

EISA
REGIONAL OBSERVER MISSION

MOZAMBIQUE
PARLIAMENTARY AND PRESIDENTIAL ELECTIONS,
1-2 DECEMBER 2004

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2005

Published by EISA
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Johannesburg, South Africa 2196

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2006
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ISBN: 1-920095-13-6

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First published 2005

EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions.

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EXECUTIVE SUMMARY

EISA deployed a regional observer mission to the Mozambique parliamentary and presidential elections, which were held on 1-2 December 2004. This report is the mission's assessment of the elections and covers the election period: pre-polling and polling, including voting, counting and tabulation; the announcement of the results; and the period following the announcement of the results.

At the invitation of the National Election Commission of Mozambique (CNE), EISA deployed a 34-member mission comprising representatives of electoral commissions, political parties, academic institutions and civil society organisations (CSOs) from 10 countries in the Southern African Development Community, namely, Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Namibia, South Africa, Tanzania and Zimbabwe. The mission also included nationals of Côte d'Ivoire, Germany, Norway and Switzerland. The mission leader was Dr Brigalia H Bam, Chairperson of the Electoral Commission of South Africa. The deputy mission leader was EISA Executive Director Denis Kadima.

Members of the mission began to arrive in Mozambique on 22 November 2004 and observed events until 3 December 2004. They left the country on 5 December 2004. Follow-up monitoring was undertaken by the EISA-Mozambique office, based in Maputo.

The mission's assessment of the Mozambican election is based on the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) developed by EISA and the Electoral Commissions Forum of SADC countries (ECF), which comprises all the electoral management bodies in the SADC region.

The report gives the key findings of the mission and makes recommendations to the relevant election stakeholders for future elections. It will be shared with the CNE, the Technical Secretariat for the Administration of Elections (STAE), Mozambican political parties and CSOs in Mozambique as well as

with other election stakeholders across the region, so that lessons can be shared.

General Conclusions and Recommendations

The EISA election observer mission is largely satisfied that the process of voting and counting at the polling stations met the standards enshrined in PEMMO.

The electoral legal framework in Mozambique is generally conducive to the holding of democratic elections. This includes progressive legislation in the area of public funding of political parties. The mission applauds the largely peaceful manner in which the elections were conducted. The thorough preparation and staff training of STAE could be seen in the generally high levels of competence amongst voting station staff. The mission was pleased to observe the presence of party agents from different political parties at all of the 330 polling stations visited by members of the mission.

The mission recommended a review of the nature and composition of the CNE in order to ensure that it is not perceived as being partisan. Also of concern was the use of three different voters' rolls for the election, namely the 1999 and 2003 updated rolls and 2004 updated rolls. This is likely to have disenfranchised some voters because of the inconsistent use of three sets of voters' rolls. In addition, the process of tabulation and collation of results took an inordinately long time, with technical and administrative shortcomings which created suspicion and cast doubt on the integrity of the final result. Although the results were clear, the process itself was chaotic and marred by irregularities. The opposition appealed to the CNE and to the Constitutional Council and this created further suspicion as well as heightening the tension already prevailing in the country.

The mission made a number of recommendations in areas where there is a need for improvement.

ACKNOWLEDGEMENTS

The EISA mission to the Mozambique 2004 elections would not have been possible or successful without the support and cooperation of a host of people and institutions.

Our gratitude goes to the CNE for inviting EISA to observe the elections and for making themselves available at both national and provincial levels to meet with the EISA observers. We also thank national and provincial officers of the STAE for making themselves available at a time when they were working under extreme pressure. The cooperation and information provided were invaluable to the mission's work.

Our thanks go also to election stakeholders, most notably representatives of political parties and members of CSOs, who met with members of the mission and gave insight into the Mozambican electoral process.

We thank also the people of Mozambique for their willingness to share experiences, thoughts, opinions and views on the electoral process with our delegates.

We are grateful to the following partners for providing support to the mission:

- The Embassy of Belgium – Pretoria, South Africa
- The British Department for International Development (DFID) – Angola
- The British Department for International Development (DFID) – Democratic Republic of Congo
- The Open Society Initiative for Southern Africa (OSISA)
- The Swiss Agency for Development and Cooperation (SDC) – Pretoria, South Africa
- Norwegian People's Aid (NPA) – Luanda, Angola
- Norwegian Agency for International Development (NORAD) – Pretoria, South Africa

We thank Belinda Musanhu for compiling this report and other EISA staff, in particular the Elections and Political Processes Department, for coordinating the mission, and the EISA-Maputo office for their contribution to the smooth operation of the mission.

TERMS OF REFERENCE

The mission's terms of reference were to:

- Assess whether conditions existed for the conduct of elections which reflected the will of the people of Mozambique;
- Assess whether the elections were conducted in accordance with the electoral legislative framework of Mozambique; and
- Assess whether the elections met the benchmarks set out in PEMMO.

In order to achieve the above, the mission was to undertake the following activities:

- Obtain information on the electoral process from the electoral commission and from STAE;
- Meet with political parties, CSOs and other stakeholders to acquaint itself with the electoral environment;
- Report accurately on its observations and refer any irregularities to the authorities;
- Observe all aspects of the election in the areas it visited;
- Assess whether all registered voters had easy access to voting stations and were able to exercise their vote in freedom and secrecy;
- Assess the logistical arrangements to confirm whether all necessary material was available for voting and counting to take place efficiently; and
- Find out if all the competing parties and candidates were given an equal opportunity to participate in the elections.

THE EISA APPROACH TO ELECTION OBSERVATION

METHOD OF WORK

In order to accommodate the need for a holistic approach to election assessment, EISA conducted various activities covering the entire period, from the pre-election phase to the aftermath of the announcement of the election results. The assessment methodology included the following activities:

Election Update

As part of its pre- and post-election assessment, EISA engaged a team of Mozambique-based researchers to produce *Election Update 2004: Mozambique*. EISA used this method of information gathering to keep members of the mission and other stakeholders up to date with the electoral process as it evolved in the run-up to the election days. Three volumes of the *Update* were produced and disseminated.

Observers Briefing and Related Presentations

The members of the mission attended a one-and-a-half-day briefing session in Maputo where they were introduced to the context in which the elections were being held as well as the tools of assessment to be used. The briefing was held on 26-27 November 2004.

The briefing was also addressed by key Mozambican election stakeholders including members of CSOs and political parties, the CNE and the STAE. The mission was also represented at the CNE's briefing for international observers on 24 November 2004 and at a demonstration of the tabulation software held by STAE on 27 November 2004.

Stakeholder meetings and political party rallies

Members of the mission held meetings with various electoral stakeholders, including representatives of the CNE, political parties, CSOs, the media and academics. The mission also met domestic observers from the Electoral Observatory and the Institute of Civic Education, church groups and other international observer teams. Meetings were held at both national and

provincial levels and, where relevant, at district level. These meetings provided useful insight into the different key stakeholders' assessment of the process as well as the general mood in the country as the polls drew near.

Our teams also attended rallies held by political parties in Maputo City and in the provinces where the mission was deployed.

Observation of voting and counting

From 28 November 2004, members of the mission were deployed in the field, where they held further meetings with election stakeholders. The mission observed the voting on 1-2 December as well as the counting at the polling stations. In total, the mission covered 330 polling stations in 50 districts in nine of the 10 provinces.

Through the EISA-Mozambique office in Maputo, EISA was able to follow the process to its completion, including the tabulation, the announcement of results and the decision of the Constitutional Court on the opposition's petition.

1

Historical Overview



- General background
- The period before 1992
- The 1994 parliamentary and presidential elections
- After 1994
- The 1998 local government elections
- The 1999 parliamentary and presidential elections
- The 2003 local elections
- Towards December 2004

I.1 GENERAL BACKGROUND

Mozambique, located in south-eastern Africa, lies on the seaward side of six countries, most of which rely on its roads and railways for access to the sea. The area of Mozambique is divided into three main regions, namely the north, centre and south, where an estimated population of 18 million people from various ethnic groups are found and more than 12 languages are spoken.

Although Mozambique still ranks amongst the least developed countries in the world, its economy has been growing substantially since the signing of the General Peace Agreement (GPA) in 1992, with annual growth rates of around 10%. Most of Mozambique's population (70%) lives in the rural areas, with the remainder found in peri-urban and urban areas.

I.2 THE PERIOD BEFORE 1992

The Portuguese arrived in Mozambique in the 15th century, establishing a colonial state which lasted until the mid-1970s. Mozambique was not removed from the wave of anti-colonialism which swept across the African continent from the 1950s. In 1962 the Frente de Libertação de Moçambique

(Frelimo)¹ was formed in Tanzania and launched its first military operation against the Portuguese colonial regime in northern Mozambique in 1964. As a result of this armed struggle and on the back of a 1974 left-wing military coup in Portugal by army officers sympathetic to the liberation struggle, Mozambique was granted independence from Portugal in 1975.

Frelimo, which led the liberation struggle, would not hear of elections, and one of its senior members, Joaquim Chissano, became interim prime minister of a transitional government made up of representatives of Frelimo and the Portuguese government. This was followed by the installation of Samora Machel as president of the People's Republic of Mozambique on 25 June 1975.

In line with its own Marxist-Leninist ideology, the new Mozambique government offered support and refuge to liberation fighters from other countries in the southern African region, including then-Rhodesia and South Africa.

The Rhodesian government responded to the support given to the Zimbabwe African National Union-Patriotic Front (Zanu-PF) by sponsoring the formation and operation of the Resistência Nacional de Moçambicana (Renamo)² which included Mozambican malcontents as well as disgruntled ex-Portuguese army officers.

Renamo, with the support of the Rhodesian government and the apartheid government in South Africa and with the tacit support of the governments of Daniel arap Moi in Kenya and Hastings Kamuzu Banda in Malawi, embarked on a civil war against Frelimo beginning in 1976. Ironically this guerrilla war, which ended officially in 1992, lasted even longer than the liberation war. It was characterised by large-scale acts of insurgency by Renamo, which after Zimbabwe became independent in 1980 could only get substantive support from the South African government. Torture and maiming of civilians in northeastern Zimbabwe and the northern areas of

¹ Front for the Liberation of Mozambique

² Mozambique National Resistance

Mozambique by both sides was rampant, as well as large-scale and widespread destruction of health, educational and transport infrastructure in Mozambique.

