

# European Union Election Observation Mission

## FINAL REPORT



Mozambique 2009



REPUBLIC OF Mozambique  
PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ASSEMBLY ELECTIONS 2009



**MOZAMBIQUE**

**FINAL REPORT**

**PRESIDENTIAL, LEGISLATIVE AND PROVINCIAL ASSEMBLY ELECTIONS  
OCTOBER 2009**

**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

---

*This report was produced by the European Union Election Observation Mission to Mozambique and presents the mission's findings on the 28 October 2009 presidential and legislative and provincial assemblies elections. These views have not been adopted or in any way approved by the European Commission and should not be relied upon as a statement of the European Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.*

**TABLE OF CONTENTS**

<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>I. INTRODUCTION</b>	<b>9</b>
<b>II. POLITICAL BACKGROUND</b>	<b>9</b>
<b>A. Political Overview</b>	<b>9</b>
<b>B. Candidates to the 2009 elections</b>	<b>11</b>
<b>IV. LEGAL ISSUES</b>	<b>12</b>
<b>A. Legal Framework</b>	<b>12</b>
<b>B. Universal and Regional Standards</b>	<b>12</b>
<b>C. Election Legislation</b>	<b>12</b>
<b>D. The Electoral System</b>	<b>13</b>
<b>V. ELECTORAL ADMINISTRATION</b>	<b>14</b>
<b>A. Structure and Composition of the Electoral Commission</b>	<b>14</b>
<b>B. The Administration of Elections</b>	<b>14</b>
<b>VI. VOTER REGISTRATION</b>	<b>15</b>
<b>A. The Right to Vote</b>	<b>15</b>
<b>B. Voter Registration Procedures</b>	<b>15</b>
<b>VII. REGISTRATION OF POLITICAL PARTIES AND CANDIDATES</b>	<b>16</b>
<b>A. Registration of Political Parties</b>	<b>16</b>
<b>B. Registration of Candidates</b>	<b>16</b>
<b>VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT</b>	<b>19</b>
<b>A. Election Campaign</b>	<b>19</b>
<b>B. Campaign Finance</b>	<b>20</b>
<b>C. Voter Education</b>	<b>20</b>

<b>IX. MEDIA AND ELECTIONS</b>	<b>21</b>
<b>A. The Media Landscape in Mozambique</b>	<b>21</b>
<b>B. Media Legal Framework</b>	<b>22</b>
<b>C. EU EOM Media Monitoring</b>	<b>23</b>
<b>D. Media monitoring results</b>	<b>23</b>
<b>X. PARTICIPATION OF WOMEN</b>	<b>27</b>
<b>XI. PARTICIPATION OF CIVIL SOCIETY AND ELECTION OBSERVATION</b>	<b>27</b>
<b>XII. COMPLAINTS AND APPEALS</b>	<b>28</b>
<b>A. Electoral Offences</b>	<b>28</b>
<b>B. Complaints and Appeals</b>	<b>29</b>
<b>XIII. ELECTION DAY</b>	<b>30</b>
<b>A. Overview of Voting</b>	<b>30</b>
<b>XIV. RESULTS</b>	<b>31</b>
<b>A. Counting and Tabulation</b>	<b>31</b>
<b>B. Final Results</b>	<b>33</b>
<b>XV. RECOMMENDATIONS</b>	<b>36</b>
<b>ANNEXES</b>	<b>40</b>

## EXECUTIVE SUMMARY

Simultaneous Presidential, Legislative and Provincial Assembly Elections took place in Mozambique on 28 October 2009 under the supervision of the National Elections Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE). These were the fourth presidential and legislative elections and the first elections for provincial assemblies since a peace accord signed in Rome in 1992 had ended a 16-year civil war between the FRELIMO (*Frente de Libertação de Moçambique*) government and RENAMO (*Resistência Nacional Moçambicana*). The European Union Election Observation Mission (EU EOM) was present in Mozambique from 22 September to 21 November 2009 following an invitation on 17 June by the Mozambican government. The EU EOM was led by Ms. Fiona Hall (UK), Member of the European Parliament (MEP). The mission deployed 24 Long Term Observers (LTOs) to all provinces from 4 October, and 72 Short Term Observers (STOs), to the districts from 24 October. In addition, the EU EOM, from 26 October, deployed 26 Locally-recruited STOs and a delegation of seven MEPs. In total, EU EOM fielded 131 observers representing 24 EU member states and Canada, Norway and Switzerland as associated states.

The mandate of the EU EOM was to conduct a comprehensive assessment of the electoral process of the simultaneous Presidential, Legislative and Provincial Assembly Elections of 28 October 2009, in accordance with international and regional standards for elections as well as the laws of Mozambique. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. On election day, the EU observers visited 782 polling stations in 84 of the 141 constituencies of the Republic of Mozambique to observe voting and counting. This represented about six percent of all polling stations in the country. The EU EOM remained in Mozambique until after the 11 November declaration of results to make an assessment of tabulation and aggregation and of electoral complaints.

On 28 October, simultaneous polling for the three elections of 2009 was held in a very well organised and peaceful manner. CNE and STAE prepared for an election day that largely guaranteed universal suffrage. Fundamental freedoms and rights of assembly, expression and movement were fundamentally respected. Despite this, the broader electoral process was weakened by the insufficient measures of transparency shown by the country's electoral authorities, by an unlevel playing field during the electoral campaign and by limitations with regard to voter choice at local level. As in 2004, irregularities in counting, tabulation and aggregation were observed. They were too limited in scope to significantly affect the results. The absence of fundamental measures of transparency however did not enable a precise statistical assessment of the distortions of local results caused by these irregularities. Finally, the mechanisms for electoral petitions were too restrictive and were generally obstructed on election day by polling staff, resulting in a minimal number of officially registered complaints.

In general, the legal framework provided a reasonable basis for the conduct of democratic elections in line with the international and regional standards ratified and agreed to by the Republic of Mozambique. The constitution and most of the election-related legislation ensure the protection of political rights of Mozambicans and guarantee genuine elections through the respect of freedoms of association, assembly, movement and freedom of expression. However, the election-related legislation is dispersed throughout several documents lacking clarity and opened space for different interpretations. In addition, some important legal provisions ensuring the transparency of the

process were not respected, including the full publication 30 days before election day of lists of candidates and of polling station locations with respective codes.

Despite improvements relative to previous elections, the accuracy of the voter register continued to raise some concerns. An update of the voter register was carried out from 15 June to 29 July, resulting in a total of 9,815,589 registered voters. STAE acknowledged that deceased voters and double registrations were not erased. It admitted to not having the capacity to remove the approximately 160,000 duplicated names it estimates were still wrongly displayed on the lists.

Key stakeholders, including opposition political parties, questioned CNE's independence, despite a recent reform of its membership with a view to including civil society members in its structure. The information provided by CNE to the political parties and to the broader public remained generally insufficient. Distribution of fundamental data such as the numbers of registered voters per polling station, although not required by law, would have considerably increased transparency and public confidence in the integrity of the electoral process.

The process of registration of candidate lists for the National Assembly and Provincial Assembly elections sparked particular controversy. The variety of legal documents regulating the process created uncertainty about what provisions should be applied and opened space for different interpretations. CNE's deliberation 10/CNE/2009 of 14 May added complexity to a framework already prone to ambiguity, just two weeks before the start of the candidate registration period. Complex and unclear procedures resulted in the rejection of several lists of some of the 29 political parties for the legislative elections. For the provincial assemblies the lists of only four political parties were – partially or fully – accepted. Of the 141 provincial elections constituencies, 64 featured only one political party list, which constituted a considerable restriction of voter choice.

The election campaign was generally more peaceful than in previous elections, with constructive campaign messages. It focused on the presidential elections and campaigning by parties not running in the presidential race was discreet to non-existent. There was a vast gap between the campaigning capabilities of FRELIMO and the limited reach of RENAMO, MDM and other opposition parties. The late release of public funds undermined the opposition parties' campaign efforts. The abundant financial and structural resources of FRELIMO were reinforced as a result of the blurred delineation between the party machine and public administration. The EU EOM witnessed occurrences of deliberate obstruction of opposition campaign events by FRELIMO supporters. This, in some cases, led to abandoning of campaign activities altogether by some candidates and/or parties.

Freedom of speech in the media was respected during the campaign period. The main media offered sufficient information on campaign activities, and the national radio and television made positive endeavours to cover campaigning by smaller parties. The state-owned media covered the campaign by political parties in a neutral tone and reasonably balanced manner, however *Rádio Moçambique*, *Notícias* and *Domingo* showed some quantitative imbalances in favour of FRELIMO's presidential candidate.

The constitution guarantees equal rights for both genders and there are no legal impediments for women to stand for election or be registered as a voter. The main parties have all set internal quotas for women for their candidate lists. In the campaign rallies observed by the EU EOM, the participation of women was about 40 percent in the southern and central provinces and about 60 percent in the northern part of the country.

STAE deployed 2,100 civic and voter education officers throughout the country during two months. They used traditional leaders as points of entry and communication in the communities. EU observation in the provinces suggests that civic and voter education efforts did not fully meet their objectives. Whilst knowledge about the presidential elections was satisfactory among voters, EU observers reported a very limited understanding by rural citizens about the legislative elections. Understanding of the provincial assembly elections was nearly non-existent throughout the country.

Civil society organisations played a vital role in improving the transparency of the electoral process. The main Mozambican group observing the elections was the *Observatório Eleitoral* (OE). It consists of eight national NGOs and it had about 1,850 observers in the field on election day. OE was the only observer group to carry out a parallel vote tabulation (PVT) for which it received technical assistance from the Electoral Institute of Southern Africa (EISA). This parallel count proved accurate and was helpful in facilitating a rapid acceptance of the results. Several smaller organisations also fielded observers.

Besides being too complex, the system of electoral complaints was largely unknown of political parties. It has been seldom utilised and complaints in the past have not been carried to the appropriate judicial authorities for decision. As a result, there has been no precedent of prosecution in a case of electoral fraud that may serve as a deterrent in future elections. In addition, political parties and the general public have no confidence in the authorities' willingness to punish wrongdoers in cases of electoral fraud. The system for electoral petitions is also not adequate since the provisions for complaints and appeals related to voting, counting and tabulation have not provided full opportunity for aggrieved parties to seek a remedy if the political party representative or delegate did not file a complaint at the polling station.

Voting was generally conducted in a calm manner and the process was well organised. Polling procedures in 88 percent of polling stations visited by European Union observers were assessed as good or very good. Polling staff were committed and overall acted professionally in the polling stations visited. Counting went on across the country throughout most of the night. It was conducted in a calm and orderly environment and was assessed as good or very good in 70 percent of the polling stations visited.

However, across the country, EU observers directly reported several cases of political party delegates being ordered to leave the polling station before the beginning of counting and of polling stations presidents refusing to register complaints from political party representatives. As a consequence, many of these delegates were unable to collect their result forms from polling staff and could not file a complaint on irregularities. Polling stations rated with a 'poor' compliance with voting and counting procedures were situated in the provinces of Tete, Gaza and more sporadically, Niassa. In Nampula province, Ilha de Moçambique was a particular case, as it showed breaches of procedures not only in counting and district tabulation, but also during election day, with cases of voter intimidation and biased behaviour by a domestic observer group. Similarly, the later requalification process of invalid ballot papers at CNE level, was satisfactory but revealed clear cases of deliberate invalidation by polling staff during counting in several provinces.

The EU EOM continued to observe the aggregation of results and to follow complaints and the appeals process until after the official declaration of results by CNE on 11 November. EU observers were kept out of the tabulation in several districts and, at provincial level, in particular in the provinces of Niassa, Cabo Delgado and Nampula. Political party representatives were generally

absent from the tabulation process, and in several cases were refused the right to attend tabulation, as witnessed by EU observers.

As in 2004, the EU EOM observed multiple cases of polling stations displaying turnouts of 100 percent and above. These cases occurred in at least 40 polling stations in Gaza province, at least 95 in Tete province. Among these with a very high turnout, results often showed 100 percent of votes cast for FRELIMO. The very wide margin of victory for FRELIMO resulted in limited concerns about the impact of violations on results. The absence of a full list of polling stations with numbers of registered voters however limits any opportunity to produce an accurate evaluation of the statistical distortion caused by ballot stuffing or tabulation fraud.

CNE declared the results on the afternoon of 11 November. FRELIMO's landslide victory across the country was confirmed, with a parliamentary majority of well over two thirds of the seats. Armando Guebuza won with 2,974,627 votes (75.01 percent). FRELIMO received 2,907,335 votes (74.66 percent) at the legislative elections. In absolute terms, Guebuza increased his share of the vote by approximately 50 percent from 2,004,226 votes in 2004. Dhlakama's share of the votes continued its steep decline, from 998,059 votes in 2004 to 650,679 in 2009 (16.41 percent). For his first attempt, Simango received 340,579 votes (8.59 percent). Results for national parliament gave FRELIMO 191 Members of Parliament, 51 to RENAMO and 8 to MDM. Consequently, FRELIMO managed to secure a two-thirds parliamentary majority while RENAMO lost 40 seats as compared to 2004. Turnout was 44.63 percent, to be compared with 36 percent in 2004.

FRELIMO's overwhelming victory suggests that the results reflect the choice of a vast majority of Mozambican voters. This stems from its well-planned and executed campaign, a considerable imbalance between its campaign expenditure and these of the other two main opposition parties, FRELIMO's foothold within local level administration, and the limited alternative choice for voters, in particular at district level.

There was general acceptance of the elections results, despite a short-lived controversy sparked by RENAMO's leader, who with his party rejected the results and called for a transitional government that would produce a new voter register, revise the legal election framework and organise new elections.

A comprehensive set of detailed recommendations is included at the end of this report for consideration by the relevant authorities in order to improve key areas of the election process. The legal framework is clearly the main weakness in Mozambique. A piecemeal approach to dealing with its numerous shortcomings is not advisable.

a) The legislation is unclear and at times contradictory. Contradictions and a general lack of clarity have led to a shrinking access for aspiring candidates to legislative and provincial assembly elections, for observers and for party delegates. The absence of an electoral code leaves room for interpretation – often contradictory – by the electoral authorities themselves. This has resulted in 2009 in transparency shortcomings at all levels of the electoral process.

- Election related legislation should be consolidated and made consistent into a single act governing all key aspects of the electoral process. It must include areas that are currently covered by the Election Commission's regulations, thus minimising the use of *ad hoc* measures in future elections.

- Important provisions should be clearly and unambiguously stated in the law such as the procedures for candidate registration, conditions for substitution of ineligible candidates, disclosure of number of voters per polling station.
- The legislation should include limits to private campaign funding and effective measures to punish the political use of public resources.

b) The legislation does not provide a consistent and reliable framework for the management and follow-up of complaints and appeals. Filing a complaint is *de facto* nearly impossible at every step of the electoral process. This situation favours non-accountable behaviour by the electoral and judicial authorities and no authority is willing to step in and ensure the integrity of the process when it is threatened.

- CNE and its provincial and district commissions should receive complaints from political parties regarding irregularities during voting, counting and tabulation that have been refused at the polling station level without the need of a police report of the occurrence.
- The responsibility of the CNE to refer cases of electoral offences and suspicious of electoral fraud to the public prosecution office should be enforced regardless of whether there has been a complaint or not.

c) The legislation regulating the electoral institutions – CNE and STAE – continues to provide for a politicised elections management. The presence of political party representatives at CNE maintains an unlevel playing field and an unequal access to information. The separation between CNE and STAE is a consequence of the original political make-up of CNE and is no longer justified.

- The composition of the National Electoral Commission should be professionalised and depoliticised. Its members should be appointed by a platform constituted by civil society organisations. Specific training could be extended to these organisations with the objective of providing Mozambique with a stable, trusted and professional electoral management body.
- The Constitutional Council should have its mandate extended in order to supervise the performance of the National Electoral Commission and its respect for legal provisions that confer transparency to the process.
- CNE should have clear responsibility for the work of all election officials and the duty to refer to the public prosecution office possible malpractices committed during election operations.

## I. INTRODUCTION

The European Union Election Observation Mission (EU EOM) was present in Mozambique from 22 September to 21 November 2009 following an invitation on 17 June by the Mozambican government. It was led by Ms. Fiona Hall (UK), Member of the European Parliament (MEP). The mission deployed 24 Long Term Observers (LTOs) to all provinces from 4 October, and 72 Short Term Observers (STOs), to the districts from 24 October. In addition, the EU EOM, from 26 October, fielded 26 Locally-recruited STOs and a delegation of seven MEPs. In total, the EU EOM fielded 129 observers representing 24 EU member states as well as Norway, Switzerland, and Canada as associated states.

The mandate of the EU EOM was to conduct a comprehensive assessment of the electoral process for the simultaneous Presidential, Legislative and Provincial Assembly Elections of 28 October 2009, in accordance with international and regional standards for elections as well as the laws of Mozambique. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. On election day, the EU observers visited 782 polling stations in 84 of the 141 constituencies of the Republic of Mozambique to observe voting and counting. This represented six percent of all polling stations in the country. The EU EOM continued to observe the aggregation of results and to follow the complaints and appeals process until after the official declaration of results by CNE on 11 November.

## II. POLITICAL BACKGROUND

### A. *Political Overview*

Throughout the 1960s and 1970s, FRELIMO (*Frente de Libertação de Moçambique*), following the merger of three Mozambican independence movements, led the country's struggle against Portuguese colonial rule until independence in 1974. It later established a single-party rule supported by a Marxist-Leninist political orientation. From the late 1970s, FRELIMO was confronted by RENAMO (*Resistência Nacional Moçambicana*), a foreign-supported guerilla movement. A 16-year internal conflict followed, which ended in 1992 with the Rome Peace Accord.

The country held its first multiparty elections in 1994. RENAMO presented itself as a political party in Mozambique's first multiparty legislative and Presidential elections in 1994 where the party and its leader came in second place behind FRELIMO and its incumbent Joaquim Chissano. Only three of the 14 parties that contested this election won seats in the 250-seat national assembly. 129 of the seats went to FRELIMO and 112 to RENAMO, the remaining 9 to UDEMO (*União Democrática de Moçambique*). The remaining 11 parties won about 12.7 percent of the vote between them, but none achieved the constitutional threshold of 5 percent for representation. These elections thus set the stage for a bi-polar political landscape opposing FRELIMO and the former guerrilla movement RENAMO. Bi-polarity was fostered by the 1999 and 2004 general elections which both gave majorities to FRELIMO.

Consecutive arrangements and elections have continuously fostered this bi-polar political landscape of the country, including the National Elections Commission (CNE). It consisted, until the 2004 elections, of political party-nominated members, reflecting the share of the vote between FRELIMO

and RENAMO at previous elections. At the 2009 elections however, following a reform of the elections management body, eight of the 13 members of CNE and seven members of the elections commissions at district and provincial level were to be nominated by civil society.

Presidential elections in 1994 were won by the leader of FRELIMO, Joaquim Chissano with over 46 percent. Afonso Dhlakama of RENAMO won 33.73 percent and the remaining ten candidates together received 12.47 percent of the vote.

In the 1999 Presidential elections, only FRELIMO and RENAMO fielded candidates. Chissano won with 52.3 percent of the vote, followed by Dhlakama with the remaining 47.7 percent. RENAMO had long threatened to boycott the elections and temporarily refused to accept the results.

In 2004, Chissano's successor as FRELIMO candidate, Armando Guebuza, won the Presidential elections with 64.73 percent of the vote. Dhlakama received 31.74 percent and the other three candidates accumulated 4.51 percent only.

As president, Guebuza strengthened FRELIMO's internal structure and its grassroots support base. Mozambique's 128 districts were annually allocated funds from central government for development and job creation. Guebuza also increased his presence throughout the country through regular visits branded as part of his "*presidencia aberta*" ('open presidency'). FRELIMO has maintained its internal cohesion and its traditionally strong party discipline. It has formed all post-independence governments and nominated all provincial governors and district administrators, which has granted it a solid grip over every level of local government.

RENAMO was founded with substantial foreign support, including Rhodesia and South Africa. It transformed from a guerrilla movement into Mozambique's main opposition party. It has been led since wartime by Afonso Dhlakama. Throughout the years, the party was weakened by internal rifts and repeatedly claimed fraud in several of the past elections processes, challenging, in particular, the integrity of the voter registration process. In 2003, its former chief negotiator at the Rome peace talks, Raúl Domingos, left the party and formed PDD (*Partido para a Paz, a Democracia e o Desenvolvimento*), which contested the next year's presidential elections.

In 2008, RENAMO's mayor of Beira, Daviz Simango, was not nominated by his party to stand for re-election. Within a very short time Simango completed complex candidate registration formalities and entered the election contest on a citizen platform. Simango won the municipal election with 61.6 percent, an improvement from his 2003, 53.4 percent results. The November 2008 municipal elections presented some indication of RENAMO's declining support among voters. Following his victory in Beira, Simango founded MDM (*Movimento Democrático de Moçambique*) in March 2009. MDM attracted numerous RENAMO members, including several Members of Parliament. The 28 October 2009 elections were thus expected to provide indications of MDM's potential at challenging FRELIMO and RENAMO. In particular, there were expected to reveal to what extent MDM's emergence may reshape the country's long-standing political bi-polarity.

Other political parties have traditionally competed in Mozambican elections with very limited success. In the past, only *União Democrática de Moçambique* (UDEMO) has had some parliamentary candidates elected (nine MPs in 1994). In 1994 and 1999, 12 and 10 parties ran for Parliament respectively, they only gathered about 12 percent in each election. This share was reduced in 2004, when 18 parties other than FRELIMO and RENAMO managed 8.25 percent only of

the vote. As a result, no party came close to the five percent threshold for parliamentary representation. This five percent barrier was abolished for the 2009 elections. Ten smaller parties formed *Uniao Eleitoral* (UE) which coalesced with RENAMO as RENAMO-UE at the 1999 and 2004 elections. This union was however dissolved in mid-2009.

Low turnout, a key characteristic of Mozambican elections continued its downwards trend at these 2004 elections. Turnout had been very high in the country's first multiparty elections in 1994. This 1994 turnout of around 80 percent however declined to 69.54 percent in 1999, and plummeted to 36.42 percent in 2004.

### ***B. Candidates to the 2009 elections***

The candidates for the 2009 Presidential elections were the incumbent Armando Emílio Guebuza (FRELIMO), Afonso Macacho Marceta Dhlakama (RENAMO) and Daviz Mbepo Simango (MDM). Six other candidates had their candidacies rejected by CNE. For legislative elections 24 parties and five coalitions submitted their candidacies to CNE. Of these, CNE rejected 10 parties completely and 17 parties in some of the constituencies for which they had submitted documents. Only FRELIMO and RENAMO have had their lists accepted by CNE in all constituencies. Although the rejection of six Presidential candidates and that of smaller parties did not spark much debate, the rejection of MDM in nine out of 13 constituencies gave rise to accusations of political bias against CNE and the Constitutional Council.

