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ELECTION OBSERVATION MISSION
MOZAMBIQUE PRESIDENTIAL, LEGISLATIVE, AND PROVINCIAL ASSEMBLY
ELECTIONS, OCTOBER 2014

PRELIMINARY STATEMENT

THE CARTER CENTER CONGRATULATES MOZAMBICANS ON
LARGELY PEACEFUL VOTE; ENCOURAGES CALM AS THE
TABULATION PROCESS CONTINUES

Maputo, Mozambique

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The Carter Center Election Observation Mission has been in Mozambique since September 2014 following an invitation from the Ministry of Foreign Affairs and Cooperation. The Center is working in Mozambique in partnership with the Electoral Institute for Sustainable Democracy in Africa (EISA), and together the integrated mission deployed 87 observers representing 40 countries. The EISA – Carter Center mission was led by Raila Odinga, former prime minister of Kenya, and co-led by Denis Kadima, executive director of EISA, and John Stremlau, vice president of peace programs at The Carter Center. Twenty-three long-term observers from 13 countries were deployed by EISA throughout the country in advance of election day to assess election preparations. On election day, EISA and TCC observers visited 543 polling stations in 82 districts to observe opening, voting and counting. Observers remain in their areas of observation to assess the conclusion of counting and the tabulation of results at the district, provincial, and national levels. All assessments are made in accordance with international standards for elections, and the observation mission was conducted in accordance with the Declaration of Principles for International Election Observation.

This statement is preliminary; a final report will be published several months after the end of the electoral process.

Executive Summary

On Oct. 15, Mozambique held elections for president, national assembly and provincial assemblies. These are the fifth national elections since the historic General Peace Agreement between the Liberation Front of Mozambique (*Frente de Libertação de Moçambique*, or FRELIMO) and the Mozambican National Resistance (*Resistencia Nacional Mocambicana*, or RENAMO) brought an end to a tragic civil war. A recent return to armed hostilities has reminded all Mozambicans of the importance of safeguarding their hard-earned peace and democratic institutions while hopes and expectations are rising that a dynamic, fast-growing economy will become a more inclusive economy. No matter which candidates and parties emerge the winners, these elections will usher in historic changes at another consequential moment in Mozambique's history.

The Carter Center congratulates the citizens of Mozambique who came out on election day to exercise their right to vote at more than 17,000 polling stations spread throughout the length and breadth of the country.

The joint observation mission of The Carter Center and the Electoral Institute for Sustainable Democracy in Africa (EISA) has fielded long-term and short-term observers since Aug. 25 to assess the legal and institutional context for these elections, the state of electoral preparations, and the period of the political campaign. Twenty-three long-term observers from 13 countries were deployed by EISA throughout the country in advance of election day to assess election preparations. On election day, the integrated EISA and TCC team deployed 87 observers from 40 countries who visited 543 polling stations in 82 of 151 districts to observe voting and counting. A team of 57 observers remain in all 10 provinces and Maputo city to continue to observe the tabulation of results at district, provincial, and national levels.

A negotiated electoral framework passed in February 2014 addressed several shortcomings of previous elections. It also laid out the formula for constituting new election bodies at the district, provincial and national levels, including that parties represented in parliament would have representatives at all levels of the National Elections Commission (*Comissão Nacional de Eleições*, or CNE) and the Technical Secretariat for Electoral Administration (*Secretariado Técnico da Administração Eleitoral*, or STAE), as well as staff at the polling stations. It also included a new mechanism for consideration of electoral complaints through the court system, rather than through the election management body as in past elections.

The campaign was conducted in a generally peaceful and tolerant atmosphere with the exception of clashes among party activists in Gaza, Nampula city,

4. Reconsider and respect clear deadlines for submission of applications for accreditation for observers and party agents to ensure adequate time for their production and distribution, so that they are available far enough in advance of the election to be used effectively.
5. The police must enforce in a fair, equitable and professional manner all laws and regulations surrounding the security of public campaign activities and the arrest, investigation, and detention of any who break campaign laws. In turn, parties should work with police to facilitate security and public order at campaign events.

Statement of Preliminary Findings and Conclusions

BACKGROUND

For most of the last two decades, Mozambique has been held up as a success story of post-conflict transition, multi-party democracy and economic liberalization. It has successfully held four national elections (1994, 1999, 2004, 2009), the results of which have been broadly

number of CNE regulations have been adopted on various matters, including decision No. 65/CNE/2014, which decided the number of seat distributions per constituency; and No. 64/CNE/2014, which approved voter registration data, regulated the distribution of public financing for electoral campaigns, and decided on the process that determined candidate ordering on ballots. The CNE also produced procedural manuals for polling staff.