In 1984 as the war was in its ninth year, the Mozambican and South African governments signed the Nkomati Accord. This was an agreement that neither signatory would offer military or logistical support to the other side's enemy. The agreement was aimed mainly at halting the South African government's aid to Renamo. However the South Africans did not stick to the agreement.

In 1986 Machel died in a still unexplained airplane crash. Despite the outrage that this provoked, the end of the civil war only began in 1989 when Mozambican churches began to speak to both the government and Renamo about meeting at the negotiating table. Both sides began to realise that they did not have the military muscle to sustain the war. One million Mozambicans had lost their lives and in the midst of a devastating drought, the Mozambican government was spending too much of its funds on the war and the state was facing collapse. Simultaneously, prospects for an end to apartheid and the end of the cold war meant that Renamo's support would soon dwindle and eventually dry up. Furthermore, Mozambique's neighbours were applying pressure on Frelimo because of the effect on their national budgets of supporting the nearly 1.5 million Mozambican nationals who had fled their country. Following negotiations which began in 1990, the GPA was signed in Rome on 4 October 1992 under the auspices of Santo Egidio, a Catholic organisation based in Rome.

The GPA set the stage for many important developments in Mozambique, including, most importantly, the demobilisation of both Renamo and government (Frelimo) forces as well as the holding of elections in the immediate future. In addition, whilst the negotiations had been going on, Frelimo had renounced Marxist-Leninism and on 30 November 1990 the Mozambican parliament adopted a Constitution which established Mozambique as a multiparty democracy.

1.3 THE 1994 PARLIAMENTARY AND PRESIDENTIAL ELECTIONS

These elections, held on 27-29 October 1994, were based on the GPA, the 1990 Mozambique Constitution and an Electoral Act promulgated in

December 1993. Overall responsibility for the conduct of the election was given to the Comissão Nacional de Eleições (CNE)³. This commission was made up of 21 members representing political parties and a chairperson chosen by the government.

The technical and logistical arrangements were coordinated by the Secretariado Técnico da Administração Eleitoral (STAE)⁴ which is the executive arm of the CNE. Although the election was not without serious difficulties, a substantial number of registered voters (88%) turned out to vote, signifying, at least on behalf of the Mozambican people, a commitment to peace, democracy and to the future of Mozambique.

Fourteen political parties and coalitions stood in the parliamentary election and 12 candidates in the presidential election. Despite the last-minute threat of a Renamo boycott on the eve of the election, Mozambicans turned out in large numbers on 27 October 1994 to vote at the 7 244 polling stations. As a result of the confusion created by the threatened boycott of the elections by Renamo leader Afonso Dhlakama, voting was extended by one day to 29 October.

The final results were announced on 19 November 1994 and the election was declared free and fair by independent election observer groups. More than 3 000 international observers were accredited to observe the election.

The presidential election was won by the incumbent president, Joaquim Chissano of Frelimo, with 2.63 million (53.3%) of the ballots. He was followed by Dhlakama of Renamo with 1.67 million or 33.7% of the votes. For the legislative elections Frelimo won 44.3% of the votes and Renamo 37.8%. The Coligação União Democrática (UD)⁵ gained 5.1% of the national vote. This was a very good showing for Renamo, which managed to gain a majority in five of the 11 national provinces. However the level of spoilt ballots (8.5% in the presidential election and 14.4% in the legislative election) was also high, leading to concerns about overall electoral illiteracy. Thus Frelimo ended

³ National Election Commission

⁴ Technical Secretariat for Electoral Administration

⁵ Democratic Union

up with 51% (129) and Renamo with 44% (112) of the seats in the National Assembly. The UD had 5% of the total votes nationwide, corresponding to nine parliamentary seats.

The 1994 election was a successful transition election, as borne out by the high voter turnout in a relatively peaceful electoral process. Most observers and stakeholders were gratified that the election took place without any major administrative and technical difficulties. However the refusal by the Frelimo government to give Renamo the governorships of the five provinces where it won the majority in the legislative election did not augur well for the future coexistence of the two parties.

Table 1
Mozambican Presidential Election Results 1994

Candidate	Party	Votes	% of Total Valid Votes
Joaquim Chissano	Frelimo	2 633 740	53.3
Afonso Dhlakama	Renamo	1 666 695	33.7
Others	Various	640 777	13.0

Source: *EISA Election Update 2004, Mozambique, No 1*

Table 2
Mozambican National Assembly Election Results 1994

Party	Total Votes	% of Total Valid Votes
Frelimo	2 115 793	44.3
Renamo	1 803 506	37.8
UD	245 793	5.2
Others	608 133	12.7

Source: *Compendium of Elections in Southern Africa – EISA, Johannesburg, 2002*

Table 3
Composition of National Assembly following 1994 Elections

Province	Frelimo	Renamo	UD	Total
Cabo Delgado	15 *	6	1	22
Gaza	15	0	1	16
Inhambane	13	3	2	18
Manica	4	9	0	13
Maputo City	17	1	0	18
Maputo Province	12	1	0	13
Nampula	20	32	2	54
Niassa	7	4	0	11
Sofala	3	18	0	21
Tete	5	9	1	15
Zambézia	18	29	2	49
Total	129	112	9	250

* Note the figures in bold represent the winning party in the province

Source: EISA Election Update 2004, Mozambique, No 1

1.4 AFTER 1994

Following the elections, the democratically elected Frelimo government took office in December 1994. The new government embarked on the liberalisation of the economy and a complete move away from Marxist-Leninist ideology. This, of course, was made possible through the support of the international community, especially the Bretton Woods institutions.

The international community has supported – and continues to support – Mozambique’s efforts towards national reconstruction and its rehabilitation of the infrastructure destroyed in the civil war. Firstly, it supported the former soldiers, returning refugees and internally displaced persons through United Nations agencies and other private organisations and continues to do so, although the scale has been reduced. Secondly, institutions such as the World Bank and International Monetary Fund supported Mozambique’s structural adjustment programmes with grants, credits and debt relief which continue to this day.

In 1998, Mozambique was Africa's fastest growing economy, expanding by 11.3% in that year alone. The economy was being restored and the government was removing itself from economic activity. Although many of these achievements were destroyed by the 2000 floods, the state continued on its path of economic restructuring. Roads, ports and other infrastructure were also being restored, albeit in an atmosphere of deep poverty. Indeed whilst lauding the rapid economic growth, analysts also observed that the majority of the population (60%) remained in deep poverty, with the gap between rich and poor widening progressively.

1.5 THE 1998 LOCAL GOVERNMENT ELECTIONS

Mozambique's first local government elections were held in 1998, following a postponement of two years caused by a delay in the establishment of local councils. They were conducted by a new CNE which was led by Leonardo Simbine. Even after local governments had been set up, however, the process was not completed; it remains uncompleted to this day, with elections held in only 33 urban local authorities instead of the 148 administrative districts envisaged by the Constitution.

In protest at the low number of local authorities as well as what it saw as a disorganised voter registration exercise, Renamo led demonstrations in Beira and other centres throughout the course of 1997. Even though a further registration exercise was held, Renamo, claiming that a significant number of its supporters had been deliberately disenfranchised, boycotted the elections which were held on 30 June 1998. Most of the smaller parties also followed suit. The voter turnout at 15% was abysmal. This prompted Renamo to apply to the Supreme Court for the elections to be annulled. They were not, and Frelimo took control of all 33 local councils.

1.6 THE 1999 PARLIAMENTARY AND PRESIDENTIAL ELECTIONS

These elections were overseen by a new CNE whose composition reflected the representation of political parties within the National Assembly. Thus the membership was eight Frelimo, six Renamo and one UD representative. It was chaired by a Methodist pastor, Jamisse Taímo. In the period since the 1994 elections, reforms to the electoral law meant that parties were not only represented in the CNE but also in the STAE at national, provincial and district levels.

As a result of the serious concerns about voter registration raised by Renamo during the local government elections of 1998, and the negative effect they had had on voter turnout, a completely new voter registration exercise was conducted for the 1999 legislative and presidential elections, lasting from July to September 1999. Despite problems caused by poor transport and communication infrastructure, all the parties accepted the process and the voters' roll which was produced.

Although Mozambique had a plethora of political parties, it was widely recognised that only Renamo and Frelimo represented the two major political forces and so in 1999, 10 political parties joined with Renamo to form Renamo-União Eleitoral (Renamo-UE)⁶. In return for the inclusion of their leaders in Renamo's party lists, the minor parties supported Renamo and to all intents and purposes became part of its machinery.

One of the major differences between this election and the previous one was that in 1999 only two candidates stood in the presidential election.

Voting was scheduled for 3-4 December but was eventually extended to the 5th of December because of heavy rains and the poor state of the roads, which led to a late delivery of materials in the north of Mozambique and particularly in Zambézia Province. The number of polling stations was increased to 8 334.

This election received warm praise from the international community, whose observers reported that the voting and counting processes at the polling stations were conducted professionally in a peaceful environment. Observers however raised concerns about the process of aggregating results at provincial and national levels. Voter turnout in this election was lower (74%) than in 1994 (88%). This statistic may have been generated by the fact that the voters' rolls were inflated and that some of the *editais* (results sheets from the polling stations) were not included in the final count.

In this election, none of the smaller parties standing on their own managed to get the 5% minimum to allow them to sit in parliament. Thus all the seats

⁶ Renamo – Electoral Union

went to Frelimo and Renamo-EU. Of the total valid votes cast, Frelimo received 48.5%, whilst Renamo-EU received 38.8%. Through the Renamod-led coalition, 15 leaders of smaller parties were able to enter into parliament.

Frelimo strengthened its position as the majority party even though Renamo won the legislative vote in six of the 11 provinces. Renamo, on the other hand, improved on its presidential standing, by taking 47.7% as opposed to the 33.7% it had won in 1994. However, this was not enough, and Chissano won the presidential election with 52.3% of the total votes cast. As in 1994, he garnered enough votes to negate the need for a run-off election. Of the total number of votes cast, 14.5% were not included in the final count as they were either blank (9.6%) or spoilt (4.9%).