The legislative elections were contested by the following parties and coalitions – \* indicates the four parties that also ran in the Provincial Assembly elections:

1. Frente de Libertação Nacional (FRELIMO) \*
2. Partido Movimento Democrático de Moçambique (MDM)\*
3. Partido Para a Paz, Democracia e Desenvolvimento (PDD)\*
4. Resistência Nacional Moçambicana (RENAMO)\*
5. Coligação Aliança dos Antigos Combatentes (ADACD)
6. Coligação União Eleitoral (UE)
7. Partido de Liberdade e Desenvolvimento (PLD)
8. Partido de Solidariedade e Liberdade (PAZS)
9. Partido de Reconciliação Democrática Social (PRDS)
10. Partido de Reconciliação Nacional (PARENA)
11. Partido Aliança Independente de Moçambique (ALIMO)
12. Partido Ecologista Movimento da Terra (ECOLOGISTA – MT)
13. Partido Movimento Patriótico Para Democracia (MPD)
14. Partido Nacional de Operários e Camponeses (PANAOC)
15. Partido Os Verdes de Moçambique (PVM)
16. Partido Popular dos Democratas (PPD)
17. Partido Trabalhista (PT)
18. Partido União dos Democratas De Moçambique (UDM)
19. Partido União Para Mudança (UM)

## **IV. LEGAL ISSUES**

### ***A. Legal Framework***

The legal framework provides a reasonable basis for the conduct of democratic elections in line with the international and regional standards ratified and agreed to by the Republic of Mozambique. The constitution and the election-related legislation ensure the protection of political rights of Mozambicans and guarantee genuine elections through the respect of freedoms of association, assembly, movement and freedom of expression. The right to vote and to be elected in periodic elections through universal and equal suffrage by secret vote is also entrenched in the Constitution as well as the right to access to justice and legal remedies. However, and despite ensuring the protection of the political rights of Mozambicans, the legal framework is dispersed throughout several documents lacking clarity and opening space for different interpretations.

### ***B. Universal and Regional Standards***

Mozambique has signed or ratified all major treaties containing international and regional standards for elections of which the most relevant are the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1981 African Charter of Human and People's Rights (ACHPR) and its Protocol on the Rights of Women. Further, Mozambique is politically committed to the 2002 African Union Declaration on Principles governing Democratic Elections in Africa, 2004 SADC Principles and Guidelines Governing Democratic Elections, 1997 SADC Declaration on Gender and Development.

### ***C. Election Legislation***

Presidential, National Assembly and Provincial Assemblies elections are governed by several legal documents that comprise laws and deliberations issued by the National Electoral Commission. This includes the amended 1990 Constitution of the Republic of Mozambique, law 7/1991 of 23 January regarding political parties, law 7/2007 of 26 February pertaining to the presidential and legislative elections, law 8/2007 of 26 February governing the National Electoral Commission (CNE) and Technical Secretariat of Election Administration (STAE), law 9/2007 of 26 February regarding voter registration, law 10/2007 of 5 June governing provincial assemblies elections, and law 15/2009 of 9 April. This latest law is commonly referred to as the 'harmonisation law' as it establishes the legal framework for the 2009 simultaneous presidential, legislatures and provincial assemblies elections. Other legislation includes, law 6/2006 of 2 August (amended by law 5/2008 of 9 July) governing the Constitutional Council and provisions of law 9/1991 of 18 July and law 7/2001 relating to the freedoms of association and demonstration.

Among the deliberations of CNE, the most relevant are deliberation 108/CNE/2008 of 8 October establishing regulations on observation of the electoral process, deliberation 61/CNE/2009 of 26 August establishing regulations on criteria for distribution of public funding for the electoral campaign, and deliberation 10/CNE/2009 of 14 May approving the procedures relating to candidate nomination for the legislative and provincial assemblies elections. Additionally, there is the Constitutional Council's deliberation 01/CC/2009 of 23 April concerning legal requirements for the nomination of candidates for the presidential elections.

The legal framework is generally in agreement with international standards for democratic elections. However, there are areas that need to be addressed such as, consistency of the provisions

of the different laws to regulate the process for candidates' nomination, clarity over the possibility of substitution of candidates, adequate timeframes for the different stages of the electoral process, namely the period for complaints and appeals regarding the nomination of candidates process and campaign period and allowing for the determination of final seats for each constituency before the period for candidate nomination, and the system of complaints and appeals regarding irregularities that have occurred during voting, counting and tabulation of results.

The late approval of law 15/2009 in April 2009, aimed at making the legal framework for the three elections consistent with one another, did not improve existing shortcomings. Law 15/2009 did not revoke the provisions of laws 7/2007 and 10/2007. This resulted in uncertainty about which legal provisions were to be applied to one of the most important aspects of any electoral process, namely candidate registration. Moreover, there was a lack of clarity regarding the possibility of substituting ineligible candidates within the lists submitted by political parties.

The timeframes for the different stages of the process overlapped as had already been the case in the 2004 elections. The period for complaints and appeals regarding the process of candidate nomination overlapped with the period for the electoral campaign. The voter registration update was carried out simultaneously with the period for nomination of candidates. This caused some lists to be accepted without featuring the legally required number of candidates, thus raising uncertainty as to whether these lists would be rejected by CNE.

Other shortcomings in the legal framework include the system of complaints and appeals regarding irregularities that have occurred during voting, counting and tabulation of results. The legal framework does not provide full opportunity for aggrieved parties to seek redress if a complaint is not made at the time the irregularity occurred. Finally, some important legal provisions ensuring the transparency of the process were not respected, including the publication and the public media display of candidate lists 30 days before election day. Full lists of polling station locations and respective codes should also have been made broadly public.

#### ***D. The Electoral System***

The Constitution of Mozambique provides for a multiparty democratic republic founded on periodic elections on the basis of universal, direct, secret and equal suffrage. The President and the members of the National Assembly as well as the members of the Provincial Assemblies are elected for a five-year term of office.

The president is elected on a two-round system: a candidate must receive above 50 percent of valid votes. In the event that a candidate fails to reach this threshold a second round for presidential elections is called within 30 days after the declaration of the results of the first round of elections by the Constitutional Council. The second round is to be contested only between the two candidates who received the largest percentage of votes. Presidential office is limited to two consecutive terms, nevertheless the Constitution allows for a third term in office five years after the last mandate.

For the legislative elections there are 13 constituencies (*circulos eleitorais*) in the country corresponding to the 11 provincial administrative areas including the City of Maputo, electing 248 members, and two electoral areas for the out-of-country voting who elect the remaining two members for the National Assembly, one for Mozambicans living in African countries and the second for the Mozambicans living in other countries. For the provincial assembly elections, the country is divided into 141 constituencies corresponding to the 10 provincial assemblies, electing

812 members. The members of the National Assembly and the members for the provincial assemblies are elected on a list proportional representation system adopting the d'Hondt formula to allocate the seats with no threshold for representation. The two members of the National Assembly representing the out-of-country voters are elected by simple majority ('First Past The Post').

## **V. ELECTORAL ADMINISTRATION**

### ***A. Structure and Composition of the Electoral Commission***

The main bodies responsible for the administration of elections are the National Electoral Commission (CNE) and the Technical Secretariat for Election Administration (STAE). Law 8/2007 of 26 February defines the CNE as an independent and permanent body responsible for the direction and supervision of the electoral process, having regulatory powers at its disposal. CNE is composed of 13 members including a president and 12 ordinary members (*vogais*), plus one representative of the government (*elemento do governo*). Among the 13 members, five are appointed by the political parties or coalitions of parties with representation in the National Assembly according to the principle of parliamentary representation (three members of FRELIMO and two of RENAMO) and the remaining eight are proposed by civil society organisations. As for STAE, it is a public service body which provides technical support to CNE. Both bodies are present at national, provincial and district levels.

The inclusion of civil society members in the structure of CNE could have led to an improvement in the independent character of CNE. However, the appointment of the civil society members was done based on the consent of political parties and to a lesser extent with the involvement of civil society organisations. At provincial and district level, the civil society members were in reality appointed by the political parties. This involvement of political parties in the process jeopardised the objective of strengthening the independence of CNE.

Although CNE is a permanent body, its members have a mandate of five years that coincides with the end of the electoral process for general elections and with the beginning of the mandates of the newly elected President of the Republic and members of the National Assembly. These concurrent mandates are due to the appointment of the five members of CNE by the political parties represented at the National Assembly. This hinders the independence and efficiency of CNE. First, the system is designed in such a way that the continuity of the work of CNE members is dependent upon their re-appointment by the next government. This dependence on government appointment is by itself a limit to their independence. Second, as members of CNE change from one electoral process to the next, institutional memory is lost, resulting in the repetition of errors and irregularities observed in previous elections. Irregularities in particular are not investigated, thus causing a climate of unaccountability among elections officials.

### ***B. The Administration of Elections***

Although CNE and STAE faced several logistical and organisational challenges due to the size of the country and the number of registered voters, both electoral bodies managed to prepare for an election day that largely guaranteed universal suffrage. EU observers estimated STAE's performance throughout the electoral process to be generally efficient, organised and well prepared. Additionally, STAE conducted a 10-day training for polling station staff which the EU EOM judged

to be good. It included new awareness-raising measures regarding fraud and detailing the penalties to be applied in cases of fraud. However, the preparations for these elections were carried out in an environment characterised by a general lack of confidence in the electoral bodies' ability to supervise the elections. Key stakeholders, including opposition political parties, questioned CNE's independence. CNE's response did not show the levels of transparency that could have improved trust in the process. The information provided by CNE to the political parties and to the broader public was generally insufficient.

The organisation of three simultaneous elections, although posing logistical difficulties, had in fact been requested by civil society organisations such as *Observatório Eleitoral*. Some measures, corresponding to recommendations by previous EU EOMs in the country, were implemented with a view to expediting the voting process, such as increasing polling station staff and making use of voters' lists outside polling stations. However, despite several requests made both by EU observers and political parties, CNE did not provide full access to the numbers of registered voters per polling station, arguing that the law did not explicitly require the publication of this information. Furthermore, the complete list of polling stations locations and respective codes was also not published by CNE, although this was required by law. Finally, crucial information issued by CNE throughout the electoral process often contained factual errors and inconsistencies. This was the case for candidate lists with incomplete lists of candidates, incomplete polling station locations and the CNE's deliberation on the results, which featured numerous arithmetic errors and inconsistencies. The disclosure and dissemination of accurate information are important aspects for the transparency of the entire process.

## **VI. VOTER REGISTRATION**

### ***A. The Right to Vote***

The right to vote is entrenched in the constitution and is granted to all Mozambican citizens who are 18 years of age or above on election day. Citizens who have been declared mentally incompetent or convicted to imprisonment were not eligible to vote or to be registered as a voter. Law 9/2007 imposes the duty and establishes the requirements to register as a voter and the procedures for public inspection of the voter register and for voters to challenge their exclusion in line with international and regional standards. However, the 10-day period for the inspection of the voter register was not sufficient to provide full opportunity for voters to make the adequate verifications. Finally, there was a lack of public interest during the period for inspection of the voter register showing that voters and political parties did not fully understand its importance.

### ***B. Voter Registration Procedures***

Voter registration was carried out by STAE, under the supervision of CNE, through the voter registration brigades, including mobile brigades when the geographic dispersion of voters so requires. The voter registration exercise started in 2007 and ran through 2008. It was based on data gathered during the 2007 census and reached 95 percent of the estimated 9,3 million eligible voters. An update of the voter register is required by law for each electoral process. STAE carried out an update exercise from 15 June to 29 July, with a view to including the remaining five percent of eligible voters left out of the 2007-2008 exercise. During this update, 514,977 new voters were registered, 498,399 replacement cards were issued, and 218,698 voters had their names transferred from one polling station to another. STAE however faced technical problems with some of the

registration equipment, including malfunctioning laptop computers. Despite improvements relative to previous elections, the accuracy of the voter register continued to raise objections. STAE acknowledged that deceased voters and double registrations had not been erased. It admitted to not having the capacity to remove the approximately 160,000 duplicate names, which it estimated were wrongly displayed in the lists. According to the law, STAE was to receive from the civil registry and from the courts as well as from psychiatric institutions a monthly list of deceased and mentally ill voters, as well as that of persons sentenced in court. In practice however, STAE admitted to not carrying out this regular updating.

## VII. REGISTRATION OF POLITICAL PARTIES AND CANDIDATES

### A. *Registration of Political Parties*

The legal provisions for the registration of political parties in Mozambique are reasonable and generally in line with international and regional standards relating to freedom of association.<sup>1</sup> The registration of political parties in Mozambique is placed under the authority of the Ministry of Justice. The constitution provides for the political rights of citizens including the right to form, join and participate in the activities of a political party as well as to participate in political activity.<sup>2</sup> If the registration of a political party is refused or cancelled, the decision can be appealed to the Administrative Court. Political parties are required to adhere to the principles set out in the constitution and provide for a democratic and inclusive internal organisation. However, there is no scrutiny of the actual degree of internal democracy of political parties.

### B. *Registration of Candidates*

The nomination of presidential candidates falls under the responsibility of the Constitutional Council. There are no discriminatory or unreasonable requirements to run for presidential elections. Presidential candidates must be citizens of Mozambique by birth, be at least 35 years old and must have lived in the country for at least the 12 months preceding the elections. Nine nominees submitted their candidacy to participate in the presidential elections. However, six of them were rejected by the Constitutional Council. All nominees had to pay a fee of 100,000 meticaais (approximately €2,400) and submit forms for at least 10,000 supporting registered voters detailing their name, voter card number and signature or fingerprint. The Constitutional Council found on 14 August 2009 that all nine nominees submitted their proponents' details with blatant errors, *inter alia*, repeated names, voter card numbers that did not match the name, and forged signatures. Before delivering its decision, the Constitutional Council hired an independent technical team who analysed the forms and confirmed the errors. The decision of the Constitutional Council was to

---

<sup>1</sup> In line with article 22 and 25 of the ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 26: "The right to freedom of association, including the right to form and join organisations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25." See also article 10 of the African Charter of Human and Peoples' Rights and African Union Declaration on the Principles Governing Democratic Elections in Africa, IV. Elections: Rights and Obligations, paragraph 5 "Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law."

<sup>2</sup> In line with the United Nations Human Rights Commission, General Comment No. 25, paragraph 26: "The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25."

consider only the names and details of supporting citizens that were set out correctly, i.e. without blatant documentary irregularities. As a result, three candidates (Armando Guebuza, Daviz Simango and Afonso Dhlakama), had the required number of at least 10,000 supporting registered voters. There is no appeal mechanism to a Constitutional Council decision.

The registration of candidate lists for the National Assembly and Provincial Assembly elections was marred by controversy and uncertainty. The period for registration of candidate lists for both elections was from 1 June to 29 July. The process was regulated by several legal documents that include law 7/2007, law 10/2007, law 15/2009 of 9 April and deliberation 10/CNE/2009 of 14 May. However, law 15/2009 shows inconsistencies with both laws of 2007 mainly regarding the distinction of the different phases of the candidate registration process and the period stipulated for verification of documents and eligibility of candidates. Law 15/2009 also fails to mention a timeline for complaints and appeals. Although the electoral calendar issued by CNE referred to the provisions of laws 7/2007 and 10/2007 for the publication of provisional lists, verification period, correction of procedural irregularities, period for complaints and appeals and publication of final lists, CNE did not respect the legal references of its own calendar and used mainly the provisions of law 15/2009 and its deliberation 10/CNE/2009 regarding the procedures for submission of lists of candidates.

The variety of legal documents regulating the process created uncertainty about which provisions should be applied and opened space for different interpretations. CNE's deliberation 10/CNE/2009 of 14 May brought more complexity into the process, just two weeks before the start of the candidate registration period. The deliberation provided that CNE would only accept lists of candidates if submitted accompanied with all the required documents of each candidate. As the great majority of candidates submitted their lists within two days of the registration deadline, CNE received the documents without a proper check. This was regarded as a de facto acceptance of the documents. It thus acted in contradiction of the provisions of its own deliberation. This attitude was criticised by the Constitutional Council in its 28 September rulings on the appeals made by several political parties. The Constitutional Council considered that the procedures stipulated by CNE's deliberation were not respected and consequently declared void the acceptance of lists with incomplete documents and the subsequent notifications by CNE to political parties to correct procedural irregularities. Civil society organisations such as *Observatório Eleitoral* have questioned the consistency of the CNE's deliberation with the remaining applicable laws on the grounds that the deliberation overlooks important articles that provide the right of political parties to correct irregularities and to substitute ineligible candidates.

The interpretation of CNE regarding substitution of ineligible candidates was widely disputed by political parties and civil society organisations. The view of CNE was that ineligible candidates could only be replaced by new candidates, if within the deadline for submission of candidates, otherwise ineligible candidates could only be replaced by other candidates already featuring in the list (reserve candidates). This view had been upheld by the CNE since the 2004 elections, although it was not shared by political parties or *Observatório Eleitoral*. Furthermore, the Constitutional Council deliberation 29/CC/2004 of 5 November regarding the previous legislative elections states that contrary to CNE's interpretation, substitutions of ineligible candidates by new candidates are permitted by law insofar as they occur during the verification period.

Other elements had constrained the process of registration of candidates, namely some obstacles faced by political parties in acquiring the required documents to submit their candidacies and the

timeframes for appeals. Political parties have frequently complained to EU observers about difficulties they faced in acquiring some of the required documents for the submission of their lists alleging intentional delays of public institutions in issuing these documents. One of the political parties officially requested the assistance of the Minister of State Administration to facilitate the process.

The electoral calendar did not provide a sufficient timeframe for political parties to file applications for judicial review of the decision of CNE before campaigning started. The appeals process started on 10 September and the Constitutional Council rulings were issued on 28 September, already within the period of the electoral campaign and after the draw for the positioning of political parties on the ballot paper.

The abovementioned constraints to candidates' registration contributed to producing a situation in which many lists of candidates were rejected. A total of 24 political parties and 5 coalitions submitted candidates lists. CNE entirely rejected the lists of 10 political parties or coalitions and partially rejected the lists of 17 political parties or coalitions. Only two political parties had all their lists accepted. Of the 19 contestants, five were accepted for more than seven constituencies. For the provincial assemblies the lists of four political parties were accepted but 64 out of the 141 constituencies featured only one political party list, which constituted a considerable limitation of voter choice.

Finally, the lists of candidates were to be submitted based on provisional number of seats due to the ongoing voter registration update. This has created some doubts and uncertainty about whether CNE would approve candidates lists based on the provisional or the final numbers of seats. Claims were made regarding the legality of the RENAMO and FRELIMO provincial assembly lists as approved by CNE. These allegations focused on insufficient numbers of candidates in some of the lists for Matola, Boane, Manhiça (all in Maputo province), Xai-Xai (Gaza), city of Beira (Sofala), Maganja da Costa (Zambézia) and Inharrime. CNE explained that at the time the lists were submitted, the number of seats – *mandatos* – was provisional, CNE then adjusted the lists to the final number of seats and did not disqualify any political party for not fielding a number of candidates equivalent to the number of final seats – as long as they fielded the correct number of provisional seats. This was the case for the lists of FRELIMO and RENAMO in Matola, Boane, Manhiça, Xai-Xai, Maganja da Costa and Inharrime.

The situation for the FRELIMO and RENAMO lists approved in Beira (Sofala) and Lichinga (Niassa) was different. According to CNE, these lists were published with missing names due to computer errors. For Beira, the parties had to present a list with 25 standing candidates and 13 reserve candidates. However, in the list approved by CNE, RENAMO only fielded 12 reserve candidates. For the city of Lichinga, the list required 10 standing candidates and five reserve candidates. The list of FRELIMO was approved with only four reserve candidates. In Gurué (Zambézia), PDD's list of seven candidates and three reserve candidates was accepted, although the required minimum of reserve candidates was four. The lists were never corrected raising suspicions about whether these political parties ever actually the correct number of candidates or not.

## VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT

### A. *Election Campaign*

The election campaign started on 13 September and ended two days before election day. It was preceded by an informal, so-called pre-campaign during which MDM claimed there was an assassination attempt on Daviz Simango in Nacala-Porto. MDM accused RENAMO sympathizers of being responsible for the shot fired. There were no injuries. Overall, the 2009 election campaign was generally more peaceful than in previous elections. Party leaders responded to isolated cases of violence that occurred mainly in the early days of the campaign by calls for restraint and mutual respect. The 43-day campaign period was often intense in the central provinces of the country. It generally lost pace in its final weeks. Door-to-door campaigning was the most widely used way by all political parties to reach voters. Rallies of presidential candidates were peaceful and generally festive, with constructive campaign messages. FRELIMO's messages focused on past development successes and on the continuation of these efforts, and placed highlighted national unity. RENAMO called for the separation of the state from the ruling party, for fostering the rule of law and for an end to alleged nepotism. MDM raised similar concerns and also insisted on supporting the youth, promising better education, housing and more employment.

The campaign was monopolised by the presidential elections, with the legislative elections and the provincial assembly elections hardly receiving any public attention. The visibility of the parties not running in the presidential race was discreet to non-existent. There was a vast gap between the campaign capacities of FRELIMO and the limited reach of RENAMO, MDM and other opposition parties. All parties and candidates received public funds for campaign purposes which were distributed proportionally to the number of constituencies where one was running.

The abundant financial and structural resources of FRELIMO were reinforced by a blurred delineation between the party machine and public administration. This strengthened the position of the ruling party and did not provide a fully level playing field. The EU EOM directly observed in Manica, Sofala, Niassa and Maputo provinces cases of municipal council personnel or teachers campaigning with FRELIMO. In several districts of the provinces of Maputo, Gaza, Inhambane, and Niassa, EU EOM observers witnessed cases of deliberate obstruction of opposition campaign events by FRELIMO supporters, often leading to the change or cancellation of events and even to the abandoning of campaign activities altogether. In the specific case of Tete province, acts of arson further limited the opposition parties' access to public space.

FRELIMO'S presidential candidate campaigned most extensively in all provinces. His campaign effort was supported by his wife, who also travelled throughout the country to mobilise voters. FRELIMO seniors, mostly Ministers, were posted in the provinces to coordinate and supervise the party's campaign. RENAMO'S Presidential candidate started the campaign about a week late due to financial and organizational constraints. He spent most time campaigning in the northern provinces and spent little time in the centre of the country. He only very briefly visited the southern provinces. MDM'S Presidential candidate was the only candidate travelling without chartered aircraft; still, he visited all provinces in a very personalized campaign.

