supervising voter registration and elections, supervision being defined as the function of guiding, superintending, and inspecting acts in the electoral process. Commissioners are guaranteed a term of six years that ends upon appointment of new commissioners. Further, the CNE Law under Article 2(3) also provides that the EMB shall have its own statute, staff table and budget. Article 3 of the CNE Law guarantees the institution's independence from all public or private power, reaffirming the independence of the EMB as provided



in the Constitution of Mozambique. The independence of the Commission is further reinforced by the security of tenure granted to members of the Commission under Article 19 of the statute. Thus, in terms of Article 3(2), the EMB is subject only to the Constitution and the laws. Article 3(3) of the Law states in explicit terms that in the exercise of their functions, members of the CNE do not represent private or public institutions, or the political or social institutions from which they came, but rather that they must be guided by the national interest and that they must obey the law and own their conscience. The CNE Law under Article 4 provides that decisions of the EMB are binding on all citizens, institutions and legal persons, and may be appealed to the Constitutional Council.

The IEOM notes that the provisions cited above are critical for the proper functioning of an independent EMB.

### **Voter Registration Law no 5 of 2013**

The EISA IEOM noted that Mozambican law provides for the registration of voters. The Voter Registration Law No. 5 of 2013 provides for all Mozambican citizens, resident in the country or abroad, who are 18 years of age or above, or who will be 18 by the date of the elections, to register as voters under Article 3. Article 7 of the law provides for episodic voter registration for each electoral cycle conducted by STAE under the supervision of CNE.<sup>7</sup> In line with the obligations set out in articles 4 and 8 of ACDEG, which enjoin state parties to promote democracy, popular participation through universal suffrage, as well as non-discrimination, the law enfranchises Mozambicans at home and abroad. Citizens resident in the country register for presidential, AR and provincial assembly elections, while those in the diaspora register for presidential and AR elections only.

The EISA IEOM noted that the law mandates easy accessibility to the electoral process by stipulating that STAE should identify voter registration centres countrywide with mobile teams where necessary.

Article 14 of the Voter Registration Law recognises and provides a role for political parties in the identification of voter registration posts. The IEOM

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<sup>7</sup> In its previous reports on Mozambican elections, the EISA IEOMs have urged the Mozambican authorities to consider a continuous registration process as an alternative to the current system; see reports on the General Elections for 1999 and the 2018 Municipal Elections. [www.eisa.org.za](http://www.eisa.org.za)

noted that Article 15 of the Voter Registration Law provides for monitoring and observation of the voter registration exercise, which is in keeping with the requirement for transparency of electoral processes. The mission notes that this also contributes towards ensuring that no potential voter is disenfranchised. Further, this also contributes towards the transparency of the process and credibility of the voter register. The IEOM noted that Article 15 of the Voter Registration Law provides for monitoring and observation of the voter registration exercise, which is in keeping with the requirement for transparency of electoral processes.

The Voter Registration Law also entrenches the right to appeal and to a fair hearing as political parties are entitled to make formal complaints and appeals against the voter registration process, and to raise any irregularities in the process for the attention of the CNE. This is provided for under Article 16(e) and (f) of the Voter Registration Law. Article 41 of the Voter Registration Law provides a right to complain and/or appeal against the content of a voter register, be it an omission or incorrect registration. The mission notes that the three-day period provided for such complaints and the five days for appeals to STAE or CNE and the Constitutional Council may be impractical and unhelpful in ensuring a credible voter register. In this regard, the mission would urge the authorities to consider reviewing the time frames for the complaints mechanisms in the statute.

Based on its assessment of the voter eligibility requirements, the EISA IEOM believes that the voter registration law sufficiently guarantees the citizens right to vote and upholds the universal principle of equal suffrage.

### **Law 2/2019: Electoral Campaign**

This law guides the electoral campaign phase of the electoral process, sets the start and end date for political campaigns, the conduct of political campaigns, determines where campaign material may be used, the use of public spaces and buildings, access to public broadcasters, the financing of political campaigns (including state finance), the right of contesting parties vis-à-vis the preparation of the ballot paper, and eligibility for the presidency. Article 8 of Law 2/2019 provides for the supervisory role of the CNE over electoral matters, as well as the role of the judicial institutions with respect to the elections. Some provisions of the statute also reiterate eligibility

for the exercise of adult suffrage and candidature and the organisation of voting assemblies. It is the major statute on the electoral processes after voter registration and covers the entire process up to voting and counting and results management. It also regulates election observation.

### **Law 3/2019: Election of Provincial Assemblies**

This statute guides the election of members of Provincial Assemblies (PAs) and the decentralised provincial governments, including the election of provincial governors. Article 6 of the Law provides that the administrative boundaries of provinces are the constituency boundaries for Provincial Assembly elections. The Law also stipulates the criteria for eligibility for election to the provincial assembly. The funding of campaigns by the state is also provided for under section 33 of the Law. The Law also makes provision for the intricate details regarding the voting process for PAs, when polling starts and ends, the appointment of polling personnel, the role of judicial organs with respect to elections of PAs, and results management issues.

## **2.2 THE ELECTORAL SYSTEM**

Article 135 of the Constitution of Mozambique provides that elections shall take place through universal, direct, equal and periodic suffrage and by personal and secret ballot; and further, that proportional representation shall be used in the calculation of the results. The IEOM notes that the proportional representation system is acknowledged by PEMMO for embracing diversity, in that it tends to accommodate most of the political parties contesting an election.

Law 8/2013, republished in 2019, provides for the election of the president through a majoritarian electoral system, pursuant to Articles 148 and 149 of the Constitution. A second round of polls (run-off) is held where none of the candidates achieves the required threshold of a majority of votes in the first round, 50% plus one vote. The run-off is held between the two highest scoring candidates in the first round.

The Constitution of Mozambique under Article 135 provides for a proportional representation system in respect of the election of members of the AR. There are 250 members in the AR of whom two represent Mozambicans in the diaspora. Members of the AR are elected for a five-year term and are elected on the basis of the closed list PR system. Seats in

multi-member constituencies are allocated using the D'Hondt (or Jefferson method) system with a threshold of 5%. The formula for the determination of the number of seats per constituency in each election is provided in section 165 of Law 2/2019 and depends on the total number of voters registered for that electoral cycle.

Article 165 of Law 2/2019 provides that the total number of members nationally in the AR is 250, made up of 11 national constituencies electing 248 MPs, plus Africa which constituency elects one MP, while the rest of the world also elects one MP. The number of members of the AR per constituency is obtained through the D'Hondt method, with the number of seats per constituency being established as a proportion of the number of voters that exist in each constituency. The number of actual seats per contesting party is obtained from the division of its votes by the number of seats that exist in a given constituency, with 100 000 votes being the minimum that a party has to have to qualify to elect one MP. Each of the constituencies outside the country corresponds to one MP (Article 165(1) to (4)).

The mission notes that this approach takes into account population movement between elections and also seeks to entrench the principle of equal value for the votes. However, it poses the risk of politicising the voter registration process as seen in the cases of Gaza, Nampula and Zambezia provinces. As more fully discussed in Section 3.1 of this report, some stakeholders with whom the mission met felt that the population figures were manipulated in favour of certain provinces. Gaza, a ruling party stronghold, saw a dubious increase in its registered voters while Zambezia and Nampula, two opposition strongholds, saw a decrease. An extra 330 000 voters in Gaza were registered by the STAE voter registration exercise, compared to INE's figure (INE = National Institute of Statistics) of 830 000 adults in 2017. STAE registered 1 116 000 voters in the province.<sup>8</sup> This discrepancy in figures between two state institutions was not resolved by the time of the polls, and the chairperson of CNE reportedly resigned in August 2019.

In accordance with the Constitution and the Electoral Law, the October 2019 general elections provide for citizens to vote for the president, members of

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<sup>8</sup> See <https://issafrica.org/iss-today/mozambiques-electoral-commission-should-do-the-right-thing> (Accessed 12 October 2020)

the AR, provincial assemblies and provincial governors. It was noted that Article 142 of the Constitution as read with Article 4 of Law 3/2019 provide for proportional representation through a party-list system in which the head of the list was each party's governorship candidate. Mozambique has ten provinces; although Maputo City has the status of a province, it is led by a mayor and does not have a provincial governor or provincial assembly.

Members of the AR shall be elected by universal adult suffrage and by secret ballot, in accordance with Article 169(1) of the Constitution. Article 169(3) provides that candidature is open to political parties in their individual or coalition form, with the party lists being open to non-party members. Article 171 of the Constitution excludes those serving in government, judicial officers, diplomats in active service, military and police officers in active service, provincial governors and district administrators, holders of office in local authorities to stand for election.

The IEOM noted that Law 3/2019 provides for eligibility and ineligibility criteria for candidates to provincial assemblies and provincial governorship. Ineligibility criteria are identical with other elective offices: for instance, serving public servants are ineligible in terms of Article 14 of Law 3/2019. These include magistrates, career diplomats, members of the EMB, and members of the military, among others, who are in active service of the State. All citizens with effective electoral capacity under the law are eligible according to Article 13 of the law. Article 11 excludes persons of unsound mind the right to vote. Articles 10, 11 and 12 of Law 3/2019 provide that a Mozambican citizen who is a registered voter of or above the age of 18 is eligible for election to the Provincial Assembly and provincial governorship. The IEOM noted that the legal framework embraces and entrenches the right for Mozambican citizens wishing to contest for elected office to do so in a manner that is consistent with international best practice. The mission is of the view that the framework is not discriminatory with respect to the right to stand for political office.

## **2.3 LEGAL REFORMS AHEAD OF THE OCTOBER 2019**

### **PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ELECTIONS**

As indicated earlier, most electoral cycles in the recent history of Mozambique have been preceded by legal and electoral reforms of various kinds, including reforms for the 2009, 2013, 2014, 2018 and 2019 elections.

The IEOM noted that the reforms introduced in 2019, which directly impacted on the 2019 general elections, are a result of peace negotiations between the government of Mozambique and Renamo. Apart from Renamo and Frelimo, the only other political party in parliament at the time of the election was the MDM but the other political parties contesting the polls were not members of the outgoing parliament. Altogether 26 political parties contested the 2019 polls.

The mission notes that the Constitution and some aspects of election-related legislation were amended as part of the negotiations to end the protracted conflict between the government of Mozambique and Renamo. The latest amendments were made in May 2019.

The constitutional amendment of June 2018 introduced decentralised local government officials, in the context of the *Governança Descentralizada* (Decentralised Governance) concept, under which, for the first time, the country elected provincial governors in ten provinces in the 2019 elections.

Article 141 states that the representative of central government in each province is the state secretary. Under the previous constitutional framework, governors were appointed by the president. The IEOM understands that the decentralisation of political power was one of the long running demands of Renamo in its conflict with government. One of the concessions that Renamo extracted was that, with effect from the 2019 general elections, provincial governors would henceforth be elected indirectly by voters. This principle was captured in the legal reforms that were adopted as part of the Permanent Ceasefire Agreement between the government of Mozambique and Renamo.

The mission also noted that Article 8 of Law 3/2019 introduced the principle of subsidiarity, which in governance holds that decisions should be made as close as possible to the people that are affected by those decisions. It is within this context that the governor's office was transformed from that of an appointed to that of an elected office. The mission appreciates attempts by the Mozambican authorities to involve citizens in the choice of their local leadership, as this promotes the ideals of the ACDEG in strengthening governance institutions and entrenching democracy.

The EISA IEOM noted that the reforms granting citizens the right to vote for their provincial governors, contained in Article 142 of Law 7/2019, sought to advance decentralisation. However, the statute carrying the relevant provision also included another provision that empowered the executive to appoint a new officer i.e. the provincial secretary in each of the ten provinces and Maputo City. The secretary is appointed by the president in terms of Article 24 of Law 7/2019. Stakeholders consulted by the IEOM noted that this negated any attempt at decentralisation, as this structure was answerable to the executive and meant to counterbalance the office of the elected provincial governor.

In July 2019 parliament amended the CNE Law to extend the term of office of members of the CNE that expired in 2019. The terms were extended to 2020 to enable a smooth electoral process. Considering that terms of office for a majority of commissioners were ending about three months before the elections, the EISA IEOM is of the view that appointing new commissioners would have been disruptive.

The mission noted that several laws were approved between April and May 2019 relating to the 2019 presidential, AR and AP Elections. However, two of those statutes are particularly important for the 2019 elections, namely: Law 2/2019 which replaces Law 8/2013 for the election of the president and MPs; and Law 3/2019, for the election of members of a provincial assembly and provincial governor.

Previous EISA IEOMs to Mozambique, including the IEOM to the 2018 municipal elections, recommended the review and clarification of the legal framework as it relates to dispute resolution systems. The mission acknowledges that there were some amendments in the run-up to the 2019 elections. It would appear, however, that despite the recent amendments,<sup>9</sup> there is still a need to enhance access to justice for electoral contestants. A case in point is the appeal brought by Renamo against a decision of the Manhiça District Court in Maputo to the Constitutional Council (CC), over an alleged counting error by the District Electoral Commission (CDE) that

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<sup>9</sup> Elsewhere in this report, reference is made to the context of legislative changes that have occurred in Mozambique with respect to this and other previous elections: they seem aimed at addressing political rather than legal exigencies.



highlighted problems with a multiplicity of laws. The CC ruled that the lower court had erroneously used a wrong provision of the law in arriving at its decision. However, Renamo could not go back for a retrial of the matter, as the law did not make provision for Renamo to go back to the lower court at this late stage of the electoral process, leaving the CC to make a determination.<sup>10</sup>

The mission noted that one of the complaints repeatedly raised by stakeholders during the 2018 Municipal Elections, as well as in previous elections, was that the electoral framework made it difficult for litigants to access justice as they had to contend with the ‘earliest protest’ (*impugnação prévia*) principles which required them to first exhaust local remedies before approaching the courts. This approach encourages litigants to utilise and exhaust local remedies before invoking judicial remedies. However, this position was seen by litigants as an obstacle to electoral justice, as in some cases the local remedies were not available or availed to the litigant, as the time limits made it difficult or impossible for litigants to utilise the remedies provided in law.

Article 8 of Law 2/2019 attempted to introduce the principle of effective judicial protection giving political parties and other electoral actors direct access to the courts, without being obliged to firstly consider and implement administrative measures through STAE and CNE. However, this is not fully addressed as several provisions of this Law still require the aggrieved party to start their complaint at the local level. For instance, as indicated above, a party aggrieved by voter registration issues still needs to complain within the period laid down by law during the registration period. They cannot raise a registration issue in a later phase of the electoral cycle. The mission therefore concludes that the amendment may not have created a single litigation route as both dispute settlement procedures are in place.

The EISA IEOM is of the view that a multiplicity of remedial routes may become an obstacle to access to justice, and accordingly recommends a review of the legal framework to clearly define the remedies that are available for aggrieved parties.

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10 See *Updates on Elections* from the UNDP Office in Maputo dated 1 November 2019.



## 2.4 ELECTION MANAGEMENT: THE NATIONAL ELECTORAL COMMISSION

### Composition of the CNE

The IEOM noted that the Articles 5 and 6 of the CNE Law provide that the EMB shall comprise 17 members, who shall include a chairperson and two deputy chairpersons; five representatives of Frelimo, four representatives of Renamo, one representative of MDM, and seven representatives of civil society organisations (CSOs). The seven from CSOs are proposed by CSOs and nominated by a committee of the Assembly of the Republic in terms of Article 6(2). The chairperson of the CNE is elected by the seven members representing CSOs, while the two deputy chairpersons come from the two political parties with the most votes in the Assembly of the Republic in accordance with Article 6(7) and (8) of the CNE Law.

The EISA IEOM noted that the CNE Law under Article 58 also provides for the inclusion of a government representative on the CNE structure, with a right of audience but no right to vote. The institution of a government representative is replicated at all levels of the EMB; that is, at provincial, district, and city electoral commissions pursuant to Article 7(2) of the CNE Law. The IEOM is of the view that this provision appears to detract from the independence granted to the EMB by the Constitution and urges its review.

The IEOM noted that the inclusion of the three main political parties in the EMB is in compliance with the Constitution of Mozambique and that it reflects the principle that these are the political parties that voters have elected to represent their interests in Parliament. This approach however presents its own challenges as this excludes all political parties other than those that are specified by the Electoral Law.

Mozambique has been a multiparty democracy since the 1990s with the 2019 general elections contested by some 26 political parties. The Constitution recognises and embraces political diversity and pluralism. It appears therefore that the exclusion of political parties not represented in Parliament from structures that conduct the elections and determine governance policy is contradictory to the principle of equality before the law, as recognised by the Constitution. This appears more so when one of the functions of the EMB is to decide on the criteria for access to and the level of state funding

for campaigns. In meetings with parties currently outside of Parliament in areas to which the mission was deployed, the perception was held that the ‘big three’ parties are making self-serving decisions that advantage only themselves.

It was pointed out to the mission by several of the smaller political parties and some CSOs that while the parties represented in Parliament receive state funding based on their representation in Parliament, they also receive campaign funds for contesting the polls (see Table 5 indicating the funds allocated to political parties that contested the 2019 elections).

Article 8 of the CNE Law provides that the CNE shall periodically and regularly undertake actions of guidance, superintendence, and inspection in an organised manner, including STAE. This means that the CNE plays a supervisory role with respect to STAE. The latter is a technical support body of the CNE. Based on the IEOM’s observations of the 2019 general elections, the IEOM recommends that the authorities in Mozambique further clarify the chain of command in the legal framework between the CNE and STAE as there appear to be gaps in that regard.