Table 4
Mozambican Presidential Election Results 1999

Candidate	Party	Votes	% of Valid Votes
Joaquim Chissano	Frelimo	2 333 333	52
Afonso Dhlakama	Renamo	2 133 655	47.7

Source : *Compendium on Elections in Southern Africa* – EISA, Johannesburg, 2002

Table 5
Mozambican National Assembly Election Results 1999

Party	Total Votes	% of Total Valid Votes
Frelimo	2 005 713	48.55
Renamo	1 603 811	38.8
Others	522 799	12.7

Source : *EISA Election Update 2004, Mozambique, No 1*

Table 6
Composition of National Assembly following 1999 Elections

Province	Frelimo	Renamo	Total
Cabo Delgado	16	6	22
Gaza	16	0	16
Inhambane	13	4	17
Manica	5	10	15
Maputo City	14	2	16
Maputo Province	12	1	13
Nampula	24	26	50
Niassa	6	7	13
Sofala	4	17	21
Tete	8	10	18
Zambézia	15	34	49
Total	133	117	250

Note: Figures in Bold represent the winning party in that province

Source : EISA Election Update 2004, Mozambique, No 1

Renamo challenged the results of both the legislative and presidential elections on the grounds that the tabulation of results at provincial and national levels was fraudulent and had been manipulated by the CNE in favour of Frelimo. No doubt the tabulation process had been problematic. Because the final decisions on this process, like most processes in the CNE, rested on consensus and, failing that, the wishes of the Frelimo majority would prevail, observers questioned the outcome. To its credit, the commission rescued 130 000 votes from the 500 000 which polling station and provincial officials had declared invalid.

Of the presidential results sheets, 6.6% had errors of such gravity that they were excluded from the count. By any estimation, that is a very high proportion. Even higher is the 8.7% of results sheets from the legislative election excluded from the final count. These errors can partly be attributed to the fact that the counting process at Mozambican polling stations is

laborious. The system has been designed to minimise fraud and guarantee transparency to the satisfaction of all parties contesting. What it means in effect is that the procedure is very long and the officials are prone to errors. Counts at the polling stations were done by officials who had worked two 11-hour days and had then gone straight into counting the ballots without resting.

Other difficulties included:

- Problems with the register
- Poor crowd control at many polling stations
- Low literacy levels
- General underdevelopment and poor infrastructure
- Inadequate civic and voter education.

The results were announced two days late on Wednesday 22 December 1999 by the CNE president and even though Renamo protested the vote and demanded a recount, this was rejected by the Supreme Court on 4 January 2000. The Renamo members of the CNE had previously walked out of the CNE session on 21 December.

The 1999 race was unexpectedly close and the refusal by the Supreme Court to annul the election and the walkout of Renamo representatives from the CNE did not augur well for relations between the parties in the CNE. They have remained tense ever since. In addition, although Renamo won six provinces in this election, Frelimo offered the opposition party governorships in only three provinces – an offer which Renamo turned down.

1.7 THE 2003 LOCAL GOVERNMENT ELECTIONS

A new commission was appointed before the 2003 local government elections. The appointment of Rev Arão Listure as the head of the CNE was marred by controversy as many argued that he was not chosen by civil society as the law requires but by the government.

The local elections were scheduled to be held on 28 October 2003 but due to administrative delays they were postponed to 19 November. They were newsworthy for two major reasons. Firstly, they were the second municipal

elections to be held since the end of the civil war in the early 1990s and would in effect be a rehearsal for the legislative and presidential elections scheduled for a year later. Secondly, the previous local elections held in 1998 had been boycotted by Renamo, and the voter turnout had been very low. These elections would therefore be a good indicator not only of preparedness and organisation on the part of CNE and STAE but also the general levels of political participation in the country.

As in 1998, elections were only held in 33 municipal areas. Despite the protests of the opposition, the government did not increase the number of municipalities, citing the complexity of the process and time constraints.

Of note in this election was the level of voter turnout, which at around 28% was low. A process of updating the roll which targeted new voters and those who had transferred their residence took place. The purpose was to combine the old and new data into one consolidated voters' roll, from which the names of voters who had died would also have been removed. However, on election day, two versions of the voters' roll were used – the one from 1999 which still contained the names of dead voters and the 2003 updated roll which, while containing the names of new voters, had not been cleaned of the names of dead voters. Polling stations used one of the two, which meant that some of the first-time voters who registered in 2003 were unable to vote.

So the consolidation of the roll was not completed. The fact that the CNE announced three differing sets of results in one week also indicated that there was a need to improve efficiency on the part of the commission and the STAE.

Apart from these major issues, however, the election was seen as free and fair, with an outcome reflective of the general will of the people. Renamo participated in this election and won four of the 33 local councils in the vote. In addition two smaller parties won seats in some of the local councils. One was the Partido para Paz, Democracia e Desenvolvimento (PDD)⁷, which is made up of mostly ex-Renamo members and led by Renamo's former

⁷ Party for Peace, Development and Democracy

parliamentary chief whip, Raúl Domingos, who was expelled from the party in 2000. The other was the Partido Independente de Moçambique (Pimo)⁸. Poll observers strongly recommended the consolidation of all voters' rolls into one comprehensive document. Their concerns were echoed by the Constitutional Council in a ruling which urged the use of a "single updated registration book".

1.8 TOWARDS DECEMBER 2004

The challenge for the electoral authorities preparing for 2004 was therefore manifold. It included ensuring the preparation and use of one accurate voters' roll. In addition, the electoral commission would be challenged to make sure the tensions in the CNE did not affect the conduct of a free and fair election.

The country as a whole faced the challenge of conducting free and fair elections in a situation where mistrust continued and relations remained tense. The political process appeared to have been hijacked by the signatories of the GPA. Economic growth continued, although 65% of the national budget was coming from international aid, an unsustainable situation in the long term.

⁸ Independent Party of Mozambique

2

The Legislative Framework



- The Constitution
- The National Electoral Commission (CNE)
- The Technical Secretariat for Electoral Administration (STAE)
- The Constitutional Council
- Political party funding
- Amendments to the Electoral Act

For the purposes of this report, there are three major pieces of legislation governing elections in Mozambique:

- The Constitution of 1990 (Revised in 1992)
- Law No 20/2002: Creation of the National Electoral Commission Act of 10 October 2002
- Law No 7 of 2004: The Electoral Law of Mozambique of 17 June 2004

In addition, amendments to Law 5/97 and 9/99 relate to the institutionalisation of systematic electoral registration for elections and referenda.

2.1 THE CONSTITUTION

Article 30 of the Constitution states that Mozambicans exercise power and the right to choose who governs them through universal, direct, secret and periodic suffrage, through referenda on major national issues, and through permanent democratic participation in the affairs of government. According to the Constitution, voting is actually a civic duty and responsibility. The Mozambican electoral system is designed to maximise representation by using the proportional representation system of translating votes into seats in the National Assembly.

The Constitution guarantees and protects basic political freedoms, including the freedoms of association, expression, movement, the press and the right to information.

For the election of the president, the country is one electoral constituency and the system used is the majority where when votes are first counted, the candidate with more than half of the valid votes is the elected president. If there is no candidate who obtains more than half of the total number of votes then a runoff election must be held between the two candidates who secured the most votes in the first round. The president's term is five years.

For the election of the National Assembly, a system of proportional representation is used. The total number of seats in the National Assembly is always 250. In 2004, two seats were allocated to Mozambicans living abroad, with one seat each allocated to Africa and to the Rest of the World (in the event, this was largely Portugal and Germany). The remaining 248 seats were allocated among the 11 provinces in Mozambique, namely Cabo Delgado; Gaza; Inhambane; Manica; Maputo City; Maputo Province; Nampula; Niassa; Sofala; Tete and Zambézia.

The proportion of 248 seats allocated to each provincial constituency is proportional to that constituency's percentage of registered voters from the national total of registered voters. The deputies sit in the National Assembly for five years.

2.2 THE NATIONAL ELECTORAL COMMISSION (CNE)

According to the law, the main duties of the commission include:

- Ensuring that the elections are conducted ethically and are entirely free, fair and transparent;
- Receiving and perusing the candidates for the legislative councils;
- Promoting civic and voter education;
- Approving the materials to be used in the electoral process;
- Approving the code of conduct for candidates and for the police during the election period;
- Allocating times for campaigning on public radio and TV;
- Ensuring that all candidates receive funding before the start of the election;

- Setting up sites for voter registration and polling stations;
- Deciding within 48 hours on complaints and appeals about decisions taken by support units and electoral process agents.

The commission's composition is mainly based on representation in the National Assembly. In addition the government appoints one non-voting member, and the chairperson is appointed by the president and confirmed by consensus or majority vote by the commissioners from candidates nominated by civil society. The chairperson is assisted by two deputy presidents, one from each of the two main parties.

The partisan nature of the CNE was originally created in order to guarantee that all parties would have representation in the electoral management body and to ensure transparency in the electoral process. However there can be no doubt that this arrangement has created more problems than it has solved. Although decisions are supposed to be reached by consensus, in practice all that happens is that Frelimo commissioners vote as a bloc, as do the Renamo commissioners. So if there is a decision over which there is no agreement, the ensuing vote invariably goes the way of Frelimo, which has always constituted more than half of the membership of the commission. This arrangement promotes suspicion between the two parties and has the potential to split the commission.

It also reduces public confidence in the commission, which is largely seen as being biased towards the interests of the party with the most votes. Indeed this was the sentiment expressed by most of the stakeholders that members of the EISA observer mission spoke to.

The CNE is decentralised to provincial and district levels. The provincial electoral commission (CPE) has 10 members and its composition is also loosely based on the composition of the provincial assembly. It was noted however that although the provincial commissions are chosen using the same formula as the CNE, they are seen as less partisan than the national commission.

The commission in charge of the December 2004 elections was appointed in 2002 and had 20 members. Ten were appointed by Frelimo and eight

appointed by Renamo. In addition there was the government appointee and the chairperson. The director-general of the STAE also sits in CNE meetings.

2.3 THE TECHNICAL SECRETARIAT FOR ELECTORAL ADMINISTRATION (STAE)

The actual execution of election-related activities is carried out by the STAE. Thus it should in theory act on direction from the CNE and operate under its supervision. The director general of the STAE is appointed by the president and with two deputy directors, each appointed and therefore representing one of the two major parties. The deputy directors are appointed during registration and election periods. As with the CNE, the STAE has provincial, district and city structures which also mirror the bipartisan composition of the national body.