The police, responsible for security in the election process, was involved and responsive in limiting violent incidents and guaranteeing the safety of all stakeholders. There were isolated incidents of police showing biased behaviour favourable to FRELIMO.

### ***B. Campaign Finance***

The law provides for both public and private funding of electoral campaigning.<sup>3</sup> There was no campaign expenditure limit imposed on political parties.<sup>4</sup> Contributions could come from candidates, political parties or coalitions, national or international citizens, international or national affiliated political parties or from international or national non-governmental organisations. However, contributions coming from international governments, governmental organisations, national public institutions or companies are prohibited.

CNE issued deliberation 61/CNE/2009 on 26 August approving the criteria for the distribution of public funding for the electoral campaign. However, CNE did not use these criteria to allocate the funds, grounding its decision on the fact that the use of these criteria would attribute much more money to FRELIMO, as it was the only party running in all provincial assembly elections. The criteria used by CNE to allocate funding were as follows: 75 percent of the total amount of the funding (50 million meticaís) was allocated to presidential and legislative elections (37,500,000 meticaís) and 25 percent was allocated to the provincial assemblies' elections. The 75 percent amount was divided in three parts. The first part was allocated to the presidential elections equally distributed by the three candidates; the second part was allocated to the parties represented in parliament – FRELIMO with 160 seats and RENAMO-UE with 90 seats. The RENAMO-UE coalition has been dissolved, however, the funds are distributed to the political parties previously integrating the coalition, RENAMO and ALIMO, proportional to their seats in Parliament. The last part was distributed equally to all 19 political parties participating in the legislative elections in proportion to the number of candidates presented and the seats to be filled.

The distribution of the funds was carried out in three instalments, the first corresponding to 50 percent of the total amount allocated and the remaining two instalments corresponding to 25 percent each. In order to receive the second and third instalments, political parties had to submit a comprehensive statement and receipts relating to expenditure for the latter instalment. Furthermore, political parties were to submit a detailed statement within 60 days of the announcement of results of all expenditure incurred for the election campaign. If they failed to do so, a complaint was to be filed at the *Procuradoria Geral da Republica*. The late release of public funds however undermined the campaign efforts of the less endowed opposition parties.

### ***C. Voter Education***

STAE deployed 2,100 civic and voter education officers throughout the country during two months. They used traditional leaders as points of entry and communication in the communities. They ceased their activities on the day before the official beginning of the election campaign in a bid to avoid creating confusion among voters between voter education and political campaigning. Civic education messages were also broadcast in Portuguese and 22 local languages in national and local radios and TV stations for a period of four months that ended on election day. Further, the United Nations Development Programme (UNDP) provided a small fund which STAE distributed among

---

<sup>3</sup> The funding for electoral campaign is provided in articles 35-39 in law 7/2007, articles 41-45 of law 10/2007 and article 13 of law 15/2009.

<sup>4</sup> Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 19: "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."

special-focus NGOs for civic and voter education aimed at the youth, the elderly and special needs groups. EU observation in the provinces suggests that civic and voter education efforts did not fully meet their objectives. While knowledge on the presidential elections was satisfactory among voters, EU observers reported a very limited understanding by rural citizens about the legislative elections. Knowledge of the provincial assembly elections was nearly non-existent throughout the country.

## IX. MEDIA AND ELECTIONS

### A. *The Media Landscape in Mozambique*

After the signature of the peace agreement in 1992, the media sector in Mozambique considerably expanded, mainly due to the appearance of new private media outlets which contributed to a greater pluralism. Levels of freedom of expression and freedom of the press improved as well during the transition period, ranking Mozambique in its current 82nd position out of the 175 countries included in the latest *Press Freedom Index* published by 'Reporters sans Frontières' in October 2009. However, self-censorship remains present in the sector and access to information remains limited for the larger Mozambican public.

Although radio and television broadcasters and newspapers are available in Mozambique, radio is the only medium with a significant reach across the country. The public broadcaster *Rádio Moçambique* (RM) is the dominant media company and it operates the most listened to radio station in the country: *Antena Nacional*. Its broadcasting capability covers 100 per cent of the country. With 10 provincial centres, RM transmits both in Portuguese and in 19 different languages, and also has an English service.

In addition to RM, there are some 80 radio stations operating in Mozambique, most of them non-profit community-based radio stations, which transmit in Portuguese and in local languages. Of these radio stations, 60 are associated to the private NGO *Fórum Nacional de Rádios Comunitárias* (FORCOM), which gathers stations run by civil society institutions or the Catholic Church. The remaining stations operate under the state ownership and supervision of the *Instituto da Comunicação Social* (ICS).

The public television *Televisão de Moçambique* (TVM) is the oldest TV channel operating in Mozambique. Although it also covers the entire country and transmits both in Portuguese and local languages, its audience reach is much less significant than that of RM because television is less prevalent in rural areas. On the private side *Soico TV* (STV), *Televisão Independente de Moçambique* (TIM) and *Miramar TV* are the main competitors of TVM, reaching between six and eight provinces in the country.

In the print media, there are three daily newspapers in Mozambique: *Notícias*, *O País* and *Diário de Moçambique*. With a circulation of 16.000 copies, *Notícias* (together with its Sunday edition *Domingo* and the sports weekly paper *Desafio*) is part of *Sociedade de Notícias S.A.*, a company which includes state-controlled entities such as the Bank of Mozambique, EMOSE or PETROMOC as its main shareholders. *O País* (Soico group) and *Diário de Moçambique* (edited in Beira) limit their circulation to 25,000 and 5,000 copies, respectively. In addition, some nine private weekly papers circulate mainly in Maputo, including *Savana*, *Zambeze*, *Magazine Independente*, *Canal de Moçambique*, *Escorpião* or *A Verdade*. A few electronic and facsimile ('fax') papers are also

available. The public *Agência de Informação de Moçambique* (AIM) is also a relevant media organisation in the country.

### ***B. Media Legal Framework***

The Constitution of Mozambique establishes freedom of expression, freedom of the press and the right to information as fundamental rights of Mozambican citizens.

The Press Law 18/1991 is the only media regulation in place in Mozambique. This law establishes the rights and obligations of the media as well as the responsibilities of the Supreme Mass Media Council (*Conselho Superior da Comunicação Social*, CSCS), the regulatory body entrusted with guaranteeing the independence of the media, the freedom of the press and the right to information. The CSCS is also in charge of ensuring the right of political parties to obtain free-of-charge airtime (*Direito de Antena*) from the public broadcasters, as reflected in article 12 of the Press Law. According to that article, during an electoral period political parties running for the elections have the right to receive equal and regular airtime on the national radio and television, in accordance with the Electoral Law.

Although the publication of the Press Law opened the space for the creation of new privately owned media, the media legal framework in Mozambique is still weak in areas like radio and television broadcastings – currently without specific regulation – and too restrictive in areas such as libel, punished by article 47 of the Press Law with two years of prison and a fine of minimum 100.000 Mts. A draft of a new Press Law was elaborated and presented by MISA-Mozambique (Media Institute for Southern Africa) on January 2009 for its discussion on the Assembly of the Republic, while the government also announced the preparation of a Broadcasting Law. However, no progresses on the discussion and elaboration of these new regulations has been made so far.

The Electoral Law 7/2007 also provides (article 29) for *Direito de Antena* and establishes, in article 32, that during the campaign period all state-owned publications must include in all their editions impartial and accurate information on campaign activities, without discrimination in favour of any political party or candidate. Article 34 of the same regulation prohibits any kind of electoral propaganda 48 hours before polling day.

Article 24 of the Electoral Law 7/2007 prohibits publication of election-related opinion polls' results from the beginning of the campaign period until the announcement of final electoral results by the CNE.

On 26 August 2009 the CNE approved the *Regulamento de Exercício do Direito de Tempo de Antena* in order to regulate the distribution of free-of-charge airtime programs by the public broadcasters during the campaign period. According to this regulation, candidates for the presidential, national assembly and provincial elections had to be provided with 15 minutes of airtime per week on TVM. As for radio, presidential and national assembly candidates were entitled to receive five minutes of airtime per day on the national radio station of RM, while candidates for the provincial elections were to receive five minutes of airtime per day on the provincial stations of RM. The regulation also gives the right to presidential candidates to have, on the last day of the campaign period, five minutes of free airtime on RM and three minutes on TVM for a final speech by the candidate.

### ***C. EU EOM Media Monitoring***

Freedom of speech in the media was respected during the campaign period with no reports of restrictions of movement or access for journalists covering the campaigns of the candidates and parties. Sufficient information on campaign activities by political parties was offered by the main media, with the national radio and television making positive efforts to include campaigning by smaller parties in their daily electoral reports.

Both TVM and RM offered daily programmes (*Diário de Campanha*) of one hour and 30 minutes, respectively, daily programs (*Diário de Campanha*) reporting on the campaign activities all over the country by most of the parties contesting the elections. Also the private TV channels closely followed the campaign with daily reports within the news editions and special electoral programs, including debates with candidates at provincial level (TIM). Community radio stations in several districts made efforts to cover campaign activities at local level; nevertheless, their limited resources and, in some cases their unequal treatment of to parties and candidates prevented them from conducting a plural electoral coverage.

Newspapers in general also provided good coverage of the process, including several pages every day on political campaign activities. While the three daily newspapers (*Notícias*, *O País* and *Diário de Moçambique*) reported mainly on campaign events, the weekly publications devoted more space to political analysis of the electoral context.

Ample news coverage was also offered by the media on election day (28 October) and the following days. TV channels broadcast special programmes on polling day, including regular updates and analysis of the developments of the day. Provisional results at district level were also offered by the media, especially by the national radio and television. However, some premature interpretation by some newspapers of those provisional results resulted in a wrong picture of the final electoral scenario.

Speeches by candidates and political parties' representatives reproduced by the media during the campaign period were generally presented in a good tone and did not show any pro-violence or hate contents. On the contrary, messages calling for a peaceful and respectful campaign were repeatedly pronounced by political leaders in the media. However, some days after election day both RENAMO's leader, Afonso Dhlakama and RENAMO's party delegate in Sofala, Fernando Mbararano, used inflammatory language on two different occasions and threatened to take power and territorial control by force if the elections were confirmed as fraudulent.

Campaign silence was respected by the media and no violations of article 34 of the Law 7/2007 were observed by the EU EOM.

### ***D. Media monitoring results***

From 5 to 25 October the EU EOM monitored a total of 13 media in order to assess their level of impartiality and fulfillment of the local regulations regarding electoral coverage. This media monitoring also allowed the EU EOM to assess the level of access of political parties and candidates to the media, and the evaluate the consistency of any possible complaint related to the electoral coverage by the press.

The sample of media monitored by the EU EOM included both public and private media, electronic

and print, with the largest reach and audiences. The media monitored were the following:

Radio stations: *Rádio Moçambique* (RM) – state owned.

TV stations: Televisão de Moçambique (TVM ) – state owned-, Soico TV (STV), Televisão Independente de Moçambique (TIM) and Miramar TV.

Newspapers: daily publications *Notícias* (state-owned), *O País* and *Diário de Moçambique*, and weekly publications *Domingo* (state-owned), *Savana*, *Zambeze*, *Magazine Independente* and *Canal de Moçambique*.

A total of six media monitors, trained in the quantitative and qualitative methodology of the European Institute for the Media measured, on a daily basis the time, space and tone devoted to political parties and candidates by the referred media.

Global results of the EU EOM media monitoring reflect that a good number of media gave access to most of the political parties running for the elections. However, both a lack of resources and of equal treatment of political contestants resulted in some private newspapers providing very little or none coverage at all of smaller parties. The state-owned media offered a reasonably balanced coverage of the campaign activities by the political parties, and generally presented their news in a neutral tone. However, when analysing the coverage of the presidential candidates, clear quantitative imbalances in favour of Armando Guebuza (FRELIMO) were detected in RM, *Notícias* and *Domingo*. Similar imbalances were detected as well in a total of four private media (Miramar TV, STV, *Diário de Moçambique* and *Zambeze*).

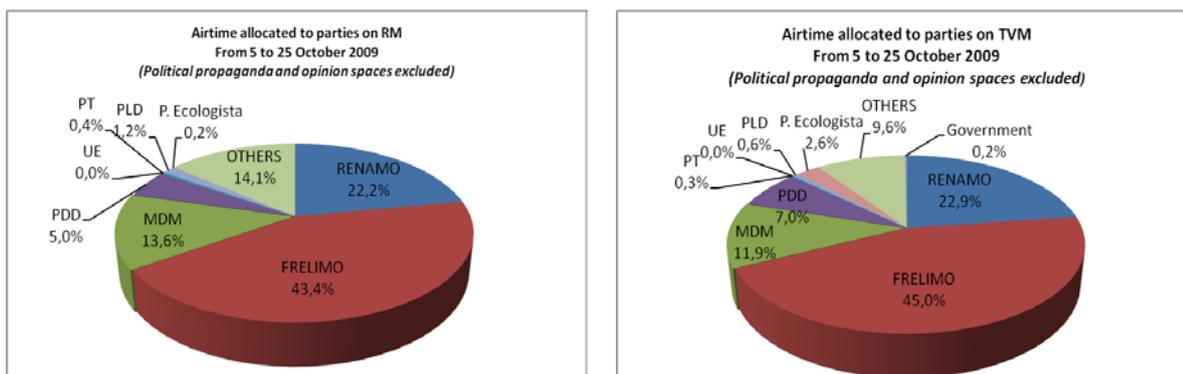
Analysing all together the 13 media monitored, the global results reflect that FRELIMO was the political party which received more coverage on radio, TV and newspapers (*see table 1*).

<b>POLITICAL PARTY</b>	<b>RADIO</b>	<b>TELEVISION</b>	<b>NEWSPAPERS</b>
<b>FRELIMO</b>	<b>43.4%</b>	<b>43.9%</b>	<b>40.6%</b>
<b>RENAMO</b>	22.2%	21.7%	25.1%
<b>MDM</b>	13.6%	18.8%	19.6%
<b>PDD</b>	5%	4.9%	4.1%
<b>PLD</b>	1.2%	0.8%	0.8%
<b>OTHERS</b>	14.6%	9.9%	9.8%

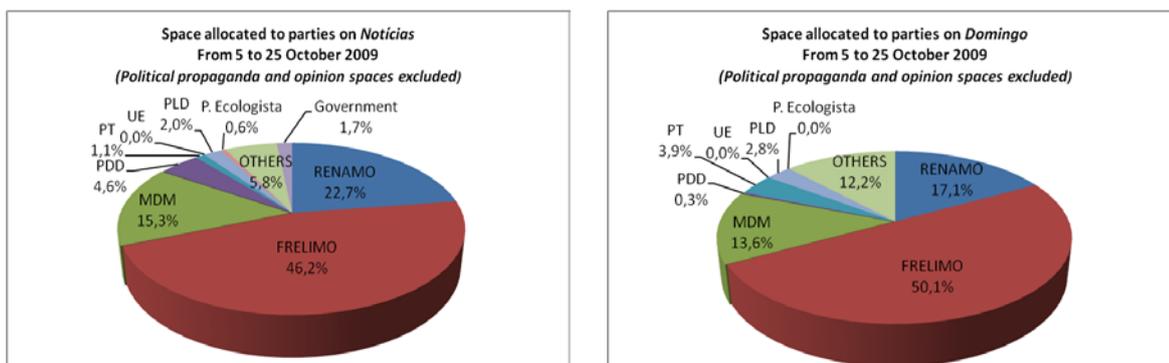
*Table 1: Total distribution of airtime and space allocated to political parties.*

Monitoring results show that RM allocated 43.4 percent of airtime to FRELIMO, 22.2 percent to RENAMO and 13.6 percent to MDM, while on TVM the ruling party received 45 percent of airtime, RENAMO 22.9 percent and MDM 11.9 per cent. Therefore, the total distribution of airtime allocated to FRELIMO on RM and TVM (43.4 and 45 percent) and the remaining political parties

all together (56.6 and 55) was reasonably balanced in both media (*see charts below*). The tone of this coverage was neutral.



Similar trends were observed in the newspapers *Notícias* (daily) and *Domingo* (weekly). *Notícias* allocated 46.2 per cent of its space to FRELIMO, 22.7 per cent to RENAMO and 15.3 per cent to MDM, while in *Domingo* the ruling party received 50.1 per cent of space, RENAMO 17.1 per cent and MDM 13.6 per cent (*see charts below*). Total distribution of space received by FRELIMO on *Notícias* and *Domingo* (46.2 and 50.1 per cent) and the rest of parties all together (53.8 and 49.9 per cent) was therefore reasonably balanced in both media. The tone of that coverage was generally neutral.



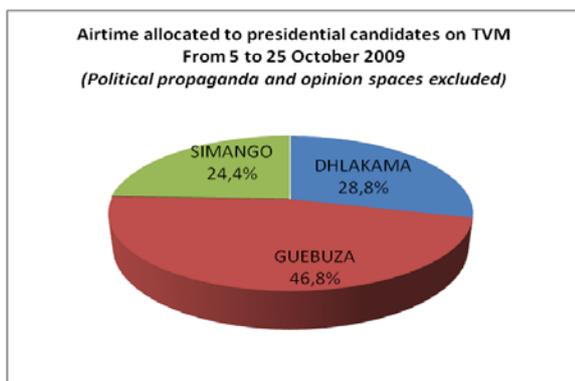
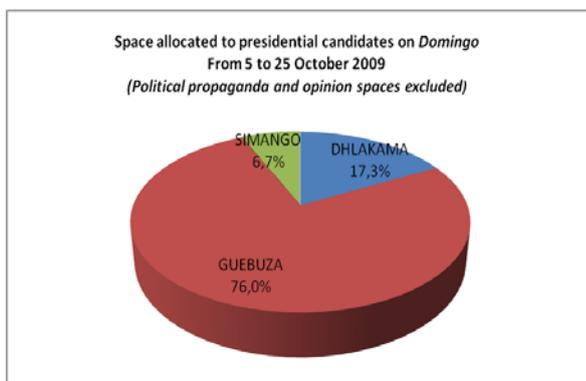
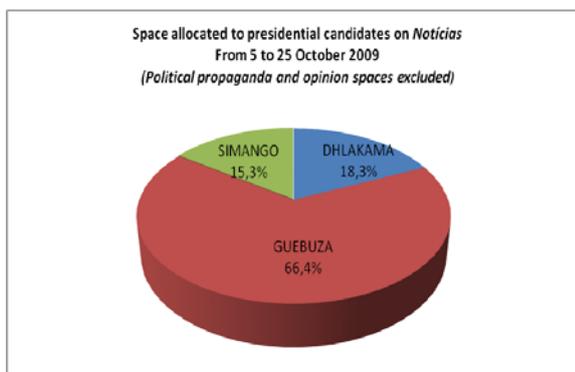
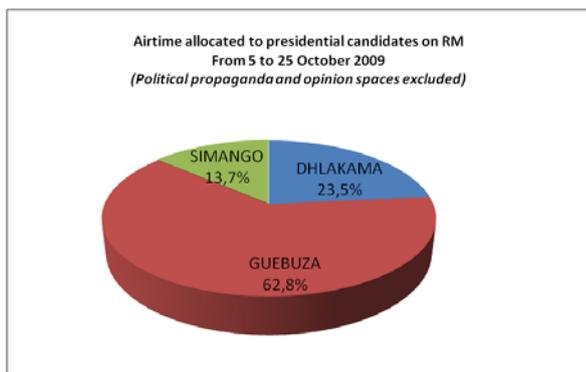
However, when analysing news specifically related to the three presidential candidates, media monitoring results reflect a biased coverage in favor of FRELIMO's candidate by several media.

Analyzing all together the 13 media monitored, the global results reflect that Armando Guebuza was the presidential candidate benefited of the highest coverage on radio, TV and newspapers (*see table 2*).

CANDIDATE	RADIO	TELEVISION	NEWSPAPERS
GUEBUZA	62.8%	57.3%	53.1%
DHLAKAMA	23.5%	18.3%	27.1%
SIMANGO	13.7%	24.4%	19.8%

Table 2: Total distribution of airtime and space allocated to presidential candidates.

Quantitative imbalances in favour of Guebuza were detected in three out of four state-owned media. RM allocated to FRELIMO’s candidate 62.8 percent of its time, 23.5 percent to Afonso Dhlakama and 13.7 percent to Daviz Simango. On *Notícias* Guebuza received 66.4 percent of the space, Dhlakama 18.3 and Simango 15.3 percent of space, while on *Domingo* Guebuza gained 76 per cent of space, Dhlakama 17.3 and Simango 6.7 percent (see charts below). The tone of the coverage of the presidential candidates by these media was generally neutral. Coverage of presidential candidates on TVM was quantitatively well balanced (46.8 per cent of airtime for Guebuza, 28.8 per cent for Dhlakama and 24.4 per cent for Simango) and generally presented in a neutral tone.



On the private media side, quantitative imbalances in favour of Armando Guebuza were also observed in the following media: Miramar TV (70.7 per cent of airtime for Guebuza, 20.6 for Simango and 8.7 for Dhlakama), STV (62.4 per cent of airtime for Guebuza, 23.7 for Simango and 13.8 for Dhlakama), *Diário de Moçambique* (76.2 per cent of space for Guebuza, 19.3 for Simango

and 4.5 for Dhlakama) and *Zambeze* (57.3 per cent of space for Guebuza, 32.3 for Dhlakama and 10.4 for Simango).

Media monitoring final results for all the 13 media analyzed by the EU EOM are available in the Annex I of this report.

Regarding the broadcasting of *Tempos de Antena* in the public electronic media, only nine political parties took advantage of their right to have free of charge airtime spots on TVM, while on RM all the 19 political parties contesting the elections made use of it. Repetition of TV spots by presidential candidates during the timeline allocated to national assembly candidates was observed, resulting in Armando Guebuza, Afonso Dhlakama and Daviz Simango gaining on TVM more than double the 15 minutes airtime per week/candidate allocation as established in the *Regulamento de Exercício do Direito de Tempo de Antena*. Both CNE and CSCS admitted their lack of foresight in this regard but did not take any action, considering this situation as a lesson learned for future electoral processes.

