



MOZAMBIQUE

MUNICIPAL ELECTIONS

19 November 2003

EU ELECTION OBSERVATION MISSION

FINAL REPORT

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EXECUTIVE SUMMARY

- Both the electoral campaign and the election day took place in a calm atmosphere free of intimidation, without any serious incidents or irregularities. The media covered the elections in an adequate manner. Nevertheless there were some shortcomings in the administration of the elections, including: the process of vote tabulation at intermediate and central level, the voters lists, the complaints and appeals mechanisms and at times a lack of transparent and efficient decision-making by the bodies of the election administration.
- The Municipal Elections on November 19, 2003 were the second municipal elections in Mozambique but the first to involve a wide political spectrum which included the ruling political party Frelimo, the main opposition force Renamo-UE, small political parties and groups of citizens. The elections took place in the 33 Municipalities – 23 cities (cidades) and 10 towns (vilas) and comprised approximately a quarter of the national electorate (2,371,839 voters called for these elections; national electorate approximately 8,4 Million).

The positive aspects included:

- The political parties and groups of citizens behaved responsibly during the electoral campaign. The electoral campaign officially started on November 4 and the rallies were calm and low key, with very few exceptions of small incidents between supporters of the two biggest parties. In general the tone of the discourses and slogans of the candidates was quite balanced being neither aggressive nor offensive. During the whole campaign there was a positive spirit of competition among the parties and a constructive attitude by party leaders who appealed to their supporters to refrain from violence and to participate in the elections. In the opinion of all parties, this has been an important step forward compared with former elections. To be praised are also the people of Mozambique for the high level of civic spirit shown throughout the whole electoral process.
- The legal framework of the elections is generally adequate regarding the technical mechanisms that ensure the transparency of the electoral process, in particular the right of the parties' delegates and observers to receive copies of the results minutes at the polling station, the compulsory posting of the minutes of the vote results outside each polling station, the announcement of results at the Municipal level and the right for observers to follow all stages of the election process including at counting and tabulation stage. Problems arose in the implementation of the laws (see below).
- The Election Day was an example of good electoral management and professional performance by the polling station' officers during voting and counting at the 2688 installed polling stations.
- The appointment of the members of the Constitutional Council (CC), although delayed, provided an important element in improving the respect of the rule of law in the election process. On December 15 the CC validated the results of the 19 November municipal

elections. However, the CC criticized illegalities and deficiencies, mainly errors in calculating the number of seats in municipal assemblies, shortcomings in the voters list and inadequacy in handling complaints.

- In general, the media offered an adequate coverage of the campaign and despite minor incidents, no serious obstacles prevented journalists from informing the public freely about programs and activities of the candidates. Concerning the print media, a plurality of opinions including open criticism of all political sides was found in the press. Although in general the ruling party received a better coverage both in terms of quantity and quality.

Improvements should be made in the following fields:

- The tabulation of results at intermediate and central level raised concerns. It was slow and at times disorganized at intermediate level, with staff not trained. At central level it was intransparent, because no observers were admitted to follow the tabulation, which was carried out by staff of the election administration, including representatives of the two largest political parties.
- The implementation of laws left much to be desired on some aspects and at times seemed to deteriorate from the bottom (polling stations) to the top (Comissão Nacional de Eleições – CNE; Secretariado Técnico de Assistência - STAE), the more complex and politically sensitive the operations were perceived to be. Legal deficiencies, misinterpretations and vacuums of the current electoral law come from a lack of legal endurance where a new regulation is passed every time that the country faces a new election in lieu of maintaining a more lasting system.
- The structure and working mode of CNE and STAE proved sometimes to be inefficient, time consuming and did not contribute to the transparency of the electoral process. In particular the inability of smaller parties to follow the decision making of the CNE did not contribute to their trust in the process.
- Complaints received by the CNE did not appear to be treated in a transparent way. The complaint receiving most prominence was the disqualification of the Renamo-UE candidate in Mocuba, Mr. José Manteigas, who was reinstated by the Constitutional Council one day before elections. 18 official complaints were made to CNE on elections. CNE rejected them all. Some were sent to the Constitutional Council for further decision.
- The use of various versions of the voters list in polling station created mistrust and confusion and it is recommended that there shall be only one unified, nation-wide computerised voters list in the future.
- The new Electoral Law currently under discussion should maintain the positive aspects of the current legislation and address the shortcomings in the recent electoral process, including the lack of one single and reliable computerised voters list, unrealistic deadlines, over bureaucratic procedures for the verification of candidatures, and the lack of transparency in aspects of the electoral administration, in particular central result tabulation.

I. MISSION BACKGROUND AND ACKNOWLEDGEMENTS

Upon the invitation of the National Election Commission of the Republic of Mozambique, to observe the 19 November Municipal Elections the European Union sent an Exploratory Mission (ExM) to visit the country from 25 June to 5 July 2003 to assess whether the deployment of an EU EOM would be advisable, feasible and useful. Upon the recommendation of the Exploratory Mission the European Union took the decision to accept the invitation and deployed an EU electoral mission to Mozambique.

The European Union Election Observation Mission (EU EOM) for the Municipal Elections in Mozambique was established on 20 October 2003 and remained in the country until 6 December 2003.

The EU EOM was led by Chief Observer Mr. José Maria Mendiluce (Spain), a member of the European Parliament (MEP) and of the Joint Parliamentary Assembly of the ACP-EU (Agreement between the African, Caribbean and Pacific States and the European Union).

In addition to Chief Observer, the mission had a Core Team comprising: a Deputy Chief Observer Ms. Aida Maria Aragao Lagergren (Sweden), an Election Expert Mr. Luis Gómez Orodea (Spain), a Media Expert Mr. Riccardo Barranca (Italy), a LTO Co-ordinator Ms. Delphine Skowron (France), an Operations & Security Expert Mr. Thomas Göransson (Sweden), and a Database/Statistics Analyst Mr. Carl-Olle Blomberg (Sweden).

The mission further comprised 14 Long Term Observers (LTOs) deployed since October 30 in all provinces. Finally, on November 14, twenty EU Short Term Observers arrived in Maputo from Europe. Altogether - including additional members of the EU diplomatic community in Mozambique, and 4 observers from Switzerland – the observers covered 29 municipalities out of the 33 where the Municipal Elections were held in the Provinces of Maputo, Sofala, Manica, Cabo Delgado, Nampula, Zambezia, Tete, Gaza, Niassa and Inhambane. With a total number of 64 members the EU EOM was the largest group of international observers in Mozambique for the Municipal Elections.

The Mission expresses its gratitude to the Comissão Nacional de Eleições (CNE), the Secretariado Técnico de Assistência (STAE) and the Ministry of Foreign Affairs for the fruitful cooperation.

The Mission would like to express its gratitude to the Head of the EC Delegation in Mozambique, Ambassador Mr. José Pinto Teixeira for the great support given to the EU EOM and for his notable spirit of collaboration throughout all the period, this gratefulness includes also all the EC Delegation staff involved in assisting the Mission. The Mission would also like to gratefully thank the Heads of Delegations of the Members States, for their great interest shown and support given to the EU EOM and their genuine interest in following up the electoral process in Mozambique. Last but not least the Mission would like to thank the consultants Mr. Bruno Soares and Ms. Maria Leonor Mendes who advise on the EU Technical Assistance to the Electoral Processes in Mozambique, for the valuable technical support and advice given to the Mission.

This final report covers sum of the findings by the EU EOM including the post-election period which was not contemplated at the time the Preliminary Statement of November 21 was issued. Besides, it includes the observation findings of the pre-election period and Election Day, findings regarding the period of intermediate tabulation process at the municipal level, the tabulation of results at the central level and the announcement and publishing of the final results.

II. POLITICAL ENVIRONMENT AND THE ELECTORAL ADMINISTRATION

The 2003 municipal elections that took place on November 19 were the second municipal elections in Mozambique but they were the first to involve a wide political spectrum which included groups of citizens, small political parties and the main opposition force RENAMO-UE. In the former and first municipal election in 1998, Renamo withdrew from the contest.

The elections took place in 33 Municipalities – 23 cities (cidades) and 10 towns (vilas) and comprised approximately a quarter of the national electorate (2.371 839 eligible voters called for this election; total number of registered voters 8.4 million). Voters elected in two separate ballots the Presidents of Municipal Councils (mayors) and the members of municipal assemblies. There was a possibility of a second round in those municipalities where any candidate to Mayor obtained less than half of the cast valid votes. However, this was not the case: in all 33 municipalities one of the candidates won in the first round. This election is also the first in Mozambique electoral history, which has taken place in only one single polling day.

Even though these elections did not cover the whole country or the whole electorate, there were major political expectations regarding their outcome. With the participation of Renamo-UE it was considered possible by many analysts, that the political power, up to then concentrated in the ruling party Frelimo, could for the first time be shared with the country's second largest political force. There were also expectations that in some municipalities that smaller political parties and groups of citizens had a chance to win. The outcome shows a high level of political polarization in Mozambique between the two main political forces, Frelimo and Renamo-UE: Frelimo won 28 municipalities, Renamo-UE 4 and both parties share political power in Marromeu (Sofala Province) where Renamo-UE won the Mayor election and Frelimo the election for the municipal assembly.