The main duties of the STAE are:

- To carry out voter registration and update the voters' roll and to organise and execute the electoral process;
- To ensure the availability of transport and the distribution of all materials relating to the census, referenda and elections;
- To train the electoral staff for the voting stations.

The inclusion of party representation in the electoral machinery was designed to create more confidence in the process but in fact it has created considerable strain. During the periods when there are no elections, the STAE reports to the Ministry of State Administration. This can and has added to the perception of the STAE as being part of the state machinery which itself is controlled by Frelimo.

Experience has highlighted the need for reform to the Electoral Commission Act which would ensure that the CNE is not appointed along party lines. It would not only remove the perception of a commission controlled by the government or Frelimo, or even a commission at the mercy of the two major parties, but would also open up the conduct of the elections to independent persons.

2.4 THE CONSTITUTIONAL COUNCIL

As far as the electoral process is concerned, the Constitutional Council bears the following responsibilities:

- Receiving, verifying and deciding on the names of candidates for the post of president of the republic;
- Analysing and taking final decisions about electoral complaints, claims and appeals;
- Analysing the minutes of the national centralisation of results of the presidential and legislative elections, validating and announcing the results;
- Setting the date of the entry into office of the president of the republic.

Members of the council must be legal professionals with a minimum of five years' experience.

2.5 POLITICAL PARTY FUNDING

Mozambique's law on public funding of political parties is quite progressive and, in this regard, the country leads most of the Southern African Development Community (SADC) region. According to Article 2 of the Electoral Act, for the purposes of an election, political party funding is allocated on the basis of three conditions. One-third is given to those parties that won seats in the National Assembly in the last election. Another third is given to those parties or candidates whose candidature has been accepted for the proposed legislative election. The last portion is divided amongst the persons whose candidature has been accepted for the upcoming presidential election.

For the 2004 elections, parties expressed satisfaction with this arrangement, although the funds were distributed late. In addition the funds were supposed to be distributed in three tranches, the second and third based on satisfactory accounting for the previous stages. However there was no clarity about these conditions and eventually the funds were distributed without such accounting.

2.6 AMENDMENTS TO THE ELECTORAL ACT

The Electoral Act was amended in June 2004. Most of the amendments are minor or administrative and would not have any effect on the outcome of an election. However noteworthy is the fact that the new amended law specifically bans:

- a) The use by any party of any goods or property belonging to central or local government; that is, the abuse of state resources for political party campaigning; and
- b) The extension of voting for a third day.

3

The Pre-election Phase



- Code of conduct
- Voter registration
- Primary elections
- Nominations
- Voter education
- The electoral campaign
- The media
- Funding for the elections

3.1 CODE OF CONDUCT

One of the most notable features of this election campaign was the signing of a code of conduct by all the parties intending to contest in the December 2004 election. The code of conduct was signed on 18 May 2004 at a workshop attended by representatives of political parties and members of the media. At the signing, journalists urged political parties to exercise restraint and tolerance during the campaign. In return journalists were requested to be professional in their reporting. These exhortations seem to have met with a positive response, as statistics indicate that there was less incidence of election-related violence in this election than in the two previous national elections.

3.2 VOTER REGISTRATION

In Mozambique, one cannot vote without being registered. In order to be registered as a voter, one must be a Mozambican citizen who, at the time of the election, is 18 years or older. One cannot register to vote if one

- is not physically or psychologically capable of voting independently;
- has been convicted of committing an intentional crime.

Once registered, an elector is supposed to vote only at the place where he/she has registered. This was not strictly adhered to in this election because the number of polling stations had increased vastly from 1999 and voters reported going to the places where they had registered only to be turned away.

For the December 2004 election, voter registration took place from 28 June to 15 July 2004. The purpose of this exercise was to update the existing voters' roll(s) by registering those who had not previously been registered and by changing the registration of those who had moved their places of residence or had lost their cards. In the process, the roll was supposed to be cleaned of the names of dead people. The expected outcome was one clean consolidated roll, using the 1999 voters' roll as a base. For the first time, voter registration took place outside the country for Mozambicans living abroad.

Opposition parties complained about the fact that in some areas voter registration materials were in short supply and registration had to close before the end of the designated registration period. These shortages were alleged to be most serious in the areas where the opposition enjoyed the most support. For instance in Zambézia, which is reportedly a traditional Renamo stronghold, some voters had to travel 30-40kms to register and on the election days to vote.

Doubtless, these anomalies were present in some areas. However it should be noted that settlement patterns made these shortcomings inevitable in certain areas. Furthermore the STAE attempted to mitigate some of these limitations by deploying mobile registration brigades. For instance the province of Zambézia had more registration brigades than the more populated province of Nampula. Although Renamo called for an extension, voter registration ended as scheduled on 15 July. It was observed, however, that towards the end of the exercise, there was a last-minute rush of registrants.

Eventually the STAE announced that there were 9 095 185 voters in Mozambique and 47 000 in the diaspora. This seemed like a large figure, taking all the normal demographic factors, ie mortality, into consideration. This number increased to 11 million, taking into account the fact that some

registration books were duplicated because some brigades had used the same registration book for different centres. This meant that at election time, contrary to regulations, different centres used the same voters' roll. Adding to the confusion were the announcements of different figures by top-ranking election officials. In a magazine interview, the chairperson of the CNE gave the figure as 8 million, whilst the STAE director general gave a figure of 7.6 million voters.

The concern of the observers (local, regional and international) was focused more on the state of the roll and whether it had been cleaned to remove the names of dead people or to account for those who had transferred or changed their registration. In fact on 4 November the STAE director general claimed that all the books for 1999, 2003 and 2004 had been computerised, corrected and consolidated.

Table 7
Voters Registered and Allocation of Seats for Mozambique December 2004 Election as announced by the STAE

Province (Constituency)	Voters	Number of Seats in National Assembly
Cabo Delgado	794 270	22
Gaza	609 214	17
Inhambane	579 356	16
Manica	531 264	14
Maputo City	600 249	16
Maputo Province	483 493	13
Nampula	1 831 897	50
Niassa	453 461	12
Sofala	802 149	22
Tete	660 741	18
Zambézia	1 749 121	48
African Constituency	46 870	1
Rest of the World (European Constituency)	1 101	1
Total	9 095 215	250

Source: EISA Election Update 2004, Mozambique, No 2

As observations showed on the election days, in many instances the registers had not been cleaned at all or the updating had not been completed. Nevertheless in preparation for the election the STAE announced the registration figures and allocations of seats based on the same figures, set out in Table 7.

Of this figure, 697 000 were completely new registrations. There were 217 000 transfers and 330 000 second registrations. Many people could not vote in 2003 because they were not on the voters' roll so it is possible that they registered again for the 2004 election, and because the roll was not cleaned their names were duplicated. Since the roll has not been cleaned of the names of dead people since 1999, these were also included.

3.3 PRIMARY ELECTIONS

Efforts were made by the major parties to promote intra-party democracy through the holding of primary elections. For Frelimo, some party heavyweights failed to be elected to stand as candidates in the upcoming elections. Although some internal rifts were exposed these were not enough to cause a split in the party. Frelimo had a high representation of women on its lists and four of the 11 provincial heads of lists were women. Overall about 40% of the Frelimo party lists were female.

In Renamo also, some party heavyweights lost their places and there was an inclusion of many new faces. There were also allegations that some people were imposed onto the list, ignoring the results of the primary elections. No woman was elected as head of any provincial list and women made up about 21% of the candidates on the lists. Many of the PDD candidates were heading lists in the provinces where they had previously headed Renamo-EU party lists. Fifty-nine of the 250 candidates (24%) were women, with only one woman heading a PDD provincial list, in Maputo City.

It appears that intra-party democracy is growing, albeit at a slow pace. This is particularly evident when it comes to women's representation. The SADC Declaration on Gender and Development requires 30% representation of women in decision-making positions by the year 2005. For the 2004 election in Mozambique, only one of the major parties, Frelimo, had women making up 30% or more of its candidate list. In the system used in Mozambique, the

placement of women on the list also determines their access to power should their party win. Again Frelimo was more progressive on this, with women heading up 36% of their provincial lists. The other major parties not only had less than 30% representation of women at candidate level, they also had less than 10% of their party lists headed by women. However many were encouraged by the fact that the outgoing prime minister was a woman.

3.4 NOMINATIONS

Mozambique has 39 registered political parties. Most of them do not command any support beyond their inner circles and are platforms for their leaders. In 2004 only three parties had a reasonable chance of gaining any seats in the National Assembly and only two had a real chance at the presidency. The parties did not differ much from each other in terms of their political orientation and seemed to be able to offer little besides fiery rhetoric from their leaders. The three major parties in this election were Frelimo, Renamo and PDD.

Nominations took place between 17 September and 7 October 2004. There were 15 individual parties and five coalitions of political parties whose candidature was accepted by the CNE for the December 2004 elections. Five applications for the parliamentary elections were rejected. Only Frelimo, Renamo and PDD stood in all 13 constituencies, whilst seven others stood only in the 11 provincial constituencies. The remainder stood only in some provincial constituencies. This was quite a gamble, given that to enter into the National Assembly, a party would have to get at least 5% of the national vote. Even though PDD presented candidates in all the 13 constituencies, some of those presented were disqualified because they did not meet the criteria for nomination. Parties received funding from the government to carry out their electoral campaigns.

Of the eight nominations to be presented for the presidential election by the deadline of 2 October 2004, three were rejected because they did not satisfy the legal requirement of 10 000 supporting signatures from registered voters.

The chief protagonists in the election were Frelimo's Armando Guebuza, a first-time presidential candidate, and Renamo's Dhlakama, running for the third time after losing a very close election in 1999.