### *Powers and Functions of the CNE*

The IEOM noted that some of the powers of the CNE under Article 9 of the CNE Law include the supervision of STAE with respect to voter registration; consideration of candidatures for parliamentary, municipal and provincial elections; registration of political parties, political party coalitions or CSOs contesting in elections; the promotion of civic and voter education; staff recruitment; the conduct of elections and the determination of some of the electoral disputes.

The powers of the STAE include conducting voter registration; recruitment and training of election agents; organising and controlling the electoral processes; as well as organising and implementing technical and administrative activities.

These powers are critical for the functioning of an independent and effective EMB, in keeping with the principles key to the discharge of a credible poll. This resonates with paragraphs 4.1.9 and 5.5.5 of the SADC Principles and

Guidelines as reviewed in 2015, which enjoin states to give EMBs broad mandates that enable them to discharge credible polls.

The IEOM noted that the CNE Law under Article 42 provides that the support bodies of the CNE shall be the provincial elections commissions and the district elections commissions. These institutions are established at provincial and district levels respectively. Provincial commissions operate within 60 days of the fixing of the election date and close within 60 days of the publication of the election results. District commissions, on the other hand, operate within 30 days of the provincial commissions taking office, and close within 30 days of the publication of results in accordance with Article 42 of the CNE Law. The IEOM notes that the seasonal nature of these structures could be one of the reasons why the issue of a difficult chain of command between the centre (CNE) and its lower level structures remains on the agenda in the discourse of Mozambican elections. This recommendation has been made in previous IEOM reports by EISA in 2013, 2014 and 2018.

A provincial elections commission shall comprise 15 members, including a chairperson and two deputies. Article 43 of the CNE Law provides that a district or city elections commission shall also comprise 15 members, including a chairperson and two deputies. The IEOM noted that the composition and structure of the provincial, district and city elections commissions also mirror the composition and structure of the CNE: each of these lower tier institutions shall have three representatives from Frelimo, three from Renamo, and a representative from the MDM. There will be nine representatives of CSOs. The chairpersons shall be elected by the nine representatives of CSOs. The IEOM acknowledges that while the integration of the three major parties in Mozambique in the EMB is peculiar and context specific, in the interests of broadening democracy consideration should be given to review this structure.

The EISA IEOM noted that Article 45 of the CNE Law empowers these lower tier structures of the CNE to deal with electoral matters at their level, including the supervision of the electoral process and ensuring observance of the Constitution and the law; informing the public prosecutor's office of any electoral violations; vote counting and publication of results; receiving

and deciding upon electoral complaints; referring to the CNE; submitting results sheets to the CNE; and discharging instructions and directives of the CNE. This ensures that the roles and functions of the CNE at the national level can be discharged at the local lower tiers of the geographical arrangement in the Mozambican electoral system and its processes. The IEOM noted that having national reach for an EMB is consistent with best practice and ensures that its constitutional and statutory obligations are discharged.

The EISA IEOM noted that STAE is created by the CNE Law under Article 48 as an institution for the provision of electoral administration services, and which is represented at provincial, district and city levels. STAE organises, implements and ensures the technical and administrative activities of voter registration and elections, and must have its own staff complement, budget and assets, pursuant to Article 48(2) and (3) of the CNE Law. The IEOM further noted that the Article 49 of the same law provides for the subordination of STAE to CNE, to which it is accountable. STAE is headed by a general director, who is recruited through a public procurement system led by CNE following Article 50(1) of the CNE Law. The general director is assisted by two deputy general directors appointed by the two political parties with the most votes in Parliament as laid down in Article 50(2) of the CNE Law. The IEOM understands that the current general director of STAE was a public servant from a government ministry; STAE is yet to recruit its own general director in accordance with the provisions cited above.

The IEOM emphasises the challenges facing the representations of political parties in the structure of STAE, which must be a professional and technical institution. It recommends that the authorities in Mozambique re-examine the framework with a view to limiting the presence of political parties in the technical administration of elections. This proposition is in line with best practice, and the need to ensure that institutions with a direct interest in the electoral process, and are therefore conflicted, have limited influence on the decisions of STAE. The IEOM's submission and recommendation is reinforced by the fact that, in accordance with Article 56(2) of the CNE Law during election periods, STAE also includes 18 technical staff members from the political parties represented in the Assembly of the Republic.

The IEOM noted the organisational structure of STAE at provincial level, and that it also has district and city levels, and that these structures are informed by, and tend to mirror the CNE in terms of the inclusion of political party representatives. In particular, the provincial level of STAE will, during elections, consist of the provincial director, two assistant provincial directors, three heads of department and six assistant heads of department, indicated by the political parties represented in the Assembly of the Republic in the following way: three representatives from Frelimo, two from Renamo, and one from MDM. The IEOM further noted that during elections, the provincial structure of STAE will also incorporate six technical staff from the political parties represented in the Assembly of the Republic.

The IEOM also noted that at the district level the structure incorporates similar numbers from Frelimo, Renamo and MDM, both for ordinary times and during election periods, following provisions of Article 58 of the CNE Law. As highlighted above, political parties are interested in the electoral process, and therefore have a conflict of interest. Their inclusion within the body of the secretariat of the EMB appears not to be in sync with the principle of equality in the Constitution of Mozambique and appears to clash with international best practice. The need to review this legal framework has been recommended above.

The IEOM notes that, in line with international best practice, Article 61 of the CNE Law provides that funding for the EMB shall be provided by the state through the national budget. This ensures the operational and financial independence of the EMB, which is critical for the effective discharge of its functions and mandate. The sanctions imposed on the country after the debt scandal of 2016 has seen donors withholding aid. In its discussions with the EMB, the mission was informed that the support received from the donor community for the 2019 elections was only in the form of support for training personnel, and the procurement of some of its requirements.

The IEOM noted that STAE, which is accountable to the CNE pursuant to Article 52 of the CNE Law, has the power to, among others, draw up the election calendar, undertake voter registration, distribute electoral material, recruit and train election agents, and generally organise and control

electoral processes in accordance with the law. The CNE Law provides for the establishment of ad hoc bodies to assist the EMB at the lower levels (that is, at provincial, city and district levels) prepare for and conduct the polls. These bodies at the provincial level are established some 60 days after publication of the poll date, and dissolve 60 days after publication of the results of the polls.

Taking into account the fact that these functions are additional to the powers and functions of CNE and its lower level structures, the IEOM concludes that these powers and functions, taken together, are wide enough to enable the EMB to discharge a credible electoral process. This is because they traverse all aspects of the role that an EMB should play in the discharge of a democratic election.

The mission also noted that the CNE Law under Article 62 also enjoins public institutions and bodies, political parties and coalitions, private bodies and proponent groups of citizen voters to collaborate with the EMB for the prompt and effective discharge of its mandate. The IEOM finds this duty critical in keeping with the principle that the EMB is an independent body subject only to the Constitution and the law, and therefore worthy of compliance by all institutions that traverse the electoral field. The structure of the EMB, which incorporates political parties into its structure and systems, tends to limit the independence of the EMB.

## **2.5 DISPUTE RESOLUTION MECHANISMS**

The IEOM noted that decisions of the EMB structures are subject to legal contestation. Aggrieved parties are entitled at first instance to appeal to the EMB. If not satisfied they can approach the judicial institutions. These mechanisms subject decisions of the EMB to an established justice system. Courts are considered an independent dispute settlement machinery. The IEOM notes that this is in keeping with Article 17 of the ACDEG which requires state parties to strengthen dispute settlement mechanisms for electoral disputes. This ensures the right to a fair hearing by an independent body.

The IEOM noted that the structures of election management at the national, provincial and district levels are imbued with quasi-judicial functions, thus

they can receive and determine complaints from aggrieved parties. Should the parties remain dissatisfied they can appeal to the next level of the EMB for redress. This applies to all issues under their purview, from voter registration<sup>11</sup> to the conduct of the polls. Decisions at the national, provincial and district levels of the CNE/STAE are subject to judicial appeal. At the lower level of the judicial system, Article 161 of Law 3/2019 designates the district courts as courts of first instance. Appeals from district courts lie with the Constitutional Council. The courts are enjoined to treat both civil and criminal electoral disputes as urgent matters under Articles 163–165 of Law 3/2019. The IEOM acknowledges the importance of speedy resolution of election disputes. It would seem though, that some of the time limits set by law are difficult to achieve for stakeholders. This may result in unresolved electoral disputes, which in turn can fuel conflict.

The IEOM noted that complaints are dealt with on a thematic phased basis, thus each phase of the electoral cycle will be associated with its own disputes which must be resolved during that phase. An example is cases on voter registration; these must be dealt with as close to the voter registration phase as is possible, ensuring adherence to the strict timelines given by the legal framework. A case in point is that of Renamo, which could not lodge a legal complaint with either the CNE or the courts at the time when they became aware of challenges with the registration of voters in Gaza as this was outside the timeframe for laying complaints relating to voter registration. Similarly, a dispute arising during the campaign phase must be resolved during that phase. This approach may be prejudicial to a party who may only become aware of an issue after that particular phase has passed (see section 3.1. of the report on voter registration and voters' roll for more information).

Table 4 provides an overview of timelines for the submission and resolution of complaints within the electoral cycle as reflected in the legal framework.

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11 For instance, an aggrieved party with respect to voter registration is required to raise their issue with the concerned level of the EMB (that is, STAE) within three days. The body must determine the issue within five days. An appeal lies with the next level of the EMB, which must itself resolve the matter within five days, etc. The Constitutional Council is the final court of appeal (see Articles 41, 42, 43, and 44 of the Voter Registration Law).



**Table 4: Timelines for Complaints and Appeals**

Activity	Period of Complaint	Appeal
Voter registration	Up to two days after posting of notices for deletions from the register.  In respect of substantive content of voter register upon its publication, within three days of its display.	Three days. Any further appeal to higher level of EMB within five days. An appeal to the CC must be lodged within five days.
Election day	Within 48 hours of the posting of election results.	Appeals within three days.
Results management station	Within 48 hours of the posting of election results.	Appeals within three days.
Decisions of CNE on electoral matters	Within three days of notification of the decision of the CNE on the complaint or protest lodged.	CC to give judgment within five days.

**Source:** Compiled from the various electoral laws

The EISA IEOM acknowledges that the number of seats per province was determined by the number of registered voters, hence the need for an uncontested voters' register.

## **2.6 POLITICAL PARTY AND CAMPAIGN FINANCE**

The IEOM noted that the legal framework in Mozambique provides for public funding of party campaigns. This is considered good practice in line with PEMMO and the ACDEG. Article 33(2) of Law 3/2019 provides that the state budget shall provide for funds for the election campaign to be disbursed to the contesting political parties at least 21 days prior to the start of the election campaign. The IEOM notes that this is a peremptory provision, permitting no discretion by the authorities.

The funding of political parties by foreign governments, foreign enterprises or foreign government enterprises is prohibited by law. Political parties are entitled to raise funding from other domestic sources, and from foreign-friendly political parties and non-governmental organisations in accordance with Article 33 of Law 3/2019. In terms of Article 35 of



Law 3/2019, election agents are required to undertake full disclosure of their campaign expenditure. They are required to itemise all revenue and expenditure related to the electoral campaign. This however relates to state financing. The law does not place ceilings on candidate campaign funding. It is international best practice to place limits or ceilings on amounts that parties can raise and spend for an election. This is in keeping with the need to ensure a level playing field, and to ensure that electoral processes are not hijacked by money. The EISA IEOM noted the absence of such ceilings in the legal framework for elections in Mozambique, and urges Parliament to review the framework accordingly, in order to prevent the use of money in subverting the will of the people of Mozambique.

The IEOM noted that Mozambican law, in particular Article 42 of Law 2/2019, does not permit the use of public resources by political parties and candidates for campaign purposes. It prohibits, in express terms, the use of assets owned by the state, or government at central or lower level tiers, including assets and resources of state-owned or public institutions to be used for political campaigns. Violations of this provision attract punishment by imprisonment.

The IEOM notes that Articles 3(4) and 17 of the ACDEG commit member states to hold transparent, free and fair elections. The mission also notes that PEMMO envisages a period of at least two weeks as enabling for political parties to mount an adequate campaign. PEMMO also encourages the disclosure of all funding by political parties.

**Table 5: Allocation of Campaign Funds to Political Parties in the 2019 Elections**

Funds to be Allocated to Political Parties for Electoral Campaign						
	SEATS		MT	MT	MT	MT
Party	AR	AP	President	AR	AP	Total
FRELIMO	250	794	15 000 000	3 162 146	17 200 000	35 362 146
MDM	250	794	15 000 000	3 162 146	17 200 000	35 362 146
RENAMO	250	794	15 000 000	3 162 146	17 200 000	35 362 146

AMUSI	228	94	15 000 000	2 931 377	1 500 000	19 431 377
PUR	248	0	0	2 392 915	0	2 392 915
PJDM	104	0	0	1 214 778	0	1 214 778
MPD	248	0	0	2 392 915	0	2 392 915
ND	248	0	0	2 392 915	0	2 392 915
UD	117	0	0	1 237 912	0	1 237 912
PPPM	162	0	0	1 931 377	0	1 931 377
MONARUMO	198	0	0	1 726 923	0	1 726 923
MJRD	250	0	0	3 162 146	0	3 162 146
PEMO	210	0	0	1 907 085	0	1 907 085
PARENA	250	163	0	3 162 146	2 700 000	5 862 146
PVM	250	0	0	3 162 146	0	3 162 146
PASOMO	104	0	0	1 984 008	0	1 984 008
UE	248	0	0	2 392 915	0	2 392 915
PARESO	248	142	0	2 392 915	2 700 000	5 092 915
UDM	46	0	0	554 438	0	554 438
PEC-MT	237	0	0	2 952 356	0	2 952 356
PANAOC	139	0	0	1 711 597	0	1 711 597
PT	237	0	0	2 977 531	0	2 977 531
PLD	177	0	0	1 466 526	0	1 466 526
PANAMO/ CRD	146	0	0	2 226 923	0	2 226 923
PODEMOS	195	0	0	1 720 430	0	1 720 430
UM	192	0	0	2 519 289	0	2 519 289
PAHUMO	0	82	0	0	1 500 000	1 500 000
	<b>5232</b>	<b>2863</b>	<b>60 000 000</b>	<b>60 000 000</b>	<b>60 000 000</b>	<b>180 000 000</b>

Source: *Club of Mozambique*<sup>12</sup>

<sup>12</sup> <https://clubofmozambique.com/news/mozambique-govt-disburses-mt-180-million-to-fund-political-party-campaign-138943/> (Accessed 16 October 2019)

The IEOM acknowledged that Article 39 of Law 2/2019 provides that the allocation of campaign resources must consider the proportion of candidates presented for the polls vis-à-vis the seats to be filled. There are varying opinions on the implications of this provision, with some stakeholders contending that it implies that each candidate must receive the same amount.<sup>13</sup> The different interpretations mean that Parliament, as the lawmaker, needs to clarify in greater detail how the provision should be implemented.

The EISA IEOM notes that the allocation of campaign funds provided under law is managed by and at the discretion of STAE, and that while there is no ceiling for the private funding of political party campaigns, consideration needs to be given to address the possible influence of money in elections. Continuous review of the legal framework can contribute to a robust campaign framework.

## **2.7 CONCLUSION**

Save for the issues raised above with respect to the issue of inclusivity within the structure of the EMB, the IEOM submits that the legal framework governing the electoral process in the Republic of Mozambique generally complies with regional, continental and international benchmarks for democratic elections. The framework provides for the rights and freedoms of citizens which are critical for the enjoyment of the right to vote and to be voted for. Further, the legal framework also creates the requisite institutions for the discharge of a credible electoral process, except for concerns regarding the design of the EMB as it relates to political party inclusion, as discussed in this report. The IEOM encourages the people of Mozambique, especially Parliament, to continue a process of legal review to ensure that the framework is truly inclusive, in line with the Constitution, and addresses the concerns of parties not represented in Parliament. Further, such a review should also consider aspects of the framework relating to access to justice on electoral matters. As noted above, the time limits, among other issues, pose a challenge on resolving electoral disputes.

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<sup>13</sup> See for instance <https://cipeleicoes.org/eng/2019/10/14/cne-gave-money-to-parties-in-an-illegal-way/> (Accessed 9 November 2019)

# 3

## The Pre-Election Phase



- 3.1 Voter Registration and Voters' Roll
- 3.2 Political Party Registration and Candidate Nomination
- 3.3 Civic and Voter Education
- 3.4 Election Campaigns
- 3.5 Preparedness of the EMB

### 3.1 VOTER REGISTRATION AND VOTERS' ROLL

Mozambique practices episodic registration of voters in which voter registration is conducted for each election. Voter registration is the responsibility of STAE. The EISA IEOM considers that Mozambique does not have a viable civil registry system.

Article 10 of the Voter Registration Law requires STAE to establish voter registration brigades that undertake the registrations countrywide, with mobile teams where necessary. Voters are required to register at centres closest to their usual place of residence, in accordance with Article 11 of the same statute. This provision is based on the practice by the EMB, that is STAE, to set up polling centres at places that would have served as voter registration centres. Voters abroad are required to register at consular missions, diplomatic missions, and other forms of representation of the Mozambican state in their countries of residence. The right to register as a voter is extended to every Mozambican who does not suffer legal incapacity. In other words, every citizen of sound mind is generally entitled to register as a voter.