The overall political atmosphere in the pre-election period, during E-Day and after, was calm and without violence, although some tensions resulted from the way the elections were administered. The major political issues which dominated the political scenario were not provoked by the political parties running for the elections but were in a great deal a consequence of a series of shortcomings in the performance of the electoral authorities at the central level: CNE and STAE. Accusations of fraud by Renamo have been a feature in former elections, mostly due to mistrust in the performance of the electoral authorities especially during the post-election period until the publication of the final results. Much of the criticism is based in the lack of transparency during the prolonged tabulation process by CNE, which led in 1999 general elections to political instability. Bearing in mind the former elections and the forthcoming general ones in 2004, the municipal elections of 2003 were

expected to be an important test for the electoral authorities to show their capability to conduct the elections in a credible and transparent way, with the support of a new legal framework.

The new legal framework which resulted from long negotiations between the governing Frelimo and the main opposition party Renamo-UE provided an adequate legal basis for a transparent and credible electoral process. The key concern in former elections – widespread lack of trust in the integrity of the electoral process by opposition parties and some groups of citizens – could have been vanished in these elections. The new electoral law offers the necessary basis for that. Also the constitution of CNE was the result of political agreement between both parties and it is composed by ten Frelimo, eight Renamo and a President who is nominated by civil society organizations and elected by the CNE. Both parties are also represented in STAE. While in principle the representation of political parties in the electoral bodies can be seen as an enhancement to transparency, the centralized structure and politicized decision-making process had a negative impact on the administrative efficiency of these institutions. The information flow from central level in Maputo down to the provinces and the districts was not always consistent. Another aspect to notice is the relation between the role of STAE and CNE. Even though the distinction made by the Law 20/02 between the roles of the CNE and STAE seems to be clear, in practice this has not always been the case and a lack of clarity has been observed in the conduct of the process.

The reasonably good logistical planning in preparing the elections, the well conducted Election Day in terms of well trained polling station staff and the non-violent atmosphere are reasons to congratulate the CNE and STAE for. Nevertheless, other aspects of the electoral process were not properly managed by the electoral authorities and a series of shortcomings have been a constant throughout the entire process. These shortcomings will be dealt with further on in this report but in short, the mistrust on the voter's registration process and the consequent fear of a disorganized voter's list on E-Day was through all the process a matter of concern for the opposition and the electorate in general; the candidature process and the delay in the publishing of the candidates lists were the dominant issues for several days. Furthermore, the annulments by the CNE of several candidates after the publishing of the list (among them one of the main candidates from Renamo-UE), the accusations of gerrymandering, the fraud attempts in Beira elections during the intermediate tabulation process (as explained bellow) and the inaccuracy and lack of transparency during tabulation of votes at central level, gave all together a tone of political tension throughout the whole electoral process. All turned into high mistrust by the opposition after the E-Day and during the whole process of tabulation of votes, announcement and publication of the results. These problems eventually led Renamo representatives to once again, as in 1999, leave CNE two days before the announcement of the results without signing the result protocol and culminated in the non-acceptance of the results by Renamo-UE and accusations of fraud of the results in most municipalities. However, after the validation of results by the Constitutional Council, Renamo-UE declared its acceptance of the final results.

A very positive aspect of these elections and worth to be praised is the actuation of the political parties and groups of citizens during the electoral campaign. The electoral campaign officially started on November 4 and the rallies went calm and low key, with a few small incidents between supporters of the two biggest political parties. In general, the tone of the

discourses and slogans of the candidates were quite appropriate, neither aggressive nor offensive. There was a positive spirit of competition during the whole campaign among the parties, and a constructive attitude by party leaders by appealing to their supporters to refrain from violence and to participate in the elections. In the opinion of all parties, this has been an important step forward compared with former elections.

Also civic education activities were successful and involved 495 civic education agents participating in the STAE on-street civic education campaign that came to an end on November 2. The activities were often undertaken in collaboration with local organizations such as the NGO association FECIV (Instituto de Formação e Educação Cívica), CCM (Christian Council of Mozambique) and the communities in the Municipalities. The Mission welcomes these initiatives and encourages these partnerships for future elections. On their behalf, the TV and radio campaign continued regularly through the electoral campaign up to November 17. The electronic media campaign was entertaining.

III. LEGAL FRAMEWORK

Electoral legislation in Mozambique has been modified several times since the first general elections supported by the United Nations took place in 1994. Many legal deficiencies, misinterpretations and vacuums of the current electoral law come from this lack of stability where a new law is passed every time that the country faces a new election in lieu of having a more durable system (inter alia the Laws 3/99 and 6/97 that regulated the previous general and municipal elections). The main law used for the current municipal election (Law 19/02 on Election Local Government Organs) was enacted in October 2002 in a legislative package that also included the Law on Electoral Registration (18/2002) and the Law establishing the National Election Commission (CNE) (20/2002). The structure and working mode of CNE and STAE has proved to be partly inefficient, time consuming and does not contribute to transparency of the electoral process. In particular smaller political forces, none of which are represented in these bodies, perceive them as non-transparent. The National Assembly is currently reviewing a new electoral law that will rule the next general and presidential election due for late 2004 but it appears that the structure of CNE and STAE will remain the same.

The current legal framework is generally good regarding the technical mechanisms that ensure the transparency to the electoral process. However, the quality of implementation of the laws seemed to decrease from the bottom to the top (STAE and CNE), the more complex and politically sensitive the operations were perceived to be. The legal system has set deadlines that have proved to be impossible to comply with. For instance, the update of the voters' lists had been scheduled to take place on June 4. However, the delays in the installation of the CDEs (Comissões Distritais de Eleições) and provincial STAEs and the delay in the supply of registration materials imposed a three weeks postponement. Thus, the update eventually took place from June 26 to July 25 and the elections had to be postponed from October 28 to November 19. Besides, a provisional number of seats for each Municipal Assembly was published on August 27 by CNE. The final/corrected number of seats should have been published up to 30 days before E-day as set by Art. 124 Law 19/02, but this never happened.

The definitive candidates list, in accordance with Law 19/02, should have been publicly presented by CNE on October 20 following the term established in its Arts. 20, 24 and 25 allowing the candidates, citizens groups, coalitions and party agents to lodge complaints against the preliminary lists and candidates before the Constitutional Council. This was in fact disregarded by CNE that claimed that in any case they were respecting the “spirit of the law”, presenting what was to be the final list on October 23. The extension was perceived by the small political forces as administered in a selective fashion in a way that only favored one party, Renamo-UE.

However, after this publication the Renamo-UE candidate running for Mocuba and initially admitted was disqualified causing political tension. The Constitutional Council eventually reinstated the candidate on November 18. Disqualifications can occur after the definitive lists have been published but only in exceptional circumstances escaping the previous control and due diligence of the electoral authority.

However, this has not been the only problem with the handling of candidatures. In Maputo some candidates, namely the Renamo-UE one for the Presidency, were requested by CNE to collect additional backing signatures since CNE had rejected the signatures of voters who supported more than one candidature and demanded additional ones to comply with the 1% ceiling of voter signatures to support a candidature set in Arts 112 and 125 Law 19/02. The said request is not stated in the law and penalizes the political party which normally does not know whether the citizen has subscribed or not to more than one list. It is evident that this legal requirement is a very time consuming exercise to the small parties and groups that lack the means Frelimo and Renamo-UE enjoy. The registered parties have already fulfilled a series of legal requirements to constitute and work and as the common vectors of political participation in a society should not be required in every election to go through this procedure of searching for signatures. Thus, it should be considered to avoid this procedure for those parties and groups of citizens already constituted and having participated in at least one previous election.

The administrative malfunctions inside CNE resulting from political mistrust between Frelimo and Renamo-UE tinted the electoral complaints process with a worrisome air of legal opacity. Small parties such as UNAMO expressed their dissatisfaction with the way CNE proceeded with the complaints and the disqualification of the party candidates. They feel they have been discriminated against. On the one hand the CNE advised the Mission that five complaints against had been made against different Frelimo and Renamo-UE candidates by November 5: Renamo-UE presented complaints against Frelimo and IPADE candidates whilst the small parties did so against Renamo. CNE expressed its belief that some of them were hardly substantiated but declined to provide any concrete information. On the other hand, the Mission was advised by Renamo-UE that they had submitted to CNE the following complaints: 1) In Maputo province against the Frelimo’s candidate running for the Manica presidency of the municipality on the grounds that he has ongoing contracts with the municipality (Art. 7.2 Law 19/02); 2) In Gaza province against the Frelimo’s candidate for the Xai-Xai presidency of the municipality on the grounds that he has been residing in Chokwe municipality for the last ten years and just moved to Xai-Xai in August contravening the 6 months residence requirement set in Art. 6.1 Law 19/02; 3) In Nampula province against Frelimo’s candidate for the Presidency of the Municipality on the grounds that he the

Provincial Director of Finance (Art.7.1a. Law 19/02); 4) In Zambezia province against the Frelimo's candidate running for the Presidency of the Mocuba municipality on the grounds that he has valid ongoing contracts with the Municipality (Art. 7.2 Law 19/02); 5) In Inhambane province against the IPADE candidate for the presidency of the Inhambane municipality;

The CNE spokesman confirmed to the Mission that the complaints regarding the candidatures would not be solved before November 13 on plenary session and that some of them might be even postponed until after the polling date. Until such a plenary session took place, the CNE advised the Mission that they would not share any general information neither on the aforementioned or any other received complaints. CNE only admitted that some ten complaints had been submitted but was not able to present a consolidated list of complaints coming from the different parties. The reason given was that Renamo-UE and Frelimo keep for themselves at the CNE the original documents and pieces of evidence related to each complaint. Complaints coming from other parties against both parties were filed depending on which of the two big parties had been accused - should Frelimo be the accused party then it was Renamo-UE who had the complaint in custody and vice versa. Thus, there was no proper CNE central complaints archive.