Table 8
Presidential Candidates for Mozambique December 2004 Election

Name of Candidate	Political Party
Armando Emilio Guebuza	Frelimo
Afonso Marcita Dhlakama	Renamo-União Eleitoral
Raúl Manuel Domingos	Partido para Paz, Democracia e Desenvolvimento (PDD)
Carlos Reis	Coaligio Frente Unida para Mudança e Boa Governação -MBG
Yaqub Sibindy	Partido Independente de Moçambique-Pimo

Source: *Eisa Election Update 2004, Mozambique, No 1*

Table 9
Parties Contesting in Mozambique December 2004 Elections

Party	Abbreviation
Frente de Libertação de Moçambique (Mozambique Liberation Front)	Frelimo
Partido para Paz, Democracia e Desenvolvimento (Party for Peace, Democracy and Development)	PDD
Partido Trabalhista (Labour Party)	PT
Partido Independente de Moçambique (Independent Party of Mozambique)	PIMO
Partido Liberal de Moçambique (Liberal and Democratic Party)	Palmo
Partido Social Liberal Democrático (Social Liberal Party)	SOL
Partido os Verdes de Moçambique (Green Party)	PVM
Partido Ecologista Movimento da Terra (Ecological Party- Land Movement)	PEC-MT
Partido de Ampliação Social de Moçambique (Social Broadening Party of Mozambique)	Pasomo

Partido de Reconciliação Nacional (National Reconciliation Party)	Parena
Partido de Reconciliação Democrático (Democratic Renewal Party)	Parede
Partido Popular Democrático de Moçambique (Popular Democratic Party)	PPD
Partido Democrático Liberal de Moçambique (Democratic Liberal Party of Mozambique)	Padelimo
Partido de Solidariedade e Liberdade (Solidarity and Freedom Party)	PAZS
Partido Congress Democrático Unidos (United Congress of Democrats)	CDU

Source: *Eisa Election Update 2004*, Mozambique, No 1

Table 10
Coalitions Contesting in Mozambique December 2004 Elections

Coalition	Abbreviation
Renamo – Electoral Union, comprises ten parties with the Resistência Nacional de Moçambicana (Renamo) (Mozambican Resistance Movement) as the chief party	Renamo-UE
Coligação Frente Alargada da Oposição (Enlarged Opposition Front) – consists of the Frente Liberal – FL (Liberal Front) and the Partido Africano Conservador PAC (African Conservative Party)	FAO
Coligação União Democrática (Democratic Union) – made up of Partido Nacional Democrático – Panade (National Democratic Party) and the Partido Nacional de Moçambique Panamo (Mozambican National Party)	UD
Coaligio Frente Unida para Mudança e Boa Governação (United Front for Change and Good Governance) – made up of União Nacional de Moçambique – Unamo (Mozambique National Union) and Partido de Todos Nacionalistas de Moçambique-Partonamo (Party for all Nationalists of Mozambique)	MBG

<p>Coligação União para a Salvação de Moçambique (Union for the Salvation of Mozambique) – consisting of Partido da Aliança Democrática e Renovação Social – Padres (Democratic Alliance and Social Renewal Party) consisting of Partido Socialista de Moçambique-PSM (Mozambique Socialist Party) and União para a Mudança (Union for Change)</p>	<p>Usamo</p>
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Source: *Eisa Election Update* 2004, Mozambique, No 1

3.5 VOTER EDUCATION

According to the law, the CNE is responsible for voter education which is conducted through the structures of the STAE and in collaboration with local CSOs. Although the voter education offered by non-governmental organisations (NGOs) must be approved by the CNE, it tends to focus more on democracy and civic education, whilst the STAE focuses on voter information and the mechanics of voting. Political parties, as expected, also carried out voter education.

In order to avoid voter education clashing with political campaigns and the resultant accusations of partisanship, Mozambican law specifically separates the voter education and campaigning periods. Voter education thus took place between 16 September and 15 October.

Even though stakeholders commented that in 2004, civic education was more dynamic than in the previous election, EISA observers reported that most of those whom they met complained that there was not enough voter education for this election.

Although CSOs criticised the inadequate funding and poor coordination amongst themselves, they still claimed to have covered 76% of the country. It appears that this had some benefit, as the percentage of blank and invalid votes in this election was less than in the previous election. (see Table 11)

CSOs recommended that voter education should be a continuous process and should not be limited to just one month ahead of the elections.

Table 11
Comparison of Blank and Invalid Votes in 1999 and 2004

% Votes	Presidential	Parliamentary
1999		
Blank	6.5	9.6
Invalid	2.9	4.9
2004		
Blank	2.91	5.01
Invalid	2.65	3.31

Source *Mozambique Political Processes Bulletin* 33, 2005, Joseph Hanlon, Maputo

3.6 THE ELECTORAL CAMPAIGN

Campaigning began soon after the end of the voter registration period on 17 October and lasted for 45 days, ending on 28 November 2004.

According to the law, all parties are free to campaign as and when they want and are guaranteed the full protection of the police should it be found to be necessary. As already mentioned, the political parties signed a code of conduct for the campaign about eight months before the elections. On the whole this code was respected. The campaign began with quite a number of reported incidences of violence and intimidation. However these reports decreased as the campaign progressed. Given Mozambique's history of conflict, the incidence of violence and intimidation was relatively low. The spokesperson for the electoral commission noted that in this election, there were only 10 election-related fatalities and 50 injuries, an improvement on 1999.

Although overall the level of election-related violence decreased, it did not disappear completely. However in some areas there were incidences of organised violence which may have affected the election outcome in those particular areas. Reports indicate that in some districts such as Changara in Tete Province, as in 1999, Frelimo drove Renamo activists out of the district, with the result that there were no Renamo party agents in most of the polling stations on the election days. This is one area where the CNE proved that

ballot box stuffing occurred and where Renamo could have been unfairly deprived of two seats in the National Assembly.

Tete in particular is an area where several districts became no go areas for Renamo members and where when the results were tabulated, there was an abnormally high voter turnout. In addition in Gaza, Renamo members of one of the district electoral commissions fled from the area, fearing for their lives. Both the two major parties reported that their rallies were blocked by their opponents and they also reported the use of children and youths for heckling and to disrupt campaign activities. Frelimo was also accused of buying cards from Renamo supporters and destroying them. In the last few days of the campaign, the Renamo office in Matola, Maputo Province, was reportedly destroyed by fire.

The role of the police in the election campaign raised some concern. Opposition political parties reported that they did not get police protection at their rallies, although the ruling party did. The police responded that this was because they had not been informed in time. However some stakeholders accused the police of applying differential policing methods to the different political parties, with supporters of the opposition more likely to be arrested for electoral offences than those of the ruling party who were guilty of the same or other electoral offences.

In their electoral manifestos, three parties and coalitions, Frelimo, Renamo and the Coaligio Frente Unida para Mudança e Boa Governação (MBG)⁹ promised change. Frelimo portrayed itself as a force of change whilst Renamo promised soft change. The MBG also defended federalism of the country. The PDD stood on good education whilst Pimo portrayed itself as a defender of public morality. There was little that was revolutionary in the manifestos and it is unclear whether voters eventually voted in support of a particular manifesto or out of habit.

Without a doubt the ruling party had a well organised and well funded campaigning machinery. It was clear that the party used alternative sources of funding in addition to state funding. There was more evidence of ruling

⁹ United Front for Change and Good Governance

party campaign materials and whether by design or by accident, the ruling party also enjoyed slightly more coverage in the state-owned media. Renamo received slightly less funding from the government than Frelimo but still more than the other opposition parties, and its own campaigning also enjoyed more visibility than any of the other opposition parties.

In addition to the above, there are well documented cases of the ruling party abusing state resources, including vehicles for their campaign. Frelimo also enjoyed the support of *régulos*, Mozambican traditional authorities.

3.7 THE MEDIA

Until the adoption of a new Constitution in 1990, all media in Mozambique was state-controlled. However this was liberalised by the 1990 Constitution, which also guarantees the freedom of the media and freedom of expression without fear or favour. Since then, private media have steadily developed. There are no major independent daily newspapers but about four private weekly papers provide a counterweight to reporting by the state. There are also fax sheets which are sent out mostly from Maputo but also from some provincial capitals.

According to the law, during an electoral campaign all contesting political parties should be allocated time in the public media for campaigning purposes. All parties received the stipulated coverage. However it was clear that beyond the coverage decreed by law, in the state media at least, other election coverage tended to be pro-Frelimo. Some commentators noted that the state media always seemed to be present at Frelimo rallies without paying attention to opposition party rallies. The independent media, whilst not overtly supporting the opposition, published news critical of the ruling party.

3.8 FUNDING FOR THE ELECTIONS

The elections cost US\$21.5 million, of which \$14 million came from the European Union, and US\$1 million from the United Nations Development Programme (UNDP), with the remainder from the government budget.

4

The Polling Phase



- The voting process
- Polling stations
- Polling station personnel
- Voters' roll
- Voter turnout
- Counting and tabulation of results

The elections were held on 1-2 December 2004 in all 11 national constituencies and the two diaspora constituencies. Counting at the polling stations took place immediately after the end of voting on the second day. Voting began at 7am and ended at 6pm on each day.

On 28 November, 10 teams of the EISA regional observer mission were deployed to the Mozambique provinces of Cabo Delgado, Gaza, Inhambane, Manica, Maputo City, Maputo Province, Nampula, Sofala, Tete and Zambézia to meet with electoral stakeholders and observe the voting and counting at the polling stations. The teams met with national and provincial representatives of the STAE, CNE, political parties, CSOs and the media.

4.1 THE VOTING PROCESS

The election days were remarkably peaceful, with those voters who turned out to vote conducting themselves in an orderly manner and few reported incidences of clashes. In terms of the conduct of the poll, the elections were on the whole conducted in a professional manner.

4.2 POLLING STATIONS

There were 12 744 polling stations in Mozambique and 60 in the various countries serving the diaspora constituencies. The total of 12 804 polling

stations was an increase of 50% over the number of polling stations used in 1999. Even though the STAE took into account settlement patterns in the designation of polling stations, still some polling stations were 20-50km away from the voters. Some of the polling stations were remote and so difficult to reach that as many as 43 (the CNE gave figures of between 37 and 43) polling stations failed to open during the two-day voting period, largely because of the late arrival of polling materials. The situation was exacerbated by the rain which fell in some areas. About 37 000 voters were disenfranchised. After the polling, the CNE ruled out the possibility of a rerun of an election in those areas where polling stations had not opened. However in all the other polling stations, voting started more or less on time with all the necessary voting materials available.

The polling stations were grouped into centres of about five to 10 stations. Each polling centre was manned by police officers who mainly kept the peace and did not interfere with the voting process. By law the police officers should not come closer than 300m from the polling station.