## **X. PARTICIPATION OF WOMEN**

The constitution guarantees equal rights for both genders and there are no legal impediments to women registering as voters or standing for election. Mozambique is generally ranked by specialised watchdog organisations within the top 20 list of countries for women representation in Parliament. FRELIMO has traditionally used a 30 percent quota of women in their candidate lists. RENAMO stated to the EU EOM that about 20 percent of its candidates are women, whilst MDM claimed to pursue a target of 45 percent of women candidates. In the campaign rallies observed by the EU EOM, observers estimated the participation of women at about 40 percent in the southern and central provinces and at about 60 percent in the northern part of the country. Nearly half of the observed campaign events featured female speakers and about one quarter of all polling stations visited by EU observers on election day were presided by women.

## **XI. PARTICIPATION OF CIVIL SOCIETY AND ELECTION OBSERVATION**

Civil society organisations played a vital role in improving the transparency of the electoral process. The main Mozambican group observing the elections was the *Observatório Eleitoral* (OE). It consists of eight national NGOs and it had about 1,850 observers in the field on election day. OE was the only observer group to carry out a parallel vote tabulation (PVT) for which it received technical assistance from the Electoral Institute of Southern Africa (EISA). Several other organisations like the National Youth Council (*Conselho Nacional da Juventude* – CNJ) and the Mozambican Forum of Election Observation (*Fórum Moçambicano de Observação Eleitoral* – FOMOE) also fielded observers.

The Commonwealth Observer Group reported from ten of the eleven provinces in the country. The EISA election observer mission was composed of 24 members from election commissions, CSOs and regional economic communities drawn from ten African countries and it covered 279 polling stations in all of Mozambique's eleven provinces. The Community of Portuguese Speaking

Countries (*Comunidade dos Países de Língua Portuguesa* - CPLP) was composed of 21 observers, including two MPs, representing each member state with the exception of Mozambique. CPLP deployed nine teams in seven provinces and visited 152 polling centres. The observer mission of the Electoral Commissions Forum of the South African Development Community (ECF-SADC) was composed of representatives from election commissions from eight SADC countries. The mission's six teams covered three provinces. The SADC Election Observer Mission deployed 98 observers drawn from its Member States to all provinces. The third SADC mission was the SADC Parliamentary Forum Mission. It deployed 50 observers in teams of two MPs to ten provinces. The African Union Observer Mission deployed its observer teams to all electoral constituencies and a UNDP-coordinated group of 68 locally-recruited foreign diplomats also observed balloting on 28 October.

## **XII. COMPLAINTS AND APPEALS**

Laws 7/2007 and 10/2007 stipulate that any decision of the CNE may be reviewed by the Constitutional Council for judicial review. In civil matters, CNE has the authority to deal with appeals on decisions arising from lower levels of the electoral administration whose decision can also be appealed to the Constitutional Council in accordance with international standards.<sup>5</sup> These can be related to irregularities during voting, counting and tabulation, but only insofar as a complaint is lodged at the time of the alleged irregularity. In addition, the aggrieved party is expected to file a petition at CNE that includes the copy of the polling station report.

Therefore, the system of complaints and appeals did not provide full opportunity for aggrieved parties to seek redress if a complaint was not made at the time the irregularity occurred. There were several cases when presiding officers of polling stations refused to accept complaints from political parties' representatives. The EU EOM directly observed three cases of political party representatives being prevented from filing a complaint, which resulted in political parties were unable to pursue the complaint in most cases.

### ***A. Electoral Offences***

Electoral offences are set out in articles 188 to 230 of law 7/2007, articles 46 to 59 of law 9/2007, and articles 159 to 201 of law 10/2007. The CNE has the responsibility to refer to the Public Prosecution office any electoral offence that comes to its attention for investigation and prosecution. Electoral offences foreseen in law include *inter alia* double registration, double voting, incitement to violence and insurrection during electoral campaigning, falsification of electoral documents, misuse of public resources, impediments to the freedom of assembly, electoral corruption, campaigning within the 48 hours moratorium, destruction of campaign material, disruption of voting process, impersonation, violation of the secrecy of voting, refusal to receive electoral complaints and to distribute the electoral results sheets, frauds during counting and tabulation of results, obstruction to candidates and their representatives. Penalties range from a two to eight years imprisonment for incitement to violence to a lower penalty consisting of the payment of three to six

---

<sup>5</sup> See article 2 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 20: "There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.", article 7 of the African Charter of Human and Peoples' Rights.

minimum wages for anyone who campaigns during the public rest period from 21 hours to 7 hours in the morning.

At the time of writing, CNE and police authorities have received at least 80 official complaints relating to the electoral process. Of these complaints, 36 regard defacement of campaign material, 32 refer to politically motivated violence including aggression during campaign rallies or against political parties and their members, five politically motivated detentions and seven cases of deliberate disruption or obstruction to campaign rallies of opposition parties. These complaints were filed in the provinces of Cabo Delgado, Tete, Nampula, Zambézia, Sofala and Maputo province.

Additionally, MDM lodged a complaint on 12 October against CNE at the *Procuradoria Geral da República* (Attorney General's Office). The political party claims that files of its candidates have been stolen from the CNE resulting in the rejection of its lists of candidates for the elections. The case was pending at the Attorney General's office.

### ***B. Complaints and Appeals***

The Constitutional Council received a total of 18 applications for judicial review from 15 political parties or coalitions. Of the 18 applications, 17 challenged CNE's decision to reject lists of candidates for legislative and provincial assemblies' elections and one application was filed by MDM concerning CNE's decision to conduct the draw for the political parties position on the ballot paper for legislative and provincial assembly elections. The Constitutional Council responded to all these applications confirming the legality of CNE's decisions and as in one case considered the application was filed after the deadline for appeals. The Constitutional Council was of the view that according to the CNE deliberation, only complete lists should have been received by CNE. Therefore, the Constitutional Council noted that the candidates lists that were incomplete, or with missing documents, should not have been received by CNE and declared void the reception of these lists as well as the sequent notifications by CNE to the political parties to correct irregularities.

Despite CNE's claim that it did not receive any complaint during voting, EU observers reported 14 complaints filed among the 660 polling stations visited on election day. Of these, one was related to the counting process. In addition, the EU observers received copies of six complaints filed by political parties regarding irregularities during polling day and tabulation in Lichinga, Mutarara, Angónia, Chimoio and Quelimane which were officially registered by electoral officials.

There were two appeals filed by PDD and RENAMO to the Constitutional Council after the declaration of results by CNE on the 10 November. PDD appealed the deliberation 75/CNE/2009 regarding the results for provincial assembly of Zambézia claiming that the party was previously allocated a seat corresponding to the constituency of Mocuba which did not figure in the distribution map of the members of the provincial assemblies. However, the Constitutional Council and CNE found that this seat had been allocated by mistake when printing the ballot papers since PDD did not submit any candidate list to run for the provincial assembly elections in the Mocuba constituency.

Regarding the second appeal filed to the Constitutional Council, RENAMO appealed the deliberation 75/CNE/2009 requesting the election results to be declared void by the Constitutional Council on the grounds that there was an intentional omission by STAE of voter cards numbers in allegedly RENAMO-supported areas, RENAMO party agents were expelled from the polling

stations, ballot box stuffing by FRELIMO supporters, intentional invalidation by polling station staff of ballot papers marked for RENAMO and its presidential candidate, presidents of polling stations' refusal to accept complaints and impediment to RENAMO representatives' attendance to district-level tabulation. Regarding national tabulation, RENAMO claimed that there was a lack of transparency during the re-qualification of invalid votes at CNE in Maputo, and that considering the null votes and votes subject to complaints, RENAMO lost eight seats in the National Assembly and, finally, that CNE did not refer the cases of electoral offences occurred during the electoral process to the public prosecutor's office.

The Constitutional Council found that despite the fact that RENAMO claimed to be appealing the deliberation 75/CNE/2009, most of the case related to previous phases of the electoral process such as voter registration, election day and district and provincial tabulation which were beyond the object of the appeal. Therefore, it focused on the claims regarding the national tabulation phase and validation of results. RENAMO's claims were not upheld by the Council due to lack of evidence and explanation on the way in which RENAMO could claim to having been affected in eight seats at the National Assembly. As for the invalidation of the elections results, the Constitutional Council declared that results could only be invalidated per polling station on a case-by-case basis upon a request identifying the polling stations where irregularities had occurred, particularly if this could substantially affect the final result of the election. It maintained that RENAMO had not done so.

### **XIII. ELECTION DAY**

#### ***A. Overview of Voting***

In general, all material required for voting and polling staff was present on opening to ensure that voting started on time, with a few cases of polling stations which opened later due to rain (Macomia and Nangade in Cabo Delgado) and to lack of diesel and malfunctioning helicopters earmarked for delivering the material (Pebane in Zambézia and Nipepe in Niassa). However, voting commenced in a vast majority of polling stations according to schedule and overall, was conducted in a calm and organised manner. Polling procedures in 88 percent of polling stations visited by European Union observers were assessed as good or very good. Polling staff was committed and acted professionally in the majority of the polling stations visited. Efficient processing of voters, use of controls and safeguards by polling staff and the secrecy of the vote were also assessed as very good or good in over 95 percent of polling stations visited. However, during voting in several polling stations in Ilha de Moçambique, EU observers reported cases of voter intimidation of voters, biased behaviour by a domestic observer group (FOMOE) and deliberate cases of violent disruption of the process. There were several cases of presiding officers of polling stations throughout the country refusing to accept complaints from political party representatives. The EU EOM directly observed three cases of political party representatives being prevented from filing a complaint.

## **XIV. RESULTS**

### ***A. Counting and Tabulation***

#### ***Counting***

Following the close of polling, counting commenced at all polling stations. Counting was mostly conducted in a calm and orderly manner and was assessed as good or very good in 70 percent of the polling stations visited. Polling stations rated by EU observers for ‘poor’ compliance with counting procedures were situated in the provinces of Tete, Gaza and more sporadically, Niassa and Nampula.

Across the country, EU observers directly reported several cases of political party delegates being ordered to leave the polling station before the beginning of counting. As a consequence, many of these delegates could not file a complaint on irregularities. They also were unable to collect their result forms from polling staff. In addition, EU observers witnessed multiple cases of polling station presidents refusing to register complaints about counting and tabulation from political party representatives, or as in Nampula province, directing them to the wrong authority to file their complaint.

When EU EOM observers were allowed to attend tabulation at district and provincial levels, they were able to spot more indications of less-than-satisfactory counting procedures in several polling stations, mainly in the provinces of Gaza and Tete, and more sporadically Nampula and Niassa. Direct observation of the 2004 general elections by the EU EOM and reports on the 2008 Municipal elections indicate that the three provinces of Gaza, Tete and Nampula have repeatedly shown poor compliance with counting procedures.

#### ***Tabulation***

The EU EOM found that tabulation procedures were not always clear and fully understood by the elections officials, both at district and at provincial level. This evidence highlights the need for a better timetabling and explanation of each step of tabulation in order to enable a common application of the procedures – including *inter alia* respect for the right of observers and party delegate to observe this crucial and particularly vulnerable moment of the electoral process.

Tabulation at district and provincial levels was generally carried out without any political party representative in attendance. In several cases observed by the EU EOM, party delegates were not allowed inside the tabulation centres. Presidents of district electoral commissions (CDE) and of provincial electoral commissions (CPE) referred to a variety of interpretations as to whether political party representatives and domestic and international observers were or not allowed to attend tabulation. In some cases, such as in Niassa Province, CNE instructions to let observers inside the tabulation centres only reached the provincial electoral commission on the day before election day. Allowing observation of tabulation thus became a *de facto* prerogative of local electoral commission presidents.

Observers – including these of the EU EOM despite the unambiguous provisions of the 2009 *Memorandum of Understanding* with CNE – were kept out of the tabulation in several districts and,

at provincial level, in the provinces of Niassa, Cabo Delgado and Nampula. Political party delegates were systematically absent – be it because of deliberate refusal to let them in, sometimes on grounds that their name was slightly misspelt on their accreditation cards (Niassa province), or an insufficient willingness by delegates to observe the process. At the provincial tabulation level, domestic and international observers were not allowed to attend the input of data. They could only consult the results of polling stations on a computer terminal specially designated for this purpose. Some observers were however allowed to enter the room of the data entry on condition of not asking any question, considered a disruption of the process.

As in 2004, the EU EOM observed multiple cases of polling stations displaying turnouts of 100 percent and above. These cases occurred in at least 40 polling stations in Gaza province, at least 95 in Tete province, and at least two in Ilha de Moçambique district (Nampula province). There were also many occurrences of turnouts of 95 percent and above in Tete, generally in districts otherwise showing average turnouts of between 30 and 40 percent. Among these with a very high turnout, results often showed 100 percent of votes cast for FRELIMO.

Ilha de Moçambique was arguably the district showing the most blatant patterns of violations across the board. There, EU observers detected during counting and tabulation several clear signs of ballot box stuffing and large discrepancies between the number of votes cast for each of three races in the same polling stations. They also reported cases of polling station results clearly modified between counting and the next day display outside the polling station. Across the country, there were other isolated cases of 95 percent turnout and above.

Regarding the multiple cases observed of suspiciously high turnout, CNE did not show any intention of treating them as fraud. It indicated that it would decide whether or not to send some of these cases for further investigation by the Office of the Attorney General (*Procuradoria Geral da República*) only after releasing the elections' provisional results. Regarding the high numbers of invalid ballot papers – another characteristic feature of past Mozambican elections – CNE carried out from 2 November a process of re-qualifying invalid ballot papers. Many showed clear signs of deliberate invalidation – possibly during counting at polling station level. These were re-assessed at CNE in Maputo in mixed bundles, thereby not permitting to trace back their polling station of origin. The process of re-qualification was continuously observed by the EU EOM, and was assessed as impartial and consistent. At CNE in Maputo, observers were also fully allowed to observe national level tabulation.

### ***Transparency shortcomings and publication of provisional and final results***

CNE completed tabulation at all three levels (district, provincial and national) and announced the provisional results within the legal timeline. This was an improvement from previous elections, where counting and tabulation had been particularly slow and generally disorganised. In many cases, however, tabulation was completed at provincial level while tabulation in several districts of the said province was still ongoing. This was done in accordance with the electoral law, which prioritises a timely publication of results over a fully accurate tabulation. The missing results are then added during the national tabulation. Other problems with the accuracy of the results were related to cases of illegible polling station results forms (*editais*), which sometimes resulted in these results being downright discarded from the provisional results. CNE estimates this to have occurred in 315 polling stations.

The very wide margin of victory for FRELIMO however resulted in limited concerns by most local and international stakeholders about the actual impact of these inaccuracies on final results and allocation of seats. In particular, the provinces of Tete and Gaza, where most cases of turnout over 95 percent were observed – with overwhelming FRELIMO scores, are provinces where FRELIMO's results indicate very strong margins of victory for the ruling party and the incumbent irrespective of the impact of these counting and/or tabulation violations. They revealed local patterns of intolerance and antagonism that suggest a willingness to prohibit any form of dissent, public or at the polls. The same cannot be said of Ilha de Moçambique, traditionally considered a stronghold the opposition. The absence of a full list of polling stations with attached numbers of registered voters however rendered impossible any attempt at producing an accurate evaluation of the statistical distortion caused by ballot stuffing.

### **B. Final Results**

Shortly after these elections, accurate rapid counts all concurred in providing what proved to be accurate results as early as 29 November, i.e. 24 hours after the election. *Observatório Eleitoral* (OE), the main domestic observer coalition, carried out, with technical support from the Electoral Institute of Southern Africa (EISA), an accurate sample count from five percent of all polling stations. In parallel, *Radio Moçambique* had by the afternoon of 29 November, read out results from 14 percent of all polling stations. Finally, STAE also announced rapid count results from the polling stations representing 19 percent of their total number by the evening 29 November. In all cases, these results indicated a landslide victory by FRELIMO. This contributed to an early acceptance of the results. Variations in reports about Dhlakama's ranking – initially reported as trailing Simango – played a role in RENAMO's inflammatory rhetoric immediately after election day. As more accurate reports emerged of Dhlakama's second position in front of Simango, RENAMO's statements were progressively tuned down.

CNE declared official results on the afternoon of 11 November, i.e. one day in advance of the legal deadline, through the approval of its deliberation 75/2009 of 10 November. This was an improvement from the 2004 elections. Subsequently, the results were handed over to the Constitutional Council, which decided on their validation and proclaimed the official, final results on 28 December 2009.

CNE's deliberation 75/2009 failed to provide accurate data on election results. Election results and percentages for presidential elections differ within the same page. For example, while the deliberation stated that a total of 3,942,178 valid votes were counted for presidential candidates, the total sum of the votes of each candidate reflected a total number of 3,965,885. Furthermore, the percentages attributed to each candidate represented in a table differed from what was stated in the text within the same page. For National Assembly, the deliberation did not mention the number of valid votes cast. However, the difference between the number of ballots cast and the total sum of votes per political party was of 493,392 ballots. This was very unlikely since the total number of invalid votes for the national assembly before re-qualification was 164,436. Furthermore, the sum of invalid votes per province did not match the total number of invalid votes. The deliberation featured numerous arithmetic mistakes and miscalculations.

The results give a significant win in the Presidential election to the incumbent Armando Guebuza of FRELIMO with 75.01 percent of the votes cast. Afonso Dhlakama won 16.41 percent of the votes and Daviz Simango received 8.59 percent.

Only three parties, namely FRELIMO, RENAMO and MDM won seats in the 250 seat national Parliament with FRELIMO winning a two-thirds majority (74.66 percent); RENAMO received 17.69 percent and MDM 3.93 percent of the votes cast. As a result, RENAMO lost 40 seats (45 percent including nine seats of União Eleitoral) compared to 2004.

The results of the fourth Mozambican legislative elections are:

Party / Coalition		Results Legislative Election		
		# of votes	%	Seats
<i>Frente de Libertação de Moçambique</i>	<i>FRELIMO</i>	2.907.335	76,66%	191
<i>Resistência Nacional Moçambicana</i>	<i>RENAMO</i>	688.782	17,69%	51
<i>Partido Movimento Democrático de Moçambique</i>	<i>MDM</i>	152.836	3,93%	8
Partido de Liberdade e Desenvolvimento	PLD	26.929	0,70%	0
Partido Para a Paz, a Democracia e o Desenvolvimento	PDD	22.410	0,58%	0
Partido Os Verdes de Moçambique	PVM	19.577	0,50%	0
Coligação Aliança dos Antigos Combatentes	ADACD	17.275	0,44%	0
Partido de Solidariedade e Liberdade	PAZS	16.626	0,43%	0
Partido Aliança Independente de Moçambique	Alimo	14.959	0,38%	0
Coligação União Eleitoral	UE	6.786	0,17%	0
Partido de Reconciliação Nacional	Parena	5.610	0,14%	0
Partido Ecologista Movimento da Terra	Ecologista-MT	5.267	0,14%	0
Partido Movimento Patriótico para Democracia*	MPD	2.433	0,06%	0
Partido União dos Democratas de Moçambique	UDM	2.190	0,06%	0
Partido União Para Mudança	UM	1.641	0,04%	0
Partido Trabalhista	PT	1.239	0,03%	0
Partido Nacional de Operários e Camponeses	PANAOC	852	0,02%	0
Partido Popular dos Democratas	PPD	712	0,02%	0
Partido de Reconciliação Democrática Social	PRDS	399	0,01%	0
Total		3.893.858		250

\*CNE's Deliberation wrongly states "0.069" per cent.

FRELIMO'S victory across the country was also confirmed in the Provincial Assembly elections, an unsurprising fact in light of the large number of districts where the party did not face any opposition at the polls. It won 86.62 percent of the 807 Provincial Assembly seats available and solid to overwhelming majorities in all 10 assemblies. The seat distribution in the new assemblies for FRELIMO is: Inhambane and Gaza 100 percent, Niassa 94.29 percent, Tete and Maputo Province 93.75 percent, Cabo Delgado 90.12 percent, Nampula 85.71 percent, Manica 76.25 percent, Sofala 73.75 percent and Zambézia 63.33 percent. MDM won 20 seats in Sofala (25 percent) and two seats in Niassa and Nampula each. PDD won two seats (2.22 percent) in Zambézia. The remaining 82 seats (10.16 percent) were won by RENAMO.

The turnout according to CNE was around 44 percent compared to 36 percent in 2004. The lowest figures were reported from the traditional opposition provinces Nampula and Zambézia where turnout for Parliament was 38.2 percent and 33.79 percent respectively. The overall increase in turnout can be attributed to the extensive campaigns and to the increasing reach of the media, e.g. TV signal in all provincial capitals.

In absolute numbers of votes cast, Guebuza inverted the trend of declining votes for the FRELIMO candidate. In 1994 Chissano won 2.633.740 votes and 2.339.848 in 1999. Guebuza won 2.004.226 votes in 2004 and 2.974.627 in this election. The results for the RENAMO candidate on the other hand show a continuation of declining votes. Dhlakama won 1.666.965 votes in 1994 and 2.134.255 in 1999 while in 2004 he received 998.059 votes and in this year's election he received 650.679 votes. This corresponds to a loss of 34.80 percent (347.380 votes) from 2004 to 2009. In comparison, Simango won 340.579 (8.59 percent) in his first presidential contest.

### **Acceptance of Results**

RENAMO refused to accept the results. The day after the elections, the print media had reported that Afonso Dhlakama had threatened to '*set the country on fire*' if election results did not go in his favour, which he assimilated to fraud. This statement received considerable attention, as it came in sharp contrast with the peaceful and calm atmosphere that had prevailed during most of the campaign and on election day. RENAMO called several press conferences to provide alleged evidence of fraud committed during voting and counting. On 4 November, RENAMO showed five ballot papers of the Presidential and five ballot papers of the Provincial Assembly elections from Ilha de Moçambique, Nampula Province to the media. All ten were marked FRELIMO and Guebuza respectively. RENAMO claimed that its representative at the polling station took these ballots from a voter who was about to place them in the ballot box. RENAMO alleged that, as in all other cases, the polling station president did not accept the complaint. The RENAMO representative presented the case to the police and was arrested for the illegal possession of ballot papers. On 6 November RENAMO showed 950 voter cards which it claimed had been handed over to its district representative in Angoche – an alleged RENAMO stronghold in southern Nampula Province - by voters whose names were not on the voters' lists and who therefore were not able cast their votes.

On 2 November FRELIMO published a positive evaluation of the election process calling it a "historic victory for the Mozambican people". Mozambicans were congratulated by the Council of Ministers on 4 November for their "responsibility, civic conduct and discipline" displayed during the election process.