Registration of voters conducted in 53 municipalities early in 2018 for purposes of the 2018 municipal elections remained valid for the 2019 national elections. The EMB therefore only conducted voter registration in order to capture those citizens who had not been covered by the previous registration. This also enabled the EMB to replace lost voter cards for registered voters. Voter registration was conducted from 15 April to 30 May 2019 in accordance with the electoral calendar issued by the EMB.

Article 41 of the Voter Registration Law provides a right to complain and/or appeal against the content of a voter register, be it an omission or incorrect registration. The mission notes however that the three-day period provided for such complaints, and the five days for appeals to STAE or CNE and the CC, may be impractical in ensuring a credible voter register. While it is important to resolve electoral disputes timeously, it is also important to give stakeholders sufficient time to lodge complaints and get justice. In this regard, the mission urges the authorities to consider reviewing the time frames for the complaint's mechanisms in the statute.

A case in point relates to the registration of voters in Gaza where STAE indicated that 1 166 011 voters were registered, roughly 330 000 higher than the 836 581 provided by the National Institute of Statistics (INE). The discrepancy between these figures posed a threat to the integrity of the electoral process as Gaza is known to be Frelimo's stronghold, where the ruling party usually wins nearly 100% of the vote. The opposition parties believed STAE numbers were inflated in order to guarantee fictitious votes for Frelimo. Renamo took the matter to the attorney-general who opened a criminal investigation. An offer by the Mozambican anti-corruption CSO, the Centre for Public Integrity (CIP), to arrange a cost-free audit to CNE, was rejected by the Commission on the grounds that they could not allow a second audit while the first audit was still under way 'for fear this could be seen as an obstruction of justice'.

The IEOM noted that while there were no official appeals within the period prescribed by the Voter Registration Law regarding these figures, some of the figures appeared to be contested by some civil society and political party stakeholders. In areas where the mission was deployed, some of the political parties contesting the polls continued to allege that the voter registration process had been manipulated to advantage or disadvantage certain political interests, by either enfranchising or disenfranchising certain populations. For instance, much later in the electoral calendar, the number of registered voters for Gaza Province was disputed by Renamo, which claimed that the EMB had inflated it in order to advantage Frelimo in an area where it is the dominant party. The matter has been referred to the attorney-general's Office for criminal investigation and remained pending at the time of the elections on 15 October 2019. Should the attorney-general make adverse findings on the Gaza voter registration figures, that finding

may be of academic value only as the electoral process has been conducted. The resort to the attorney-general seems to have been as a result of limited access to the justice system to resolve electoral disputes.

The EISA IEOM noted that there were discrepancies with respect to the figures for Gaza and Zambezia provinces between the voter registration figures by the EMB and the national population census figures by the National Statistics Institute (INE). The controversy around the figures for Gaza was widely reported.<sup>14</sup>

Table 6 below shows the number of registered voters by province in 2019:

**Table 6: 2019 Registered Voters**

Province	Number of Registered Voters	Number of Seats
Niassa	677,764	13
Cabo Delgado	1,185,024	23
Nampula	2,361,973	45
Zambezia	2,140,125	41
Tete	1,119,378	21
Manica	893 426	17
Sofala	1 028 374	20
Inhambane	657 142	13
Gaza	1 166 011	22
Maputo P	1 015 798	20
Maputo C	700 906	13
Sub-total	12 945 921	
Africa	212 663	
Rest of the World	2 479	
Sub-total	215 142	
<b>Total</b>	<b>13 161 063</b>	

**Source:** Compiled from information on the STAE website: [www.stae.org.mz](http://www.stae.org.mz)

<sup>14</sup> See, for instance, <https://clubofmozambique.com/news/mozambique-voter-figures-announced-by-stae-in-gaza-will-only-be-reached-in-2040-ine-137029/> (Accessed 8 November 2019); <http://www.iese.ac.mz/wp-content/uploads/2019/06/ideias113e-AF.pdf> (Accessed 8 November 2019)

Table 7 provides a summary of the impact of the voter registration process. In Gaza province the final voter registration figures led to an increase of eight seats. The mission understood that this is the highest single increase in the number of parliamentary seats for a province in Mozambique's electoral history. The corollary of the increase in seats in Gaza was a loss of seats for Zambezia and Nampula. Zambezia Province lost four parliamentary seats and Nampula lost two seats. The controversies around the voter registration numbers, perceived to have pitted the INE and civil society organisations against the CNE, attracted negative publicity over the voter registration process and its outcome.<sup>15</sup> See table below:

**Table 7: AR Seat Allocation by Province in 2009, 2014 and 2019 Polls**

Province	2009	2014	2019
Gaza	16	14	22
Nampula	45	47	45
Sofala	20	21	20
Niassa	14	14	13
Inhambane	16	14	13
Maputo Province	16	17	20
Cabo Delgado	22	22	23
Tete	20	22	21
Zambezia	45	45	41
Manica	16	16	17
Maputo City	18	16	13
Africa	1	1	1
Rest of the World	1	1	1

**Source:** Compiled from information on the STAE Website: [www.stae.org.mz](http://www.stae.org.mz)

The mission notes that the credibility of an electoral process is premised on the accuracy of the voters' register upon which it is based. The mission therefore regrets the fact that the polls were concluded without a definitive resolution to the voter registration concerns raised by some of the stakeholders in the 2019 presidential, AP and AR Elections.

<sup>15</sup> It also became the basis for a court matter brought by Renamo

EISA LTOs received reports of possible disenfranchisement arising from the impact of cyclones in the eastern part of the country in 2019, i.e. in Sofala and Zambezia provinces; the breakdown of equipment during the registration process; as well as actions by some traditional leaders and political stakeholders who made attempts to prevent those belonging to rival political parties from registering. Cyclones impacted on the voter registration process as they resulted in the internal displacement of citizens as well as serious damage to roads and other infrastructure. From engagements with STAE, the mission was advised that the voter registration brigades were flexible and took the registration process to all those areas to which those affected by the cyclone had moved. There were mixed reactions to this information from the political parties with which the mission engaged as to whether this did indeed take place, and if so, how effective it was. In frontier provinces such as Tete and Manica, there were no formal contestations of the process.

However, the IEOM was informed by opposition parties of the role in some areas of traditional leaders and other influential ruling party officials regarding the enfranchisement or disenfranchisement of Mozambicans living along the border. In some cases, it was alleged, Mozambicans were labelled as foreigners in order to deny them registration. In yet others, foreigners were able to register as they were perceived as supporters of one particular party or another. While this could not be verified, it points to the need to enhance the transparency of the voter registration process. The mission thus noted that there may have been instances in which there was a discrepancy between what the law provides for and its implementation on the ground.

The IEOM noted that the voter registration equipment recorded biometric data of voters into the system that included photographs and fingerprints. This information would have been useful for cleaning up the voter register if the country had used a continuous voter registration system. In this way the sourcing of expensive equipment could be put to optimum use.

The mission was pleased to note the implementation of its recommendation in 2014, calling on the CNE to provide gender disaggregated voter registration



statistics. The table below shows the number of registered voters in the provinces by gender. Because gender is a cross-cutting issue, the mission urges the authorities to capture disaggregated data regarding all aspects of the electoral process, not just voter registration. Monitoring gender equality in the electoral process can contribute to identifying any additional measures, strategies or policies that may be needed to achieve greater gender equality as called for in national and international benchmarks.

**Table 8: Gender Disaggregated Data of Registered Voters for the 2019 General Elections**

Province	Registered Voters	Women	%	Men	%
Niassa	677 764	347 264	51.24%	330 500	48.76%
Cabo Delgado	1 185 024	605 598	51.10%	579 426	48.90%
Nampula	2 361 973	1 223 954	51.82%	1 138 019	48.18%
Zambezia	2 140,125	1 150 199	53.74%	989 926	46.26%
Tete	1 119 378	584 986	52.26%	534 392	47.74%
Manica	893 426	479 844	53.71%	413 582	46.29%
Sofala	1 028 374	533 033	51.83%	495 341	48.17%
Inhambane	657 142	405 018	61.63%	252 124	38.37%
Gaza	1 166 011	693 773	59.50%	472 238	40.50%
Maputo P	1 015 798	532 634	52.44%	483 164	47.56%
Maputo C	700 906	354 085	50.52%	346 821	49.48%
Sub-total	12 945 921	6 910 388	53.38%	6 035 533	46.62%
Diaspora	215 142	77 372	35.96%	137 770	64.04%
TOTAL	13 161 063	6 987 760	53.09%	6 173 303	46.91%

**Source:** Compiled from information availed on the STAE website: [www.stae.org.mz](http://www.stae.org.mz)

The table demonstrates that women constituted the majority of voters in the 2019 general elections in Mozambique at 53.09%. Women represent over 50% of voters in all constituencies except the diaspora.

### 3.2 POLITICAL PARTY REGISTRATION AND CANDIDATE NOMINATION

The IEOM noted that, flowing from the right to form and belong to political parties contained in Article 53 of the Constitution, the law provides for the registration of electoral candidates. Article 74 of the Constitution provides for political pluralism.

The IEOM was advised that political party registration falls under the purview of the Ministry of Justice in terms of the Political Parties Law, and Law 7/1991. This institution regulates issues around political party formation. For purposes of participation in electoral processes, a political party must have national reach in order to register as an electoral contestant with the EMB. The mission finds the principles around political party registration in keeping with the right to participate and to contest, protected by the Constitution of Mozambique. These also resonate with freedom of association as recognised in international and regional benchmarks.

**Table 9: Political Parties contesting in the 2019 Parliamentary Elections**

Position on list	Party or Coalition	Abbreviation
1	Partido Frente de Libertação de Moçambique	Frelimo
2	Partido Movimento Democrático de Moçambique	MDM
3	Partido Resistência Nacional de Moçambique	Renamo
4	Partido Acção de Movimento Unido para Salvação Integral	AMUSI
5	Partido da União para Reconciliação	PUR
6	Partido da Justiça Democrática de Moçambique	PJDM
7	Partido Movimento Patriótico para a Democracia	MPD
8	Partido Nova Democracia	ND
9	Coligação União Democrática	UD
10	Partido de Progresso do Povo de Moçambique	PPPM
11	Partido Movimento Nacional para Recuperação da Unidade Moç	MONORUMO
12	Partido Ecológico de Moçambique	PEMO
13	Partido de Reconciliação Nacional	PARENA
14	Partido os Verdes de Moçambique	PVM

15	Partido de Ampliação Social de Moçambique	PASOMO
16	Coligação União Eleitoral	UE
17	Partido de Renovação Social	PARESO
18	Partido União Democratas	UDM
19	Partido de Moçambique	PEC-MT
20	Partido Nacional de Operários e Camponeses	PANAOC
21	Partido Trabalhista	PT
22	Partido de Liberdade e Desenvolvimento	PLD
23	Partido Nacional do Povo Moçambicano/CRD	PAMAMO/CRD
24	Partido Povo Optimista para o Desenvolvimento	PODEMOS
25	Partido União para Mudança	UM
26	Partido Humanitário de Moçambique	PAHUMO

Source: DW (See below)<sup>16</sup>

The IEOM noted that the registration of candidates for the newly-decentralised positions of provincial governor were subject to a judicial process when Renamo challenged the candidature of four Frelimo candidates who intended to contest in provinces where they were not resident, and thus where they themselves were unable to vote. The Constitutional Council rejected the Renamo challenges, finding that the law did not remove the right of such candidates to stand in provinces in which they were not resident<sup>17</sup> inasmuch as the law does not expressly state that residency is a requirement.

### 3.2.1 Presidential Candidates in the 2019 Elections

Three out of seven presidential candidates were disqualified on the basis that they did not fulfil the requirements for contesting the election. These included not having the sufficient number of valid voter cards to support their candidacies. In some cases, voter signatures reflected that the same person had signed for several supporters, rather than the specific supporters signing for themselves. Members of the mission were shown some of the duplicate signatures when visiting the Constitutional Council.

<sup>16</sup> <https://www.dw.com/pt-002/elei%C3%A7%C3%B5es-conselho-constitucional-rejeita-recurso-da-renamo/a-50224189>

<sup>17</sup> See Case Number *Acórdão n.º 08/CC/2019* [www.cconstitucional.org.mz](http://www.cconstitucional.org.mz).

With respect to the presidential candidates, the Constitutional Council deliberated on the eligibility requirements, which it posted on its website prior to registration of candidates.<sup>18</sup>

**Table 10: List of Presidential Candidates Fielded by Parties in the 2019 Elections**

Candidate	Party/Coalition	Decision Made
Daviz Mbepo Simango	MDM	Approved
Eugénio Estêvão	Independent	Insufficient requirements
Filipe Jacinto Nyusi	Frelimo	Approved
Hélder Luís de Mendça	PODEMOS	Insufficient requirements
Maria Alice Mabota	Coalition CAD	Insufficient requirements
Mário Albino	AMUSI	Approved
Ossufo Momade	Renamo	Approved

**Source:** *www.cconstitucional.org.mz, (Acórdão n.º 7/CC/2019, Processo n.º 8/CC/2019, July 31 2019)*

### 3.2.2 Provincial Assemblies (PAs)

Frelimo, Renamo and the MDM dominated the elections in terms of provincial contests. PAHUMO and AMUSI ran in only those areas where they felt they were strong and would receive some support.

Nine political parties competed for the AR in all 11 provinces, that is, Renamo, Frelimo, MDM, MPD, ND, PARENA, PARESO, PUR, and PVM. Other parties contested in only some but not all provinces.

The Mission noted that parliamentary candidates had to be Mozambican citizens by birth, of at least 18 years of age, and registered as voters. These appeared to be reasonable requirements, guaranteeing the right to contest. Contestants are approved by the CNE.

<sup>18</sup> See Deliberation No. 2/CC/2019: 12 June 2019 at [www.cconstitucional.org.mz](http://www.cconstitucional.org.mz).

### **3.3 CIVIC AND VOTER EDUCATION**

The IEOM notes that STAE is enjoined by Law 3/2019 to provide CVE to ‘ensure greater active and conscious voter participation in the electoral process’. CVE was largely completed by the time the EISA LTOs were deployed in Mozambique. The IEOM was informed by the CNE that it had trained and deployed 6 000 CVE agents countrywide. These agents were withdrawn at the onset of the official campaign period at the end of August 2019 to avoid clashes with political parties campaigning for votes.

Based on its observations on election day, the EISA IEOM noted that the practice of the CNE to discontinue CVE during campaigning (so as not to clash with the campaigning conducted by political parties) could explain why presiding officers took time to provide information to each voter as they entered the polling station. This unnecessarily increased the time that each voter took inside the polling station. The EISA IEOM is of the view that voter education must be an ongoing process. The mission acknowledges the role that CSOs played in imparting voter education to stakeholders before the elections. It was noted that CSOs stopped providing voter education at the onset of the official campaign period.

### **3.4 ELECTION CAMPAIGNS**

The IEOM notes that in keeping with the requirements of Article 18 of Law 8/2013, it is the responsibility of the CNE to set the electoral calendar, including the campaign period. The law provides that the campaign period starts 45 days prior to election day. The campaign kicked off on 31 August 2019 and ran until 12 October 2019. Freedom of speech and expression, guaranteed by the Constitution, is also protected under the electoral law during the campaign period under Articles 22 and 23 of Law 8/2013. Providing a period during which contesting parties and candidates can publicly campaign, is consistent with the rights and freedoms protected under Mozambican law, and in keeping with international best practice for elections.

Anastácio Matavele<sup>19</sup>, executive editor of the Forum of Non-Governmental Organizations in Gaza (FONGA) and representative of the Sala da Paz,

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19 See Annexure G

an electoral observation platform, was fatally shot by a group of police officers from the Special Operations Group (GOE) while leaving an election observer training session in Xai-Xai City on 7 October 2019, during the election campaign period. The homicide triggered condemnation in the country and abroad, particularly as it took place in a province known for its political intolerance against opponents of the ruling party Frelimo.

The mission also noted that the law provides that campaign materials may only be pasted or placed in permitted spaces, which excludes road signs, military units, state departments, educational institutions, places of worship, health units, etc. In terms of Article 36 of Law 8/2013 the period of campaigning ends 48 hours prior to election day. Political parties are required by the same law to remove those materials within 90 days of the end of the campaign period.

Mozambican law obliges the state, through STAE, to fund contesting political parties' electoral campaigns. For the 2019 elections 180 000 000 meticaïs was allocated to public funds for political campaigns. The mission observed that there was a slow start to the campaign process across all provinces. This could be attributed to the disbursements only being made on 30 August 2019, one day before the official start of the campaign period, which is contrary to the statutory requirement that the funds be disbursed at least 21 days prior to the commencement of the campaign period. This was a factor that parties consulted by the EISA IEOM mentioned as having seriously inhibited their programmes. The result of the delay was that apart from Frelimo, the other political parties were barely visible during the first week of the campaigns. In keeping with constitutional imperatives, the IEOM urges STAE to ensure that it discharges its statutory obligations in line with the law.