There were two main challenges as far as the voting centres were concerned. Firstly they were not always clearly marked from the exterior and this may have resulted in some voters being lost. In the centres themselves, some voters struggled to find their polling stations. Because of the change in the number of polling stations, the locations did not always match the original registration point, as should be the case. Again some voters were lost. This situation would have been avoided if the CNE had published a full list of polling stations by number as it is required to do by law. That way by checking their voter registration card, voters would have known where to go, since the first four numbers of the voter's card are the same as the polling station number.

Observers also noted that the layout of the polling station did not necessarily promote an easy flow of voting, and in some cases ballot booths were arranged in a manner that did not protect the secrecy of the ballot.

4.3 POLLING STATION PERSONNEL

All the polling stations had enough staff. They tended to be overwhelmingly young, with a high percentage of the presiding officers being female. Polling

staff were strict in their attention to detail and in making sure that all the procedures were adhered to in accordance with the prescribed regulations and to the satisfaction of all the stakeholders concerned. It was clear that they had been well trained.

At virtually all the polling stations, there were party agents from both Frelimo and Renamo. The smaller parties were by and large represented in the major urban areas. Relations between all personnel in the polling stations were cordial and political party agents were not hindered in any way from doing their jobs in the areas visited by the EISA team. Although Renamo alleged that its agents were denied the right to sleep with the boxes in the polling stations on the first night, this was not confirmed by independent sources and at most polling stations observed, party agents were allowed to guard boxes overnight, bar in Changara District, where incidents of election-related violence had been recorded during the electoral campaign.

4.4 VOTERS' ROLL

Different polling stations used different voters' rolls. Voters' rolls were used from 1999, 2003 (updated) and from 2004 (updated). What this suggests is that the updating of the voters' roll never took place or was not completed at all. So at those stations using the 1999 voters' roll, the people who had registered in 2003 and 2004 had not been added to the roll. In addition some contents of voters' registers did not correspond with the registers' cover pages.

Some voters' rolls were sent to the wrong stations, some did not arrive, and at some polling stations, only the polling staff voted, as they were the only ones eligible to use tendered ballots. Anticipating this, the electoral authorities had announced before polling day that even if one did not appear on a voters' roll, one could still vote if in possession of a valid voter's card. This alleviated the problem somewhat.

However considering the significance of the voters' roll in any electoral process and the potentiality of disenfranchising a large number of voters, this is very disturbing. Also it is curious, given the fact that the STAE director general had announced on 4 November that the roll had been cleaned and updated.

4.5 VOTER TURNOUT

There were queues outside the polling stations on the first day of voting and these were soon attended to. However the number of voters dwindled dramatically on the afternoon of the second day. One team observed only one person voting in each of about five polling stations visited on the afternoon of the second day. So poor was the voter turnout that the chairperson of the CNE in an unprecedented move addressed the nation on the morning of the second day of voting, expressing concern at the low turnout, urging people to go and vote and reminding them that voting is a civic duty. Unfortunately his appeal fell on deaf ears.

The different voters' rolls also affected voter turnout statistics. In the same polling centres, it was not surprising to find one polling station with a long queue whilst another one had no voters at all. It was observed that those people who had registered in 2003 and 2004 were more likely to vote than those who had registered in 1999.

It is difficult to calculate the actual voter turnout, given that there were three different sets of voters' rolls used in the elections. For those stations using the 2003 or 2004 voters' rolls, the turnout was nearer 60%, as opposed to 20-30% for those using the 1999 voters' roll.

However, taking into account demographic factors including birth rates, mortality rates and migration, analysts have estimated that the actual number of voters in Mozambique is around 7.5-7.6 million. Using this figure and the statistics from the 2004 election, we can calculate that about 43.6% of eligible voters actually cast their ballots. Compared with trends in other countries, this is not such a low figure. However given the fact that in 1999, voter turnout was 74%, it is clear that a large number of registered voters chose to stay away from these elections.

Several reasons have been advanced for this, including the possibility that Renamo supporters stayed away from the voting because their party's pre-election protests had convinced them that it would not be worth it to vote. Other reasons cited include the fact that since it was the planting season and it rained during the election days, some voters chose the field over the ballot box.

Table 12
Voter Turnout for Mozambique Elections 1-2 December 2004*

Province	Registered	Total votes	turnout on 9.1 mn	turnout on 7.6 mn
Niassa	453 461	149 649	33.0%	39.5%
Cabo Delgado	794 270	302 974	38.1%	45.7%
Nampula	1 831 867	493 333	26.9%	32.2%
Zambézia	1 749 121	477 718	27.3%	32.7%
Tete	660 741	371 667	56.3%	67.4%
Manica	531 264	206 455	38.9%	46.5%
Sofala	802 149	308 960	38.5%	46.1%
Inhambane	579 356	181 975	31.4%	37.6%
Gaza	609 214	330 639	54.3%	65.0%
Maputo Province	483 493	216 171	44.7%	53.5%
Maputo City	600 249	261 706	43.6%	52.2%
Africa	45 865	27 138	59.2%	70.8%
Europe	1 101	732	66.5%	79.6%
Total	9 142 151	3 329 117	36.4%	43.6%

*The official number on the register is 9.1 million, but most estimates put actual live voters at between 7.5 and 7.6 million. Source: Mozambique Political Process Bulletin No 33, Joseph Hanlon, Maputo 2005

4.6 COUNTING AND TABULATION OF RESULTS

The process

There are three counting stages in the Mozambican election. The first is the partial count, which takes place at the polling stations immediately after the end of voting on the second day. The results are announced and displayed at each polling station. The results sheet is known as an *edital* (pl. *editais*).

Party agents have the right to receive a copy of the *editais* and to make any objections or dispute any ballots. Observers can also request and should receive copies of the *editais*. Objections should be sent to the city or district office of the CNE within 24 hours of the close of the polls. Any disputed ballots and all invalid ballots are passed on the CNE in Maputo.

Taking into account logistical and any other delays, 48 hours after the end of counting, all the *editais* should have been delivered to the city or district office of the CNE, which should then forward all the *editais* to the CPE. At the same time, copies of the *editais* are sent to Maputo to the CNE.

The process of tabulation begins at the CPEs with a provincial count. This is the adding up of all the results for each candidate or party, to determine the total number of votes they received in that particular province. The tabulation is done electronically, using specially designed software.

Simultaneously those *editais* that have been sent to Maputo are also tabulated, using the same software, for a provisional count. The purpose of the provisional count is to cross-reference and double-check the provincial results.

Following the counting and announcement of results at the provincial level, which should be completed seven days after the end of polling, the ballots and results are taken to the CNE in Maputo. The CNE is responsible for the centralisation and examination of election results. It is the final authority in determining acceptable votes and valid and invalid votes (*nulos*). Here final decisions are made about accepting votes as spoilt or as invalid.

At this stage, the CNE is also responsible for

- Ascertaining the percentage poll;
- Checking the total number of votes for each presidential candidate and each party;
- Distributing and allocating seats to the parties in each province.

The president of the CNE is responsible for announcing the results and having them published by the media within 15 days of the close of voting. At each stage of counting and tabulation, that is the polling station stage, the provincial and the national stages, party agents, observers and the media have a right to obtain copies of all records of results. Following the announcement of results, stakeholders, most notably political parties and candidates, can lodge complaints, firstly with the CNE and, if necessary, with the Constitutional Council, which is the final arbiter of election disputes.

Assessment of the counting and tabulation process in 2004

Access to observers

For the December 2004 election, the CNE accredited 3 926 local observers and 458 international observers. Observers had access to most stages of the election, including registration, voting and the counting at the polling station.

However this changed when it came to tabulation. By law, observers can be present at all stages of tabulation and should enjoy full access to the process. This includes being able to see the manner in which results are collated and aggregated as well as the process of accepting or rejecting invalid votes. This last is done in meetings of the CNE. At the very least, the full minutes of the CNE meetings, which are known as *actas*, should be available to all interested observers, including the media.

Before the election, the CNE made it clear that observers would not have access to the rooms where the data capture was taking place and neither would they be allowed to come into meetings of the CNE where *editais* were rejected or accepted for final inclusion in the count. The CNE explained that it would be disruptive for data capturers to have observers moving in and out of the data capture rooms. The law does not explicitly outlaw this presence of observers in the data entry rooms or from meetings of the CNE. However the CNE chose to interpret these laws in a very restrictive manner.

In the 1999 elections, 8.7% of the *editais* for parliamentary elections and 6.6.% for the presidential elections were rejected in controversial circumstances, with the Renamo representatives walking out of the final CNE meeting before the announcement of the results. Given this fact, the eyes of the observers were bound to be keenly honed on this phase, not only as a matter of observation procedure but also to see if any improvements had been made since 1999. If the elections in 2004 were going to be as close as in 1999, any controversy at this stage would affect the credibility of the results – as it did in 1999.

This lack of transparency in the count was also reported in the local government elections of 2003 where there was little or no access to the final tabulation and where the CNE announced three different sets of results in one week. Thus denying access to observers meant that the CNE could reject

hundreds of *editais* and reclassify hundreds of thousands of votes without the scrutiny of any observers.

Outgoing president Chissano made some conciliatory moves, instructing the CNE to agree to the demands of observer groups. In addition, a legal opinion commissioned by the Electoral Observatory (EO), a coalition of seven Mozambican NGOs and church groups, did not support the CNE position.

In the end, the CNE relented and offered observers access to the CNE process of reclassifying ballots for 30 minutes each morning and each afternoon. Observers could, however, not be present when the CNE reconsidered rejected *editais*. In addition, the STAE promised observers access to the data entry through a computer link to the main data capture centre. This proved to be a piecemeal gesture since observers were only allowed access to this link for short periods during the counting.

The partial count

There were no major problems reported with the counting at the polling stations. The election officials began counting soon after the end of voting and continued for five to six hours. The following was observed about the counting at the polling station.

- The system has been designed to be as transparent as possible so it involves a lot of attention to detail. Observers noted that although it was efficient, the count was overly long and put a strain on the polling staff, who had been working steadily for two days;
- Many polling stations, particularly in the rural areas, did not have enough light and polling officials had to struggle to do the count and enter data on the results sheets, which may account for some of the mistakes on the forms.

The provincial and national tabulation of results

Rain and transport shortages caused delays in the transportation of *editais* to the provincial tabulation centres. In addition the final list of polling stations was not completed and dispatched until after the end of voting. So in most provinces counting started two days late. The provisional count also started

late because unlike in previous elections, the *editais* were not faxed but had to be collected by STAE officials and flown or driven to Maputo.