MDM leadership met on 7 and 8 November in Beira to discuss the election process. Daviz Simango

has afterwards described the election as fraudulent; still, the party made it clear that its MPs would be sworn in. Simango congratulated the winners and declared that MDM's focus was already set on winning the general elections in 2014. On 31 October MDM handed over a video to EU EOM purportedly showing fraud committed on election day in Beira. The incident was broadcast by a private TV channel on 2 November. MDM lodged a complaint with the Police in Beira and with the Attorney General (*Procuradoria Geral da República*).

On 11 November, a group of smaller parties publicly rejected the results and called for new elections under a Government of Nation Unity supervised by the United Nations. On 1 November another group of 10 parties had announced their union which has as a goal to form a viable opposition from now until the next elections in order to avoid accusations of only appearing in the run-up to election processes. Several smaller parties have congratulated President Guebuza and FRELIMO.

## **XV. RECOMMENDATIONS**

The following recommendations for improving the electoral process and related areas are offered for consideration and action by the Government of Mozambique, National Electoral Commission, civil society and the international community.

### **Legal Framework**

1. Election related legislation should be made internally consistent and consolidated into a single act governing all key aspects of the electoral process which should include areas that are currently covered by the Election Commission's regulations, minimising the use of *ad hoc* measures in future elections.
2. Important provisions should be clearly and unambiguously stated in the law such as the procedures for candidate registration, conditions for substitution of ineligible candidates, disclosure of number of voters per polling station.
3. Previous deliberations and rulings of the Constitutional Court on electoral matters should be taken into consideration to assist in the interpretation of legal provisions and in the improvement of the electoral law.
4. The timeframe for the electoral process should be extended. The law provides that elections should be scheduled at least 180 days ahead of voting day, therefore the CNE should propose the date for elections well in advance of the 180 days, so that each stage of the electoral process is clearly distinguished and does not overlap with the next one.
5. Recommendations of the Constitutional Council for the improvement of the electoral process issued in its ruling on validation of results should be implemented in future elections.

### **Election Administration**

6. The composition of the CNE should be professionalised. Its members should be appointed by a platform constituted by civil society organisations.

7. The mandate of the members of CNE should be extended for more than five years so that experience in managing electoral processes is gained and lessons learnt pass from one process to another.
8. The Constitutional Council should have its mandate extended in order to supervise the performance of the National Electoral Commission and its respect for legal provisions that confer transparency to the process.
9. CNE should have clear responsibility for the work of all election officials and the duty to refer to the public prosecution office possible malpractices committed during election operations.
10. CNE should continue to take steps to improve the transparency of its operations at all levels. In particular, it should develop a communication strategy including the prompt and complete publication of all decisions and internal procedures and regular consultative meetings with political parties. This should include transparency and communication measures regarding its procurement procedures.

### **Voter Registration**

11. A greater period of time should be planned for public exhibition of the voter register. The political parties should also receive copies of the register well in advance before elections.
12. An adequate and permanent mechanism for update and maintenance of the voter register should be established combining efforts from the civil registries and the courts in order to allow the voter register to be cleaned from deceased and ineligible voters.

### **Political Parties**

13. The national capacity of political parties needs to be strengthened. Political parties should receive training in key legal aspects of the electoral process, namely candidate registration procedures, accreditation and rights of party agents and proper channels to file complaints.

### **Complaints and Appeals**

14. CNE should establish a database containing consolidated records complaints received, responses and decisions taken at all levels of the electoral administration so that the system is transparent and publicly accountable.
15. The system of complaints and appeals should be reviewed in order to provide for accountability of electoral malpractices and timely redress of complaints. CNE, provincial and district commissions should receive complaints from political parties regarding irregularities during voting, counting and tabulation that have been refused at the polling station level without the need of a police report of the occurrence, therefore allowing a proper and timely redress of any complaint received.

### **Polling, Counting and Publication of Results**

16. Considering that general and provincial assembly elections will continue to take place simultaneously, there should be an increase in the number of polling stations and a maximum ceiling of 600 voters should be placed at each polling station. This should ensure that voters are not deterred from exercising their right due to long queues.
17. The closing time of polling stations should be adjusted to ensure that counting can be conducted in a suitable environment with adequate lighting and visibility.
18. Training on counting and tabulation procedures and handling forms and, handover of documents should be conducted in order to improve the performance of election officials and decrease the number of arithmetic mistakes on results sheets and later *ad hoc* corrections.
19. Clear procedures and timetabling on tabulation at district and provincial level should be clearly stated in advance and disseminated to stakeholders.
20. Results per polling station should be published in each constituency and publicly available at the time of declaration of results.

### **Media Framework**

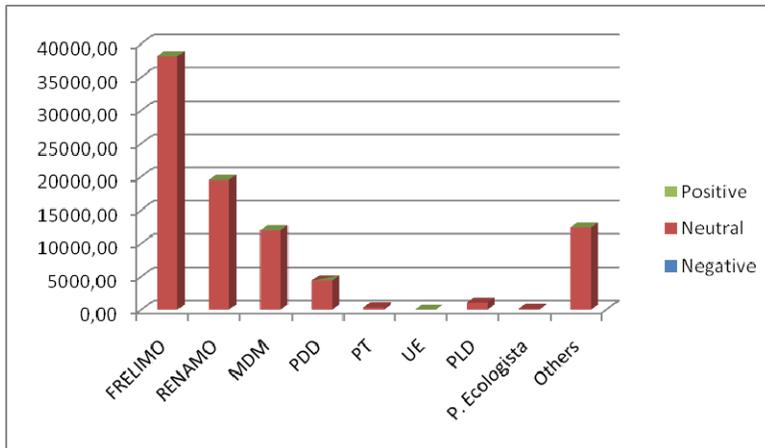
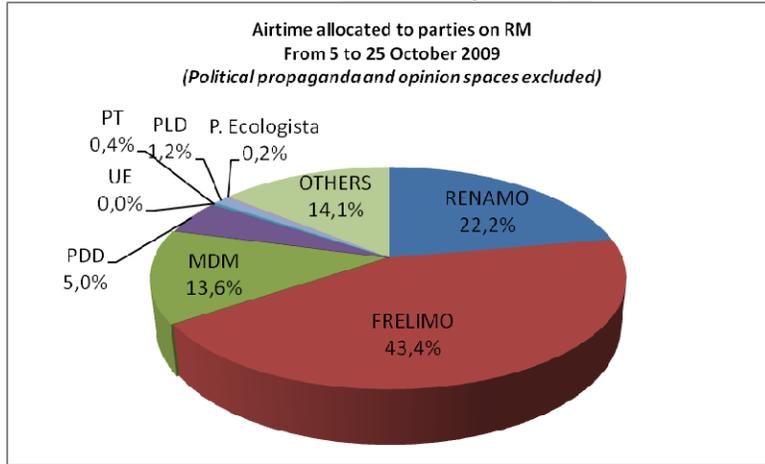
21. The Press Law 18/91 needs to be reviewed in order to establish regulations on crucial areas such as radio and TV broadcastings. Those new regulations should ensure a satisfactory regulatory environment for the broadcast media, whilst respecting the principle of freedom of speech. Broadcasters obligations as well as provisions relating to media coverage of elections could be also set up.
22. On the other hand, a rapid response by the National Assembly on the draft of a new Press Law, already created and presented for debate in Parliament on January 2009 is required to improve some areas of the current media legislation, including limitations on media freedom (current laws on abuse of freedom of the press and criminal libel) and access to sources of information.
23. The conversion of the *Conselho Superior da Comunicação Social* (CSCS) to an independent regulatory authority for the audiovisual sector would be very much advisable. The current status of the CSCS, with clear political ties on the composition of its management body, leaves room for criticism on the independence of this institution. CSCS should also take a more proactive role, especially during electoral campaign period in order to ensure objectivity and independence of information and media.
24. Mozambican state-owned media need to reinforce their commitment with impartiality and independence, especially in an electoral campaign context. Mechanisms could be set up to ensure independence (especially in the nomination of their board of directors) and a clear monitoring mechanism introduced to guarantee that impartiality and balance is maintained during election campaigns.
25. Reinforcing plural information during the campaign period by organizing and broadcasting debates or interviews with candidates on the media, especially on national radio and TV, is

advisable in order to provide political parties and candidates with an extra public platform on which to present their programs to the electorate.

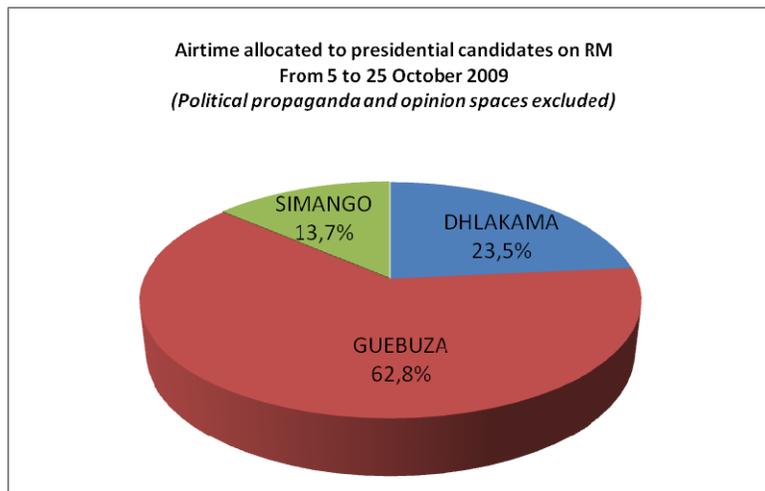
## **ANNEXES**

**ANNEX I: MEDIA ANALYSIS CHARTS**

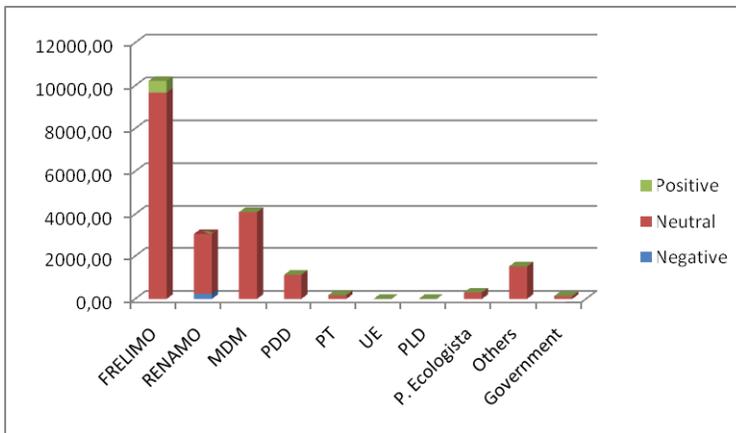
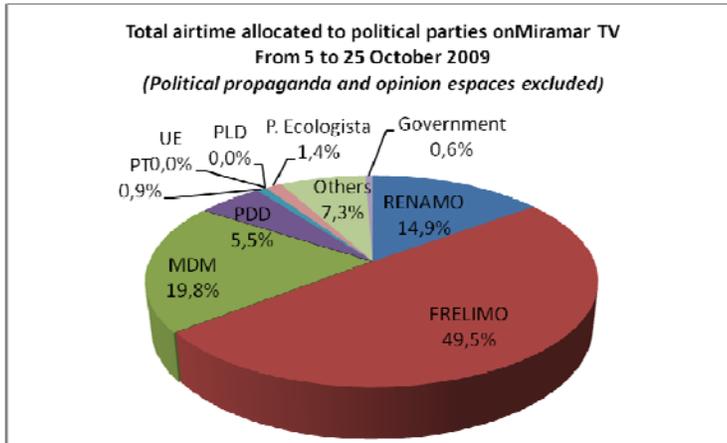
**Radio Moçambique**



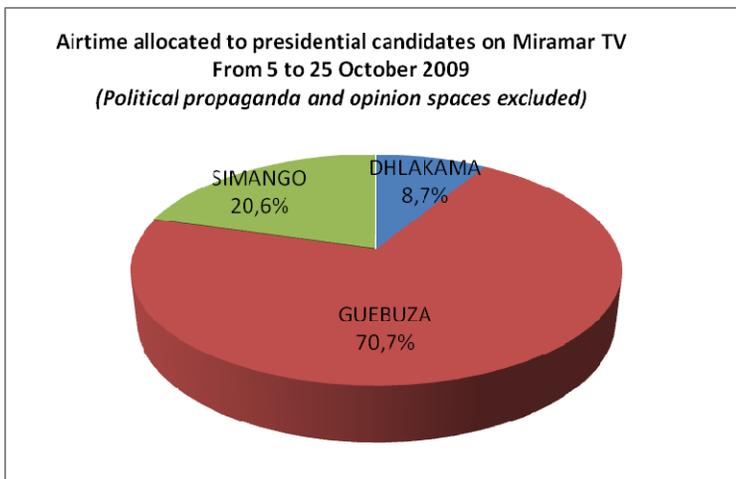
*Tone of the coverage*



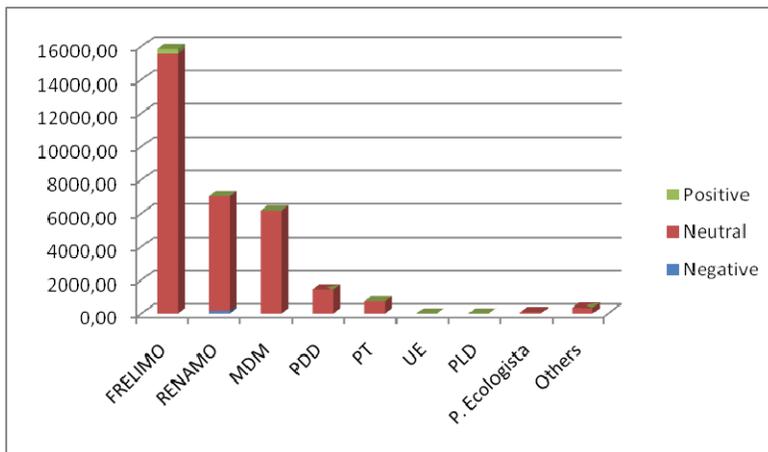
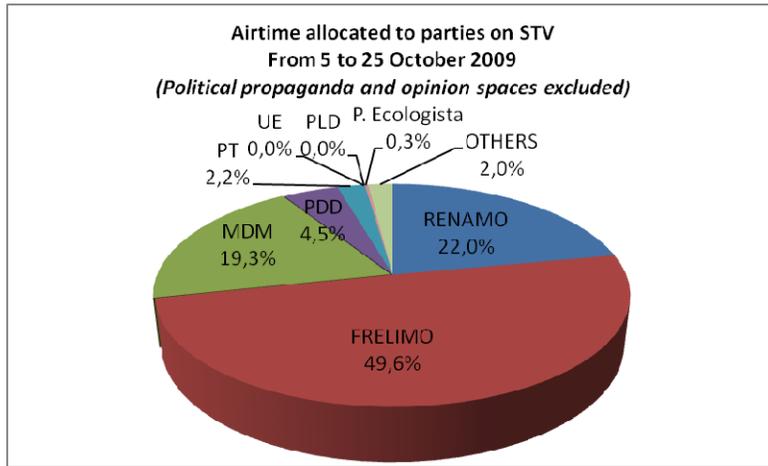
**MIRAMAR TV**



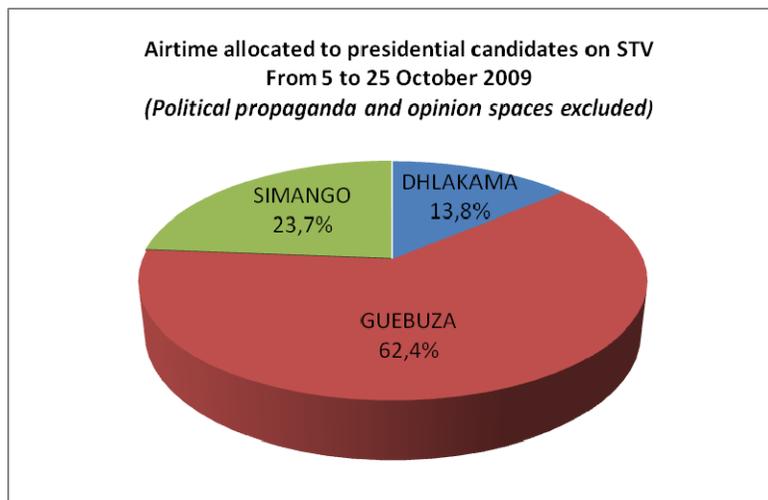
*Tone of the coverage*



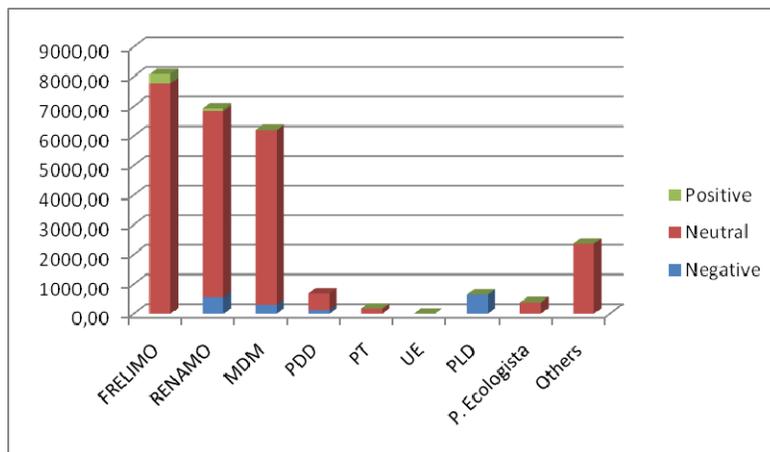
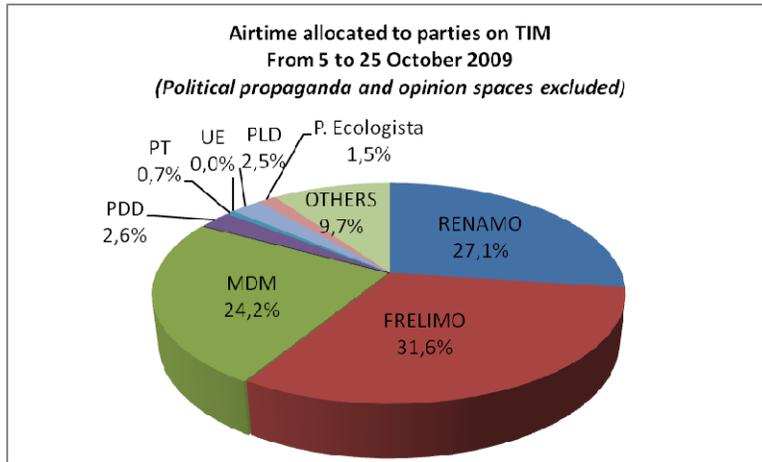
**STV**



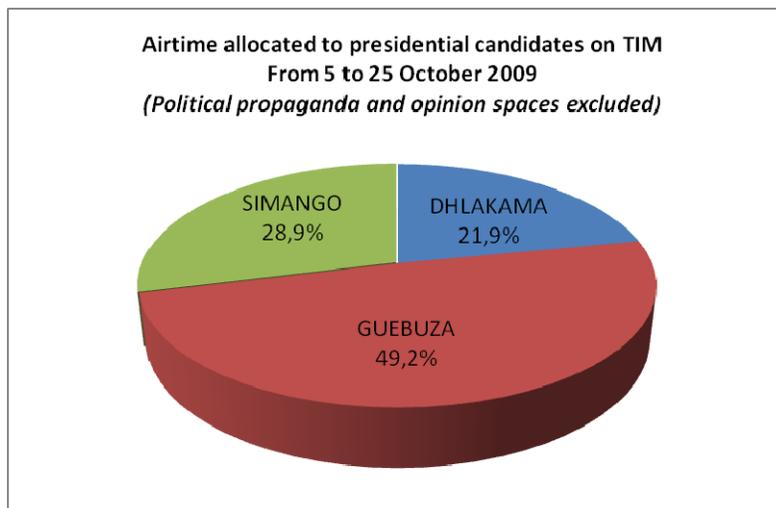
*Tone of the coverage*



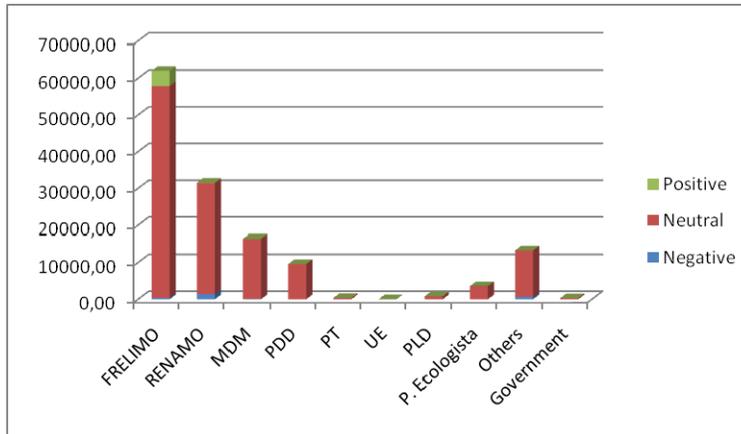
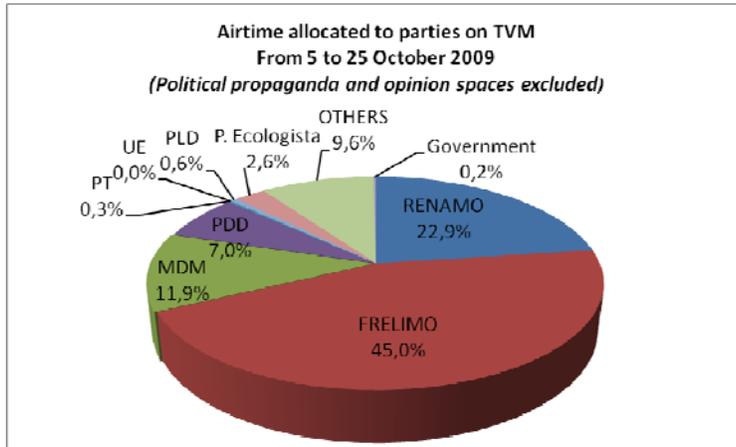
**TIM**