Nevertheless, the CNE spokesman confirmed the aforementioned four complaints from Renamo-UE against the Frelimo. Besides, that Frelimo had submitted a complaint to the CNE against their decision to disqualify their candidate running for the Catandica Municipality (Manica province) on the grounds that he did not fulfill the residence requirements set by Art 6 Law 19/02. In addition, a complaint from UNAMO party against the RENAMO-UE candidate for Cuamba Municipality (Niassa province) on the same grounds was also reported. The Mission was advised that it was quite likely that four cases, among them the ones related to Cuamba and Catandica municipalities plus the two concerning both the Renamo-UE and Frelimo candidates for Mocuba Municipality, would be sent to the Constitutional Council for further review.

The Constitutional Council, responsible for election appeals and thus the final guarantor of the electoral legality, reached its full composition only in mid November 2003. By the time the Mission left Mozambique on December 6 it still did not have an official seat. The Mission had serious difficulties in reaching its members. Finally, on the eve of its departure, the Mission managed to contact Ms. Lucia Ribeiro, Member of the Constitutional Council, who shared that the Council had deliberated on six cases submitted by the Renamo-UE. Three more cases had been finalised and transferred to the Council's Reporters so that they could be considered for further review by December 8. Ms. Ribeiro confirmed that no complaint had been yet lodged neither by GIDA nor by UPI against the CNE's decisions that did not consider the fact that their respective party symbol did not appear on the ballot as an irregularity serious enough to alter substantially the outcome of the election in Angoche and Ilha de Moçambique.

The parties and groups of citizens should have access to the draft ballot papers prior to printing in order to allow for the verification of all party symbols and other data that should be printed in the ballot papers. Such a measure would have avoided episodes such as the GIDA and UPI ones in Ilha de Mozambique and Angoche respectively where their groups of

citizens' symbols were not printed in the ballot slips even though both groups had submitted all the pertinent documentation on time to STAE. These problems could have been avoided by recalling Art. 149 Law 3/99 on the assessment and verification of names, acronyms and party symbols by the electoral authority that is to render a decision on the matter within 24 hours from the submission of the party/group documentation.

Besides the problems with the candidates list, the allegations of gerrymandering, which appeared in the national press in early November dominated the pre-election period. Renamo complained about the fact that CNE had illegally changed the administrative boundaries of some municipalities where they have strong support: they reported that in Zambezia province 3 neighbourhoods had been added to the Mocuba municipality, while in Manica province, Manica town had lost one neighborhood and gained two. Further south, in Inhambane province, they claimed that the city of Maxixe had lost one neighbourhood and gained another, while the town of Vilanculos had expanded by two neighbourhoods. In the northern province of Nampula, he claimed that an additional 16 neighbourhoods had somehow appeared in the coastal town of Angoche, while in Monapo, 13 neighbourhoods had been added and one eliminated. Two neighbourhoods had been added in Manhica municipality in Maputo province, while in the city of Matola one neighbourhood had been added and 1 eliminated.

These allegations were publicly denied by CNE that invited Renamo to submit a complaint before the Constitutional Council. This was an ongoing saga that already set off in August 2003 at district level. Finally, CNE proved with documentation on this matter that the distribution of neighbourhoods that had been used for the 1998 elections was kept with the only exception of Manhica municipality (Maputo province) and Monapo Municipality. Manhica Municipality has expanded to cater for the population gathered around the Maragra sugar plantation. Population around this plantation had increased and the municipality requested the National Assembly to expand its limits so that they could include those inhabitants around Maragra within their administrative limits and collect taxes. Monapo Municipality has also expanded in two neighbourhoods around a new industrial area. The needs for expansion were assessed by both Municipalities upon an assessment funded by the World Bank.

Art 5 Law 2/97 on the legal framework for the establishment of municipal governments determines that any change in the area of any municipality has to be submitted to the Parliament after consultations with the interested Municipal Assembly. Thus, it is neither a matter for the CNE nor for STAE. When the Mission consulted with CNE and STAE about this matter both mentioned the fact that it had been the Government through the National Directorate for Local Government (Ministry of State Administration) who had decided on the aforementioned change.

IV. THE VOTERS' LISTS

The reliability of the voters' lists has been a contentious issue in Mozambique since the first general elections in 1994. Registration is compulsory for all Mozambican citizens including residents aged 18 and over in accordance with Art. 3 Law 18/2 on voters' registration.

However, for these elections in accordance with the said law an in-country update of the existing 1999 voters' list was carried out, instead of a full new registration exercise.

The key problem with the current electronic lists is that they have not been properly updated and have many material errors. The electronic processing of the voter registration data including both 1999 and 2003 registers and updates is a paramount step towards a permanent and reliable permanent voters register. According to several estimates, there are in the current electronic lists between 5 and 6% of the names still inscribed that belong to deceased voters whose names have never been removed because the Civil Registry, maybe not fully operational, is not passing the data and both the civil and the electoral register are not linked; voters who transferred their registration (change of residence) have to be eliminated from the voters lists of their previous residence; a cross-check of possible double inscriptions is yet to be made based on individual identification data.

Right now, neither the parties nor the general public have the opportunity to check the computerized voters list before they are sent to the district electoral commissions (CDE) once the material errors have been corrected in accordance with Arts 35-37 Law 18/02. So big was the mistrust of the opposition parties that CNE upon their request finally agreed to have both the 1999 and 2003 hand written plus the computerized lists at the polling stations on polling day. In addition, CNE and STAE intended to minimize the impact of the problems on election caused by the errors through issuing Instruction num. 40/2003 dated November 3 which was aimed at providing advice to PS staff on how to deal with the errors ensuring the right to vote to all registered voters.

The Mission deems that these are not acceptable solutions following four elections in the country, mostly funded by the international community

The voters list should be unified, computerized and updated regularly. It should be fully operational by April-May 2004 in order to process all the current available data before the 2004 registration update .The new law under discussion should include a mention to tackle the accuracy problem allowing the public and parties for a review of the electronic voters list before they are ready for distribution to the CDEs and polling stations.

V. ELECTION DAY

The Election Day on November 19 was successful: The Mission noted the good performance of the polling station staff members, the arrival on time of all electoral materials to the polling stations and the peaceful and ordered voting and counting processes. There is no doubt that a good logistical plan prepared in advance by STAE was the key for such a success. 2688 polling stations located at 580 polling sites were installed in the 33 municipalities. To praise is also the recruitment and training of the polling station members who proved to be excellent in all its extent. A total of 13 440 polling station members and more than 1000 helpers (auxiliares) worked during the E-Day. Around 568 000 voters - ca 24% of the 2,371 839 registered voters - were able to cast their votes in that day, between 7 am and 6 pm in a peaceful and orderly democratic atmosphere.

In all municipalities but Maputo, the polling stations opened on time. Most of the polling stations received the complete polling kits. The exception to that were Angoche and Ilha de Moçambique where there were print errors in the ballots for both elections: the symbols of two the political groups, GIDA (Grupo Independiente de Angoche) in Angoche and UPI (Unidos pela Ilha) in Ilha de Mozambique were missing, the later being considered by many as a strong contender.

The polling stations were properly constituted and followed the opening procedures in accordance with the electoral law. The secrecy of vote was respected and the ballot boxes properly sealed. The procedures to check for and mark voters' fingers with indelible ink were respected. The voters were also correctly informed about how to fold the ballots. The Mission would like to congratulate the members of polling stations for their dedication and the good work they performed during the polling day.

On the negative side, both CNE and STAE failed to solve the problem of the voters' list that also in these elections were the dominant issue of the E-Day. The information provided by CNE and STAE on the existence of the different voter lists on Election Day was not clear and comprehensive. Therefore, some confusion arose because of the differences in the types and numbers of voter lists available in the polling stations. The possible available voter lists were the following: the handwritten 1999 list, the handwritten complementary update of 2003 and the computerized 2003 voter list. In those polling stations where the registration was completed and where there was no need for the complementary voters list, there was only one list. This led to rumors of irregularities because the alleged lack of lists of voters and accusations of fraud based on assumed exclusion of supporters from certain political parties or groups of citizens.

There were cases of changes in the allocation of the voters' lists from one expected polling station to another. As a result voters had to go and vote in another polling station which sometimes were located in another polling site. This situation might have had an impact in the number of abstentions when the new polling station was not nearby and the voter turned back. When asked about this, STAE had no clear explanation for the changes.

The lists presented also a series of deficiencies i.e. lack of the number of the voter card or two voters with the same number. More serious were the cases of voters who did have registered but their names did not appear in the computerized voters lists. Apparently the STAE was aware of these incidents and issued instruction Nr.40/2003 to regulate it during the voting. This allowed the electors to vote as long as their names appeared in the handwritten voters' lists of 1999 and the complementary lists of 2003. However, there were cases where the voters even when they had a voter card did not appear in any of the lists and therefore were not allowed to vote.

Very worrisome was the low turn out of these elections. Having in mind that already the municipal elections of 1998 had a very low turn out of 15% (but then Renamo-UE was not running) and the low turn out of these elections, the Mission feels this should be a matter of concern for the political parties and groups of citizens of Mozambique, particularly in light of the 2004 General Elections.

VI. INTERMEDIATE AND FINAL TABULATION PROCESSES

The intermediate tabulation of results at the municipal level took place as established in the electoral law at the District and City Electoral Commissions (CDE and CEC) the day after the elections. The law establishes that these results have to be announced and published three days after the closing of the polling stations at the latest. This time frame was not respected in most of the cases. There are several reasons for the delay but mainly it was due to the lack of training of the electoral officers on the tabulation procedures and the use of small calculators for the addition of results which turned to be very time consuming in case of the largest municipalities.