At provincial level further delays were caused by Renamo representatives who, in protest at the process, walked out of CPE meetings where decisions needed to be made. Furthermore some Renamo representatives disappeared with the keys to the warehouses where the election materials were kept, thus delaying the start of counting. In some instances the locks had to be broken. It was alleged that Renamo instructed some people from STAE not to cooperate with the CPEs. Renamo also raised concerns about the use of computers, which was a surprise, since computers have been used in the tabulation process since 1994.

The software

The quality of the software used for the tabulation has long been an issue of concern, which is why it was surprising that for the 2004 election, the company which designed the software was hired only in September 2004. The opposition alleged that the company designing the software was linked to Frelimo and therefore the software could not be trusted.

When the software was first tested, it was clear that there were problems with the programming, one of the major concerns being that the security features were weak. A major patching and correction process was undertaken but the software could not be audited before the data entry began after the election.

As soon as the tabulation began, problems emerged. Firstly the total number of polling stations that the software had been programmed to accept was higher than the total number of polling stations. To be exact, there were 556 extra polling stations in the system. Officials indicated that the software would accept only information from authentic polling stations, but the mere fact that these extra polling stations had been programmed was cause for suspicion. And when the software began to reject valid *editais* from genuine polling stations, STAE's assertion that only genuine polling stations would be accepted was proved wrong.

The rejected *editais* had to be sent to the CNE in Maputo. This further delayed

the process of tabulation. In fact the provisional count, meant to verify and authenticate the provincial results, was abandoned because the process was taking such a long time. The STAE's excuse that the time for the design process for the software didn't give enough time for checking and quality control is dubious, to say the least. For an operation of this magnitude and scope, surely the software should have been in place well before the election.

The parallel vote count

Several organisations undertook a parallel vote count based on a sample of the polling stations. These included Frelimo, Radio Mozambique, several newspapers and the EO. The purpose of the parallel vote count, also known as a quick count, is to provide independent verification of the results and using a sample of the total, come up with a reasonable prediction of the final results. Using the *editais* published outside the polling stations, the organisations undertook their own independent tabulation of the results and with reasonable margins of error were able to forecast the final results.

The EO tried for a sample of 792 polling stations, and succeeded in collecting 775 *editais* for the presidential election and 762 for the parliamentary election. Their count gave 63% to Guebuza and 32% to Dhlakama for the presidency, and 60% to Frelimo and 29% to Renamo in parliament, with a 3.3% margin of error. The independent Maputo weekly *Savana* projected that Guebuza would win the presidential election with 56% of the vote with Dhlakama getting 34% of the vote. In the parliamentary election, the *Savana* parallel count gave Frelimo 55% and Renamo 35%. The Maputo Sunday paper declared that the ruling Frelimo party and its presidential candidate, Armando Guebuza, would win the general election with about 70% of the vote. Frelimo's parallel count predicted a victory of 57% for Guebuza and 35% for Dhlakama (EISA *Election Update*, 2004, Mozambique, No 3).

5

The Post-Election Phase



- The announcement of results
- Renamo protests election results
- Allocation of seats

5.1 THE ANNOUNCEMENT OF RESULTS

By any estimation, the announcement of results was late. Provincial results were supposed to be announced on 9 December but the first province only announced them on the 10th and the last on the 16th December respectively. The national results were announced on Tuesday 21 December, four days after the deadline and nearly three weeks after the end of voting.

The results announced for the presidential election were as follows:

Table 13
Voter Turnout for the Mozambican Presidential Election
1-2 December 2004

Registered Voters	9 142 151	%
Total Who Voted	3 329 167	36.42
Total Who Did Not Vote	5 812 984	63.58

Source : Constitutional Council Deliberation no 5/CC/2005 of 19 January

Table 14
Results of the Mozambican Presidential Election 1-2 December 2004¹⁰

Name of Candidate	Political Party	Votes Obtained	%
Armando Emilio Guebuza	Frelimo	2 004 226	63.74
Afonso Marcita Dhlakama	Renamo-UE	998 059	31.74
Raúl Manuel Domingos	PDD	85 815	2.73
Carlos Reis	MBG	27 412	0.87
Yaqub Sibindy	Pimo	28 656	0.91
	<i>Total Valid Votes</i>	3 144 168	94.44
	<i>Total Spoilt Votes</i>	88 315	2.65
	<i>Total Blank Votes</i>	96 684	2.91
	Total Votes	3 329 167	100

Source: Constitutional Council Deliberation no 5/CC/2005 of 19 January.

Results for the parliamentary election were as follows:

Table 15
Voter Turnout for the Mozambican Parliamentary Election
1-2 December 2004

Registered Voters	9 142 151	%
Total Who Voted	3 321 926	36.34
Total Who Did Not Vote	5 820 225	63.66

Source: Constitutional Council Deliberation no 5/CC/2005 of 19 January

¹⁰ Detailed Results in Annexure 5

Table 16
Results of the Mozambican Parliamentary Election 1-2 December 2004¹¹

Party	Total Votes Obtained	%
Renamo-UE	905 289	29.73
Partido Frelimo	1 889 054	62.03
PDD	60 758	2.0
Parena	18 220	0.60
SOL	13 915	0.46
PEC-MT	12 285	0.40
Pimo	17 960	0.59
Pasomo	15 740	0.52
PVM	9 950	0.33
Parede	9 026	0.30
PT	14 242	0.47
PPD	448	0.01
FAO	7 591	0.25
MBG	11 059	0.36
CDU	1 252	0.04
PAZS	26 686	0.88
UD	10 310	0.34
Palmo	9 263	0.30
Usamo	8 661	0.29
Padelimo	3 720	0.12
<i>Number of Valid Votes</i>	3 045 429	91.68
<i>Number of Spoilt Votes</i>	109 957	3.31
<i>Number of Blank Votes</i>	166 540	5.01
<i>Total Number of Votes</i>	3 321 926	100.00

Source: Constitutional Council Deliberation no 5/CC/2005 of 19 January.

¹¹ Detailed Results in Annexure 6

These results exclude the results of about 1 400 *editais* which the CNE admitted were stolen; they never arrived in Maputo. Renamo had previously claimed that 640 presidential and 674 parliamentary *editais* were omitted. In fact there were 699 *editais* excluded from the presidential results, and 731 excluded from the final parliamentary count. These constituted 5.4% of the presidential *editais* and 5.7% of the parliamentary ones. The thefts occurred particularly in Niassa, Cabo Delgado (believed stolen by Renamo) and Zambézia (believed stolen by Frelimo). The theft of *editais* (and *actas*) could not affect the result of the presidential election, although it might have changed the distribution of parliamentary seats. In admitting the theft, the CNE also made corrections to the results, which gave an extra seat to Renamo in Zambézia. The corrections were secret and it is unclear what formula was used.

Table 17
Processing of the *Editais*

Election	Total <i>Editais</i> from polling stations	<i>Editais</i> not processed by the CPEs	<i>Editais</i> processed by the CNE	<i>Editais</i> which were never processed
Presidential	12 742	1 482	783	699
Parliamentary	12 742	1 736	1 005	731

Source : Constitutional Council Deliberation no 5/CC/2005 of 19 January

5.2 RENAMO PROTESTS ELECTION RESULTS

During the tabulation process before the results were announced, Renamo and other opposition political parties denounced the credibility of both the election process and the election results. After the announcement of the results, Renamo filed a formal complaint which was brought before the CNE, calling for an annulment and a rerun of the election. The party cited amongst other factors the following:

- What it saw as an unfair registration process, including the shortage of materials;
- The state of the voters' roll;
- The poor performance of the software;
- The exclusion of the stolen *editais*.

This complaint was rejected by the CNE on technical grounds since it was deemed (correctly) to have been submitted beyond the deadline stipulated in the law. Renamo then applied to the Constitutional Council, which acts as the final appeal body for election disputes and which is supposed to validate the election results. However the document submitted to the council was different from the one brought before the CNE. This document, instead of appealing for an annulment of the whole election, called for a correction of all irregularities before the validation of the results. The council deemed that this was a new complaint and rejected it on those grounds.

5.3 ALLOCATION OF SEATS

Seats are allocated to the winning parties in the National Assembly, and the candidate with votes over 50% in the presidential election is declared president of the republic. Only parties that have won a minimum of 5% of the national vote are eligible for seats in the National Assembly.

Table 18
Allocation of Seats Following 2004 Elections

Province	Total Seats	Frelimo	Renamo-UE
Cabo Delgado	22	18	4
Gaza	17	17	0
Inhambane	16	15	1
Manica	14	7	7
Maputo City	16	14	2
Maputo Province	13	12	1
Nampula	50	27	23
Niassa	12	9	3
Sofala	22	6	16
Tete	18	14	4
Zambézia	48	19	29
Diaspora 1-Africa	1	1	0
Diaspora 2- Rest of the World	1	1	0
Total	250	160	90

Figures in bold represent the winning party in that province.

Source: Constitutional Council Deliberation no 5/CC/2005 of 19 January

Table 19
Comparison of Seats from 1994-2004

Province	Frelimo			Renamo			DU*
	2004	1999	1994	2004	1999	1994	1994
Cabo Delgado	18	16	15	4	6	6	1
Gaza	17	16	16	0	0	0	1
Inhambane	15	13	13	1	4	3	2
Manica	7	5	4	7	10	9	0
Maputo City	14	14	17	2	2	1	0
Maputo Province	12	12	12	1	1	1	0
Nampula	27	24	26	23	26	32	2
Niassa	9	6	7	3	7	4	0
Sofala	6	4	3	16	17	18	0
Tete	14	8	5	4	10	9	1
Zambézia	19	15	18	29	34	29	2
Diaspora 1 – Africa	1	–	–	–	–	–	
Diaspora 2 – Rest of the World	1	–	–	–	–	–	
Total	160	133	129	90	117	112	9

Figures in bold represent the winning party in that province

* Democratic Union

With the results of the elections validated by the Constitutional Council, the new National Assembly sat for the very first time on Monday 31 January 2005. Armando Guebuza was inaugurated as president of Mozambique on 2 February 2005.