The IEOM noted that while there was no widespread political violence during the campaign period, there were, regrettably, several incidents that led to loss of lives. These included a multiplicity of car accidents involving people going to or returning from a campaign activity. There was also a stampede at a stadium where President Nyusi was addressing a rally, that cost ten lives in one day. The EISA IEOM also observed a trend of

political intolerance, which it has highlighted in previous reports, involving confrontations between party supporters. The destruction of rival party campaign materials was also widespread across party lines.

The mission was made aware of several cases of political intolerance in the campaign period. These included Frelimo supporters blocking the entrance to a campaign venue on the day the Renamo president was scheduled to address a campaign rally. At the Limpopo Market in Xai-Xai, Frelimo supporters were again spotted at the market, presumably intending to disrupt the process. The EISA LTOs observed Frelimo supporters being removed by the police; the MDM reported to the IEOM that its officials conducting door-to-door campaigns in Angonia, Tete Province, had been arrested by police on 1 October 2019. This was corroborated by EU observers in the area; Frelimo informed the IEOM LTOs of the destruction of its campaign material by MDM supporters in Manica, a case that was pending in the courts.

The mission also noted that in Angonia District of Tete Province, some traditional leaders reportedly barred opposition parties from campaigning in their areas of jurisdiction, turning those areas into no-go areas for the opposition. The EISA IEOM also observed attacks on candidates in some provinces such as Zambezia and Maputo during the campaign period. In other cases, approved campaign trails by the opposition were blocked by supporters of the ruling party.

The mission noted that while the law prohibited the use of state resources for campaign purposes, it observed the use of such resources by parties in their areas of influence. Government vehicles were seen at campaigns with number plates covered with campaign materials. In addition, the mission OM observed six helicopters at one political rally addressed by the president in Tete.

The EISA IEOM condemns all acts of intolerance and intimidation as negatively impacting on the civil and political rights of citizens protected by the Constitution of Mozambique. It also urges all parties to be guided by law in the conduct of their electoral processes.

### **3.5 PREPAREDNESS OF THE EMB**

The EMB is fully responsible for operationalisation of the elections. The election day proclamation was issued by the president in terms of the relevant statutes on 10 April 2019, setting 15 October 2019 as the election day.<sup>20</sup>

The CNE made endeavours to abide by this calendar, except for the delays in disbursing campaign funds and the publication of candidate lists. The IEOM urges the EMB to comply with timetables that are statutorily provided for.

As noted in 3.5, the timelines stipulated for disbursement of public campaign funding were not adhered to.

STAE established 20 570 polling stations, with 20 162 in-country, and 408 polling stations abroad for election day voting. Out-of-country voting was conducted in eSwatini, South Africa, Portugal, Germany, Kenya, Tanzania, Malawi, Zambia and Zimbabwe. The Mozambican authorities are commended for efforts taken to ensure that citizens living abroad and individuals on election-day duties in-country could vote. These measures contributed to making the process more inclusive and are in line with international best practice. The EMB is also commended for constructing temporary structures in areas with limited infrastructure and those affected by the cyclone.

With regard to polling officials, the IEOM was advised that the EMB had engaged 143 990 polling officials to conduct the polls.

The IEOM observers noted that in some districts the EMB and the police had established better relations and more open lines of communication by engaging stakeholders on a regular basis. This tended to reduce conflict in these areas.

The IEOM notes that different figures were mentioned in the media regarding the cost of this election. It was however not possible to get an official figure on the actual cost. President Nyusi was on record as stating that Mozambique

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20 <https://www.news24.com/Africa/News/mozambique-sets-october-2019-for-general-elections-20180411> (accessed 9 November 2019)



had borrowed funds for the polls amounting to US\$ 97 million<sup>21</sup>, money that the country would repay from its anticipated oil revenues. While the EMB was not forthcoming on the cost of the elections, the EISA IEOM noted that the CNE had advised stakeholders in April 2019<sup>22</sup> that government had availed MT6.5 billion for the 2019 elections. The EMB itself had estimated that it required MT14.6 billion for the polls. It was noted that the 2014 elections had cost MT2.4 billion. The 2019 budget thus reflected an increase of about 508% on the 2014 figure.

The IEOM acknowledges that the legal framework in Mozambique makes provision for citizens involved in electoral operations, whose duties may take them away from their usual polling stations. Article 77 of Law 8/2013<sup>23</sup> provides that those persons may exercise the right to vote if they are registered as voters. Through a special instruction, the EMB made provision for those people<sup>24</sup> to vote on 15 October 2019 at any polling station. The ballot papers would be kept separately, as they would be voting outside their polling stations. The votes were counted and accounted for separately. The law provides that prior to voting their details must be recorded on a separate form, to be annexed to the tally of the results drawn up by the polling station board.

The following categories of citizens were allowed to vote outside their designated polling stations:

- Members of the polling station
- Application delegates
- Party and candidate agents
- Police officers on duty at the polling station
- Members of the electoral bodies at all levels
- Judges, prosecutors and court clerks assigned to district courts, and
- National journalists and election observers.

21 Carta de Moçambique (30-September 2019) (Accessed 7 November 2019)

22 See <https://clubofmozambique.com/news/mozambique-cip-questions-2019-elections-budget-watch/> (Accessed 7 November 2019)

23 Republished 2019

24 See instruction referenced 6/CNE/2019 of 11 September 2019 (see <https://www.cipeleicoes.org/wpcontent/uploads/2019/09/Instrucao-6-Votoespecial.pdf>, accessed 23 November 2020)

In regard to the ballot paper, Article 141 of Law 8/2013 provides that once the presidential candidates have been definitively fixed, ‘the President of the CC shall draw by lots, the order number to be attributed to the candidates on the ballot papers in the presence of the candidates or their representatives’. According to the relevant CC report for the 2019 elections, the Frelimo presidential candidate was the first on the ballot paper, in accordance with the lots drawn by the Council. This appears to have been the case in all previous polls, save the first multi-party polls in 1994.

The mission noted that some stakeholders consulted expressed mistrust in the EMB (CNE and STAE). The EISA IEOM also observed that the CNE and STAE do not have a formal platform for regular stakeholder engagement. Such platforms provide a forum for open consultation and could bridge the gap between the CNE and STAE and key stakeholders. In electoral matters perceptions can influence the levels of trust in the EMB. Regular engagement fora can be useful in addressing perceptions. This is also in line with the duty of EMBs to ensure they avail information to their stakeholders. It is suggested that public engagement fora be incorporated into the regular calendar of the EMB to address stakeholder trust issues. The mission encourages the EMB to formalise multi-party liaison committees as a way of building trust and confidence amongst stakeholders in the electoral process, particularly political parties and civil society. This can contribute to reducing conflict throughout the electoral process, especially during the campaign phase.

# 4

## The Election Phase



- 4.1 Election Personnel
- 4.2 Polling Stations and Election Materials
- 4.3 Independent Observers, Monitors, Party Agents and Security Forces
- 4.4 Opening
- 4.5 Voting Procedures and Secrecy of the Ballot
- 4.6 Closing and Counting

### 4.1 ELECTION PERSONNEL

The IEOM noted that the STAE trained more than its required complement of personnel for voting day operations. In terms of Article 50 of Law 2/2019, polling officials recruited for election day duties are required to be at the polling station by 05h00, two hours before the commencement of the polls. This enables the officials to undertake preparatory processes, and also enables the EMB to replace polling officials who do not arrive for duty. The majority of polling stations visited by the IEOM had their full complement of staff.

Polling station staff were easily identifiable by the labelled jackets they wore at all polling stations visited by the mission.

The mission noted that polling staff displayed competence with the voting procedures. This can be attributed to the quality of training that was rolled out by the EMB, and which was witnessed by the IEOM. The training carried a practical component, with simulation exercises that assisted officials to capture the essence of their duties. The mission commends the EMB for these trainings.

The IEOM was encouraged by the participation of women as electoral staff in election day operations; they constituted 51% of the electoral officials in polling stations observed by the IEOM.

## **4.2 POLLING STATIONS AND ELECTION MATERIALS**

The mission noted that in accordance with the electoral law, most of the polling stations were placed in areas where voter registration centres had operated. This was designed to give voters easy access to the more than 20 000 voting stations, as they could easily identify these centres.

The mission noted that a majority of polling stations were in public facilities such as schools. This made for easy access to the citizens as these were places to which they ordinarily had access. Where there were no pre-existing structures the EMB constructed temporary facilities for use on election day. All polling stations visited were clearly marked, making it easy for stakeholders to identify them.

The IEOM noted that 78% of the polling stations visited at opening time were accessible to persons with disabilities. Of the remaining 22%, it was found that the majority (80%) were inaccessible because of the surfaces that were not appropriately levelled. In the remaining 20% the polling stations were located on the first floor of a building without an elevator. During the course of the voting day the mission noted a similar pattern with 79% of polling stations visited being accessible to persons with disabilities, while the remaining 21% had problems associated with unlevelled ground (11%), a polling station located upstairs (20%), a crowd obstructing entrance (61%), or other factors (5%).

The majority (91%) of polling stations visited by the mission were appropriately laid out for the easy flow of voters. In the remainder, 50% of the ballot boxes were not positioned for the easy flow of voters. They slowed down the voting process as they were directly in front of the presiding polling officer who was also the first port of call for incoming voters. In the other 50% the ballot boxes were not placed at the centre of the room in public view. It was also observed that voters returning from the polling booth had to wait before placing their ballots into the ballot boxes as the presiding officer would be attending to the next voter in the queue. This had the cumulative effect of adding to the time voters spent in the polling station. The EMB is encouraged to review the placement of ballot boxes to ensure that they do not unnecessarily hinder and slow down the flow of voters. The IEOM noted that the polling stations were laid out in a manner that guaranteed the secrecy of the ballot.

Security personnel were visible at 91% of the polling stations visited at opening time. This was considered adequate to secure the sensitive materials.

### **4.3 INDEPENDENT OBSERVERS, MONITORS, PARTY AGENTS AND SECURITY FORCES**

The mission noted the presence of both citizen and international observers throughout voting day. Observers were granted easy access to the polling stations at all centres visited at opening time and were able to discharge their mandate without interference at the polling stations that they visited. The mission however noted that some 3 000 citizen observers had their accreditation rejected by STAE, thereby denying them the right to observe the elections. This, together with the fatal shooting of one of the CSOs leaders, added to the mistrust of the election authorities and was seen as a negative attitude towards citizen observers and their engagement in the electoral process. STAE officials in different areas approached the processes differently, with some not accommodating observation for the aggregation processes, as discussed later in this section. EISA commends the citizen observers for their resilience; despite the hardships they faced, including the fatal shooting of Matavele, they continued to observe the process.

In respect of political party agents, women constituted only 28% of party agents at polling stations visited by the IEOM. Similarly, women constituted only 38% of citizen observers at these polling stations. More positively, the participation of young people was noted as polling officials, party agents and citizen observers.

In another incident, 17 Novo Democracia (New Democracy) party agents observing the election day process were arrested, incarcerated and denied bail, with others denied the right to observe the processes in various places.<sup>25</sup>

Security personnel were present at all polling stations visited during election day. At 90% of polling stations visited at opening time, the presence of security agents was not considered intrusive. At the remainder of the polling stations (10%), the size of the security component could have been strengthened, considering the large size of the polling stations.

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25 See <https://cipeleicoes.org/eng/> (Accessed 7 March 2020)

#### **4.4 OPENING**

According to the law polling starts at 07.00 hours and closes at 18.00 hours.<sup>26</sup> Due to the continuing insecurity in some districts of Cabo Delgado, seven polling stations did not open at all, thereby disenfranchising citizens. Most polling stations (87%) opened on time while a few failed to do so, largely due to poor preparations by personnel. However, those that were delayed were able to open within 15 minutes of the official opening time. At one polling centre attended by EISA observers, the incorrect material had been delivered resulting in a delay in opening of both polling stations at that centre.

At the polling stations where EISA observers were present at opening time, polling agents and observers were allowed and present. Most polling agents were from Frelimo (43%); the remainder were from Renamo (33%), MDM (17%), AMUSI (4%) and ND (4%).

Opening and voting procedures were adhered to at polling stations observed.

The mission commends the Mozambican authorities for enabling observation of all phases of election day. This is in keeping with Article 22 of ACDEG which enjoins state parties to create a conducive environment for independent and impartial national monitoring or observation mechanisms.

#### **4.5 VOTING PROCEDURES AND SECRECY OF THE BALLOT**

The mission observed voting procedures in both rural (63%) and urban areas (37%). In all stations visited voters had a certain level of awareness of voting procedures. This notwithstanding, presiding officers took some time to explain the process to the voters on election day and this had a cumulative impact on the time that each voter spent at the polling station.

The mission also noted that throughout the voting day, the atmosphere remained calm and peaceful in the majority of polling stations (99%), while in the minority of polling stations visited (1%), chaotic queue control detracted from otherwise peaceful conditions.

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26 Article 90 of Law 3/2019

The IEOM noted that the placing of the polling booths and the voting procedures were such that the secrecy of the ballot was guaranteed at all polling stations (100%).

The average processing time for a voter in 66% of the polling stations visited was 0-3 minutes, in 32% of the polling stations between 3 and 6 minutes, while in the remaining 2% it was between 6 and 9 minutes. There is room for improvement if the voter education that presiding officers have to provide on voting day is addressed in future elections.

The mission noted that the voting remained transparent, with party agents, citizen and international observers allowed to observe the voting processes throughout the day.

At the polling station in Mapulango Primary School, Mutarara, Tete Province, the presiding officer was arrested on election day on allegations of ballot stuffing in favour of Frelimo. EISA IEOM observers witnessed the arrest, which was widely reported in the media. He was subsequently convicted of the offence by the Mutarara District Court and sentenced to five months' imprisonment.<sup>27</sup> Incidents such as this reflect on the need for all stakeholders to work towards enhancing the security of the electoral process in order to enable the deepening of democracy in Mozambique. The mission commends the EMB for the speedy manner in which this incident was addressed.

#### **4.6 CLOSING AND COUNTING**

The EISA IEOM noted that 65% of the polling stations visited at closing time had queues of voters. Mozambican law allows those that are in the queue at the official closing time the right to vote.

The mission noted that after the close of voting, all polling station officials followed the closing procedures in accordance with the laws, and thereafter commenced the counting procedures at the polling stations. The counting process was open to political parties monitoring and observation by citizen and international observers.

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<sup>27</sup> See <https://cipeleicoes.org/eng/2019/10/29/polling-station-head-convicted-of-ballot-box-stuffing-for-frelimo/> (Accessed 7 March 2020)

At all polling stations visited by the mission, ballot boxes were properly sealed. At 95% of the polling stations, the minutes of the closing process were properly completed. Presiding officers thereafter rearranged the polling stations following the procedures at 75% of the polling stations visited at closing. This reflected well on the level of personnel training.

The IEOM noted that during the counting stage at 79% of the polling stations visited, polling officials provided an account of the unused ballots, and at 95% of the polling stations visited officials unfolded the ballots in accordance with the counting procedures.

At 79% of the polling stations visited spoilt ballots from their stations were accounted for, and at 74% of polling stations visited ballots were verified. At 95% of the polling stations visited officials also accounted for voters being ticked off the voter register as having voted. In tandem with previous recommendations at all polling stations visited, polling officials were able to disaggregate by gender the persons that were ticked off the register as having voted as part of the counting process. At 95% of the polling stations visited, officials completed the necessary processes with regard to filling out the necessary results management forms.

Party agents were present at all stations visited at counting, and all polling stations visited were arranged in a manner that made it easy to observe the closure and counting process. The counting process continued uninterrupted at 84% of the polling stations visited. At 79% of polling stations visited political party agents signed the result forms which were then posted outside the polling stations. At 74% of these polling stations, polling agents received copies of the results. At 89% of the polling stations visited, the presiding officials announced the polling station results



# 5

## The Post-Election Phase



- 5.1 Results Aggregation
- 5.2 Announcement of Final Results
- 5.3 Complaints and Appeals
- 5.4 Post-Election Context

The EISA LTOs observed the post-election phase in all provinces of the country up to 26 October 2019 when the mission closed.

### 5.1 RESULTS AGGREGATION

The EISA LTOs observed part of the aggregation process. There was no consistency, as some teams were denied access to some of these centres.

In general, the atmosphere was peaceful at centres visited by the LTOs. Security personnel were in attendance at all aggregation centres visited. Officials received complaints at 90% of the stations visited. Party and candidate agents were present at 85% of the aggregation centres. Citizen observers were present at 95% of centres visited.

The LTOs noted that in some instances AR results did not tally with the PA results for the same station, yet voters had received the same number of ballot papers. There were some instances where observers were not initially granted access to the aggregation centre and in others there were spatial variations regarding the points at which observers would be allowed to watch the process. Some of the processes appeared to be the preserve of the STAE officials, with officials adopting the approach that observers could not be included. Others were conducted in areas with little room or space for the inclusion of those stakeholders in the process of conducting electoral observation. To ensure that the process is transparent

and credible, the mission recommends that the EMB develops a standard information pack. This should also cater for aggregation procedures, clearly indicating the rules that apply to observers, and that all EMB officials must implement to allow for transparency, consistency and standardisation of the aggregation process. It appeared to the mission that EMB officials were not implementing the procedures consistently and uniformly, which made it difficult for observers.

The IEOM LTOs noted that while the result tabulation and aggregation processes were underway at the aggregation centres, some of the political parties contesting the polls made a decision not to endorse the process by declining to sign documentation that required their signatures. In other instances, some of the party agents left the aggregation centres before the completion of the process, resulting in a reduction in the number of agents observing the process. The IEOM noted that before the end of the aggregation process, some of the political parties contesting the polls had already indicated that they would reject the results of the 2019 elections in their entirety, as reported on by several local and international news agencies.