Contrary to the successful training of polling stations members, STAE failed in training the electoral officers responsible for the intermediate tabulation. The work was badly organized and the officers did not even have a manual of procedures or tally sheets. The intermediate results were produced by totaling the results recorded in the protocol of results (*editais*) of each polling station by municipality: one for Mayor and one for Municipal Assembly. After being tabulated, the *editais* of each polling station were sent by fax to STAE central. Finally the *editais* with the integrated municipal results were also faxed to STAE, and the results were announced publicly and published. It was the first time in the electoral history of Mozambique that results have been faxed to STAE.

A decision was taken at CNE two days before elections on the installation of faxes at the municipal level for sending the results to STAE central. (Decision Nr.68/2003). In fact, all the 33 Municipalities but Metangula, Marromeu and Milange were equipped with faxes. On the same note, until the day before elections CNE did not take a decision on the use of computers for the intermediate tabulation and then Renamo voted against their use at that stage.

Although the procedures were not performed in an organized way and were time consuming, in general there were no serious complaints or major incidents to report during the intermediate tabulation. The exception to that was the city of Beira.

Beira is the second largest city of Mozambique and generally considered a Renamo-UE stronghold. The tabulation of results was characterized by a series of incidents, irregularities and fraud attempts which led to the delay of the publication of the intermediary results on the evening of November 26, seven days after E-Day. It all began with the 24 hours disappearance of the key to the STAE's storage where the *editais* were stored, then it followed the falsification of results in 13 *editais* to be sent to STAE central by fax and a few days later the additional disappearance of ten *editais*. Finally, and after a direct involvement of CNE officials from both Renamo and Frelimo the situation came to an end: Following an agreement between both political parties, the results of the elections were published even without the 10 missing *editais*. Renamo-UE won both elections in that city.

The final tabulation process made at STAE central should have been based on the information included in the minute *editais* with results from each polling station, sent by fax from the municipal level. The use of fax machines for the transmission of results was

supposed to speed up the process in order to respect legal requirements of publication of final official results.

It is difficult to qualify the final tabulation process at the central level because it was neither accessible nor clear. However, it is possible to state that the process was slow and the announcements of partial results made by STAE were outdated as they often came out after results from parallel counting by political parties and observer groups being already divulged by the media. It is also possible to assert that the unclear relationship between STAE and CNE became more evident during this stage of the electoral process. *Who does what* was not clear at all. Besides, the degree of mistrust within CNE put impediments to a well-run tabulation process and delayed the publication of the results. It is regrettable to acknowledge that, as CNE spokesman Mr. Felipe Mandlate declared to the newspaper "Domingo", the final tabulation was made by hand by the CNE members without using any computers or calculators. Finally, Renamo-UE members accused CNE of not following the legal procedures properly and abandoned the CNE not signing the results protocol.

VII. ELECTORAL RESULTS AND FINAL COMPLAINTS

On December 4 the CNE convened a press conference to announce the final results just on the last day within the timeframe of 15 days after E-Day as prescribed in the law. No written communiqué on the decisions on complaints or table of results was handed over to the media, observers and other personalities invited for the occasion. In this first announcement some information regarding the number of seats in some municipalities was wrongly calculated, among other, small parties and groups of citizens were given seats in only 3 municipalities and Renamo-UE had no seat in Xai-Xai.

CNE acknowledged that some adjustments of the results had to be made prior to the publication and therefore no print information could be handed over at that occasion. It took four more days of work behind doors before a new set of results were posted at the CNE premises as established in the law. Finally on December 11 the final report on the results (Acta de Apuramento Geral) was published, three weeks after Election Day. Finally on December 15 the Constitutional Council validated the results.

The day before the public announcement by CNE, Renamo members abandoned CNE and publicly declared they did not accept the results. CNE Renamo members demanded that the CNE should do the entire recount based on the 5372 results minute: two from each of the polling stations. This was refused. Later on Renamo demanded the comparison of the results from each polling station and the roll of polling stations to see if any fictitious polling station had been added to the real ones. CNE declined that demand. Renamo members returned to CNE on Friday December 5. On December 16 Renamo-UE declared its acceptance of the final results of the elections after the Constitutional Council validation one day earlier.

Frelimo won in 28 municipalities the Mayor and the Municipal Assembly elections, plus the Municipal Assembly election in Marromeu. Renamo-UE won in 4 municipalities the Mayor and the Municipal Assembly elections, plus the Mayor election in Marromeu. Partido Trabalhista (PT) which did 2.7% of the parliamentary elections in 1999 was not able to win any seat in the municipalities it ran. Also UNAMO failed to win a seat.

Six small parties and groups of citizens inter alia Partido Independente de Mocambique (PIMO), Instituto Democratico para a Paz (IPADE), Organização de Candidaturas Independentes de Nacala-Porto (OCINA), União para a Mudanca (UM) and Unidos pela Ilha (UPI) won seats in several municipalities. In this regard, Juntos pela Cidade (JPC) group of citizens in Maputo city, dropped against all expectations its representation in the municipality from 15 seats to 5 seats and was pushed to the third place after Renamo-UE.

On December 4 during the CNE public presentation of the final electoral results the decision on the complaints related to alleged irregularities on polling day was also announced (Deliberação Nr. 71/2003 December 3). CNE rejected all the complaints. Shortly: in Angoche and Ilha de Moçambique submitted respectively by GIDA and UPI groups of citizens due to the no inclusion of their groups' symbol on the ballots. The complaints brought by Renamo-UE about the alleged irregularities in Beira (tampering and disappearance of the electoral "editais"), Chimoio (introduction of false "editais" in the intermediate tabulation) Cuamba (police intimidation against Renamo-UE supporters), Manica (expulsion of Renamo-UE delegates from polling stations), Maputo (alleged voting of non registered voters), Marromeu (wrong processing of invalid ballots), Mocimboa da Praia (inclusion of non registered voters for the municipality in the polling lists), Monapo (wrong processing of invalid ballots), Montepuez (82 voters non resident in the municipality were allegedly allowed to cast their ballot), Nampula (irregularities in some voters lists), Queliname (15 non resident voters were allowed to cast their ballot). All the Renamo-UE, GIDA and UPI complaints were not admitted by CNE. Renamo-UE announced that as soon as it had been presented with the official results it would lodge an appeal to the Constitutional Council. It also announced that it would appeal to the Constitutional Council a previous CNE decision denying the adjournment of the election in Mocuba because its candidate had not had time to have a proper campaign.

VIII. OBSERVATION OF THE ELECTORAL PROCESS . LACK OF ACCESS TO CENTRAL TABULATION

The elections were observed by 900 domestic observers and 150 international observers. In most cases, the observation was concentrated on the E-Day during voting and counting at the polling stations.

The domestic observer groups were: FECIV with 110 observers, AMODE with 288 observers, the Electoral Observatory with 450 observers, and AWEPA with 87 observers. The Carter Center had 15 observers. The United States of America, Canada, Italy, Finland, Norway and Britain had together 28 observers. CPLP and Commonwealth had a smaller group of observers. The EU EOM was the largest international observation mission with a total of 64 observers.

During the E-Day, the EU EOM visited a total of 424 polling stations in 29 Municipalities. The observers witnessed the polling procedure from opening, through the voting and counting of the partial results. The counting was observed in 29 polling stations. The Chief Observer and the Core Team visited several polling stations in Maputo province. In all the observed polling stations, RENAMO-UE and FRELIMO were represented by their delegates.

The other political parties were scarcely present, even in those polling stations at the municipalities where they ran. Non-partisan national observers were present in almost half of the observed polling stations. The presence of international observers was reported in 12% of the stations. The preliminary counting was followed in 29 polling stations. Party delegates were present during the counting process in all the PS, and were given copies of the *editais* of the preliminary results. Party delegates' complaints and observations were recorded in the polling station protocol.

Following the E-Day the Mission observed the intermediate tabulation of results at the Municipal level at 29 district Electoral Commissions or City Electoral Commissions (CDE/CEC).

The tabulation of results at STAE central was neither observed by the EU EOM nor by any other international or national observers. STAE arranged a special "observation room" at the STAE computer center where the observers were supposed to watch on a TV screen the introduction of the results. Neither observers nor any party delegates were allowed to move around the computer room, or asking questions to those who entered the data either.

The Mission would like to draw the attention on some issues regarding the right to observe and the way the Mozambican electoral authorities prevented the international observers from carrying out their job properly in accordance with international practice and legal engagements undertaken by the CNE and the government of the Republic of Mozambique. The right to observe the electoral process is regulated in the electoral law. The decision Nr. 48/2003 on electoral observation establishes in Art. 2 the basis for electoral observation whilst Art. 22 f) outlines the rights of the observers: "Right to follow the electoral campaign, the voting process, and the operations of tabulation of the votes, namely in the counting centers and tabulation centers." Art. 22 also guarantee freedom of movement to the observers in the entire national territory.

For the EU Electoral Observation Mission, these rights were further guaranteed in the Memorandum of Understanding (MoU) signed between the CNE and the Head of the European Commission Delegation in Mozambique. It states in paragraph 8: "The CNE of the Republic of Mozambique will guarantee to the European Union Electoral Observation Mission and to all its members free access to all the organs of the electoral administration as well as to all the information concerning the electoral process during its presence in the Republic of Mozambique". Furthermore, paragraph 9 reads: "During the polling day and after that, the CNE will guarantee to the European Union Electoral Observation Mission the access of the observers to the counting and tabulation centers, with the purpose to, and within what it is established in the law and in the regulations on observation, monitor the voting and tabulation processes."