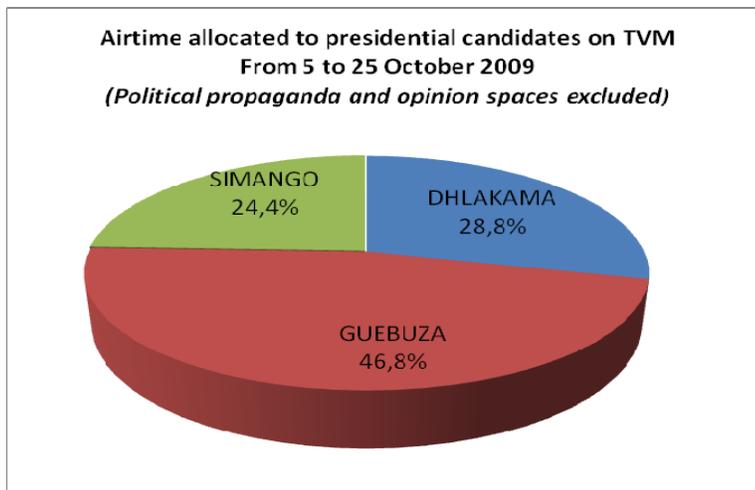
*Tone of the coverage*



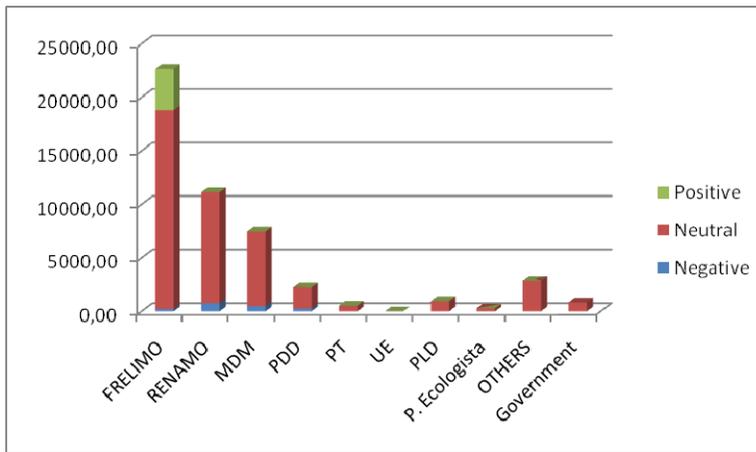
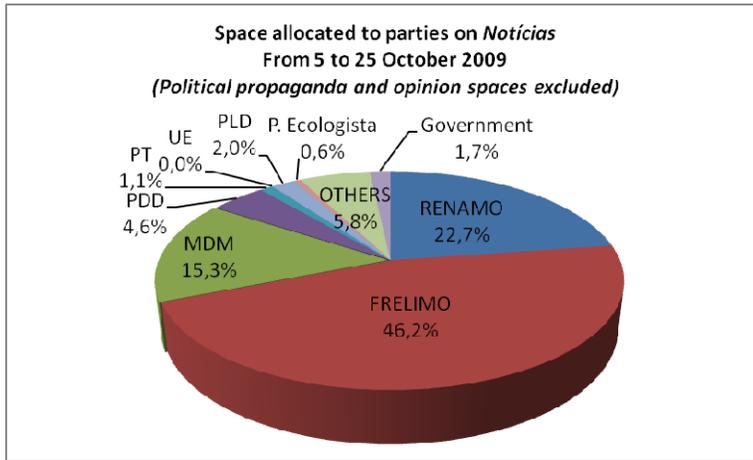
**TVM**



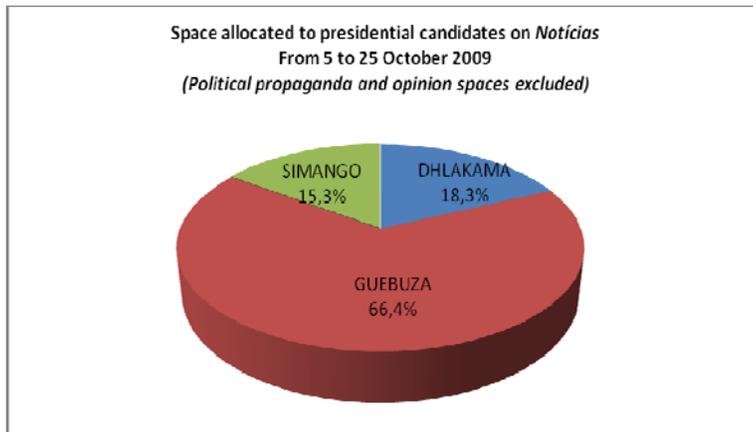
*Tone of the coverage*



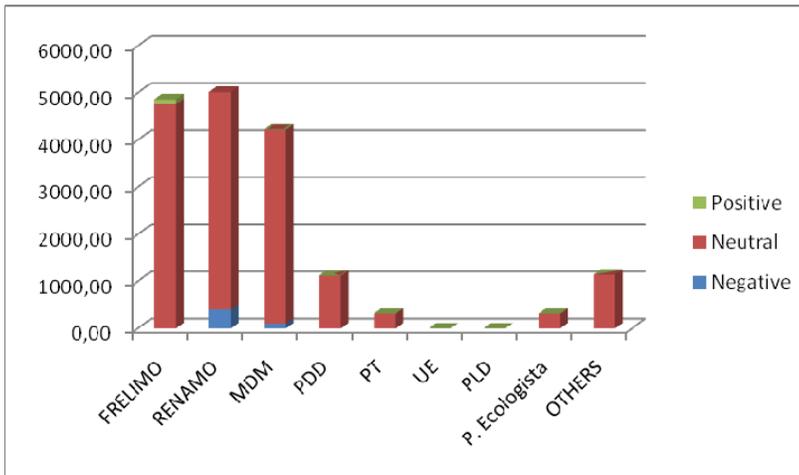
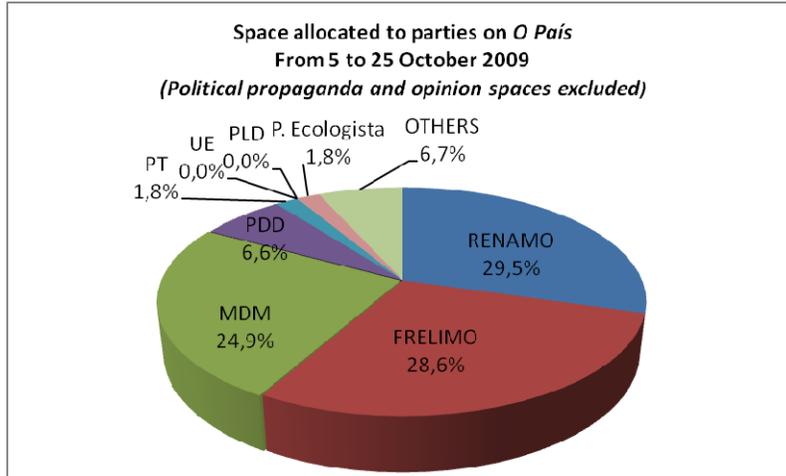
**NOTÍCIAS**



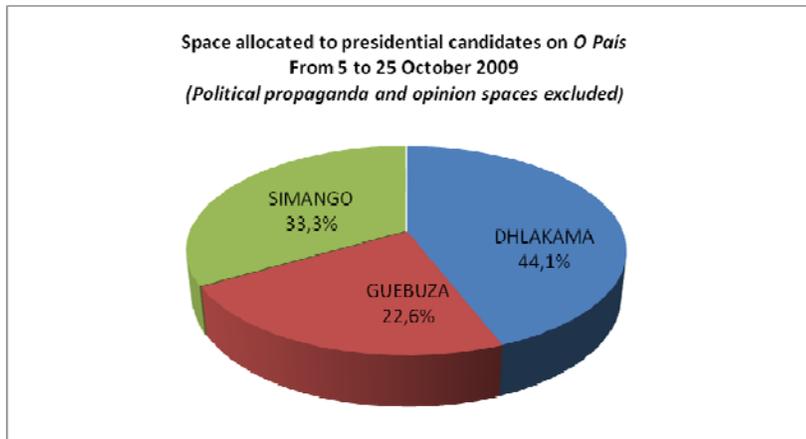
*Tone of the coverage*



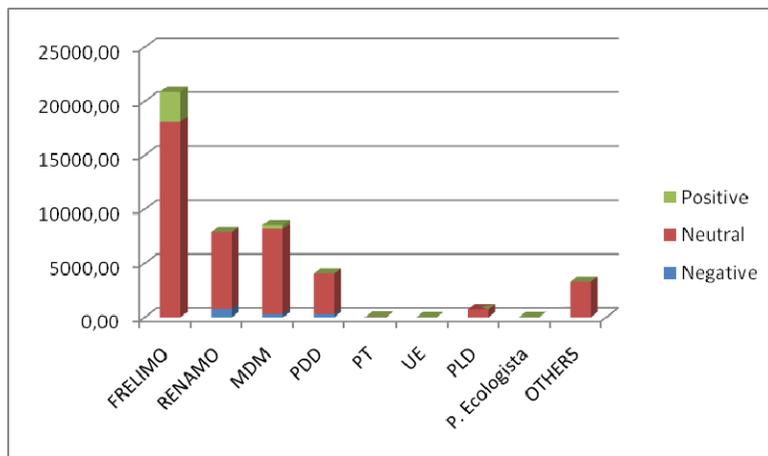
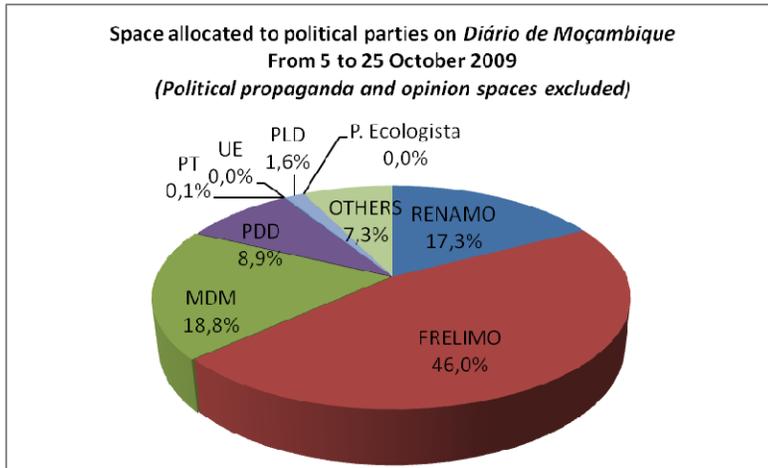
**O PAÍS**



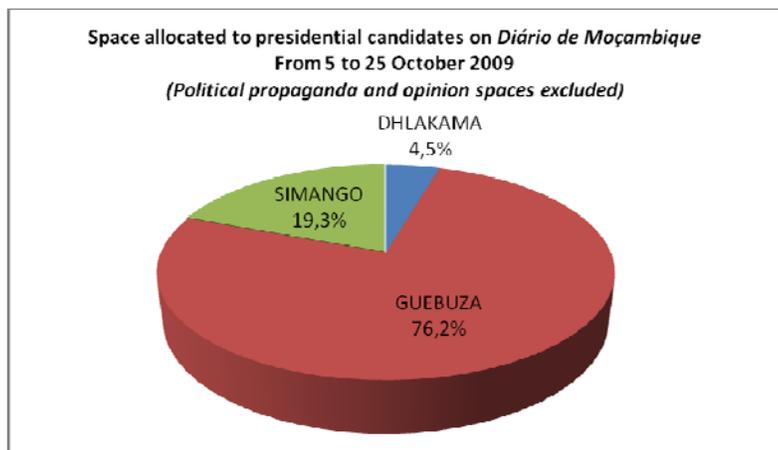
*Tone of the coverage*



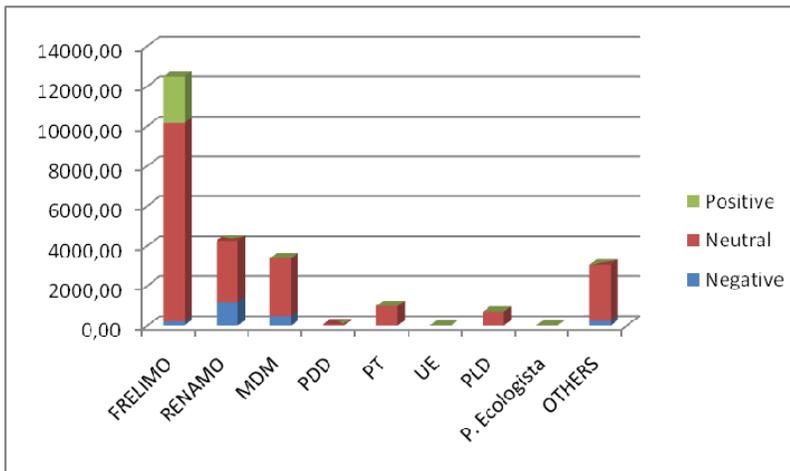
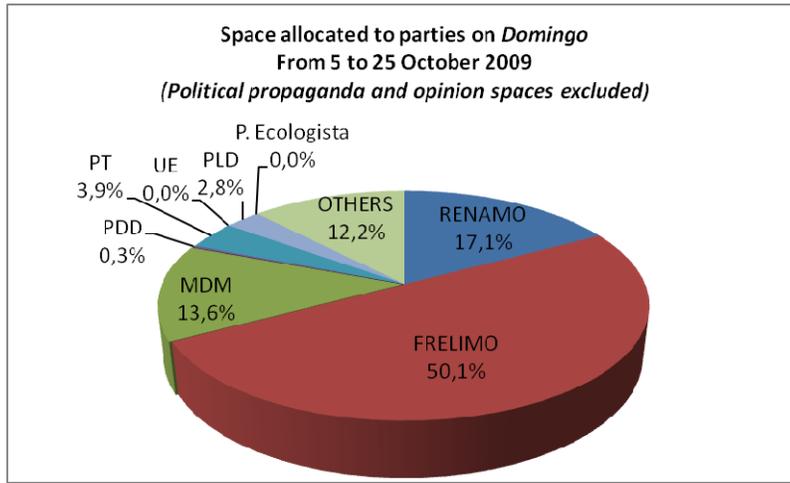
**DIÁRIO DE MOÇAMBIQUE**



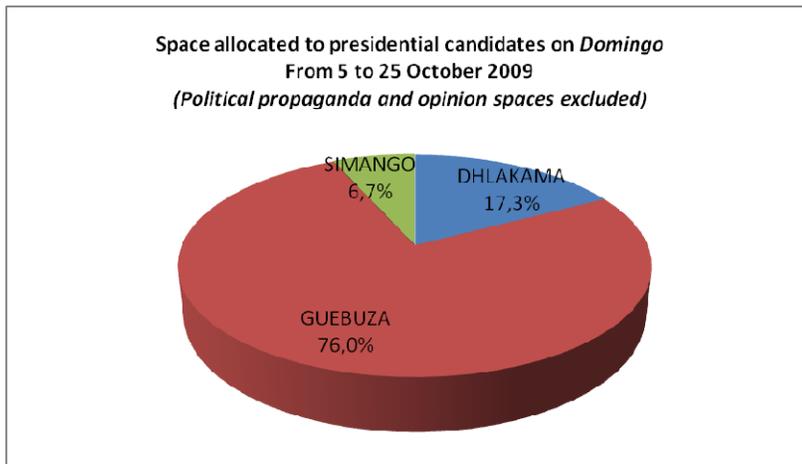
*Tone of the coverage*



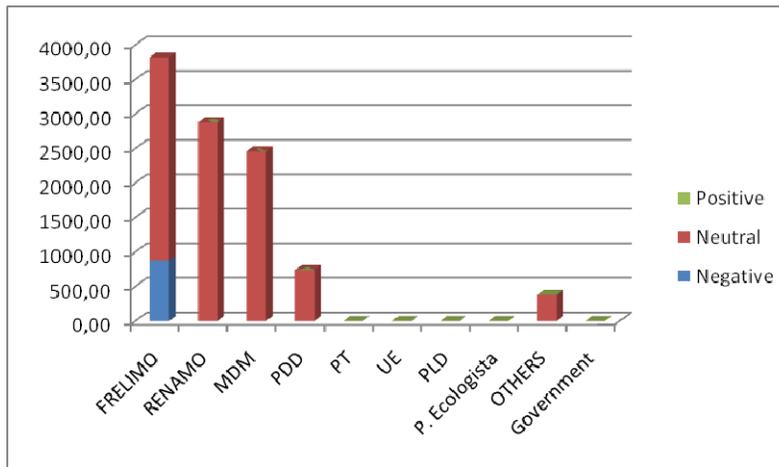
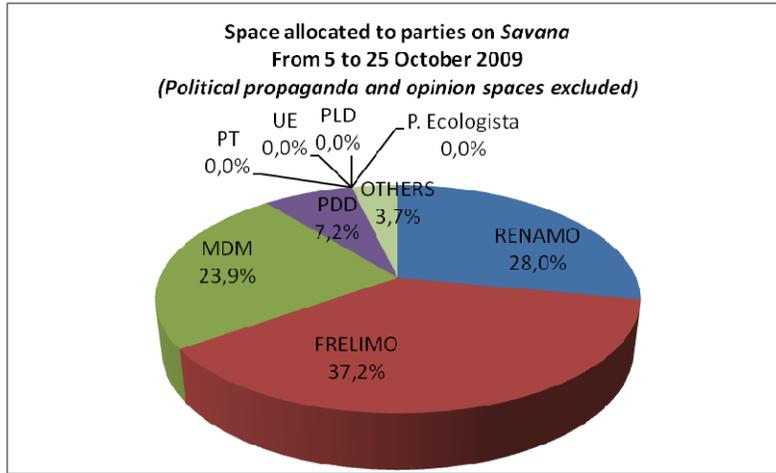
**DOMINGO**



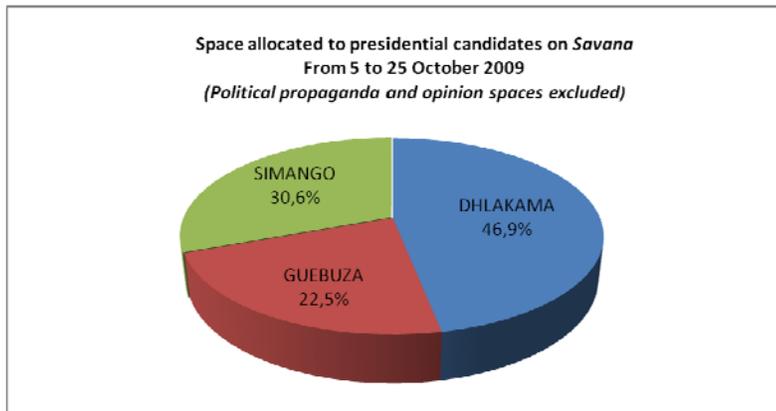
*Tone of the coverage*



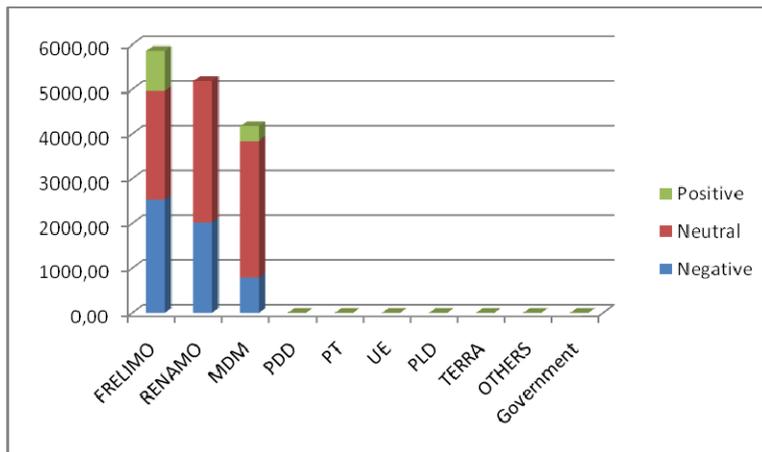
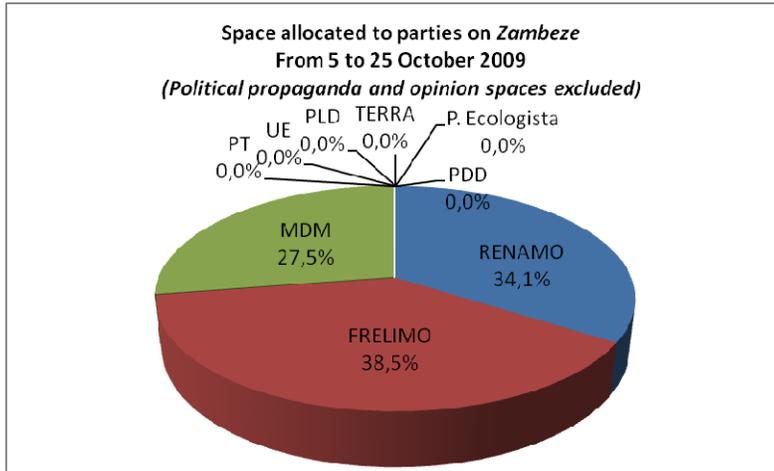
**SAVANA**