The mission LTOs visited several districts across all the country's provinces with a view to determining the scale of litigation arising from the position adopted by the main opposition parties. Surprisingly, there were very few cases lodged through the formal dispute resolution mechanisms, either under the EMB or the judicial system.

## **5.2 ANNOUNCEMENT OF FINAL RESULTS**

When the final results of the 2019 elections were announced, Frelimo and the incumbent president Filipe Nyusi secured a large majority, not only in all provinces but they also secured all ten governorship positions. However, the outcome of the elections was not unanimously accepted. Opposition parties and civil society organisations raised serious concerns over important aspects of the electoral process such as the voter registration that gave Gaza, the main Frelimo stronghold, an increase in the number of registered voters. This resulted in the province obtaining 22 seats in the National Assembly, an increase of 8 seats from the 14 seats gained in the 2014 elections, while the number of seats decreased in opposition strongholds (Zambezia, 45 down to 41 seats; Nampula, 47 down to 45 seats).

Frelimo secured 184 seats in Parliament, above the two-thirds of the AR's 250 seats necessary to amend the Constitution (CRM Article 303). However, the party cannot amend the Constitution until 2023 as CRM Article 301 sets a five-year interval between amendments, and the last amendment took place in 2018.

President Filipe Nyusi and Frelimo won by a landslide with 73% of votes and over 50% in all provinces, with a 52% voter turnout. It is noteworthy that in 1994 former President Joaquim Chissano won with 53%; he then won again in 1999 with 52%. Recent incumbent presidents Armando Guebuza and Filipe Nyusi won a larger percentage of the votes in their second runs in presidential elections, with Guebuza winning 60% in 2004, then 75% in 2009; and Nyusi winning 57% in 2014 followed by 73% in 2019. Both Guebuza's and Nyusi's wins were accompanied by comparable overwhelming victories by the ruling party Frelimo.

**Table 12: Distribution of Seats in the AR since 1994**

Party	1994	1999	2004	2009	2014	2019
Frelimo	129	133	160	191	144	184
Renamo	112	117	90	51	89	60
MDM	–	–	–	8	17	6

Source: [www.parlamento.mz](http://www.parlamento.mz)

The mission noted that there were variations applied in regard to allowing observers access to counting centres, and/or the distance from which observers and/or party agents could observe the process. Vote tabulation caused anxiety in the opposition as there were claims that party agents had not observed all the stages.

Over a ten-year period (2009 to 2019), Frelimo has maintained a strong majority in the Assembly of the Republic despite recent exposes like the hidden debt scandal and associated profligacy, including the purchase of fishing vessels and property abroad. Renamo has remained in second position. Frelimo's continued majority can be attributed to its long-time

experience in governing, its high level of organization, and has the added advantage of having access to resources.

### **5.3 COMPLAINTS AND APPEALS**

After the announcement that Filipe Nyusi and Frelimo successfully won by a majority, the results were soon contested, with opposition parties crying foul. Venâncio Mondlane<sup>28</sup>, a Renamo representative, told the media ‘We want the election results annulled because they were not elections. They were a caricature, a circus show’, in justifying the appeal his party had filed to the Constitutional Council (CC) against the deliberation of the CNE. It had been hoped that the election would calm tensions in a country soon to become a global gas exporter and would set the seal on a recent fragile peace agreement designed to end four decades of violence between Frelimo and Renamo. The two parties had fought a 16-year civil war that ended in 1992 but had clashed sporadically since then. Renamo keenly wanted to win the governorship in a number of provinces in the centre and north of the country but came out empty-handed.

In the 2013 municipal elections the MDM had filed a complaint and the Constitutional Council decided to annul the elections in Gurué (Zambezia). As a result, the government scheduled a rerun of the elections that gave victory to MDM. However, this time around political parties only contested the results with few substantiated complaints. During the electoral process the country’s courts handled 369 electoral litigation and illicit cases. According to Pedro Natitima, the Supreme Court spokesperson<sup>29</sup>, 272 cases related to damages done to electoral material and 72 cases to disturbances at the polling stations. A total of 21 lawsuits were opened regarding the illegal introduction of ballot papers into the ballot boxes. Regarding electoral disputes, 58 complaints were registered, of which 55 were rejected for various reasons such as the non-compliance of the 48-hour deadline for filing appeals, the lack of legitimacy of the intervening parties or failure to produce supporting evidence for the claims.

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28 <https://www.insider.com/mozambiques-main-opposition-party-appeals-election-result-2019-10>

29 <https://www.dw.com/pt-002/elei%C3%A7%C3%B5es-em-mo%C3%A7ambique-renamo-apresenta-recurso/a-51039792>

Renamo filed two main appeals at the Constitutional Court regarding the Gaza voter registration and the issue of four Frelimo candidate governors. Renamo had challenged the candidature of four Frelimo candidates who intended to contest in provinces where they were not resident, and therefore where they themselves were unable to vote. The Constitutional Council rejected the Renamo challenges, finding that the law did not remove the right of such candidates to stand in provinces in which they were not resident, much as the law does not expressly state that residency is a requirement.

#### **5.4 POST-ELECTION CONTEXT**

The IEOM noted that this period was characterised by the resurgence of mistrust between the main players in the field i.e. Frelimo, Renamo and the MDM. The IEOM noted that the leading opposition parties Renamo and MDM rejected the outcome as fraudulent. Renamo rejected the results as they were coming in and demanded that the ruling party inform the public on how the electoral process had been compromised. Some CSOs also issued their own statements that reflected on the quality of the process. In particular, the joint statement by CSOs stated that the elections were neither free, fair nor credible.<sup>30</sup> This situation of mistrust would colour the post-election context in Mozambique.

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30 <https://cipeleicoes.org/eng/2019/11/05/frelimo-captured-electoral-process-says-civil-society/> (Accessed 8 November 2019). The statement was jointly issued by CIP, CDD, WLSA, Civil Society Support Mechanism, Civil Society Learning and Training Centre, National Community Radio Forum, the Rural Observatory, and Votar Mozambique.

# 6

## Cross-cutting Issues



- 6.1 Role of Civil Society
- 6.2 Role of The Media
- 6.3 Gender and Minority Rights
- 6.4 Security

### 6.1 ROLE OF CIVIL SOCIETY

The EISA IEOM regrets the delay in the accreditation of citizen observers, thus preventing some 3 000 observers from being deployed. This affected observers mainly in Gaza and Zambezia provinces, although other provinces were also affected to a lesser extent. The IEOM notes that there have been similar complaints during previous elections in Mozambique, including the 2018 municipal elections. By not accrediting observers timeously, the IEOM recognises that Mozambique did not fully comply with the ACDEG in ensuring a conducive environment for the conduct of elections and full participation of national and international observers. These benchmarks require states to timeously accredit election observers in order to ensure observation of all critical phases of the electoral process.

The IEOM noted that the freedom of association guaranteed by the Constitution extends to CSOs and allows them to operate and comment on electoral issues. CSOs informed the IEOM that they freely engaged the EMB on electoral matters and participated in voter education to ensure active public participation in the process. However, some expressed concern with the conduct of some of the officials in the police service; in addition, delays in the accreditation of citizen observers and the assassination of a citizen observer and civil society member impacted on their ability to engage with the election process. The IEOM urges the authorities to continue along the trajectory of creating space for civil society to participate fully in order to enhance the transparency of the electoral process.

## 6.2 ROLE OF THE MEDIA

The Constitution of Mozambique guarantees freedom of expression, the right to information, and the right to regular and equitable broadcasting. It also creates a Media Council, which is the media regulatory institution. Freedom of expression and information, coupled with the right to equitable broadcasting, are fundamental to the electoral process as they have a bearing on the extent to which the right to vote and contest can be enjoyed.

The IEOM noted that the media in Mozambique takes two forms; the state media, including RM (Rádio Moçambique), TVM (Television of Mozambique), *Jornal Notícias*, *Jornal Domingo*, and private media, specifically TIM, STV, TV Sucesso, TV Miramar, and half a dozen newspapers. Article 50 of the Constitution enjoins the Superior Media Council to guarantee the right to information, freedom of the press and independence of the media, as well as the exercise of broadcasting rights and the right of reply. The Council comprises two persons appointed by the president, including himself, five members elected by Parliament, three journalist representatives, and a representative of media houses. The Council participates in the recruitment and discharge of public media sector directors-general. This may in part explain the perception by some of the opposition parties that although the public media had improved its coverage during these polls, it was largely biased in favour of the ruling party.

Through engagement with local media stakeholders, including print, television and radio stations, the mission was advised that there is no election-specific code for the media. The media are guided by the laws of the land as well as their professional ethics in electoral coverage. The mission noted from engagements with stakeholders in the media that the Media Council seemed to give the media houses free space to operate in and did not interfere with their editorial policies. The mission commends the Media Council for its hands-off approach, although it emphasises the need to ensure the equitable use of the state media.

The mission noted that during the first days of the election campaign, the media focused on the presidential candidates: Filipe Nyusi (Frelimo), Ossufo Momade (Renamo), Daviz Simango (MDM) and Mário Albino (AMUSI). Filipe Nyusi used other avenues such as video captions and mega

propaganda (publicity, dynamic flyers and rallies) to draw attention to his campaign and the Frelimo manifesto. Even though Renamo and MDM were not as well-resourced as Frelimo, they were better equipped than the other contesting parties. The most common space for campaigning used by political parties, other than those parties represented in Parliament, was Rádio Moçambique (RM), which was the most affordable.

Newspapers like *Canal de Moçambique* and *Savana* regularly reported on violence that took place during the electoral campaign. The IEOM noted that TVM and RM gave considerable airtime to Frelimo and its presidential candidate Filipe Nyusi. However, it aired less information relating to other parties, indicating that those parties did not provide them with their programme of activities. Following the stampede that took place at a Frelimo gathering at Nampula City stadium where ten people lost their lives, journalists were threatened and intimidated when covering the tragedy, as was later reported by MISA-Mozambique<sup>31</sup> (Media Institute of Southern Africa). The use of social media and Facebook made it easy for citizens to follow the electoral campaign activities.

Political parties with which observers met mentioned that coverage had improved compared to previous elections. However, incidents were reported to the mission that suggested an element of mistrust by some parties of some media houses. In a meeting with a public newspaper, the IEOM was informed that Renamo, MDM and AMUSI did not want their journalists to follow them during their campaigns. That reflected distrust of the public media house. In addition, the mission noted that some political parties blocked community radio coverage of their campaigns. Three cases were reported in Maputo City and Zambezia province where Frelimo and Renamo supporters interfered with the work of journalists. They cited security concerns and the suspicion that some journalists from the public media would give information on their campaigns to the ruling party, thereby prejudicing their security.

On election day, public and private television covered the process. TVM and STV broadcasted the voting process from the early hours, focusing on Maputo, Beira, Zambezia and Nampula. Before the polling stations closed,

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31 <https://mailchi.mp/16017102c337/misa-newsletter-07-de-outubro-de-3660037?e=f59aa7a8a1>



television stations highlighted cases of disturbances and irregularities. TVM was the only station to broadcast the voting of presidential candidates from Frelimo, Renamo and MDM, excluding AMUSI. On the same day, TVM organised a panel discussion on the electoral process, with STV, TV Sucesso and TV Miramar doing the same later. TVM also broadcast video clips and interviews with Frelimo heads of lists at polling stations. On voting day, 15 October, the CNE made a preliminary assessment of the voting process at its press centre, where they shared the key points of election day.

The EISA IEOM noted a discrepancy in the resources and election coverage capacity between the media. TVM and Rádio Mozambique aired information from different provinces using the Maputo-based CNE press centre facilities, whereas other media were more localised. On election day, Zito Ossumane, the director of Rádio Chuabo FM, a private media house operating in Quelimane, Zambezia, had anchored broadcasting on polling day. He reported that unidentified people had broken into the home of journalist Tomé Balança, who had anchored broadcasting on polling day, torturing him and threatening him with death.<sup>32</sup>

After the closing of the polling stations the media focused on the counting process. While some media discussed results from Maputo City and Maputo Province, TVM gave priority to results from across the country. The media paid attention to results from polling stations where presidential candidates voted, focusing on Filipe Nyusi who voted at Josina Machel Secondary School, Maputo City; Daviz Simango in Beira; Mário Albino in Nampula City; and Ossufo Momade in Ilha de Moçambique. However, due to the slowness of the counting process (apart from Maputo City), the media could only air results from a few polling stations. Noticeably, TVM aired results from areas where Frelimo and Nyusi were winning.

### **6.3 GENDER AND MINORITY RIGHTS**

The Constitution of Mozambique provides for equality before the law, thus recognising and embracing diversity. This is critical in engaging with cross-cutting issues such as gender, the rights of persons with disabilities, and the rights of ethno-religious minorities. As highlighted in the introductory

<sup>32</sup> <https://clubofmozambique.com/news/mozambique-elections-journalist-tortured-threatened-with-death-in-quelimane-deutsche-welle-144667/>

section of this report, Mozambique has a widely diverse population displaying a rich ethno-religious and cultural diversity. Analysts have stated that religion may not be a source of conflict, although it could be mobilised as one of the factors around political differences or a breakdown in governance.<sup>33</sup>

Article 36 of the Constitution of Mozambique provides for gender equality. Mozambique is a signatory to the SADC Protocol on Gender and Development, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Women constituted 39% of the outgoing members of parliament elected in 2014. In the 2019 general elections only five women contested as governors out of 36 candidates. CAD made an unsuccessful attempt to field a female presidential candidate but her application was not accepted due to issues about her nomination documents not being compliant with the legal requirements. In the final list of presidential candidates, four male candidates remained to contest the post.

Women constituted 53.09% of registered voters for the 2019 elections.<sup>34</sup> The IEOM noted that parties had not taken affirmative measures to promote the participation of women and youth. This as an area that political parties need to pay more attention to within their own structures. They must work towards supporting women and youth in contesting future elections.

Despite women and youth constituting the majority of supporters at most campaign activities, this was not reflected in their representation as candidates on party nomination lists. In engagements with CSOs dealing with gender issues, the IEOM was informed that women often experienced physical violence, sexual attacks and/or psychological harm preventing them from exercising their electoral rights, including contesting as candidates. It is therefore necessary to provide awareness and education to address this challenge as this could possibly help in preventing and stopping Violence Against Women in Elections (VAWIE).<sup>35</sup>

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33 See 2006 paper by the World Bank, [http://siteresources.worldbank.org/INTMOZAMBIQUE/Resources/DFID\\_governance\\_0406.pdf](http://siteresources.worldbank.org/INTMOZAMBIQUE/Resources/DFID_governance_0406.pdf) (Accessed 10 November 2019)

34 Previous voter registrations did not have gender-desegregated data

35 This is a concept that has attracted global focus, and Mozambican CSOs are also working towards its achievement. This was a multi-stakeholder issue that required the participation of all stakeholders in Mozambique

## 6.4 SECURITY

Pursuant to Article 85(1) of Law 8/2013, the Mozambican Republic Police (PRM) are responsible for providing security for the electoral process. Police officers from the PRM were assigned to ensure the security of each polling station. However, the law provides that if the need arose due to riots and violence, the polling station chairperson could call for a special police unit, the force for the maintenance of public order, giving reasons for the request.

Members of the police force were assigned to all polling stations and the results management centres after the polls. Police officers were also present at the majority of election campaign events. While the police have the responsibility of covering all public gatherings to ensure law and order, it was observed that this was not carried out in a uniform manner, with no police presence being witnessed at some gatherings. For instance, one of the presidential candidates, Mario Albino, from AMUSI party, was forced to cancel intended campaign activities in Cabo Delgado as the police failed to provide him with security.<sup>36</sup> In other instances, the mission was advised by some of the political parties contesting the polls that the police appeared to be bystanders while acts of intolerance were taking place.

While the mission noted that there were cases where members of the police force acted professionally and gained the respect and trust of stakeholders, the capacity and capability of the police differed from province to province and from one district to another. Prior to election day, the murder of civil society leader Anastácio Matavele, in Xai-Xai (Gaza) on 9 October 2019 by men identified as members of a special unit of the riot police also pointed towards covert violence by an agency of the state. The IEOM reiterates its recommendation made in regard to the 2018 local elections, that the authorities need to strengthen the professionalisation of the police in order to build public confidence in the police.

The mission noted that the military were not visible in the electoral arena during these polls, except in the northern district of Cabo Delgado Province. The insurgency in Cabo Delgado posed a serious threat to the conduct of all election-related activities in the pre-election, election and post-election

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36 See for instance, <https://zitamar.com/mozambique-political-process-bulletin-61-physical-attacks-presidential-candidates-new-renamo-junta-attack/> (Accessed 9 November 2019)

period. An estimated 150 people have died as a result of the insurgency, which showed no sign of letting up. Some voters were disenfranchised, as the EMB advised that it would not conduct polls at seven polling stations in the area. The history of Cabo Delgado and the insurgency in its northern gas-rich districts may become an area of concern in the post-election period as the province is the energy hub of Mozambique.

The IEOM noted that due to an uncompleted DDR process and a consequent split within Renamo, the Junta posed a threat to the exercise of the right to vote, including freedom of assembly and of movement. The reported attacks on the road close to the Junta's area of operation in central Mozambique signified its potential harm to a free poll.