The impediments to the observation of the tabulation process at the central level were more serious, than those at intermediate level. With a few exceptions, national and international observers were allowed to observe the intermediate tabulation process at the district/city level. This was not the case at the central level. No observers or party delegates were present at the tabulation process at the central level, and the whole process took place behind closed doors. Taking into account that the final tabulation was a critical moment of the electoral

processes in 1994, 1998 and 1999 anyone could have expected that the electoral authorities saw in the electoral observation a useful instrument to guarantee a credible management of this particularly sensitive stage of the elections. However, observers were excluded and once again the tabulation at central level was a reason of mistrust.

The core team of the EU EOM included one observer with a data analyst expertise who could have analyzed the software used for the tabulation as well as observe the typing of the incoming results and the final tabulation. He was allowed to enter the central tabulation center for short periods of time totaling three hours. He was shown the software used for the tabulation of results but he had no possibility to observe neither the entrance of the intermediate results, nor the tabulation process. After a further attempt to *de facto* observe the entire tabulation process in accordance to international observation standards, the Mission was prohibited to enter the tabulation center. This decision had already been taken by the CNE dated November 17 (decision 69/2003 November 17) without notifying the Mission and was only handed to the EU EOM on November 22. The reason given for that decision was that the observer wanted to test the software and that was not observation. Further on, CNE added that the EU EOM data analyst's observation could not be confused with monitoring or investigating the STAE's computer department.

Taking into account that the tabulation has been throughout the electoral history of Mozambique the most sensitive moment of all the electoral process and a matter for mistrust and complaints on behalf of the opposition, the Mission regrets the lack of transparency of this important step of the Municipal Elections of 2003.

The final tabulation process is a decisive moment in each and every election and therefore has to be followed and observed with especial attention as an additional guarantee to the transparency that should characterize the conduct of every election.

For these reasons and in view of the next general elections in 2004, it is extremely important to guarantee the full access of the national and international observers to all steps of the electoral process and namely to the final tabulation of the results, including the re-qualification of the invalid votes. This should be a matter of analysis for CNE in order to be clearly stipulated in the election law and other relevant regulations. Only in this way it will be possible to contribute to a greater credibility and total transparency of the electoral process.

Although the law is clear with regard to the rights of the observers, in practice the CNE made its own interpretation of the law. The "freedom of movement" principle established in art. 22 was infringed without prior information. Contrary to the practice in former elections, the CNE insisted on specifying a province of deployment for each observer. This information, though not printed on the badge was indicated in the certificate that came with it. As a result, on the E-Day several observers of different groups that due to questions of reorganization had been transferred to other province were impeded to fulfill their tasks. To note, was the reluctance on behalf of the CNE to solve these problems which totally prevented several observers from fulfilling their observation tasks during Election Day.

IX. MEDIA LANDSCAPE

*It appears clearly that pluralism is significant in Mozambique, in terms of diversity of sources of information. [...] However, its impact on the potential audience appears limited.*¹

The Mozambican media sector is dynamic, given the number of media organisations operating in the country, even though they are mainly based in Maputo. Among the print media *Notícias* leads in terms of readership. The provincial radio services of *Rádio Moçambique* appear to be the most predominant media in the provinces. However, despite few owners of TV sets outside the main cities television remains an important source of information thanks to places for collective viewing that can be found in markets and in other locations accessible to the public.

Print media. The only two printed dailies of Mozambique are *Notícias* with a circulation of about 30.000 copies and *Diário de Moçambique* published in Beira and purchasable elsewhere in the country. The main shareholders of the private company owning *Notícias* and its Sunday edition *Domingo* are state-controlled entities. *Diário de Moçambique* belongs to a private group. Another private group called *Mediacoop* owns the weekly *Savana* (about 10.000 copies) and a newspaper distributed via fax and email called *Media Fax*. There are four other periodicals that transmit daily editions electronically: Renamo-UE owns one of them called *Imparcial*.

Electronic Media. The most important source of information appears to be the public broadcaster *Rádio Moçambique* that covers the whole country and transmits in Portuguese and national languages. In addition to it there are 37 non-profit community-based radio stations mainly public or catholic. The international radio channels BBC and RFI transmit in FM in the main towns and have Portuguese slots. The Mozambican public television TVM and the Portuguese public broadcaster RTP (*Radiotelevisão Portuguesa*) are accessible to viewers on an open channel dominate the TV market.

1. Legal framework for the media

Law 19/2002 requires public entities to provide candidates running in municipal elections with equal opportunities (art. 30). More precisely, public media that refer to electoral campaign must not discriminate against any candidate (art. 34).

In accordance with Law 20/2002 (art. 7, paragraph r), the CNE published the instructions about free airtime (*tempo de antena*) on public radio and television broadcasters for candidates running in 2003 Municipal Elections. This regulation was numbered 50/2003 and was published on October 27. It disposed that candidates' airtime must be broadcast during appropriate timing (art. 2.1), must be equal in time to all the contesters (art.3), would be accountable for contents to candidates only (art. 4) and would be paid for by the state (art. 16). Programs must be pre-recorded and submitted to broadcasters four hours before transmission time (art. 5.1). A lottery to organise the sequence of the candidates' airtime for each municipality would have to take place at least five days before the start of the campaign

¹ Media Pluralism Landscape, UNESCO/UNDP Media Development Project, July 1999, page 61 and 73.

(art. 8). The lottery took place on October 29 and was completed the day after, four days before the campaign started.

Article 11 states that candidates must be provided with ten minutes per week on Mozambican Television (TVM), including its branches and with five minutes per week on the provincial radio stations of *Rádio Moçambique*. Due to the technical impossibility to properly implement article 11 on TVM (that appeared not to have the capacity to broadcast the free airtime from its branches), the day before the start of the campaign on November 3 during a public meeting the Deputy General Director of STAE, Mr. Ratxide Gogo suggested a difficult, but reasonable solution with six minutes only per week per candidate on TVM. This meant that TVM national channel had to broadcast the free airtime for all the candidates from the 33 municipalities. Concerning the public meeting about 15 persons attended it. It is not clear if and how the meeting was publicized among the candidates from the provinces. No documents were distributed and no objections were raised.

2. Media Monitoring

The Mission considers that in general the media offered an adequate coverage of the campaign and despite minor incidents, no serious obstacles prevented journalists from informing the public freely about programs and activities of the candidates.

The public broadcasters, TVM and *Rádio Moçambique* fulfilled their legal obligations, providing the candidates with free airtime. However, there were evident difficulties to properly implement the CNE's guidelines on free airtime: on the one hand, because they were released very late and on the other hand because of the limited resources, both human and technical available to the public broadcasters. Moreover, some candidates did not have the capacity to take up their free time. When this happened the public broadcasters respected the law and filled the free airtime with a musical slot on the radio or, in the case of television, transmitted the candidate's name on TV, even though this solution could result in a loss of viewers. In general no critical tone towards the contesters was recorded in the news programs of the public broadcasters.

Concerning the print media, a plurality of opinions including open criticism of all political sides was found in the press. Although in general the ruling party received a better coverage both in terms of quantity and quality.

1. Rádio Moçambique

Among the several broadcasting services of the publicly owned *Rádio Moçambique*, *Antena Nacional* serves the entire country on AM and in the main cities on FM as well. The EU EOM monitored *Rádio Moçambique* in its morning broadcasts from 5.45 up to 10.30. In the period from the establishment of the EU EOM and the start of the campaign, *Antena Nacional* covered the president and the government extensively for a total of 80.79% of time (see Table 1 in the Annexes). To this percentage it should be also added the time given to the parliamentary majority that makes a total of 87.29%. Due to the limited period of monitoring, it is not possible to assess if this is the normal attitude of this important media outlet outside election campaigns. The high percentage of negative coverage for Renamo-UE should not be

misunderstood: the absolute value is just two minutes. Here the main aspect is the high quantity of attention dedicated to the ruling party.

During the election campaign, *Antena Nacional* drastically reoriented its political communication giving 32.18% of coverage to Renamo-UE, 24.90% to Frelimo and 23.79% to the candidates of IPADE. The president and the government together received only some 6% (see Table 2).

The service of *Rádio Moçambique* for Maputo city, *Rádio Cidade* appears to be one of the most popular radio stations in the capital town. During the election campaign the EU EOM monitored this station from 17.45 to midnight. Outside the free airtime dedicated to the competitors in the municipal race, monitors identified small quantities of time dedicated to political communication. *Rádio Cidade* devoted almost the same quantity of coverage both to Frelimo (16.96%) and Renamo-UE (16.95%). AMAR of candidate Pedro Loforte received 15.89% of coverage and JPC of candidate Philippe Gagnaux 14.90% (Table 3).

2. TVM

The EU EOM monitored the publicly owned television broadcaster TVM from 17.45 up to midnight. In the period from the establishment of the EU EOM and the start of the campaign, the findings show an attempt to balance the coverage of the executive that counts for a total of 53.97%, the parliament majority with 13.61% and the opposition with 32.42%, as a whole being 10.97% of which for Renamo-UE. Generally the tone was positive for all the political actors (Table 4).

Differently from the period before the campaign, the findings from the election campaign indicate an unsuccessful balance (see Table 5): Frelimo received about 50%, Renamo almost 28%, IPADE almost 5%. We believe that TVM suffered from the complicated solution found to work out the impossibility to transmit the airtime from its provincial branches. However, for the 2004 General Elections, the TVM management must make an effort to make the ground free from any confusion or ambiguity that could play in favour of Frelimo.

The election campaign reports broadcast on TVM news at 20.00 were a benefit to the electorate (see Table 6): thanks to the reportages of the campaign from the provinces the electorate was able to make up their mind about the campaign throughout the 33 municipalities. In general no biased reportage was recorded, while events like misbehaved actions perpetrated by the supporters of the two main parties counted for negative tone.