In response to criticisms relating to FRELIMO's monopoly of power and RENAMO's boycott of last year's local elections, a series of electoral reforms presented by RENAMO were agreed upon by FRELIMO. The resulting laws and regulations improved the overall legal framework, which stands as a sound basis for the conduct of democratic elections.

The negotiated electoral framework addresses a number of previous recommendations of international observation organizations, including an extended electoral process timeframe, procedures for candidate registration, and disclosure of the number of registered voters per polling station. Another negotiated reform allowed party members of FRELIMO, RENAMO, and MDM to participate at all levels of election administration, down to polling staff membership. Other reforms include a requirement to check polling station staff members' hands and counting table surfaces for ink, dirt, or other substances that could spoil ballot papers in advance of counting to reduce the likelihood of accidental spoiling.

Electoral System

The essence of any electoral system should be to translate the will of the people into a representative government, although no specific electoral system is prescribed.⁵ Mozambique holds elections on three levels: at the national level for a president and national assembly, at the provincial level for provincial assemblies, and at the local level for the president of the municipal council and municipal assemblies. The 2014 general elections in Mozambique include polling at the national and provincial level for presidential, national assembly, and provincial assembly seats.

Presidential Election

The president of the republic is elected directly by popular vote with an absolute majority of valid votes. If no candidate wins the required majority in the first round, a second round between the top two candidates will be held within 30 days of the validation and proclamation of the results of the first round. The candidate who receives the highest number of votes in the second round is elected. The president is elected to serve a five-year term and can be elected two consecutive times.

National Assembly Election

The 250-member unicameral national assembly (parliament) is elected for a five-year term under a closed-list proportional system within 13 multi-member electoral districts that correspond to

⁵ U.N., International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, para. 21; International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28.

the country's 10 administrative provinces, the city of Maputo, and two out-of-country constituencies, one for Africa and one for the "rest of the world." The African constituency consists of South Africa, Swaziland, Zimbabwe, Malawi, Zambia, Tanzania, and Kenya, while the global constituency includes Portugal and Germany. National assembly seats (*mandatos*) were distributed by the CNE according to Art. 165 of Law 8/2013 and comply with the principle of equal suffrage.⁶

Political parties and party coalitions can contest the elections, with closed candidate lists submitted for each district. In the closed-list proportional representation system, voters cast only one vote for a party and cannot choose their candidate of preference for the proposed list. As a result, the higher a candidate is placed in the list increases their likelihood of being elected. The selection and the order of the candidates on the lists are decided by the parties. Voters at the polling station vote for the party without necessarily knowing the names of candidates on the list, and cannot vote for different parties for different seats.⁷

Provincial Assembly Elections

The total number of seats for provincial assembly elections totals 811 nationwide, ranging from 70 in Inhambane and Gaza, to 92 in Zambezia, and 93 in Nampula. Like the national assembly election, the electoral system in the provincial assemblies is a proportional system with closed lists.

ELECTION ADMINISTRATION

One of the effective means to promote the transparency of an electoral process and to facilitate the participation of citizens in a genuine democratic process is an independent and impartial election management body. A transparent and professional body is regarded as an effective means of ensuring that other international obligations related to the democratic process can be met.⁸ The election management body also should ensure accountable, efficient, and effective public administration as it relates to elections, and it is its responsibility to ensure that the electoral process is in compliance with Mozambique's regional and international obligations for democratic elections and human rights.⁹

The National Elections Commission (*Comissão Nacional de Eleições*, or CNE) is established by Law 8/2007,¹⁰ which was later amended twice. The CNE is responsible for supervising voter registration, the conduct of elections and holding of referenda.¹¹ The CNE is responsible for the overall implementation of the elections, with administrative support from the Technical Secretariat for Election Administration (*Secretariado Técnico da Administração Eleitoral*, or STAE).

Overall, stakeholders, including all political parties, reported that the CNE conducted its responsibilities in advance of the elections with neutrality, professionalism, and transparency. The confidence stakeholders placed within the CNE and its credibility were a positive mark of these elections, and an important improvement upon past elections.

Law 9/2014 introduced some important changes to the structure of the CNE, allowing for the three parties in the national assembly to have representatives in all levels of the body. As a result, the CNE is now composed of 17 members (increased from 13). Five members are provided by FRELIMO, four by RENAMO, and one by MDM. Two vice presidents are nominated by the two largest parties within the national assembly, currently FRELIMO and RENAMO. The remaining seven members, includi

VOTER EDUCATION

Voter education is an essential part of the electoral cycle, and it is recognized

the registration was to be conducted by 4,078 registration teams at 6,689 registration stations, organized by STAE under the supervision of CNE.