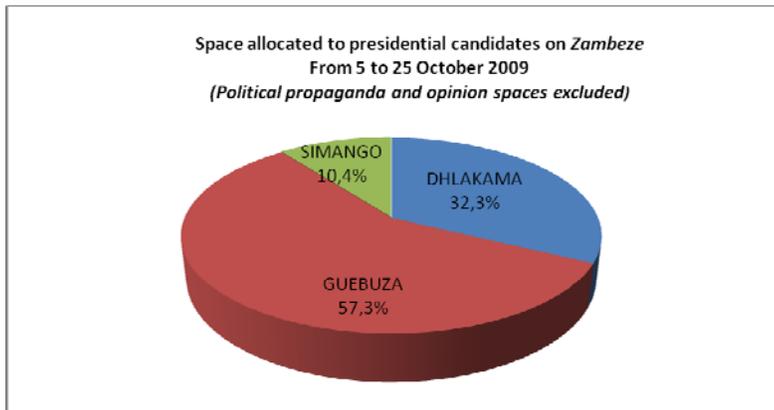
*Tone of the coverage*



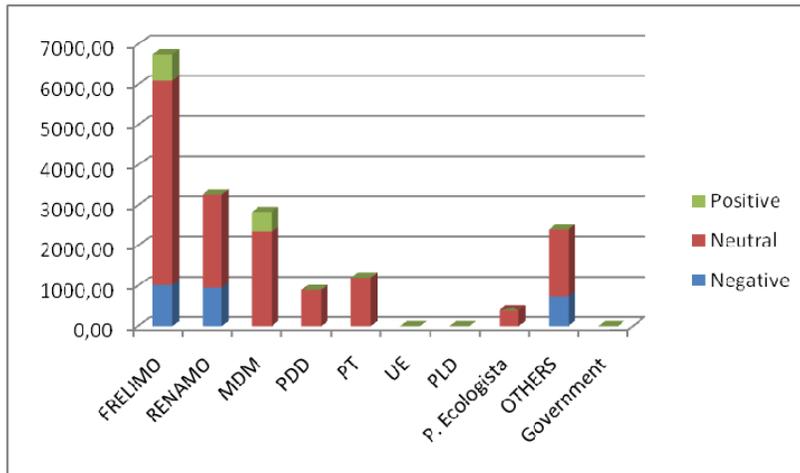
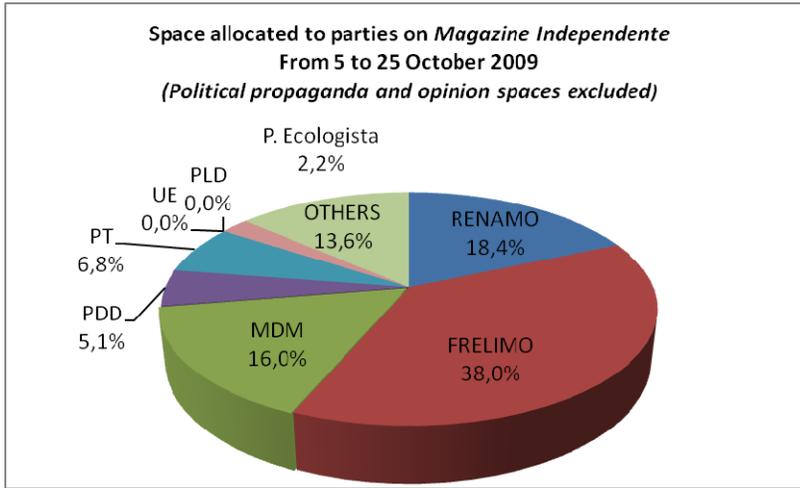
**ZAMBEZE**



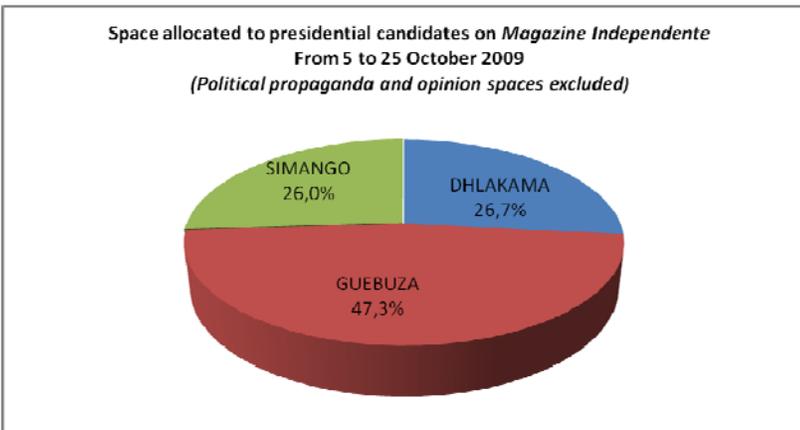
*Tone of the coverage*



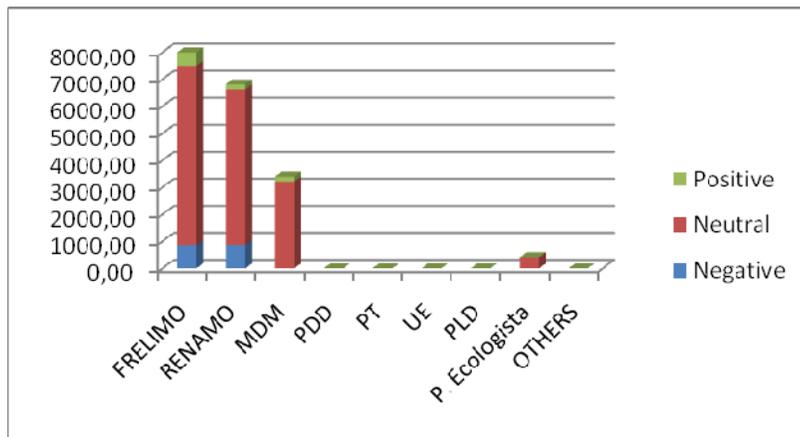
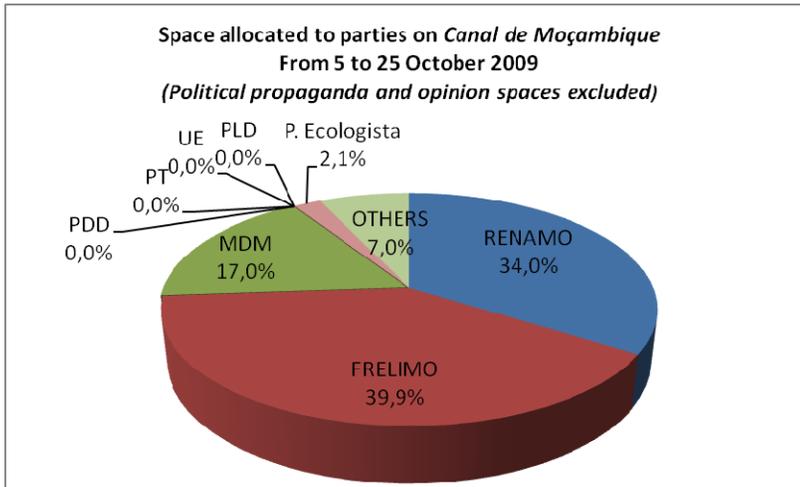
**MAGAZINE INDEPENDENTE**



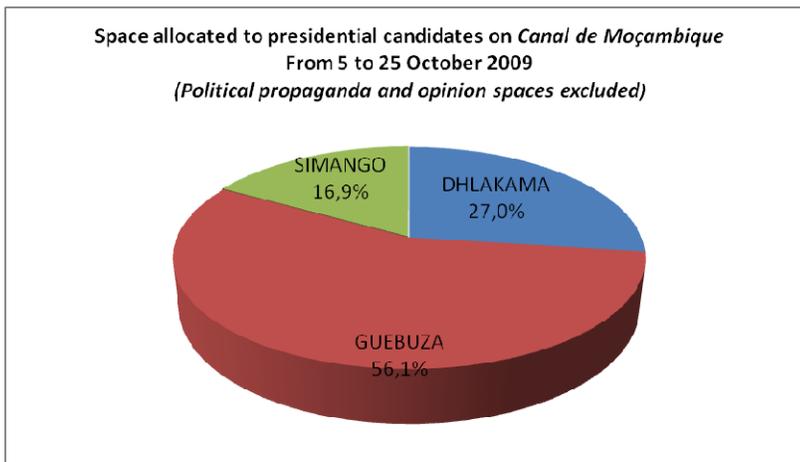
*Tone of the coverage*



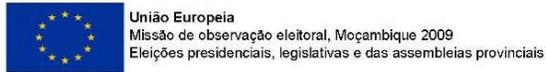
**CANAL DE MOCAMBIQUE**



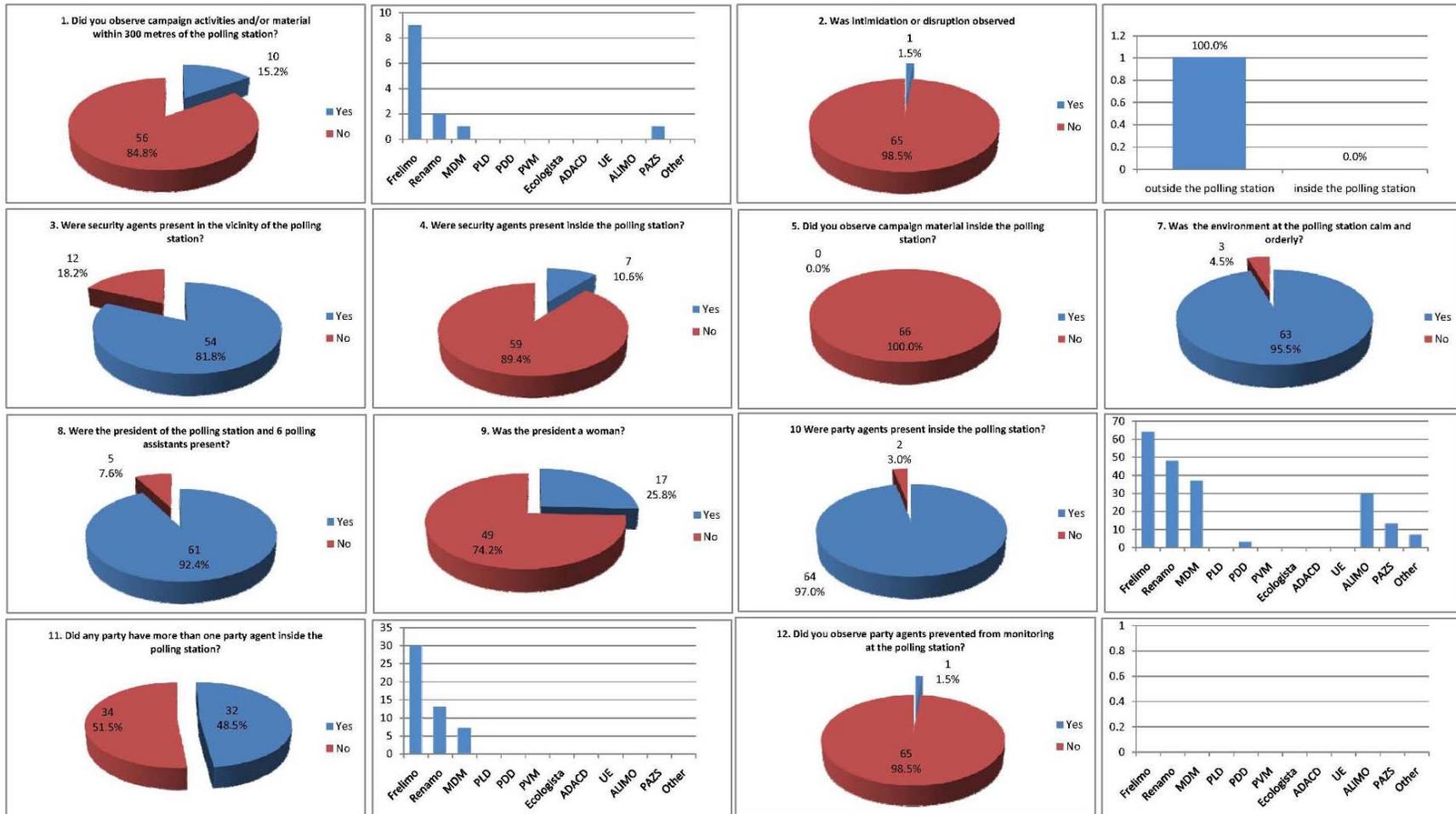
*Tone of the coverage*



**ANNEX II: CONSOLIDATION OF OBSERVATION FORMS**



**Observation of Opening, 28 October 2009**

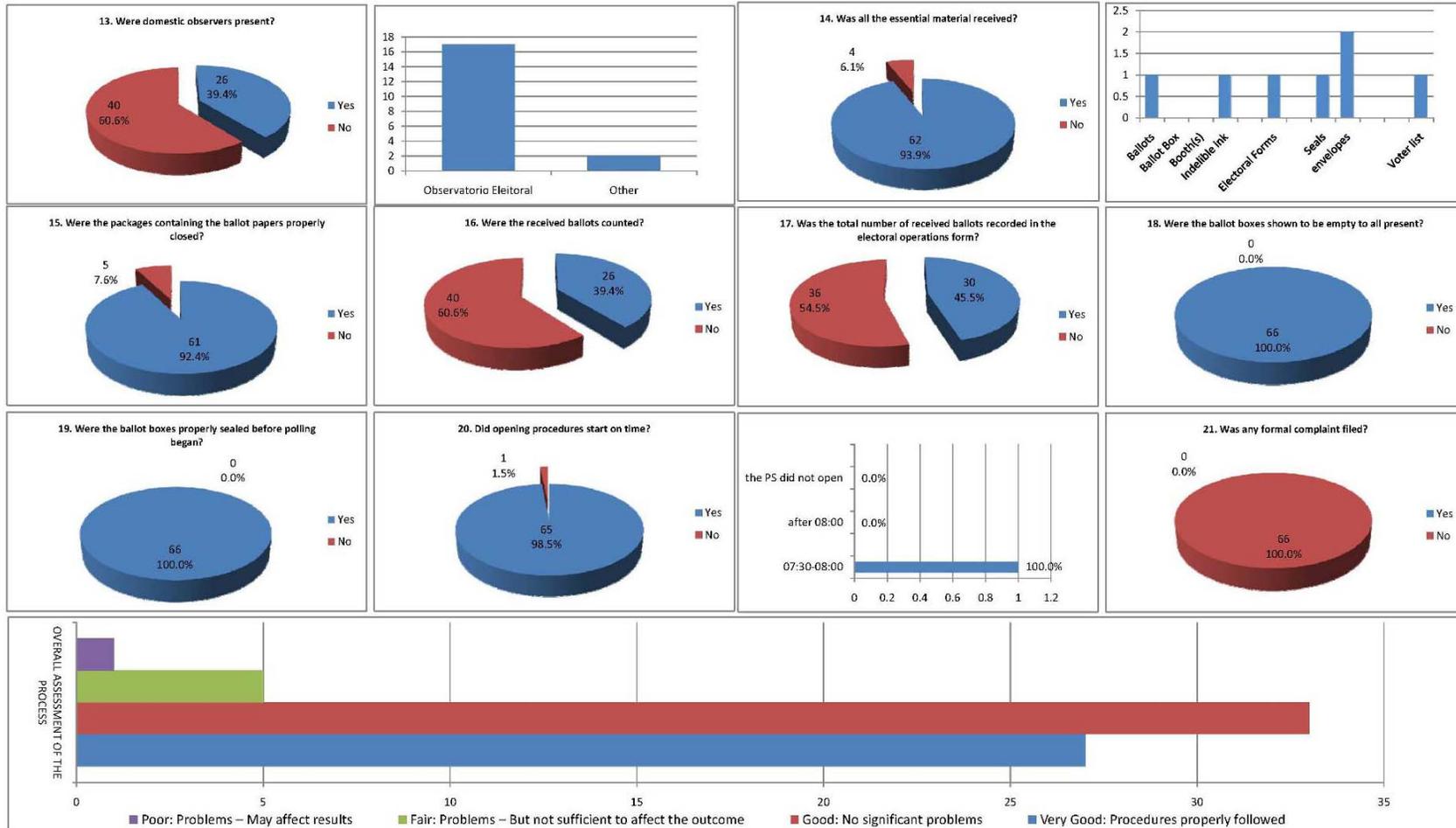


European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009



União Europeia  
 Missão de observação eleitoral, Moçambique 2009  
 Eleições presidenciais, legislativas e das assembleias provinciais

Observation of Opening, 28 October 2009

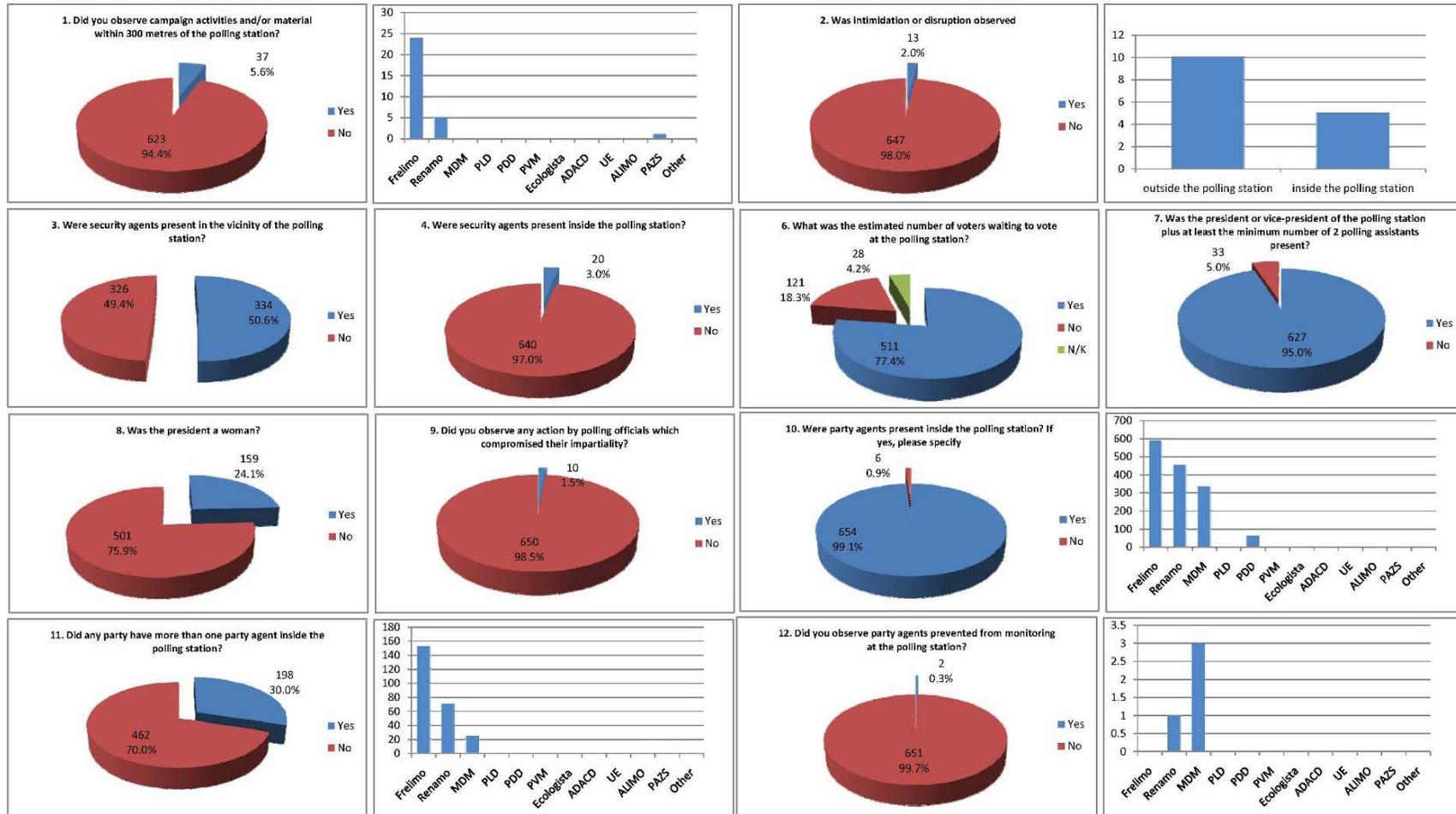


European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009



União Europeia  
 Missão de observação eleitoral, Moçambique 2009  
 Eleições presidenciais, legislativas e das assembleias provinciais

Observation of Polling 28 October 2009

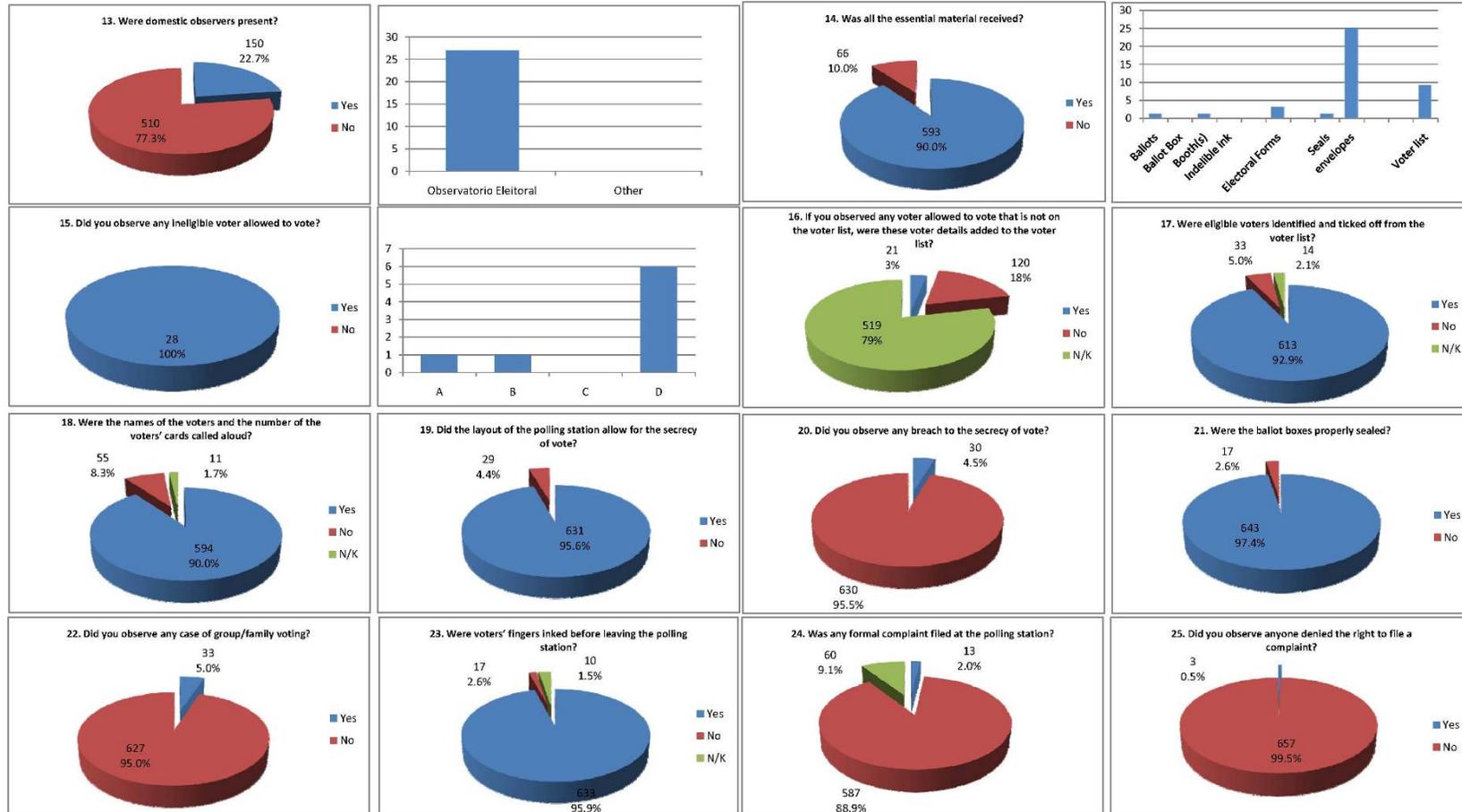


European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009



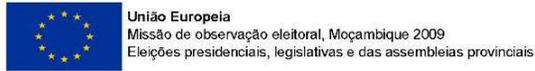
União Europeia  
 Missão de observação eleitoral, Moçambique 2009  
 Eleições presidenciais, legislativas e das assembleias provinciais