3. STV

STV is a private television station transmitting in Maputo. Due to the resources the EU EOM media unit was able to monitor the channel for less than a week before the start of the campaign. Even though the findings refer to a very limited period, it is interesting to mention that the incumbents and the majority together received about 90% of coverage. However, it is worthy the debate among the candidates to the post of mayor of Maputo broadcast in the evening of October 28, 2003.

4. Print media

Concerning the print media, it is public opinion that *Notícias*, its Sunday edition *Domingo* and *Diário de Moçambique* reflect the views of the ruling party, although they cannot be considered publicly owned. The EU EOM findings do not contradict the common impression. *Notícias* displayed a bias in favour of the ruling party, even though some critical coverage was recorded against Frelimo and the government (Table 7) and *Domingo* (Table 8) appeared slightly different from the description given by a monitoring operation carried out during 1999 elections: “*O semanário Domingo foi de todos o meio público de comunicação mais tendencioso*”².

Differently from the other two newspapers that should reflect the views of Frelimo, on the privately-owned *Diário de Moçambique* it was even possible to record some critical tone towards the president, for news unrelated to the elections (Table 9).

Among the private weeklies, *Zambese* is an independent paper that is showing a plurality of political views, even critical towards the president (see Table 10). However, Frelimo received about 41% and Renamo-UE some 25%.

The weekly *Savana* belongs to the private company *Mediacoop* once a cooperative of journalists established in 1992 by Carlos Cardoso. Five years later, in 1997 Carlos Cardoso founded *Metical* (now called *Vertical*), a faxed daily newspaper that investigated financial issues, including fraud, corruption and money laundry. Carlos Cardoso was assassinated on November 22, 2000. During the monitored period *Savana* covered Frelimo with about 42% and Renamo-UE with about 35%, both mainly in a positive way (see Table 11).

The other monitored weeklies, *Demos* (Table 12) and *O País* (Table 13) showed a trend similar to that one of the other monitored periodicals with the greatest amount of space dedicated to the ruling party and the executive.

3. **Visibility**

The website of the mission www.eueommoz.org is online and it will stay for two years. Any press coverage on the EU EOM is available on the media page. Most of this coverage occurred around the introductory press conference and the release of the Preliminary Statement. On November 21, also TVM and STV prime time news programs covered the preliminary findings extensively.

X. RECOMMENDATIONS

The elections of 19 November 2003 proved that the electoral system in Mozambique has undertaken improvements in certain areas. Nevertheless, there still are some serious recurring deficiencies from former elections that should not be repeated again in the coming general elections of 2004. Bearing in mind that the next elections will take place within less than one year, time is already running short to implement the necessary reforms.

² Article XIX and *Liga Moçambicana dos Direitos Humanos*, Final Report, April 2000, page 11.

Based on the analysis of these elections the EU EOM would like to propose the following recommendations with the aim to improve the conditions for the next electoral process.

1. The new electoral law

- The new electoral law on Presidential and Parliamentary elections should be approved as soon as possible in order to facilitate its implementation in time for the coming elections.
- The Mission would recommend the adoption of a general electoral law that could be used for every election with small “ad hoc” additional added updates (if required) for each particular electoral contest. In this new law electoral deadlines as a whole and namely those regarding the presentation of candidates and party lists, the assessment of candidatures, the issuing of the number of mandates and the final candidates list will currently have to be reassessed so that they are in line with the real standards and conditions of the country.
- On the issue of disqualifications of candidates, it would be recommendable to include in the new electoral law an article in line with former Art. 152 of Law 3/99 on Presidential and National Assembly elections on publication of lists of candidates and verification of candidatures, that concedes the general public and candidates with eight days to complain against the preliminary published final lists of candidates.
- The re-qualification of invalid votes should be done in a first instance at the intermediate level in order to facilitate the final results tabulation.
- In the new election law and in practice domestic and international election observers should be given full access to information that is relevant to the election process, in particular to result tabulation at central level.

2. Professionalism of the electoral administration

Although Law 20/02 intends to define CNE and STAE roles, in practice their competencies are to a rather great extent overlapping in the field and information has not been well channelled from central to provincial and district levels. This has added confusion to the implementation of the decisions, even giving the fact that the STAE has a more administrative and organizational position. The EU EOM would recommend:

- Better and clearer channels of communication between CNE and STAE and between them and the other levels of administration of these institutions.
- Decentralization of decision making mechanisms in order to ease the electoral process in its different stages.
- An administrative structure within CNE should be created to deal with complaints.
- To improve the swiftness and visibility of the intermediate tabulation operations. For that aim, the Mission recommends: 1) to organize training for the staff involved in the

intermediate tabulation which standards should be as high as that of the polling station staff. 2) Intermediate tabulation should be computerized taking in consideration that next elections will comprise more than three times the number of minutes of results “editais”.

- The preparation in advance of a comprehensive logistical plan for the elections and a contingency plan ready to face the possibility of extending the polling. Next elections will cover the whole country to the most remote rural places.

3. Voters registration and voters lists

Deficiencies in the voters’ registration and subsequent voters’ lists have been a persistent feature of the elections in Mozambique and a source of mistrust by the political parties in the opposition. Next elections should be a turning point to improve this.

The Mission encourages the authorities to focus all their capacity and efforts in producing a unified national computerized reliable voters’ list where figures are consistent.

The Mission recommends:

- To complete and correct the voters’ registration data from 1999 and 2003 in order to avoid even more errors when adding data from 2004 registration.
- Currently, there is one database in software MS Access for each province. This is neither sustainable nor efficient. The database should be unified. The centralized data base should be fully operational latest May 2004.
- The up-date of voters registration for 2004 should be reorganized in such a way that the deficiencies experienced during 2003 up-date could be avoided, i.e. lack of material, large number of human errors in recording data. STAE should start this work as soon as possible.
- The public and political parties should be allowed to check the electronic voters list before they are ready for distribution to the CDEs and polling stations.

4. Enhance transparency to increase credibility

The Mozambican legal framework offers the necessary legal tools for transparent electoral processes in the country. Nevertheless the electoral process in 2003 was not as transparent as the law allows. There are still some hidden areas where information and access have been denied to the public, political actors and observers and which should be opened in order to improve credibility in the performance of the electoral authorities and the process as a whole. In this line the Mission would like to offer some recommendations for the 2004 elections:

- CNE should consider to maintain an open dialog with the political forces not represented in CNE and STAE and amend its working procedures in a way that allows election participants and observers to follow the decision making process.

- The electoral administration should give clear and timely information to the public on all the steps of the electoral process; this should include openness when failures or errors occur.
- To invite the political parties and observers to check samples of the sensitive election material and test the ink.
- To allow the presence of party delegates at the intermediate tabulation and of observers and party delegates at the sending procedures of intermediate results.
- To allow the presence of party delegates and observers at the sensitive procedure of re-qualification of votes. In Mozambican elections the invalid votes use to be in a significant amount and can affect results.
- To allow the presence of delegates of political parties and observers at the tabulation process at the central level. Observers can not be limited to a focal room where they only can follow the input of votes in a screen. Credible observation is only possible by moving freely around the computer room as well as having the right to put questions to the data technicians in order to follow up the process in line with international practice.
- Full access for international observers should contribute to the building up of confidence in the Computer system. Sharing a copy of used software including its source code for assessment purposes could be one way of showing transparency. If installed in a separate stand alone computer it could not harm the system or the database and would only build up public confidence.
- Guarantee the free movement of observers in the whole country as established in the law by issuing accreditations with no geographical restrictions.
- Timely publication of complete and accurate results from polling station to national level.
- The launching of a permanent Website by CNE where the electoral results, instructions and decisions could be published and accessible for the public would contribute to higher credibility in the electoral authorities and the electoral process as a whole.

Other recommendations

- The seal number used in the ballot boxes on Election Day was recorded on a mere notebook. Because it is a security measure the seal number should be recorded in the polling station minute “Acta”.
- The serial number that every ballot slip has should be removed in order to maximize voter’s rights to secrecy. The number allows identifying who vote for whom and thus violates the secrecy of voting in case where a recounting might be undertaken.

- In line with practice in many election systems it could be considered to lift the requirement for parties which had already contested in previous elections to gather signatures in order to register as election participants.
- Finally, and even though no particular problems were observed, it would be advisable to train the police officers about their role in the electoral contest, as it happened in 1994.