The IEOM noted several security related issues, attached to this report as Annexure H. The list of incidents covers only the major/serious incidents that occurred during the mission's period of deployment.

# 7

## Conclusion and Recommendations



### 7.1 Conclusion

### 7.2 Recommendations

#### 7.1 CONCLUSION

EISA commends the people of Mozambique for participating in the polls in high numbers. The mission commends the EMB, that is CNE and STAE, for the conduct of the polls in line with the Constitution of Mozambique.

The mission notes that while the structure of the EMB is context-specific, and informed by the dynamics of Mozambican politics, consideration should be given to the composition of the structure of the EMB in order to address the question of its independence as well as the role of political parties in the institution. Furthermore, the issues around the chain of command and the relationship between and among the various facets of the EMB should be considered and reviewed.

The mission noted the multiplicity of legislation with a bearing on the electoral process. To avoid gaps, the legislation should be reviewed and tightened. Issues in relation to the voter register, particularly with respect to areas such as Gaza, should be addressed to ensure that trust in the process is improved. The shortcomings highlighted in this report need to be addressed to avoid a rejection of future poll outcomes.

The IEOM noted that despite some of the challenges such as voters being disenfranchised due to insurgency, voters elsewhere turned out in their numbers to exercise their choice and did so in a peaceful manner.

The mission noted that the electoral process was conducted within the context of legislative reforms informed by recommendations of electoral observer missions, as well as demands from other stakeholders such as Renamo. While the mission acknowledges the adoption of some of the recommendations from previous election observer mission reports and observations, there are still a number of reforms that need to be implemented to strengthen the electoral process.

## **7.2 RECOMMENDATIONS**

Based on its observation of the 2019 general elections in Mozambique, the EISA IEOM made the following recommendations:

### **To Parliament:**

- To ensure codification of Mozambican Electoral Law, Parliament should consider a more inclusive and wholistic legal review process.
- To move towards a more professional EMB, the IEOM urges Parliament to review the current structure of the EMB with a view to de-politicising the EMB.
- To address ambiguities in the practices of EMB structures under the CNE, the IEOM urges Parliament to clarify the chain of command and ensure that the CNE has firm control over STAE.
- To enhance efficiency and cost saving, the IEOM recommends that Parliament considers continuous registration to enhance the effective use of resources.
- To ensure more realistic access to justice, the mission urges Parliament to review the timeframes for complaints processes after engaging relevant stakeholders to ensure that they are realistic. There is also a need to consolidate and possibly codify electoral law to avoid multiple interpretations of provisions.
- To ensure that money does not subvert the will of the people, the IEOM urges Parliament to consider parameters for political party funding to ensure a level playing field and avoid the subversion of democracy through the unregulated use of money.

### **To the EMB:**

- To address the issue of late disbursement of funds, the IEOM urges the EMB to comply with statutory obligations as set out by the law.

- To address the lack of trust in the voter register, the mission urges the EMB to enhance the inclusion of stakeholders in voter registration and other processes to enhance its transparency and acceptance.
- To enhance the trust and confidence of stakeholders in the EMB, the IEOM urges the EMB to create stakeholder engagement fora to enhance public confidence.
- To address the slow accreditation of election observers, the mission urges the EMB to enhance its observer accreditation process, particularly for local observers.
- To enhance more efficient processing of voters, the EMB is urged to review the polling station setup to ensure that the placement of ballot boxes does not delay the processing of voters.
- To enhance transparency and trust in the result management process, the Mission urges the EMB to develop guidelines for its lower levels on the observation of the result management processes.

#### **To Government:**

- To address deficiency in trust and credibility of public institutions, the IEOM urges public institutions to resolve issues referred to them timeously, to avoid perceptions inimical to their objectives.
- To address challenges with introducing a continuous voter registration system, the IEOM urges the government of Mozambique to consider introducing a civil registry system to enhance its public records system.
- To guarantee the safety and security of voters and other stakeholders, and to avoid disenfranchisement on security grounds, the Mission urges the Government of Mozambique to resolve the security issues in parts of the country.
- To address the lack of trust in the police, the mission urges Government to professionalise the police force and all other election-related institutions under its purview.

#### **To Political Parties:**

To address gender disparity, the IEOM urges them to create mechanisms for the inclusion of gender, youth and persons with disabilities.

**To the people of Mozambique:**

- To test and strengthen dispute resolution mechanisms, the IEOM urges the people of Mozambique to utilise institutions set up for electoral justice to ensure a deepening of democracy.
- To build a more tolerant society, the mission urges the people of Mozambique to enhance their tolerance and embrace diversity to deepen their democracy.



## **ANNEXURES**

### **ANNEXURE A**



*IEOM Group photo*

**ANNEXURE B****LTO PRE-ELECTION DEPLOYMENT PLAN**

<b>Team Number</b>	<b>Location</b>	<b>Base</b>	<b>Team Members</b>	<b>Nationality</b>
Team 1	<b>Maputo Province</b>	Maputo	Ms. Yvette Ondinga	South African
			Ms. Laetitia Ntagazwa Petro	Tanzania
Team 2	<b>Niassa</b>	Lichinga	Mr. Luis Jimbo	Angolan
			Ms. Clara Anzenza	Kenyan
Team 3	<b>Cabo Delgado</b>	Pemba	Mr. James Lahai	Sierra Leonean
			Mr. Djeri Akpo	Togolese
Team 4	<b>Nampula</b>	Nampula	Ms. Aniusa De Silva	Guinea-Bissau
			Mr. Siphesihle Ndamase	South African
Team 5	<b>Zambezia</b>	Quelimane	Ms. Princess Haman Obels	Nigerian
			Mr. Uffe Vierra	Guinea-Bissau
Team 6	<b>Tete</b>	Tete	Mr. Edmar Nhaga	Guinea-Bissau
			Ms. Maude Nyamhunga	Zimbabwean
Team 7	<b>Manica</b>	Chimoio	Mr. Patson Chitopo	Zimbabwean
			Ms. Roselma Evora	Guinea-Bissau
Team 8	<b>Sofala</b>	Beira	Ms. Faith Titia Adu	Kenyan
			Mr. Nhaga Cobna Barreira	Guinea-Bissau
Team 9	<b>Inhambane</b>	Inhambane	Ms. Chantal Raharimalala	Madagascar
			Mr. Saturino de Oliveira	Guinea-Bissau
Team 10	<b>Gaza</b>	Xai-Xai	Mr. Janeo Casimiro	Guinea-Bissau
			Ms. Susan Mwape	Zambian

Core Team		
Role	Name & Surname	Nationality
LTO Coordinator	Ms. Maria Brito	Cape Verde
Legal Analyst	Mr. Phillip Muziri	Zimbabwe
Political Analyst	Mr. Joseph Tapangu	Canada
Security Expert	Mr. Dries van Jaarsveld	South Africa

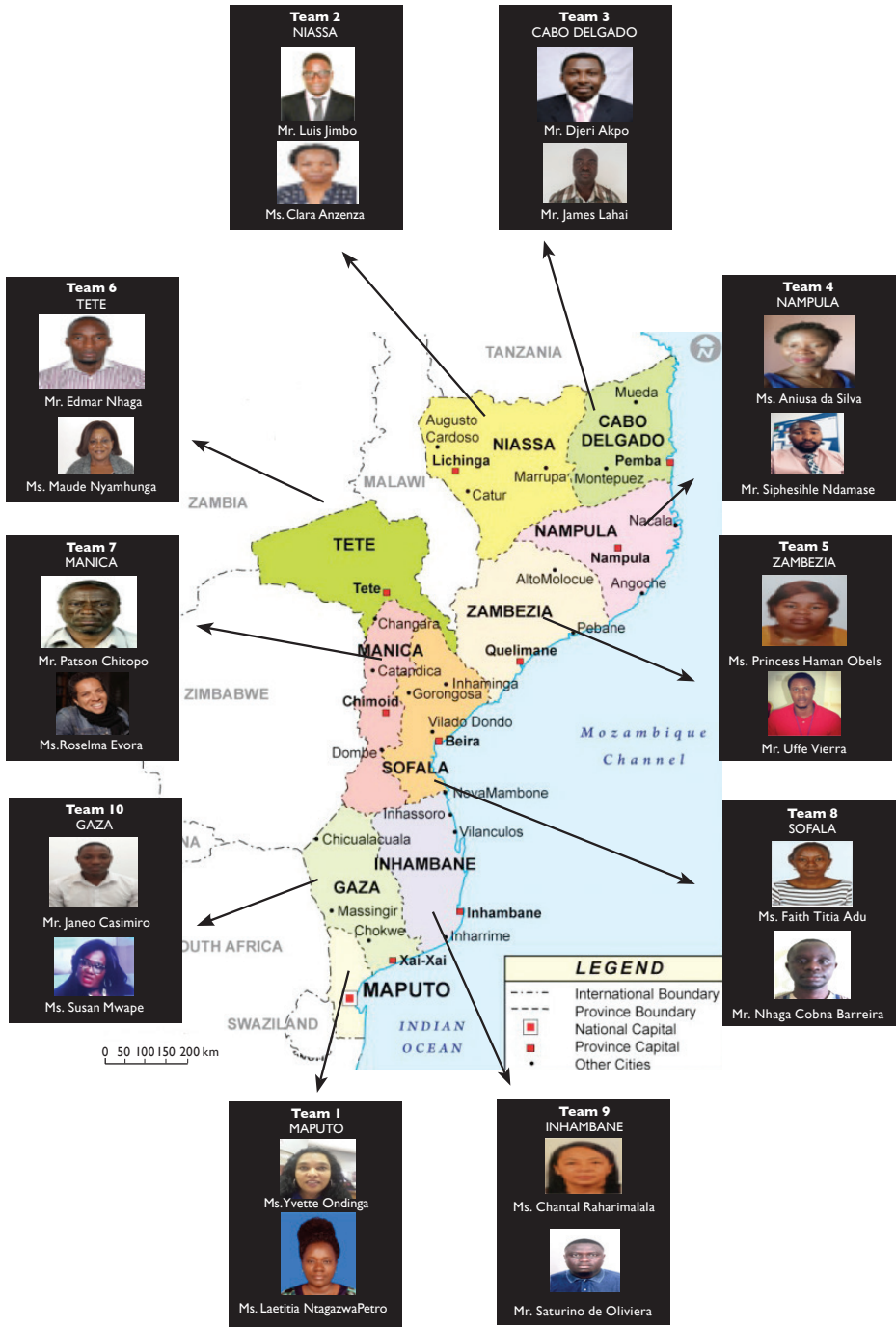
## LTO AND STO ELECTION DAY DEPLOYMENT PLAN

Nr	Province	Base	Area of coverage	Name & Surname	Nationality
Team 1	<b>Maputo Province</b>	Maputo	Ka Mubukwana	Ms. Yvette Ondinga	South African
				Elisa Maria Tavares Pinto	Guinea-Bissau
Team 2	<b>Maputo Province</b>	Maputo	Marracuene	Izak Minaar	South African
				Ms. Laetitia Ntagazwa Petro	Tanzanian
Team 3	<b>Niassa</b>	Lichinga	Meponda	Mr. Luis Jimbo	Angolan
			Chiuaula, Lulimile	Ms. Clara Anzenza	Kenyan
Team 4	<b>Cabo Delgado</b>	Montepuez	Namanhumbiri Montepuez	Nelio dos Santos	Cape Verdean
				Mr. Djeri Akpo	Togolese
Team 5	<b>Cabo Delgado</b>	Pemba	Ancuabe Metoro	Mr. James Lahai	Sierra Leonean
				Gamuchira Matshedza	Zimbabwean
Team 6	<b>Nampula</b>	Nacala	Nacala	Sandile Khuboni	South African
				Aniusa da Silva	Guinea-Bissau
Team 7	<b>Nampula</b>	Nampula	Muecate Imala	Tseviso Makwetla	South African
				Leonard Ndimikiwe	Burundian
Team 8	<b>Nampula</b>	Nampula	Murrupula	Elba Pires	Cape Verdean
				Gueri Lopez	Guinea-Bissau
Team 9	<b>Nampula</b>	Nampula	Muatala , Napipine & Natikiri	Anna Jones	Gambian
				Mr. Siphesihle Ndamase	South African
Team 10	<b>Zambezia</b>	Gurue	Gurue	Ms. Princess Haman Obels	Nigerian
				Mr. Uffe Vierra	Guinea-Bissau

Team 11	<b>Zambezia</b>	Mocuba Town	Namanjavera	Jules Hoareau	Seychelles
				Qiqi Nkomo	South African
Team 12	<b>Zambezia</b>	Mocuba Town	Lugela	Francis Acquaa	Ghanaian
				Fatoumata Sangare	Ivorian
Team 13	<b>Tete</b>	Tete	Tete	Mr. Edmar Nhaga	Guinea-Bissau
				Ivy Pillay	South African
Team 14	<b>Tete</b>	Tete	Moatize	Ms. Maude Nyamhunga	Zimbabwean
				Sangwani Mwafulirwa	Malawian
Team 15	<b>Manica</b>	Chimoio	Messica	Mr. Patson Chitopo	Zimbabwean
				Ms. Roselma Evora	Guinea-Bissau
Team 16	<b>Sofala</b>	Beira	Beira (Manga Loforte & Munhava & Nhangau)	Mr. Nhaga Cobna Barreira	Guinea-Bissau
				Crystal Africa	South African
Team 17	<b>Sofala</b>	Beira	Dondo (Savane & Dondo)	Jacob Goma	Zambian
				Faith Titia Adu	Kenyan
Team 18	<b>Inhambane</b>	Inhambane	Jangamo (Kumbana)	Ms. Chantal Raharimalala	Madagascar
				Mr. Saturnino de Oliveira	Guinea-Bissau
Team 19	<b>Gaza</b>	Chokwe	Chokwe (Chilembene & Sede)	Ms. Susan Mwape	Zambian
				Vusi Gumbi	South African
Team 20	<b>Gaza</b>	Chokwe	Guija (Mubanguene & Canicado)	Sa'adatu Bowsan	Nigerian
				Mr. Janeo Casimiro	Guinea-Bissau

## ANNEXURE C

### LTO PRE-ELECTION DEPLOYMENT MAP



## ANNEXURE C

### LTO AND STO ELECTION DAY DEPLOYMENT MAP



**ANNEXURE D****IEOM TRAINING AND BRIEFING PROGRAMME**

**EISA ELECTION OBSERVER MISSION  
TO THE 15 OCTOBER 2019 MUNICIPAL ELECTIONS  
IN MOZAMBIQUE**

**STO Briefing Programme****DAY ONE – 10 OCTOBER 2019**

<b>TIME</b>	<b>TOPIC</b>	<b>PRESENTER/FACILITATOR</b>
09:00 – 09:30	Welcome and introduction	Olufunto Akinduro
09:30 – 09:45	About the Mission <ul style="list-style-type: none"> <li>• ToRs</li> <li>• Code of conduct (Signing of observer pledge)</li> </ul>	Olufunto Akinduro
09:45 – 10:30	International and regional benchmarks for elections	Phillip Muziri
10:30 – 11:15	<b>Tea/ Coffee Break</b>	
11:15 – 12:45	<b>2019 Elections in Mozambique</b> <ul style="list-style-type: none"> <li>• The legal framework</li> </ul>	Phillip Muziri
12:45 – 13:45	<b>Lunch</b>	
13:45 – 15:15	<b>2019 Elections in Mozambique</b> <ul style="list-style-type: none"> <li>• The political environment</li> <li>• The electoral system</li> </ul>	Joseph Topangu
15:15 – 16:15	<b>Understanding the concept, rationale and methodology of election observation</b> <ul style="list-style-type: none"> <li>• Observation vs monitoring</li> <li>• Rationale and methodology of observation</li> </ul>	Lenny Taabu
16:15-16:30	<b>Tea/Coffee break</b>	



16:30 – 17:45	<b>Observer reporting requirements</b> <ul style="list-style-type: none"> <li>• Reporting chain</li> <li>• Reporting checklists/templates</li> <li>• Practical exercise-Homework</li> </ul>	Olufunto Akinduro
17:45-18:15	<b>Introduction to the use of tablets</b> <ul style="list-style-type: none"> <li>• Operating the tablet</li> <li>• Managing data and caring for tablet accessories</li> </ul>	Lenny Taabu
18: 15-18:30	<b>Presentation of deployment plan</b>	Noxolo Gwala
<b>Housekeeping and end of day one</b>		

## DAY TWO – 11 OCTOBER 2019

TIME	TOPIC	PRESENTER/FACILITATOR
08:30 - 10:10	Roles and responsibilities of observers: <ul style="list-style-type: none"> <li>• Campaign observation</li> <li>• Election day observation</li> <li>• Post-election observation</li> <li>• Guidelines for field work</li> </ul>	Noxolo Gwala
10:10-11:10	STAE briefing on election procedures	STAE
11:10-11:40	<b>Tea/Coffee Break and Group photo</b>	
11:40 – 12:45	<b>LTO/STO Breakaway</b>	Coordination Team
12:45 – 13:30	LTO pre-election findings	Maria de Brito
13:30 –14:30	<b>Lunch</b>	
14:30 - 15:45	<b>Civil Society panel</b> -perspectives on the pre-election period	Centre for public integrity (CIP) Youth group Women group
15:45 - 16:45	Use of popola system-practical	Noxolo Gwala
16:45- 17:30	Security brief	Buks Pieterse
17:30-19:00	Logistical matters and distribution of deployment supplies	Lenny, Usha and Noxolo
<b>End of programme</b>		