On Jan. 29, one day before the registration was set to begin, the CNE postponed the beginning of the registration period until March 1 in Mozambique and March 16 abroad.¹⁹ There were reportedly a number of logistical difficulties during the registration process, including heavy rainfall in the central and northern areas of the country, as well as lack or theft of equipment. Stakeholders reported to Carter Center observers that

tranche of public campaign finance was supposed to be released 21 days in advance of the start of the campaign, though reports from political parties indicate that the money was only received seven days in advance of the start of campaigning. As with previous elections, The Carter Center recommends that greater effort be made to ensure that public campaign finance is disbursed to parties in a timely manner and that the ruling party refrain from utilizing state resources in their campaigns.

MEDIA ENVIRONMENT

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision.³³

The Higher Council for Social Communications (*Conselho Superior de Comunicação Social*, or CSCS) is responsible for oversight of media in Mozambique, including access to information, objectivity in reporting, and overall freedom of the press. The CSCS is composed of 11 members, four of which are indicated by political parties, two by the president, three by the Journalist Union, one by media companies, and one by magistrates. The CSCS also handles complaints filed by the general public and stakeholders with respect to political parties' access to airtime during the electoral campaign and also about the right to replicate. The CSCS carries out a media monitoring effort during the campaign period and produces regular reports.

There are also civil society groups, such as the Center

and 20.7, respectively. Across all parties, women candidates made up just 29.9 percent in the legislative elections.

CIVIL SOCIETY AND DOMESTIC O

observation in the province. Such late provision of accreditation seriously undermines the ability of citizen observers to conduct their work effectively. Mozambican authorities should take specific steps to ensure this does not happen in future elections, and citizen observers should strive to meet deadlines and submit their applications for accreditation in a timely manner.

ELECTORAL DISPUTE RESOLUTION

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. Effective dispute resolution mechanisms are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.³⁹ Voters and other electoral stakeholders must be given, and must perceive that they possess, a voice in the quality of the electoral process if the process is to retain credibility.

Recent changes to the legal framework introduced a three-tier election dispute resolution mechanism for complaints. The changes improved the electoral dispute resolution system overall, although some procedures are in need of refinement and harmonization with other laws.

Complaints with respect to the irregularities of the count as well as the tabulation process at the district, city, and provincial levels must be submitted immediately to the chairperson of the polling station or district, city, and provincial election commission, respectively, and are to be

commission can be appealed to the Law Court in the district within 48 hours of the publishing of respective results. Decisions of the Law Court in the district must be made within 48 hours of the filing of the claim and are subject to appeal to the Constitutional Council within three days.

Electoral dispute resolution-related reforms increase authority within the judiciary branch and simplify procedures for filing election petitions. Complaints will now be heard by district courts

means of ensuring that the will of the people is expressed freely and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.⁴²

For the 2014 elections, the number of polling stations in Mozambique was 17,012. The maximum number of voters assigned to polling station was 800. While this allowed adequate access to the process by voters, EISA and Carter Center observers reported occasional crowds and long queues in the provinces of Inhambane, Sofalá, Manica, Tete, Zambézia, Nampula and Niassa, especially in the morning and early afternoon hours.

EISA and Carter Center teams observed voting at a total of 434 polling stations across the country. EISA and Carter Center observers found that the implementation of procedures by polling staff was “very good” or “reasonable” at 98 percent of stati

The Carter Center notes that the politicization of the electoral administration infrastructure down to the level of polling staff does not fully comply with the international standard for independent, neutral, and professional electoral bodies.⁴⁴ The Carter Center encourages all stakeholders, including the national assembly, to consider the opportunity to revise the articles in the electoral laws referring to the presence of political party members within the election administration bodies while finding other means of maintaining parties' confidence in the system.

On election day, Carter Center and EISA observers noted that party agents were present in less than half of polling stations observed in the morning, but that their presence increased during the afternoon and were at their highest numbers during the count. During the voting process, the Carter Center and EISA observers noted that FRELIMO party agents were present in 98

accreditation. The Carter Center also regrets challenges reported with missing accreditation of national observers from one of the largest citizen observer organizations, the Electoral Observatory (*Observatório Eleitoral*, or OE), on election day in Nampula province, where accreditation for all 400 observers was not available as of the opening of the polls. Although the CNE worked quickly to address these problems, the Center wishes to underscore the critical role that party agents and citizen observers play in ensuring transparent elections and fostering public confidence. To this end, the Center urges the CNE to reconsider deadlines for timely accreditation, and urges observers and political parties to meet those deadlines, so that that all are able to receive them in a timely fashion.

CLOSING AND COUNTIN