ANNEX 1



EU EOM - OBSERVATION FORM - Mozambique Municipal Elections 2003

2003-11-26 13:16

Total from Reports: Meio-dia, Noite e Encerramento

Total No Teams 29

Incluindo um total de AV/PS Visitadas: 429

	Yes	No	Y%	N%
A) <u>Abertura / Opening</u>				
1. A Assembleia de Voto (AV) recebeu o material completo?	33	0	100,00	0,00
2. A AV foi constituída com um presidente/vice presidente?	32	1	96,97	3,03
3. A Assembleia de Voto foi constituída com pelo menos 3 membros?	33	0	100,00	0,00
4. A que horas abriu a Assembleia de Voto?	33	0	100,00	0,00
5. Todos os procedimentos de abertura foram respeitados?	33	0	100,00	0,00
B) <u>Votação / Polling</u>				
6. A AV está constituída com um presidente/vice presidente?	394	1	99,75	0,25
7. A Assembleia de Voto está constituída com pelo menos 3 membros?	389	1	99,74	0,26
8. Algum membro da Assembleia de Voto fala uma língua local?	391	3	99,24	0,76
9. Os materiais da Assembleia de Voto estão completos?	389	11	97,25	2,75
10. A urna está devidamente selada?	391	9	97,75	2,25
11. Além do caderno de eleitores electrónico também existe na AV o caderno?	389	17	95,81	4,19
12. Algum eleitor votou sem estar registado nalgum dos cadernos de eleitores?	7	390	1,76	98,24
13. Algum eleitor foi impedido de votar mesmo estando registado	6	385	1,53	98,47
14. Verifica-se se os eleitores têm o dedo marcado de tinta indelével	374	15	96,14	3,86
15. O presidente da AV mostra aos eleitores a maneira correcta de dobrar o boletim de voto?	377	12	96,92	3,08
16. Marca-se devidamente o dedo dos eleitores de tinta depois de votar?	380	15	96,20	3,80



EU EOM - OBSERVATION FORM - Mozambique Municipal Elections 2003

2003-11-26 13:16

	Yes	No	Y%	N%
17. O segredo de voto é respeitado?	365	25	93,59	6,41
18. Há delegados de partidos políticos e/ou de grupos de cidadãos presentes dentro da AV?	398	0	100,00	0,00
19. Há observadores nacionais presentes na AV?	181	221	45,02	54,98
20. Há observadores internacionais presentes na AV?	47	353	11,75	88,25
21. Observou algum tipo de propaganda política dentro da AV ou fora numa área de 300m?	53	347	13,25	86,75
22. Observou algum tipo de pressão aos eleitores dentro da AV ou fora numa área de 300m?	51	349	12,75	87,25
23. Classifique o processo da Votação		%	%	%
1. Mal (Poor)		Mal	Acetável	Bom
2. Acetável (Ok)		2,39	14,63	82,98

Encerramentos-Apuramentos/Closing Counting Visitadas: 29

C)	Encerramento e Apuramento na AV / Closing and Counting in the PS	Yes	No	Y%	N%	N/a
24.	Todos os eleitores que estavam na bicha às 18 horas puderam votar?	21	0	100,00	0,00	8
25.	Deleg. de partidos políticos presentes na AV no processo de encerramento e apuramento?	29	100,00	0,00	0,00	
26.	Houve reclamações dos delegados de partidos políticos e/ou grupos de cidadãos?	8	20	28,57	71,43	
27.	As reclamações dos delegados de partidos políticos foram registadas na acta?	6	6	50,00	50,00	17
28.	Os delegados de partidos políticos presentes receberam copias do edital e da acta?	25	3	89,29	10,71	
29.	Classifique o processo de encerramento e apuramento		%	%		
1.	Mal (Poor)		Mal	Acetável	Bom	
2.	Acetável (Ok)		3,57	32,14	64,29	
3.	Bom (Good)					

ENGLISH TRANSLATION

	Total from Reports: Mid-Day, Afternoon and Closing		
	29		
	Total No Teams		
	Including a total of PS Visited:: 429		
	Yes	No	N%
A)Opening			
1. Did the Polling Station receive the complete Polling Station material kit?	33	0	100,00
2. Was a chair person/vice chairperson part of the Polling Station staff?	32	1	96,97
3. Was the Polling Station composed by at least 3 members?	33	0	100,00
4. At what time did the Polling Station open?			
5. Were all the opening procedures respected?	33	0	100,00
B)Polling			
6. Has the Polling Station a chair person/vice chairperson integrated?	394	1	99,75
7. Has the Polling Station at least 3 members?	389	1	99,74
8. Do any of the Polling Station members speak a local language?	391	3	99,24
9. Is the Polling Station material kit complete?	389	11	97,25
10. Is the ballot box properly sealed?	391	9	97,75
11. Besides of the computerized voters register is there also the handwritten voters register in the PS?	389	17	95,81
12. Has any person voted despite not being registered on any of the voter's register?	7	390	1,76
13. Was any voter prevented from voting even when registered in any of the voter's register?	6	385	1,53
14. Were the voters finger checked for ink before voting?	374	15	96,14
15. Does the chairperson show the voters how to fold the ballot in the proper way?	377	12	96,92
16. Is the finger of the voters properly marked with ink after voting?	380	15	96,20
			3,80

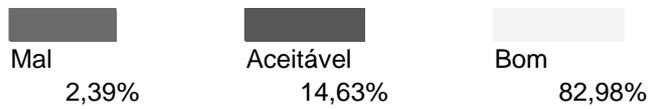
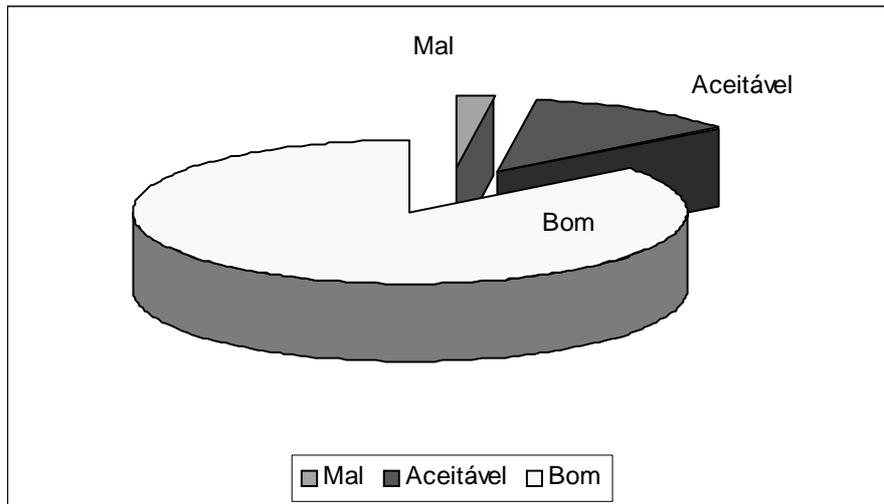
	Yes	No	Y%	N%
17. Is the secrecy of the vote ensured?	365	25	93,59	6,41
18. Are there any delegates from political parties or groups of citizens present at the Polling Station?	398	0	100,00	0,00
19. Are there any national observers present at the PS?	181	221	45,02	54,98
20. Are there any international observers present at the PS?	47	353	11,75	88,25
21. Did you observe any political propaganda inside the PS or outside within a 300m area?	53	347	13,25	86,75
22. Are there any national observers present at the PS?	51	349	12,75	87,25
23. Rate the voting process		%	%	%
1. Poor 2. Ok 3. Good		Poor	OK	Good
		2,39	14,63	82,98

Closing and Counting Visited: 29

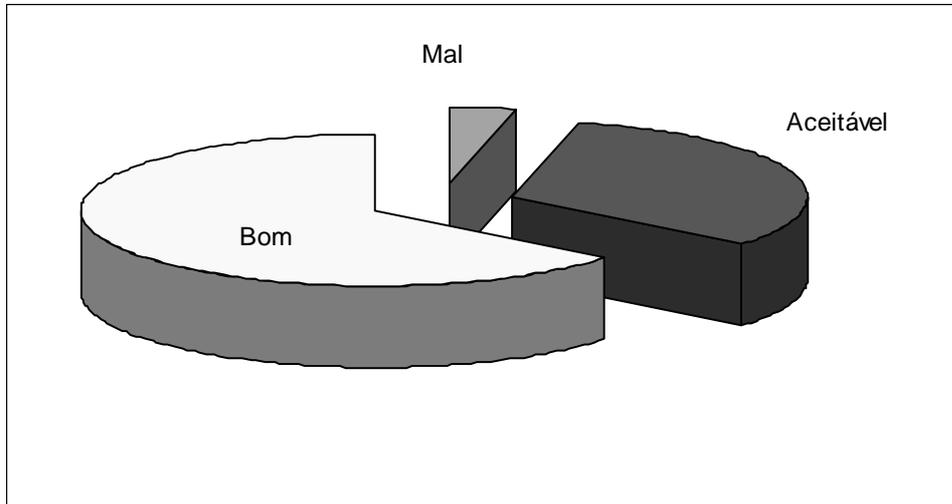
C) Closing and Counting	Yes	No	Y%	N%	N/a
24. Were all voters queuing at 18.00 allowed to vote?	21	0	100,00	0,00	8
25. Were delegates of political parties and/or groups of citizens present at the closing and counting processes?	29	100,00	0,00	0,00	
26. Were any complaints raised from political parties delegates and/or groups of citizens?	8	20	28,57	71,43	
27. Were complaints entered in the polling record?	6	6	50,00	50,00	17
28. Did the present political parties delegates and/or groups of citizens receive a copy of the "edital" and "acta"?	25	3	89,29	10,71	
29. Rate the closing process		%	%		
1. Poor 2. Ok 3. Good		Poor	OK	Good	
		3,57	32,14	64,29	

Observation results

Classifique o processo da Votação



Classifique o processo de encerramento e apuramento



ANNEX 2

Media Monitoring Tables

Table 1

Percentage of coverage and tone
Antena Nacional (Rádio Moçambique)

October 24 - November 3, 2003
All the programs from 5.45 to 10.30

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Presidente	65.93%	0.0%	18.4%	81.6%
Governo	14.86%	8.8%	31.3%	60.0%
Frelimo	6.50%	0.0%	91.6%	8.4%
PT- Partido Trabalhista	4.36%	0.0%	100.0%	0.0%
Presidente da Assembleia	4.08%	0.0%	100.0%	0.0%
Renamo	3.17%	73.2%	3.6%	23.2%
PIMO	1.10%	0.0%	100.0%	0.0%

Table 2

Percentage of coverage and tone
Antena Nacional (Rádio Moçambique)