Observation of Polling 28 October 2009

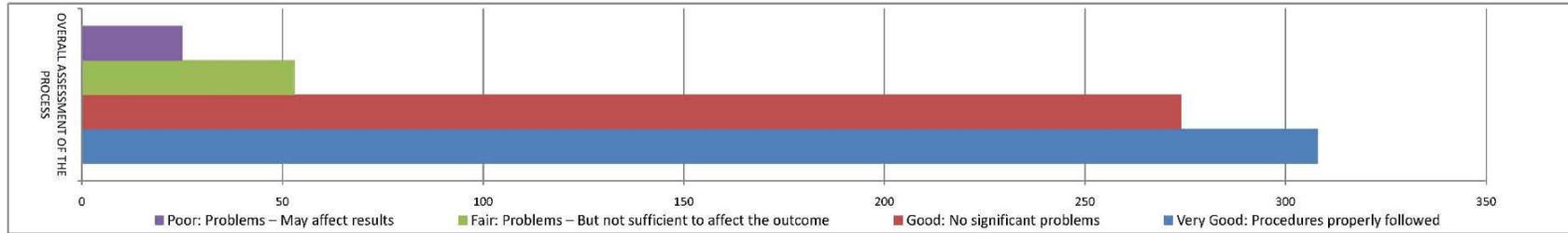


European Union Election Observation Mission to Mozambique  
Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

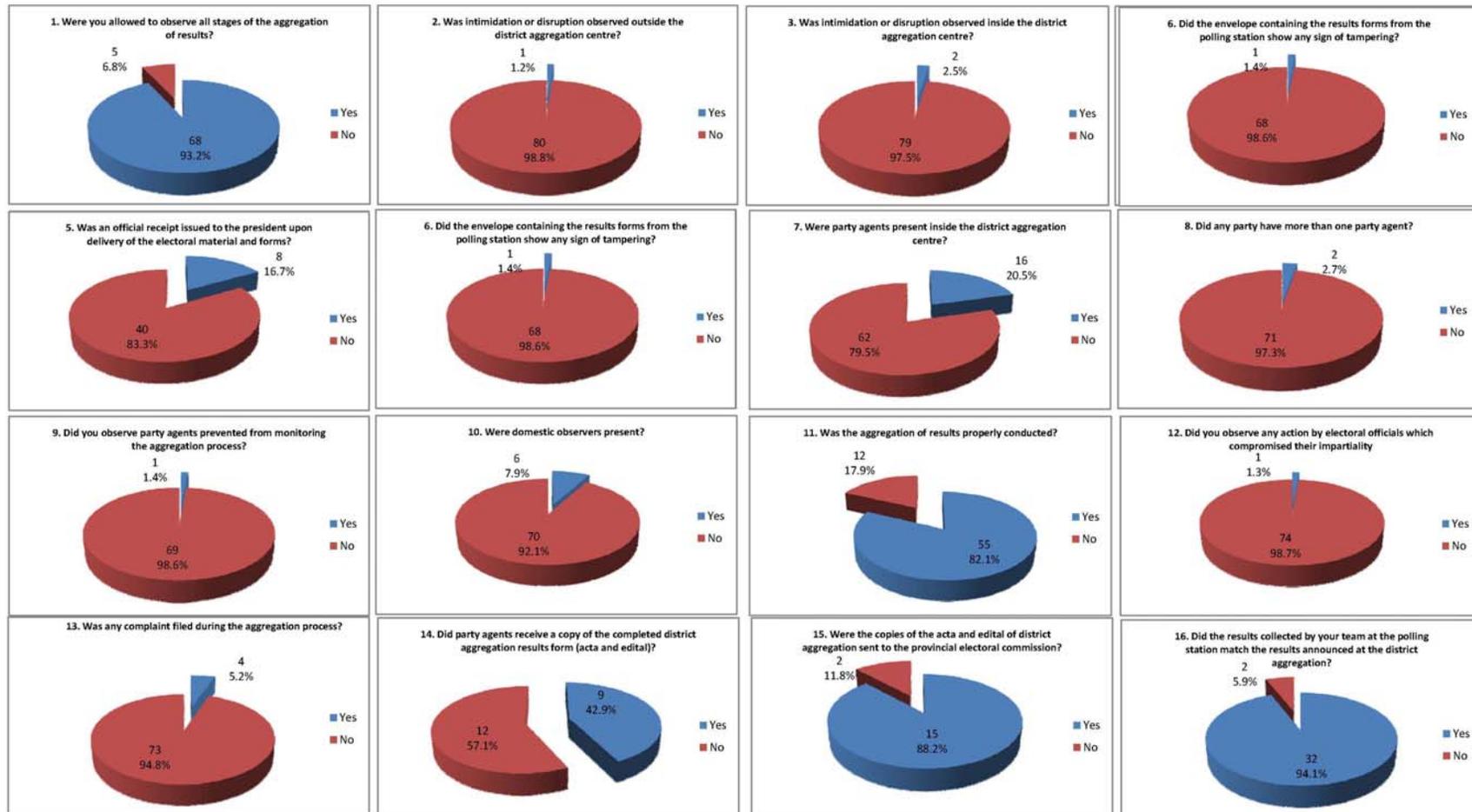
---



### Observation of Polling 28 October 2009



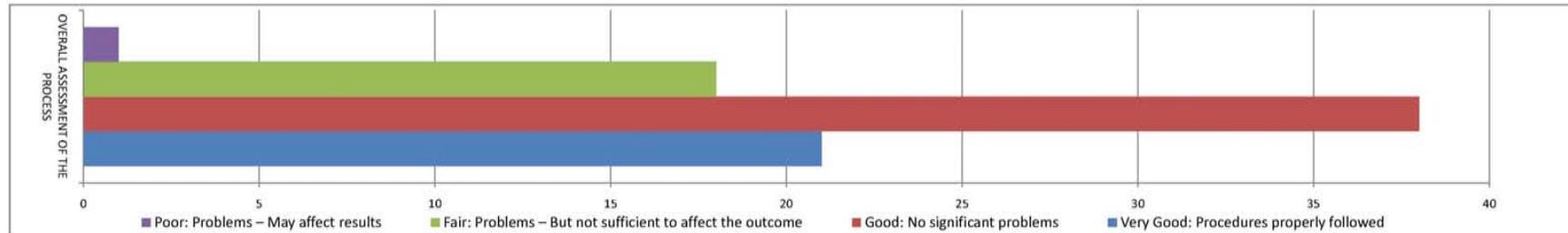
### Aggregation of the Results at District Level, October 2009

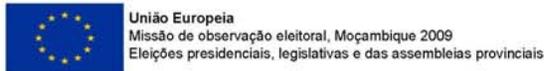




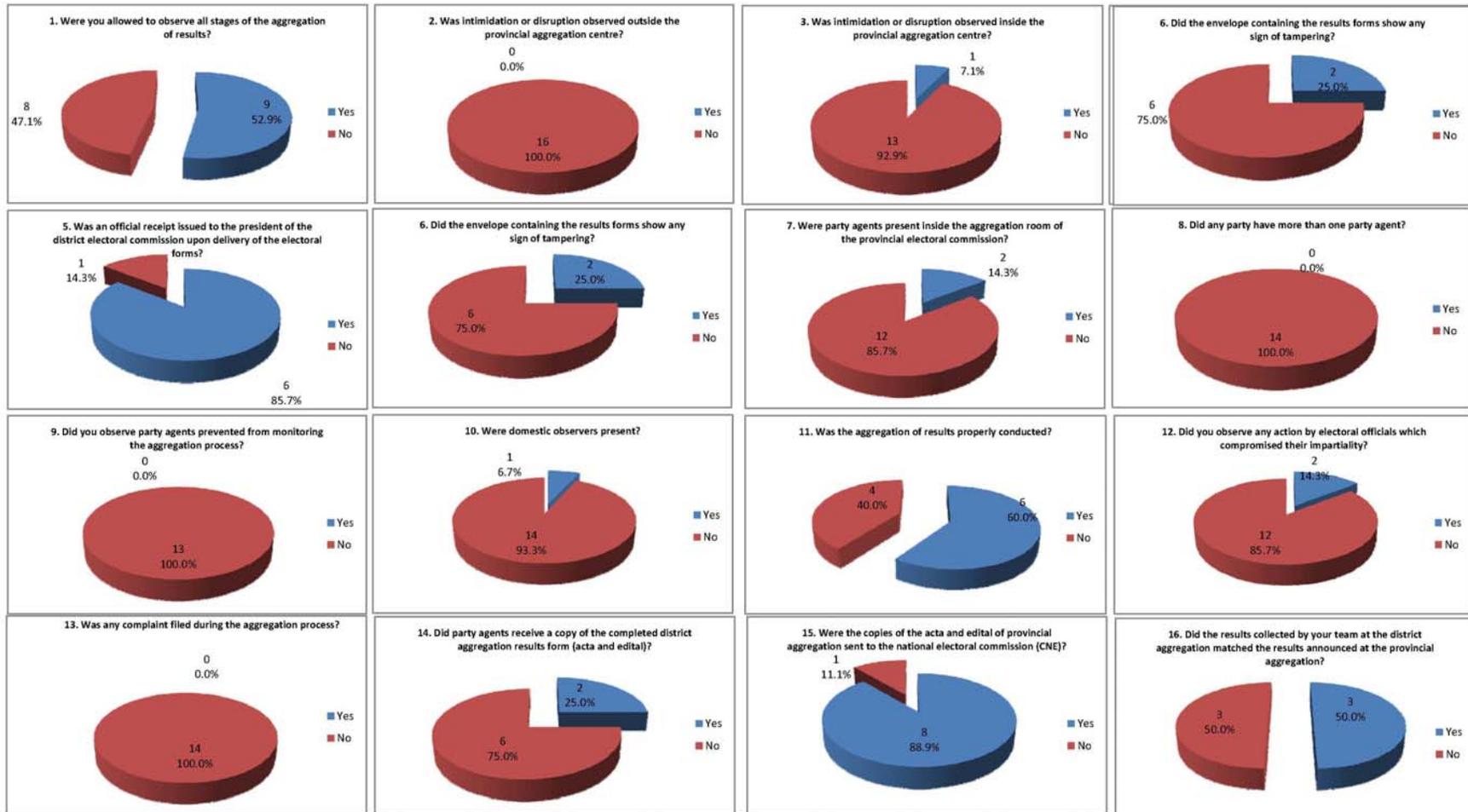
União Europeia  
Missão de observação eleitoral, Moçambique 2009  
Eleições presidenciais, legislativas e das assembleias provinciais

### Aggregation of the Results at District Level, October 2009





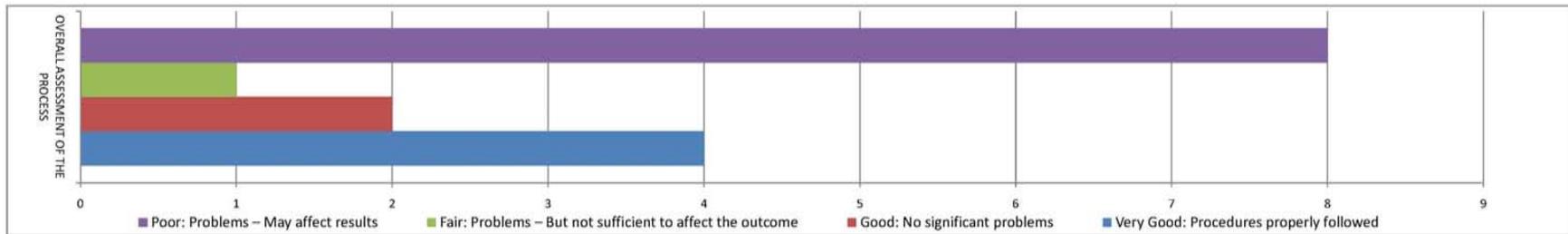
### Aggregation of the Results at Provincial Level, October 2009





União Europeia  
Missão de observação eleitoral, Moçambique 2009  
Eleições presidenciais, legislativas e das assembleias provinciais

### Aggregation of the Results at Provincial Level, October 2009



**ANNEX III: EU EOM MOZAMBIQUE RECOMMENDATIONS**

EU EOM RECOMMENDATIONS	ESSENTIAL	DESIRABLE	ADDRESSED TO	POSSIBLE IMPROVEMENTS SUGGESTED	POSSIBLE PROJECTS AND/OR SUPPORT	TIMELINE
<b>LEGAL FRAMEWORK</b>	Election related legislation should be consolidated and made internally consistent into a single act governing all key aspects of the electoral process.	Areas that are currently covered by the regulations of the National Election Commission shall be included in the law, thus minimising the use of <i>ad hoc</i> measures in future elections.	National Assembly  CNE	Increase certainty and clarity to the process.	To provide legal and electoral expertise if requested by the Mozambican authorities.	Within three years time.
	Important legal provisions should be clearly and unambiguously stated in the law, including the procedures for candidate registration, conditions for the substitution of ineligible candidates, presence of political party representatives at tabulation process and their accreditation, disclosure of number of voters per polling station.  Previous deliberations and rulings of the Constitutional Court on electoral matters should be taken into consideration to assist in the interpretation of legal provisions and in the improvement of the electoral law.		National Assembly  CNE	Increase certainty and clarity to the process.  Legal provisions that are crucial to the electoral process are not prone to different interpretations.		Within three years time.

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

	<p>The timeframe for the electoral process shall be reviewed. CNE should propose the date for elections well in advance than the minimum of 180 days stipulated by law. Therefore, avoiding that candidate lists are submitted based on provisional seats due to ongoing voter registration update and that complaints and appeals regarding candidates registration are settled before campaign period starts.</p>		<p>President of Mozambique  National Assembly  CNE</p>	<p>Ensure that each stage of the electoral process is clearly distinguished and does not overlap with the next one, providing more certainty to political parties.</p>		<p>Within three years time.</p>
		<p>Recommendations of the Constitutional Council for the improvement of the electoral processes issued in its ruling on validation of results should be implemented in future elections.</p>	<p>Constitutional Council  National Assembly  CNE</p>			<p>Ongoing</p>

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

<p><b>ELECTION ADMINISTRATION</b></p>	<p>The composition of the National Election Commission shall be depoliticised and professionalised. The members of the commission shall be appointed based on their recognised political independence Its members shall be appointed by a platform constituted by civil society organisations.</p> <p>The mandate of the members of the National Election Commission should be extended to last more than five years.</p>		<p>National Assembly</p> <p>CNE</p>	<p>Provide transparency and increase confidence in the process.</p> <p>Ensure that experience in managing electoral processes is gained and that lessons learnt from one electoral process pass to the next one.</p>	<p>To provide expertise on strengthening civil society organisations in particular networking.</p>	<p>Within three years time.</p>
	<p>The Constitutional Council should have the explicit mandate to supervise the performance of the National Election Commission in particular its respect for legal provisions that confer transparency to the process.</p>			<p>Ensure that CNE respects specific legal provisions that confer transparency and confidence to the process, such as complete publication of polling stations locations and respective codes, dissemination of candidates lists through the media, timely communication of decisions.</p>		<p>Within three years time.</p>

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

	The National Election Commission should have clear responsibility for the work of all election officials and the duty to refer to the public prosecution office possible malpractices committed during election operations.		National Assembly  CNE  Judicial authorities	Ensure accountability of election officials.		Within three years time.
	The National Election Commission should develop a communication strategy including the prompt and complete publication of all decisions and internal procedures and regular consultative meetings with political parties.		CNE	Improve transparency of its operations and decisions.  Increase the involvement and understanding of the process of the public in general and of political parties in particular.	To provide technical assistance and expertise in public information and communication strategies for public institutions.	Within three years time.
	Procedures for procurement of electoral materials and services should be disseminated publicly and the process of selection of companies should be communicated to the public together with the criteria for selection.		National Assembly CNE	Provide transparency to the process.		Immediately

<b>VOTER REGISTRATION</b>	A greater period of time should be planned for public exhibition of the voter register.	An adequate and permanent mechanism for update and maintenance of the voter register should be established combining efforts from the civil registries and the courts in order to allow the voter register to be cleaned from deceased and ineligible voters.	National Assembly CNE	Increase the accuracy of the voter register.		Next electoral cycle
	The political parties should receive copies of the voter list before the updating exercise and final lists before election day.		CNE	Increase the engagement of political parties in the mobilisation of potential voters and the accuracy of the voter register.		
	The political parties and observers should receive copies of the number of registered voters per polling station.		National Assembly CNE STAE	Increase transparency and confidence in the process.		

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

<b>POLITICAL PARTIES AND CANDIDATES</b>	The national capacity of political parties needs to be strengthened. Political parties should receive training on key legal and procedural aspects of the electoral process and on ideological and organisational aspects.		Political parties  Political foundations	Improve the capacity, understanding and engagement in the process by political parties.	To provide assistance on capacity building programmes for political parties if requested by the Mozambican authorities.	Short term
	Political party agents should receive adequate training to monitor voting, counting and tabulation of results.		Political parties  Political foundations	Improve capacity and performance of political party agents during the process in order to increase credibility.		in time for next electoral cycle.
	CNE should establish effective channels of communication with the political parties at national, provincial and district level to facilitate information on the electoral process.	Before each electoral process, CNE should provide political parties with an electoral handbook to serve as guidance throughout the process containing the electoral calendar.	CNE STAE  Political parties	Enhance confidence and understanding of the process.	To provide expertise on communication strategies.	in time for next electoral cycle.
<b>CAMPAIGN ENVIRONMENT</b>	A Code of Conduct should be agreed upon and signed by all political parties regarding campaign environment and respect for freedoms of movement and assembly.		Political parties  CNE/ STAE	Reinforce the commitment of political parties to a fair and harmonious campaign period.		in time for next electoral cycle.
	A ceiling on campaign spending should be introduced, through an adequate legislation, including the compulsory production of receipts to back up campaign expenses.		National Assembly  CNE  Political parties	Minimise disproportional spending by political parties to level the playing field.		In time for next electoral cycle.

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

		A cut in public campaign financing to parties that have not received minimum support in previous elections can be introduced.	Political Parties CNE	Scarce public resources are spent more efficiently by recognising minimum representation.		In time for next electoral cycle.
<b>VOTER EDUCATION</b>	NGOs need to be empowered to provide impartial and objective civic and voter education on a continuous and permanent basis - particularly in rural areas where EU observers reported a very limited understanding of basic democratic concepts and of the provincial assembly elections in particular.	An increased degree of national and regional networking of civil society organisations could enhance the process.	STAE NGOs	Voters have better understanding of the democratic processes and are able to make informed political choices.	To offer financial commitment for a long-term program aimed at promoting awareness and internalization of democratic principles and values in local communities.	Ongoing.
<b>ELECTION OBSERVATION</b>	There should be an extensive empowerment of domestic observer organisations through training for observers and financial support particularly for recruitment and deployment of observers.  Observatorio Eleitoral should create a permanent legal department.		NGOs  Observatorio Eleitoral	Domestic observers should receive technical advice and further training on how to engage effectively in the election process including interpretation of the election law, monitoring of the different stages of the election process and understanding the concept of transparency.	To offer financial commitment for a program aimed at empowering domestic observer groups.	Immediately

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

<b>COMPLAINTS AND APPEALS</b>	The system of complaints and appeals should be reviewed. CNE, provincial and district commissions should receive complaints from political parties regarding irregularities during voting, counting and tabulation that have been refused at the polling station level without the need of a police report of the occurrence.		CNE National Assembly	Provide for accountability of electoral malpractices and timely redress of complaints.  Ensuring a proper and timely redress of complaints received.		Within three years time
	The CNE should establish a database accessible to stakeholders containing consolidated records of complaints received, responses and decisions taken at all levels of the election administration.		CNE	Ensure that the system of receiving complaints and appeals is transparent and publicly accountable.	To provide technology and expertise on archiving and communication.	In time for next electoral process.
	Enforcement of the responsibility of the CNE to refer cases of electoral offences and allegations of electoral fraud to the respective authorities.		CNE Judicial authorities	Enhance accountability of election officials and offenders.		Immediately
<b>VOTING COUNTING AND TABULATION OF RESULTS</b>	Training on counting and tabulation procedures and handling of forms, handover of documents shall be conducted well in advance and more efficiently.		CNE STAE	Improve the performance of election officials and decrease the number of arithmetic mistakes on results sheets and later <i>ad hoc</i> corrections.		In time for next electoral cycle

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

	Procedures on tabulation at district and provincial level shall be clearly defined in advance and disseminated to stakeholders.		CNE	Increase transparency and consistency in tabulation.		In time for next electoral cycle.
	The CNE declaration of results should include detailed results per polling station.		CNE	Increase transparency and control safeguards to the voting process and tabulation.		In time for next electoral cycle
	Polling stations with 100% turnout should be kept in quarantine for investigation.		CNE STAE Judicial authorities	Minimise electoral malpractices.		In time for next electoral cycle
<b>MEDIA</b>	The Press Law 18/91 needs to be ruled in order to establish regulations on crucial areas such as radio and TV broadcastings. Those new regulations should ensure a satisfactory regulatory environment for the broadcast media, whilst respecting the principle of freedom of speech. Broadcasters obligations as well as provisions relating to media coverage of elections could be also set up.	The approval of the draft of a new Press Law, already created and presented for debate on January 2009 is required to improve some areas of the current media legislation, including limitations on media freedom (current laws on abuse of freedom of the press and criminal libel) or access to sources of information.	National Assembly CSCS Oficina de Informação	New Press Law and regulations on radio and TV broadcastings		In time for next electoral cycle.

European Union Election Observation Mission to Mozambique  
 Final Report on the Presidential, Legislative and Provincial Assembly Elections – 2009

---

	<p>Mozambican state owned media need to reinforce their commitment with impartiality and independence, especially in an electoral campaign context. Mechanisms could be set up to ensure independence (specially in the nomination of their board of directors) and a clear monitoring mechanism introduced to guarantee impartiality and balance is maintained.</p>	<p>The conversion of the <i>Conselho Superior da Comunicação Social</i> (CSCS) in an independent regulatory authority for the audiovisual sector would be very much advisable. CSCS should also take a more proactive role, especially during electoral campaign period in order to ensure objectivity and independence of information and media.</p>	<p>CSCS Gov State owned media</p>			<p>In time for next electoral cycle.</p>
--	--	---	---	--	--	--