**EISA ELECTION OBSERVER MISSION  
TO THE 15 OCTOBER 2019 MUNICIPAL ELECTIONS  
IN MOZAMBIQUE**

**LTO OBSERVER BRIEFING AND ORIENTATION PROGRAMME**

**DAY ONE – 31 AUGUST 2019**

<b>TIME</b>	<b>TOPIC</b>	<b>PRESENTER/FACILITATOR</b>
09:00 – 09:30	Welcome and introduction	Olufunto Akinduro
09:30 – 09:45	About the Mission <ul style="list-style-type: none"> <li>• ToRs</li> <li>• Code of conduct (Signing of observer pledge)</li> </ul>	Noxolo Gwala
09:45 – 10:30	International and regional benchmarks for elections	Olufunto Akinduro
10:30 – 11:00	<b>Tea/ Coffee Break</b>	
11:00 – 12:30	<b>2019 Elections in Mozambique</b> <ul style="list-style-type: none"> <li>• The legal framework</li> </ul>	Miguel de Brito
12:30 – 13:30	<b>Lunch</b>	
13:30 – 15:00	<b>2019 Elections in Mozambique</b> <ul style="list-style-type: none"> <li>• The political environment</li> <li>• The electoral system</li> </ul>	Miguel de Brito
15:00 – 16:00	<b>Understanding the concept, rationale and methodology of election observation</b> <ul style="list-style-type: none"> <li>• Observation vs monitoring</li> <li>• Rationale and methodology of observation</li> </ul>	Noxolo Gwala
16:00 – 17:30	<b>Observer reporting requirements•</b> <ul style="list-style-type: none"> <li>• Reporting chain</li> <li>• Reporting checklists/templates</li> <li>• Practical exercise-Homework</li> </ul>	Olufunto Akinduro
17:30	<b>Housekeeping, tea break and end of day one</b>	

## DAY TWO – 1 SEPTEMBER 2019

TIME	TOPIC	PRESENTER/FACILITATOR
09:00 - 10:00	Roles and responsibilities of observers: <ul style="list-style-type: none"> <li>• Electoral preparation activities</li> <li>• Civic and voter education</li> <li>• Campaign observation</li> <li>• LTO skills set</li> <li>• Guidelines for field work</li> </ul>	Noxolo Gwala
10:00-11:00	CNE briefing	CNE
11:00-11:30	<b>Tea/Coffee Break</b>	
11:30 - 12:45	<b>Political Parties Panel-</b> State of readiness for the 2019 elections	FRELIMO, RENAMO and MDM
12:45 - 13:30	<b>Introduction to the use of tablets</b> <ul style="list-style-type: none"> <li>• Operating the tablet</li> <li>• Managing data and caring for tablet accessories</li> </ul>	Lenny Taabu
13:30 -14:30	<b>Lunch</b>	
14:30 - 15:45	Use of popola system-practical	Lenny Taabu
15:45 - 16:00	Presentation of deployment plan	Noxolo Gwala
16:00 - 16:15	<b>Tea/coffee break</b>	
16:15 -16:30	Evaluation/Feedback	EISA
<b>End of day two and of the briefing and orientation programme</b>		

## DAY THREE – 2 SEPTEMBER 2019

TIME	TOPIC	PRESENTER/FACILITATOR
09:00-10:00	Civil Society panel-perspectives on the pre-election period	Centre for public integrity (CIP) Centre for Democracy and Development JOINT
10:00 -11:00	Logistical matters	Lenny and Noxolo
11:00-12:00	Security brief	Dries
12:00-13:00	Distribution of deployment of supplies	EISA Secretariat
<b>End of programme</b>		

## **ANNEXURE E**

### **ARRIVAL STATEMENT**

#### **ARRIVAL STATEMENT OF THE EISA ELECTION OBSERVATION MISSION TO THE 2019 PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ELECTIONS IN MOZAMBIQUE**

1 September 2019

The Electoral Institute for Sustainable Democracy in Africa (EISA) announces the arrival of its election observation mission (EOM) in the Republic of Mozambique to observe the 15 October 2019 presidential, legislative and provincial elections. The EISA EOM is in Mozambique at the invitation of the Ministry of Foreign Affairs and Cooperation of Mozambique, to conduct an independent assessment of the electoral process.

The EISA EOM is led by His Excellency, John Dramani Mahama, former President of the Republic of Ghana, who is deputised by EISA's Executive Director Mr. Denis Kadima. The EISA EOM is comprised of 20 long-term observers (LTOs) and 22 short-term observers (STOs) who are drawn from Civil Society Organisations (CSOs) and Election Management Bodies (EMBs). The LTOs arrived in Mozambique on 30 August 2019 and will be joined by STOs on 9 October 2019. While the STOs will depart on 18 October 2019, the LTOs will remain in the country until 30 October 2019. EISA's deployment of an EOM to the 2019 elections is the fifth since the 1999 elections.

The EISA EOM's assessment methodology is guided by the Declaration of Principles for International Election Observation (DOP). The EOM will assess the extent to which the legal framework and procedures in the 2019 electoral process comply with Mozambique's commitments and obligations set out in the following international instruments: the OAU/AU Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance; the Principles for Election Management, Monitoring and Observation (PEMMO) and the Revised SADC Principles and Guidelines Governing Democratic Elections.

EISA observers will be deployed to the 10 provinces of Mozambique and the City of Maputo to observe key processes beginning with the electoral campaigns, pre-polling activities, election day and post-polling activities. After election day, the EISA EOM will issue a statement on its preliminary findings and recommendations on the electoral process up until the close of polling.

These elections are the sixth to be conducted since the signing of the General Peace Agreement of 1992 and coincide with signing of the new peace accord signed in August 2019. The 2019 elections are a crucial mile for reconciliation and the consolidation of peaceful environment where democracy can thrive. A peaceful and successful election will therefore further cement the democratic gains made by the country over the past generation. EISA is pleased to be part of this historic moment in Mozambique.

For further information, please contact: Ms. Maria Brito [mariab@eisa.org.za](mailto:mariab@eisa.org.za)  
(Observer Coordinator in Maputo)

Ms Noxolo Gwala [noxolo@eisa.org.za](mailto:noxolo@eisa.org.za) (Mission Coordinator in Johannesburg)

## **ANNEXURE F**

### **PRELIMINARY STATEMENT**

#### **EISA ELECTION OBSERVER MISSION TO THE 2019 PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ELECTIONS IN THE REPUBLIC OF MOZAMBIQUE**

**17 OCTOBER 2019**

#### **Introduction**

This statement presents the preliminary findings, conclusions and recommendations of the Electoral Institute for Sustainable Democracy in Africa (EISA) Election Observer Mission (EOM) deployed to the 15 October 2019 presidential, legislative and provincial elections in the Republic of Mozambique. This statement is being issued while the results aggregation process is at the preliminary stages. The EISA EOM therefore presents the findings up to the close of the polls and the first day of district-level aggregation. EISA will issue a final report covering the entire electoral process, after the declaration of the final election results.

The EOM's assessment of the electoral process is based on the principles and obligations for democratic elections stipulated in the following international benchmarks: the African Union (AU) Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance (ACDEG); the Principles for Election Management, Monitoring and Observation (PEMMO); and the legal framework for elections in Mozambique. EISA's observation methodology is guided by the Declaration of Principles for International Observation and its attendant code of conduct for observers.

EISA has deployed EOMs to elections in Mozambique since 1999 and has maintained a field office in the country since 2004. For the 2019 elections, the EISA EOM deployed 40 international observers comprised of 20 long term observers (LTOs) and 20 short term observers (STOs). The EISA EOM is

led by His Excellency, John Dramani Mahama, former President of Ghana, deputised by Mr. Denis Kadima, EISA's Executive Director. The LTOs arrived in Mozambique on 26 August 2019 and were deployed in the 10 provinces and the City of Maputo. During their pre-election deployment, the LTOs visited 99 districts where they observed among other things, the electoral campaigns, the training of election officials, and the distribution of election materials. The LTOs also engaged key stakeholders in their areas of deployment, including the election management authorities at all levels, the police, the judiciary, political parties, citizen observers, and civil society organisations (CSOs). On election day, the full EOM visited 249 polling stations across 21 districts of the country. The LTOs will remain in the country until 30 October 2019 to cover the results aggregation and the complaints processes.

This report gives a summary of the situation regarding the electoral campaigns; the state of preparedness of the EMB; as well as the political and security environment up to and including the voting and counting operations on Election Day and the first day of district-level aggregation.

## PRELIMINARY FINDINGS

### **Political environment**

The 2019 national elections mark another milestone in Mozambique's history as they are the sixth national elections since the adoption of multiparty democracy. The EISA EOM commends Mozambique for upholding its obligations to conduct regular elections. Similar to the 2014 national elections, the 2019 electoral process unfolded within the context of political negotiations. The recent negotiations culminated in the signing of the third Peace Agreement since the end of the civil war. The legal and institutional framework for elections in Mozambique has been largely shaped by political negotiations that were intensified after the 2009 elections. The 2019 Peace Deal addresses important aspects of the post-civil war political divergences such as decentralisation of governmental structures, demobilisation, disarmament and re-integration of former rebels. The 2019 national elections are the first national elections to be held since the death of Mr. Afonso Dhlakama, the late leader of the Renamo party.

While the pre-election context was devoid of widespread election-related violence, there were deep security concerns driven by the insurgency

in some districts of Cabo Delgado Province. The security concerns were further deepened by the emergence of the Renamo Junta as a result of internal conflicts within the Renamo party after the emergence of Mr. Ossofu Momade as its new leader. The violence in Gorongosa district of Sofala Province in the lead up to the elections was attributed to the Renamo Junta. The EISA EOM noted with concern that the elections took place at a time when the demobilisation, disarmament and reintegration of 5,221 Renamo fighters was yet to be completed. There were isolated incidents that occurred during the campaigns, including clashes amongst party supporters, destruction of campaign materials, armed attacks on candidates, a stampede and traffic accidents.

The mission noted with concern the assassination of Mr. Anastácio Matavele, a senior civil society actor, a few days before the elections. The incident raised deep concerns because the perpetrators were reported to be members of the Special Operations Unit of the Riot Police.

The political context in Mozambique is very much characterised by deep mistrust of public institutions and processes, most especially, the electoral authorities. The lack of public trust has shaped the political negotiations and the decisions originating from that process. The context of the 2019 elections was no different as most stakeholders consulted by the EISA EOM expressed their lack of trust in the government, the police, the national electoral commission (CNE) and the Technical Secretariat for Election Administration (STAE).

### **Legal framework**

The legal framework for the conduct of elections in Mozambique is provided by the Constitution, the Presidential and Parliamentary Elections Law, the Law on Election of Provincial Assemblies and Governors, the Voter Registration Law, the National Elections Commission Law, the Political Party Law, the Media Law and other relevant legislations.

The Constitution of the Republic of Mozambique creates an independent electoral management body (EMB), the National Elections Commission (CNE), which is supported by a secretariat called the Technical Secretariat for Electoral Administration (STAE). It enshrines the principle of political



pluralism, the doctrine separation of powers and provides a bill of rights. As such, the Mission finds that, the Constitution is consistent with the values in the African Charter for Democracy, Elections and Governance (ACDEG). The Charter, indeed, enjoins state parties, of which Mozambique is one, to ensure that they provide for the civil and political rights that enable citizens space to exercise their democratic rights, while also creating robust electoral institutions that enable citizens to express their political will.

The political negotiations since the 2014 elections led to constitutional amendments ahead of the 2019 national elections. Most notable among the reforms are: further decentralisation of the governmental structure through the introduction of elected provincial governors; further improvement of the decentralised complaints process to remove the requirement for prior complaint at the polling station level before appealing to the district courts and the Constitutional Council; and the provision for disputed ballots to be resolved at the District Electoral Commissions rather than the National Commission. The EISA EOM is pleased to note that its recommendations in 2018 for the removal of the requirement for prior complaints principle was adopted.

The electoral justice system in Mozambique requires complainants to present complaints within a specified time limit for specific stages of the electoral process.<sup>1</sup> The EISA EOM considers this system as limiting access to electoral justice. The principle of fair hearing should be available at any point in the electoral process.

The EISA EOM notes that, while the electoral framework provides a sufficient basis for the conduct of competitive elections, the frequent and regular amendment of the Electoral Law in every electoral cycle in response to the demands of political stakeholder, maintains an ad hoc approach to legal reforms. This ad hoc approach should be reconsidered as it only addresses the issues arising during a given electoral process without a holistic view of the legal framework, thus leaving out wider constitutional issues that have bearing on the elections.

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<sup>1</sup> For instance, complaints about voter registration must be raised during the timeframe for registration.

**Electoral system**

Mozambicans elected provincial governors for the first time in the 2019 elections. The provincial governors are elected through the head of list system in which the head of the winning list in the provincial assembly election will emerge as the provincial governor. The members of the provincial assembly and governors are elected through a single ballot. Some stakeholders consulted by the EISA EOM raised concerns about the lack of clarity for the voter to make two choices for the two offices through a single ballot. The EISA EOM wishes to emphasise that clarity of choice for voters is an important aspect of the integrity and transparency of an electoral process.

**The electoral management body**

The Constitution of Mozambique provides for the establishment of election management authorities. The institutional model for election management in Mozambique is peculiar and responds to the context and history of the country. Having observed elections in Mozambique since 1999, EISA notes that the institutional framework for election management has evolved over time and continues to be indicative of the broader contextual challenge of lack of trust between Frelimo and Renamo.

The EISA EOM wishes to reiterate its previous observation that, while the political party model of election administration may be considered inclusive, the representation of political parties within the technical structures of the election management body compromises the technical competence, independence and professionalism required of the institution at the technical level. After 15 years of working in Mozambique, the EISA EOM is of the opinion that the partisan model of election management needs to be reconsidered for a more independent model.

The decentralised structure of election management adopted in Mozambique is expected to make administration more effective across the country, however the expected efficiency has not been achieved because the provincial and district commissions and STAE offices are appointed as autonomous structures that are not accountable to the CNE. The EISA EOM reiterates its previous observation on the gaps in the reporting chain from the district to the provincial and on to the national structures of the electoral

commission. EISA observers in their interactions with the district and provincial commissions noted the lack of clarity in lines of communication and accountability between the lower levels and the national level. Similar observations were made in 2013, 2014 and 2018. These gaps should be addressed to make the lower levels accountable to the CNE by empowering the CNE to appoint and oversee the lower levels of its structures.

### **Voter registration**

The constitution of Mozambique provides for universal suffrage. In this regard, citizens who have attained the age of 18 are eligible to vote. The registration of voters for the 2018 municipal elections that was conducted in 53 municipalities early in 2018 remained valid for the 2019 national elections. The CNE conducted further voter registration from 15 April to 30 May 2019 to capture voters who were not registered in 2018 and replace lost cards from 2018. Operational aspects of the registration process were also affected by the cyclones that impacted on infrastructure and led to the displacement of the population in parts of Sofala and Zambezia provinces. This necessitated the extension of the registration period by 15 days. The EISA EOM is pleased to note that its recommendation in 2013, calling on the CNE to provide gender disaggregated voter registration statistics was implemented. Based on the disaggregated data published by the CNE, women constituted 53.09% of the registered voters for the 2019 elections.

The 2019 elections were held while a case questioning the credibility of the voter register was pending before the Attorney General. All the stakeholders consulted by the EISA EOM raised concerns about the credibility of the 2019 voter register. Considering that the voter register statistics forms the basis for allocation of parliamentary seats, this issue attracted significant attention and commentary. The EISA EOM as well, notes the discrepancies between the registration figures and the national population census figures in Gaza and Zambezia provinces. The net effect was a reduction of four seats in Zambezia province and an increase of eight seats in Gaza province.

The EISA EOM notes that a credible voter register is the foundation of a credible electoral process. It is therefore regrettable that the concerns about the voter register were not resolved before the elections. The EISA EOM is of the opinion that the allocation of seats on the basis of voter registration

figures rather than population census figures entrenches the practice of politicising voter registration statistics. Furthermore, the absence of a credible civil register creates a gap in the authentication of voter registration statistics.

### **The electoral campaigns**

EISA LTOs were in the field throughout the 45 days of electoral campaigns from 31 August to 12 October 2019. During this period, EISA observers followed the campaigns in 99 districts across the 10 provinces and Maputo City.

In line with international principles, public funding is provided for campaigns in Mozambique. For the 2019 elections 180,000,000 meticaïs was allocated as public funds for political campaigns. Parties consulted by the EISA EOM mentioned the late disbursement of funds. The funds were released on 30 August 2019, a day before the start of the campaign period, and it took time for the parties to further disburse the funds within their structures across the country. Smaller parties were the most affected by the delayed disbursement of party campaign funds, as their campaigns largely depended on public funds.

The EISA EOM however notes that the legal provisions on party and campaign finance does not regulate private funding of campaigns. Specifically, there are no ceilings on private donations to campaigns. This gap leaves the electoral process open to the undue influence of private donors and illicit funds.