November 4 – 16, 2003
All the programs from 5.45 to 10.30

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Renamo	32.18%	2.1%	1.6%	96.3%
Frelimo	24.90%	0.3%	1.4%	98.3%
Ipade	23.79%	0.0%	0.6%	99.4%
AMAR	4.93%	0.0%	0.0%	100.0%
JPC	4.42%	0.0%	0.0%	100.0%
Governo	3.43%	0.0%	0.0%	100.0%
Presidente	2.56%	0.0%	0.0%	100.0%
PT- Partido Trabalhista	1.28%	0.0%	3.4%	96.6%
Independente	0.73%	0.0%	0.0%	100.0%
PIMO	0.56%	0.0%	7.7%	92.3%
Partido Ecologista	0.49%	0.0%	5.9%	94.1%
Guibane	0.24%	0.0%	6.0%	94.0%
Partido Pacode	0.19%	0.0%	15.4%	84.6%
Unamo	0.16%	0.0%	0.0%	100.0%
OCINA	0.06%	100.0%	0.0%	0.0%
Others	0.05%	0.0%	0.0%	100.0%
Palmo	0.03%	0.0%	0.0%	100.0%

Table 3

**Percentage of coverage and tone
Rádio Cidade (Rádio Moçambique)**

November 4 – 16, 2003

All the programs from 17.45 to 24.00

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	16.96%	0%	0.0%	100.0%
Renamo	16.95%	0%	13.5%	86.5%
AMAR	15.89%	0%	0.0%	100.0%
JPC	14.90%	0%	49.3%	50.7%
PIMO	8.18%	0%	6.2%	93.8%
Ipade	8.00%	0%	6.5%	93.5%
Partido Ecologista	7.65%	0%	23.2%	76.8%
Partido Os Verdes	6.39%	0%	56.4%	43.6%
PT- Partido Trabalhista	4.85%	0%	10.7%	89.3%
Presidente	0.23%	0%	0.0%	100.0%

Table 4

**Percentage of coverage and tone
TVM**

October 23 - November 3, 2003

All the programs from 19.00 to 24.00

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Presidente	29.05%	0.8%	17.8%	81.5%
Governo	24.92%	0.0%	11.2%	88.8%
Frelimo	13.61%	0.0%	5.1%	94.9%
Renamo	10.97%	9.3%	0.2%	90.4%
Independente	6.90%	0.0%	0.4%	99.6%
AMAR	6.86%	0.0%	0.4%	99.6%
JPC	6.48%	0.0%	0.4%	99.6%
PT- Partido Trabalhista	1.21%	0.0%	0.0%	100.0%

Table 5

Percentage of coverage and tone
TVM

November 4 – 16, 2003

All the programs from 17.45 to 24.00

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	50.03%	0.6%	0.3%	99.1%
Renamo	27.70%	3.7%	3.0%	93.3%
Governo	5.20%	0.0%	5.6%	94.4%
Ipade	4.95%	0.0%	4.8%	95.2%
Presidente	4.63%	0.0%	1.8%	98.2%
PIMO	2.29%	0.0%	0.8%	99.2%
JPC	2.17%	0.0%	0.0%	100.0%
AMAR	1.32%	0.0%	0.0%	100.0%
PT- Partido Trabalhista	0.73%	0.0%	0.0%	100.0%
Guibane	0.55%	0.0%	0.0%	100.0%
Independente	0.20%	0.0%	24.3%	75.7%
Unidos pela Ilha -UPI	0.14%	0.0%	0.0%	100.0%
Partido Ecologista	0.05%	0.0%	0.0%	100.0%
Unamo	0.04%	0.0%	100.0%	0.0%

Table 6

Percentage of coverage and tone
TVM

November 4 – 16, 2003

Prime time news program at 20.00

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	43.43%	1.3%	0.0%	98.7%
Renamo	32.82%	7.9%	0.0%	92.1%
Ipade	6.28%	0.0%	0.0%	100.0%
Governo	5.93%	0.0%	13.6%	86.4%
Presidente	3.36%	0.0%	6.6%	93.4%
PIMO	2.21%	0.0%	0.0%	100.0%
PT- Partido Trabalhista	1.96%	0.0%	0.0%	100.0%
Guibane	1.33%	0.0%	0.0%	100.0%
JPC	1.33%	0.0%	0.0%	100.0%
AMAR	0.48%	0.0%	0.0%	100.0%
Independente	0.42%	0.0%	0.0%	100.0%
Unidos pela Ilha -UPI	0.39%	0.0%	0.0%	100.0%
Partido Ecologista	0.06%	0.0%	0.0%	100.0%

Table 7

Percentage of coverage and tone
Notícias

October 20 - November 15, 2003

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	30.36%	8.8%	5.1%	86.1%
Renamo	21.66%	12.7%	9.3%	77.9%
Governo	19.00%	6.6%	9.7%	83.6%
Presidente	14.20%	0.0%	8.2%	91.8%
Ipade	6.44%	0.0%	5.3%	94.7%
PT- Partido Trabalhista	2.38%	0.0%	13.2%	86.8%
JPC	2.04%	0.0%	7.6%	92.4%
AMAR	1.44%	0.0%	0.6%	99.4%
PIMO	1.04%	0.0%	5.2%	94.8%
Guibane	0.28%	0.0%	66.7%	33.3%
Unamo	0.27%	75.5%	0.0%	24.5%
Partido Sol	0.26%	0.0%	62.1%	37.9%
Others	0.22%	85.5%	0.0%	14.5%
Partido Pacode	0.18%	0.0%	21.2%	78.8%
Partido Ecologista	0.13%	0.0%	0.0%	100.0%
Independente	0.11%	0.0%	71.4%	28.6%

Table 8

Percentage of coverage and tone
Domingo

October 26 - November 16, 2003

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	35.04%	2.0%	0.9%	97.1%
Renamo	18.28%	13.9%	17.8%	68.3%
Governo	15.21%	4.3%	0.0%	95.7%
JPC	12.81%	0.0%	0.0%	100.0%
PIMO	7.10%	0.0%	0.0%	100.0%
Ipade	5.21%	0.0%	0.0%	100.0%
Presidente	4.14%	0.0%	75.8%	24.2%
AMAR	2.21%	0.0%	0.0%	100.0%

Table 9

Percentage of coverage and tone
Diário de Moçambique

October 24 - November 15, 2003

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	39.03%	14.7%	1.8%	83.5%
Renamo	27.24%	31.0%	0.0%	69.0%
Governo	13.88%	36.7%	8.2%	55.1%
Presidente	7.99%	4.7%	29.4%	65.9%
Ipade	3.73%	30.8%	0.0%	69.2%
PIMO	3.61%	6.1%	0.0%	93.9%
JPC	2.07%	50.4%	0.0%	49.6%
AMAR	1.29%	81.1%	0.0%	18.9%
Partido Pacode	0.43%	0.0%	0.0%	100.0%
Others	0.30%	100.0%	0.0%	0.0%
Partido Sol	0.22%	0.0%	100.0%	0.0%
Unamo	0.12%	0.0%	0.0%	100.0%
Independente	0.05%	0.0%	0.0%	100.0%
OCINA	0.04%	0.0%	0.0%	100.0%

Table 10

Percentage of coverage and tone
Zambese

October 23 - November 13, 2003: four issues

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	41.21%	6.3%	49.1%	44.7%
Renamo	25.23%	32.3%	7.9%	59.8%
Ipade	7.85%	0.0%	84.6%	15.4%
JPC	7.54%	70.1%	18.8%	11.1%
Presidente	6.45%	91.4%	8.6%	0.0%
Governo	5.30%	43.8%	56.2%	0.0%
PT- Partido Trabalhista	2.95%	100.0%	0.0%	0.0%
AMAR	1.94%	0.0%	56.8%	43.2%
PIMO	1.53%	0.0%	0.0%	100.0%

Table 11

Percentage of coverage and tone
Savana

October 24 - November 14, 2003: four issues

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	42.32%	9.2%	3.7%	87.1%
Renamo	35.16%	18.7%	0.3%	80.9%
Governo	8.39%	3.7%	0.7%	95.6%
JPC	6.76%	48.3%	2.4%	49.3%
Ipade	3.12%	54.1%	0.7%	45.2%
Presidente	1.83%	0.0%	0.0%	100.0%
AMAR	1.83%	92.1%	1.1%	6.8%
Guibane	0.39%	0.0%	0.0%	100.0%
PIMO	0.20%	0.0%	0.0%	100.0%

Table 12

(a) Percentage of coverage and tone
b) Demos

October 29 - November 12, 2003: three issues

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Frelimo	38.54%	0.0%	0.0%	100.0%
Governo	18.77%	27.5%	5.3%	67.2%
Renamo	14.95%	9.9%	0.0%	90.1%
AMAR	7.24%	0.0%	0.0%	100.0%
PIMO	6.91%	0.0%	0.0%	100.0%
Presidente	6.56%	18.7%	17.3%	64.0%
Others	3.59%	100.0%	0.0%	0.0%
Partido Sol	1.59%	0.0%	0.0%	100.0%
Ipade	1.35%	90.7%	0.0%	9.3%
JPC	0.50%	37.5%	0.0%	62.5%

Table 13

Percentage of coverage and tone
O País

October 25 - November 8, 2003: three issues

POLITICAL AFFILIATION	Coverage	Tone		
		-	=	+
Governo	35.33%	0.0%	14.2%	85.8%
Frelimo	25.26%	5.7%	57.8%	36.5%
Renamo	21.97%	29.2%	0.0%	70.8%
Presidente	12.50%	0.0%	0.0%	100.0%
PIMO	3.87%	30.6%	0.0%	69.4%
JPC	1.07%	0.0%	0.0%	100.0%