The campaign period was devoid of widespread violence, but there were incidents that led to loss of lives during the campaigns, such as car accidents and a stampede. The EISA EOM also observed a trend of political intolerance demonstrated by confrontations between party supporters and destruction of rival party campaign materials. EISA LTOs witnessed some acts of intolerance during the campaign phase. For instance, in Angonia District of Tete province, traditional leaders reportedly barred opposition parties from campaigning in their areas of jurisdiction. The EISA EOM also observed some cases of attacks on candidates in some provinces like Zambezia and Maputo during the campaign period. The EISA EOM condemns such acts of intolerance and intimidation.

The EISA EOM also observed the use of state resources by all parties in their areas of influence. Government vehicles were seen at campaigns with number plates covered with campaign materials.

Some of the opposition parties consulted by the EISA EOM expressed dissatisfaction about the unfair media coverage of their campaigns by the State-owned media.

### **Gender, youth and persons with disabilities**

The Constitution provides for equality before the law. Mozambique is party to the Southern African Development Community Protocol on Gender and Development, and embraces the principle of gender equality. The mission notes the participation of women in the pre-election period was evident, particularly in the campaign process. However, there is a continuing demand from stakeholders that political parties must enhance the participation of women, as there is no gender parity with respect to positions of responsibility. Similar complaints are made with respect to the youth that are the bedrock of campaign activities, as observed during the campaign phase. The EOM notes that the legal framework permits persons with disability to be assisted by persons of their choice.

However, at the level of women's representation in elective positions, the numbers are much lower. The outgoing parliament had 39% women represented. In the 2019 elections, there were no female presidential candidates, and out of the 36 provincial governorship candidates, only five were women.

### **Role of security agencies**

It is the role of the Police to ensure peaceful elections. During the observation process, the Mission noted that some of the critical stakeholders in the Mozambican electoral process lacked confidence in the security agencies of the State, who they alleged to be biased in favour of the ruling party. While there were no incidents of open use of force by the police during the campaigns and on election day, there were some incidents that took place during the campaign phase that pointed towards police bias as seen in the unequal security coverage of party campaigns. The murder of Mr. Anastacio Matavele, a civil society leader, in Xai-Xai in Gaza by men

identified as members of the special unit of the riot police also pointed towards covert violence.

### **Preparedness of the electoral management body**

Based on its observations of the pre-election period, especially the preparations by the CNE-STAE such as the set up of over 20,000 polling stations across the country, training of personnel and distribution of materials, the EOM observed that the CNE-STAE was satisfactorily ready to conduct elections on 15 October 2019.

The EOM commends the authorities for the efforts taken to ensure that Mozambicans living abroad and individuals who are on election day duties are able to vote. These measures contributed to making the process more inclusive.

The CNE-STAE were guided by the electoral calendar in its preparations for the elections. Overall, the CNE-STAE largely complied with the timetable. The training of electoral staff was done largely on schedule.

Stakeholders consulted by the EOM expressed distrust in the CNE-STAE. The EISA EOM also observed that the CNE-STAE does not have a formal platform for stakeholder engagement. Such platforms provide a forum for open consultation and could bridge the gap between the CNE-STAE and key stakeholders.

### **Civil society**

The EISA EOM regrets the delays in the accreditation of citizen observers. Based on its consultation with civil society groups, it noted that the main platform for citizen observers received timely accreditation for only half of its observers. The EISA EOM notes that there were similar complaints during previous elections. The EISA EOM calls on the Mozambican authorities to spare no efforts in creating a conducive environment for both citizen and international observers, as mandated in article 22 of the ACDEG.

### **Election day findings**

Election Day operations were conducted in a calm atmosphere throughout the day. Judging from the queues at most polling stations at opening

time, Mozambicans showed an eagerness to exercise their right to vote. The process was overall well organised, though there were isolated irregularities reported by EISA observers. The EISA EOM noted that due to the volatile situation in Cabo Delgado, seven polling stations did not open on election day.

The majority of the polling stations visited (94%) opened at the stipulated opening time of 07.00 hours, while the few that opened later were within 15 minutes of the official opening time. The stipulated procedures for opening and voting were followed to a large extent in all the polling stations visited.

The participation of women as election officials, party agents and observers was noted, as 51% of election officials, 28% of party agents and 38% of citizen observers encountered by EISA observers on election day, were women. The EISA EOM also noted that young people participated in the process significantly in the same roles.

Security officials were visible at all polling stations in a manner that was considered unobtrusive. Most of the polling stations visited (79%) were accessible to persons with disability. The inaccessible stations were either located upstairs or in facilities with very rough surfaces. Priority was given to persons with disability, the elderly, nursing mothers and other persons requiring assistance.

Party agents were present at all polling stations visited and they were allowed to discharge their mandate without hindrance, the predominant parties being Frelimo, Renamo and MDM. Some smaller political parties did not delegate agents to watch the process on their behalf.

EISA observers in Chokwe, Gaza Province were advised of the arrest of 9 party agents from the Nova Democracia party on allegations of using fake accreditation documents.

At 15 out of 215 polling stations visited, observers noted disruptions to the process and in 10 of these cases, the voting process was stopped to resolve various issues. The observer team in Nacala Port witnessed an incident



where two electoral officials were arrested after they were caught with pre-marked ballot papers.

EISA observers were present at 20 polling stations for the close of the polls. The process was peaceful and orderly. However, there were instances where there were discrepancies between the number of ballot papers in the different ballot boxes. Considering that all voters received the same number of ballots, the discrepancies could not be easily explained. Observers also noted the slow pace of the ballot reconciliation and the counting processes that went late into the night. The procedure was tedious and time consuming. This is linked to the high percentage of excess ballots provided at the stations and the process of cancelling unused ballot papers. The EISA EOM is of the view that these processes could be further streamlined.

### **The aggregation process**

All EISA observers remained in the field to observe the aggregation process at district levels. All EISA observers except the teams in Chokwe District in Gaza province and in Tete City, were granted access to the district aggregations centres in their areas of deployment. It was however noted that the district level aggregation was yet to commence in most of the centres visited. Observers were informed that the aggregation will commence on 17 October 2019.

The STAE Director in Chokwe, Gaza Province initially refused to advise where aggregation will take place, or to provide any information on the process. In Tete, EISA observers were advised that only STAE technical personnel were permitted in the aggregation process.

EISA LTOs will continue to observe the district and provincial level aggregation process over the course of the next week.

### **Recommendations**

Based on its observations so far, the EISA EOM offers the following recommendations:

- The parliament should consider a more inclusive and wholistic legislative review that ensures the codification of Mozambican Electoral Law.



- The parliament should consider further reforms to strengthen the institutional framework for election administration to make provincial and district structures accountable to the CNE. Further reforms should also be considered to harmonise the policy and technical arm of the election management body, preferably into one single independent body.
- The CNE-STAE should stick to the statutory timelines for the disbursement of campaign funds to political parties.
- The CNE-STAE should review the accreditation procedures for citizen observers to ensure timely, user-friendly and efficient consideration of accreditation requests.
- The CNE-STAE should establish a platform for stakeholder engagement to provide space for open consultation and promote the transparency of the electoral process.
- The CNE should take steps to simplify and speed up the ballot reconciliation and counting process.
- Political parties should take more deliberate steps to adopt affirmative actions to promote the participation of women, youth and persons with disability.
- The EOM recommends that the Police continue to build the levels of stakeholder trust through enhanced professionalisation.
- There must be greater transparency in future voter registration exercises

### **Preliminary Conclusion**

The EISA EOM commends Mozambique for upholding democratic norms through the conduct of regular elections and the country's commitment to sustainable peace.

Cognisant of the fact that the process is yet to be completed, the EISA EOM notes that election day procedures were carried out in a satisfactory manner.

However, key aspects of the process such as the security challenges, the voter registration, the campaigns and selective accreditation of citizen observers posed challenges to the integrity of the elections.

## ANNEXURE G



### STATEMENT ON THE DEATH OF MR ANASTÁCIO MATAVEL

The EISA election observation mission (EOM) deeply regrets and condemns in strong terms the assassination of Mr. Anastácio Matavel, Executive Director of Provincial Forum of NGO in Gaza Province (FONGA) and focal point of Sala da Paz, an important civil society platform for the coordination of civil society organisations' (CSO) engagement in the 2019 electoral process.

EISA recognises the central role of citizen observers in upholding the integrity of electoral process. The presence of professional non-partisan citizen observers is a key indicator of an electoral context that is free of fear and intimidation. It is also an indicator of the transparency and openness of the electoral process.

Since the arrival of EISA long-term observers in Gaza Province in September, there has been a trend of subtle suppression of civil society operations in the Province. **citizen** observers have experienced challenges in the accreditation process and they have been denied access to some aspects of the electoral process such as observing the distribution of electoral materials. The EISA EOM is further concerned by the recent admission that the perpetrators of Mr. Matavel's assassination were officers of the Special Operations Group of the riot police (Grupo de Operações Especiais - GOE - da Unidade de Intervenção Rápida - UIR). The involvement of a State agency in such acts of violence should not be taken lightly as it has created an atmosphere of fear and intimidation among the community of non-partisan citizen observers in Mozambique.

EISA stands in solidarity with the community of non-partisan citizen observers in Mozambique at this time, to call for the prosecution of the perpetrators of the act of violence. The EISA EOM further calls on the

government of Mozambique to recall its obligations in article 22 of the African Charter for Democracy, Elections and Governance, to create a conducive environment for independent and impartial national monitoring or observation mechanisms. Such conducive environment provides freedom of movement and full access to the entire process to all observers.

The EISA EOM takes this opportunity to mention information received about possible restriction of observer access to the aggregation process in some provinces such as Gaza and Zambezia provinces. The EISA EOM therefore calls on the government of Mozambique and the electoral authorities at all levels to ensure free access to the aggregation process from district to national levels.

We condole with Mr. Matavel's family and the community of non-partisan citizen observers in Mozambique. It encourages citizen observers to undertake their responsibilities in compliance with the code of conduct provided by the electoral authorities. We call on the electoral authorities to grant full access to observers especially on election day and during the results aggregation.

For further information on the EISA EOM, contact Ms. Maria Brito [mariab@eisa.org.za](mailto:mariab@eisa.org.za)

**ANNEXURE H****SECURITY INCIDENTS REPORTED**

<b>Date</b>	<b>Province</b>	<b>District, Town</b>	<b>Incident</b>	<b>Victims</b>	<b>Impact on the Elections</b>
<b>2-Sep</b>	Cabo Delgado	Muidumbe, Chitundo	Attack by insurgents	1 x Man killed	Insurgency – SEVERE
<b>3-Sep</b>	Cabo Delgado	Macomboia da Praia, Mbau	Insurgent attack one young man returning from farmland. Twarted when he killed one insurgent with bow & arrow	1 x insurgent killed	Insurgency – SEVERE
<b>5-Sep</b>	Sofala		Attack on Northbound bus between Nhamantanda and Gorongosa	5 x passengers injured	Crime – NONE
<b>9-Sep</b>	Cabo Delgado	Muidumbe, Nguri	Insurgents ambushed “Machambas” returning from vegetable gardens	3 x killed	Insurgency – SEVERE
<b>9-Sep</b>	Cabo Delgado	Palma, Olumbe	Insurgent attack	2 x wounded, 1 x missing	Insurgency – SEVERE
<b>10-Sep</b>	Cabo Delgado	Muidumbe, Quiterajo	3 attacks by Insurgents		Insurgency – SEVERE
			<ul style="list-style-type: none"> <li>• 06h00: 70 km west of Quiterajo attack on farms</li> <li>• Attack on town and burning of houses</li> <li>• 19h00 attack on police base</li> </ul>	<ul style="list-style-type: none"> <li>• 2 x women abducted</li> <li>• 2 x killed</li> <li>• 7 x police killed</li> </ul>	

<b>11-Sep</b>	Nampula	Nampula	After Pres Nyusi address at stadium people wanted to leave but due to gates being closed people started to push and resulted in a disaster	10 x Died	Accident – NONE
<b>13-Sep</b>	Nampula	Malema	Attack on taxi travelling from Cuamba (Niassa) to Malema: Driver killed & passengers robbed.	1 x killed	Crime – NONE
			Second taxi stopped at the scene and passengers also robbed		
<b>16-Sep</b>	Cabo Delgado	Mocimboa da Praia, Marere	Insurgents armed with a AKM and machetes were seen around a village. Military were informed & Insurgents fled. Villagers fled area out of fear.	0 x injuries	Insurgency – SEVERE
<b>16-Sep</b>	Nampula	Nampula	Renamo candidate for Governors mothers house was burned down. Police make it out as criminal but witness reports and the high profile of the person can not be ignored.	Neighbours helped mother escape	Intimidation – MEDIUM TO HIGH

<b>17-Sep</b>	Manica	Gondola, Zepinga	Armed attack on N6 road from Beira to Chimoio 03h00:Driver & helper injured 05h00:2 x men in a truck been shot. Police intervention rescued 4 x citizens who had been kidnapped by attackers.	5 x people injured	Crime NONE
<b>23-Sep</b>	Cabo Delgado	Muidimbe, Limata	10h00 insurgents beheaded two men aged between 28 & 30 working in their fields	2 x killed	Insurgency - SEVERE
<b>23-Sep</b>	Cabo Delgado	Mocumboa da Praia, Mbau	Insurgent attack village lasting from 06h00 - 13h00 Half of village house burned down plus Frelimo headquarters set on fire. Mbau has 5 588 registered voters in 10 polling stations	15 x killed	Insurgency - SEVERE
<b>26-Sep</b>	Sofala	Dondo	Police Commander assaulted by MDM youth	No serious injuries	
<b>26-Sep</b>	Zambezia	Milange	2 x Frelimo members succumbed due to their	2 x died	
			injuries sustained in a attack on 9 Sep		Intimidation - MEDIUM TO HIGH

<b>30-Sep</b>	Sofala	Dondo	20 x Renamo supporters in caravan procession injured when MDM motorcycle cavalcade drove into them.	20 x injured	Intimidation – MEDIUM TO HIGH
<b>30-Sep</b>	Nampula	Missoril, Lunga	Frelimo HQ burned down by Renamo supporters	0 x injuries	Intimidation – MEDIUM TO HIGH
<b>1-Oct</b>	Cabo Delgado	Mocimboa da Praia Antadora, Namatil, Somala, Mungeleue, Muidumbe	Village houses burned down & rice crops seized by insurgents	Undisclosed number of kidnapped people	Insurgency – SEVERE
<b>2-Oct</b>	Sofala		Vehicle ambushed at 05h00 en route from Gorongosa to Nhamantande at Punue river bridge	1 x killed, 3 x wounded	Crime – NONE
<b>5-Oct</b>	Cabo Delgado	Macomia, Quiteraja	Security Forces supported by Russians Offensive started with attacks on insurgent bases at Marere	56 x insurgents killed  2 x security forces killed	Insurgency – SEVERE
<b>7-Oct</b>	Gaza	Xai-Xai	Director of FONGA (Csos) shot by hit squad. 4 x UIR Police members involved	1 x killed	Intimidation – HIGH
<b>7-Oct</b>	Inhambane		Renamo secretary for vilanculos murdered	1 x killed	Intimidation – HIGH
<b>10-Oct</b>	Maputo	Maputo outskirts	MDM Candidate (Head of List) vehicle shot at	No injuries	Intimidation – HIGH
<b>15-Oct</b>	Niassa	Maniamba Logo, Milagne	Renamo burned down 6 x voting stations	Complete destruction	Intimidation – MEDIUM TO HIGH

<b>15-Oct</b>	Nampula	Nacala Porto	20h00: Police shooting actions to disperse a Renamo resulted in chaos	1 x killed 4 x wounded	Training/ capability not A political
<b>15-Oct</b>	Zambezia	Quelimane	Police fired shots to dispurs voters waiting for results, resulting in voters throwing stones and burning tyres	no x injuries	Training/ capability not A political
<b>14/15 Oct</b>	Cabo Delgado	Mocimboa da Praia, Mbau	For two days a Artillery Coup was excecuted between the Messalo & Muera river area to drive insurgents out of the area	Unknown casualties	Insurgency – SEVERE
<b>15-Oct</b>	Tete	Unknown location	Renamo woman's League President Babula Francisco & her husband were murdered	2 x killed	Intimidation – HIGH



## ABOUT EISA

EISA is a pan-African non-partisan, non-governmental organisation that was established in 1996. It strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. To achieve its mission through technical assistance and capacity building of Election Management Bodies (EMBs), political parties, parliaments, relevant departments of intergovernmental bodies and Civil Society Organisations (CSOs) throughout the African continent. EISA envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute has a successful track record of providing technical assistance and advice to its pan-African, sub-regional and national partners throughout the continent, to build sustainable institutional frameworks for democratic governance.

Headquartered in Johannesburg, South Africa, the Institute's current and past field offices include Angola, Burundi, Central Africa Republic, Chad, Côte d'Ivoire, DRC, Egypt, Kenya, Madagascar, Mali, Mozambique, Rwanda, Somalia, Sudan, Zambia and Zimbabwe, a reflection of its broader geographical mandate.

Election observation provides an important foundation for EISA's support to democratic processes in Africa. Through the deployment of its international observer missions, EISA provides an independent professional assessment of electoral processes which provides a basis for electoral reforms. Through its observation missions, the Institute is also able to identify and document areas of support in the post-election phase to inform its post-election support in the host countries. EISA also uses its observer missions as a lesson learnt platform for EMBs and CSOs on the continent because its missions are composed of CSO and EMB representatives from countries that are soon to hold elections.