6

Conclusions and Recommendations



- Conclusions
- Recommendations

6.1 CONCLUSIONS

Whilst a new contingent of deputies sits in the Mozambique parliament, questions remain over the election and its credibility. Although there is general consensus that the election results are a reflection of the will of those who voted, there can be no doubt that the election was riddled with enough administrative shortcomings to cast doubt on the commitment of the electoral bodies to the conduct of truly credible and legitimate elections. Administrative arrangements throughout the process, particularly voter registration, appear to have been carried out in a careless manner, with no concern for protecting the right of all Mozambican citizens to vote. Some voters were not able to register and some of those who had registered could not vote on election days, either because their names were not on the voters' roll or because they could not find their polling stations.

Even after voting, there was no guarantee that the votes would be counted, since about 5% of the *editais* did not arrive in Maputo, and of those that did, some were rejected by the computer. Likewise, technical inadequacies affected the tabulation process. It appears that there were not enough safeguards to protect the rights of voters and to protect the votes that had been cast.

The software itself was riddled with so many mistakes that the results it produced cannot be trusted. In fact the STAE itself did not trust its own software and the final *editais* were calculated outside of the system on the instructions of the STAE director general.

The fact that the electoral authorities themselves did not trust the software makes it difficult for outsiders such as observers to trust it. Adding to this was the secrecy that shrouded the entire tabulation process and the unwillingness of the CNE to allow observers access to the process, even where it was not expressly forbidden by law. This failure or reluctance to show disclosure raises suspicion.

Even the Constitutional Council, whilst validating the results, raised its own concerns about several aspects of the process, including criminal acts that were recorded as well as the fact that these acts will go unpunished since the electoral authorities and the police seemed to be doing nothing about them. The CNE called for the destruction of election material, some of which was necessary to support prosecutions against election officials such as those responsible for ballot stuffing. Indeed, the electoral authorities seem to have been indifferent to the level of maladministration. The Constitutional Council called for a change of attitude.

However this should not obscure some of the positive aspects of this election. Whilst the actions of election officials may belie this, the electoral legal framework in Mozambique is conducive to the holding of democratic elections and includes progressive legislation on public funding of political parties as well as their access to the public media.

Election officials should be commended for achieving a good gender balance as well as a high representation of youth amongst the election staff, who displayed a high level of professionalism. The mission was pleased to observe the presence of party agents from different political parties at all polling stations visited and domestic observers at many of the polling stations. CSOs should be lauded for building coalitions and for conducting the parallel vote tabulation. The fact that the projected results announced by these organisations more or less tallied with the official results went some way towards improving the credibility of the results.

The mission concluded that the voting and the first portion of the counting in the election were conducted well and in accordance with the standards set forth in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). However the compilation of

the voters' roll, the tabulation and the announcement of results fell short of the standards set forth in PEMMO. Suggestions for improvements on these and other aspects of the elections are presented below.

6.2 RECOMMENDATIONS

National Election Commission

The mission recommends that the people of Mozambique consider reviewing the nature and composition of their commission in order to ensure further independence and increase public confidence in the CNE. After 10 years of democracy and political stability, Mozambique should move towards a more inclusive and independent electoral commission.

Location of polling stations

The mission noted that some polling centres were not clearly demarcated and some voters could not find their polling stations. Although some eventually did find their polling stations, there is no doubt that others gave up and did not vote at all. It is recommended that the list of polling station numbers and locations be published and publicised well in advance of the elections to avoid confusion on the election days.

Polling station layout

Members of the mission noted that the layout of the polling stations did not promote an easy flow of voting and recommend that the layout be changed to ease the movement of voters within the polling stations.

Voters' rolls

The mission observed that the use of different voters' rolls disenfranchised a large number of voters as well as skewing the statistics for voter turnout. STAE should consolidate and update the different voters' rolls in use. The Secretariat should consider conducting registration on a continuous and regular basis. There should only be one voters' roll in use for the election.

Counting

It was noted that the counting at the polling stations, whilst efficient, was quite laborious and took too long to be completed. In some cases staff appeared not to be well trained for the counting process. It is recommended that every effort should be made to ensure that the counting process is as

simple as possible and that the staff are trained to be more familiar with counting procedures.

Transmission, tabulation and announcement of results

It was observed that the process of transmitting results to a central location and counting them once there took an inordinately long time. There were too many unexplained delays and it was clear that the electoral authorities had not planned for some of the logistical challenges they would face which would affect the transmission of results. We recommend that the commission should review its current practice in regard to the transmission, tabulation and announcement of results, with a view to expediting the final announcement of the results.

Tabulation software

Whilst the use of software has been introduced in order to ensure the accuracy of the final results, in the December 2004 elections, it appeared that the software was almost defeating its own purpose. It was so unreliable that it cast doubt on the final election results. It is recommended that if software is to be used for the elections, it must be purchased in time for it to be tested and for any anomalies to be repaired and the software be tested again before being used for the elections. The procurement process also needs to be transparent.

Access of observers to the tabulation

Whilst allowing observers access to the early stages of the election, observers' access to the all important phase of tabulation was severely restricted. This created suspicion about what was going on behind closed doors. The mission strongly recommends that observers have full access to all stages of the election.

The EISA Regional Election Observer Mission encourages Mozambicans to engage in a broad-based electoral reform effort with a view to building on the positive aspects of the conduct of the elections and improving on the shortcomings observed by the various national, regional and international organisations as well as the CNE/STAE and the Constitutional Council. This will go a long way in enhancing the consolidation of democracy and peace in Mozambique.

APPENDICES

Appendix 1

Composition of EISA Election Observer Mission to the 2004 Mozambique Parliamentary and Presidential Elections

Name	Gender	Country
1. Dr Brigalia Bam	Female	South Africa
2. Mr Denis Kadima	Male	Democratic Republic of Congo
3. Mr Justino Pinto de Andrade	Male	Angola
4. Prof Susan Booysen	Female	South Africa
5. Ms Daphne de Klerk	Female	Namibia
6. Mr Tomas Dias	Male	Angola
7. Ms Yara Fernandes	Female	Angola
8. Ms Yema Ferreira	Female	Angola
9. Mr Dharmand Fokeer	Male	Mauritius
10. Ms Maria de Fatima Fonseca	Female	Angola
11. Dr Anne Hammerstad	Female	Norway
12. Ms Francis Herd	Female	South Africa
13. Dr Jacqueline Kalley	Female	South Africa
14. Ms Clarisse Kaputu	Female	Angola
15. Ms Nomthandazano Kondleka	Female	South Africa
16. Justice Lewis Makame	Male	Tanzania
17. Mr Grant Masterton	Male	South Africa
18. Ms Annamarie Minder	Female	Switzerland
19. Mr Moses Mkandawire	Male	Malawi
20. Ms Segametsi Modisaotsile	Female	Botswana
21. Ms Ncedisa Mthenjwa	Female	South Africa
22. Ms Belinda Musanhu	Female	Zimbabwe
23. Ms Sa Ngidi	Female	South Africa
24. Prof Tandeka Nkiwane	Female	South Africa
25. Ms Andrea Ostheimer	Female	Germany
26. Ms Joyce Titi Pitso	Female	South Africa
27. Mr Justino Quinta	Male	Angola
28. Mr Khothatso Ralitsie	Male	Lesotho
29. Mr Agostinho Ramos	Male	Angola
30. Mr Hilario Sangonga	Male	Angola
31. Mr Augustino Santana	Male	Angola
32. Ms Zahira Seedat	Female	South Africa
33. Mr Vincent Tohbi	Male	Ivory Coast

Appendix 2
EISA Observer Mission
to the 2004 Mozambique Presidential and Parliamentary Elections

ARRIVAL STATEMENT



FOR IMMEDIATE RELEASE

Upon invitation by the National Elections Commission (CNE), EISA hereby launches its regional election observer mission to the Mozambique parliamentary and presidential elections to be held over Wednesday and Thursday 1-2 December 2004. The mission is led by Chairperson of the South African Electoral Commission Dr Brigalia H Bam, supported by EISA Executive Director Denis Kadima as deputy mission leader.

Bringing together a total of 35 SADC nationals, the mission membership has been drawn from Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Namibia, South Africa, Tanzania and Zimbabwe. These observers represent electoral commissions, political parties, civil society organisations (CSOs) and parliaments in their respective Southern African Development Community (SADC) countries.

The overall objective of this mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa.

Specific objectives for this particular mission include the following:

- To assess whether conditions exist for the conduct of elections that reflect the will of the people of Mozambique;
- To assess whether the elections are conducted in accordance with the electoral legislative framework of Mozambique;
- To assess whether the elections met the benchmarks set out in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries (ECF).

PEMMO is the result of three years of consultation and research by the ECF and EISA. All electoral commissions in the region and CSOs who work in the field of elections were extensively consulted during this process. The initiative led to the adoption of election principles which are serving as benchmarks in the conduct and assessment of elections in the SADC region. PEMMO gives the region an objective basis in terms of which to conduct and assess elections. EISA has applied PEMMO in assessing all four national elections held in the SADC region in the current year, namely South Africa, Malawi, Botswana and most recently Namibia.

EISA will deploy teams in Maputo, Cabo Del Gabo, Gaza, Tete, Sofala, Inhambane, Nampula, Manica and Zambézia where they will meet electoral stakeholders, including the provincial CNEs and the Technical Secretariat for Electoral Administration (STAE), political parties and CSOs ahead of voting days. The mission will remain in the country until 5 December 2004 to observe the voting and the initial stages of the counting process. The EISA Mozambique office will continue to monitor the conclusion of counting and the rest of the post-election activities.

EISA, formerly the Electoral Institute of Southern Africa, is a regional non-governmental organisation established in 1996 and headquartered in Johannesburg, South Africa. Three EISA field offices are operational in Angola, the Democratic Republic of Congo and Mozambique. Its mission is to strengthen electoral processes, good governance, human rights and democratic values in the SADC region and beyond through research, capacity-building, advocacy and other targeted interventions. EISA services governments, electoral commissions, political parties, civil society organisations and other institutions operating in the democracy and governance fields in Africa. EISA has observed all elections held in the SADC region since 1998.

The mission is based at Hotel VIP Maputo, where EISA has established a field office in the Limpompo Room on the ground floor. For further information, please contact Ms Sa Ngidi on +258 82438063 or Zahira on +258 82437348

Dr Brigalia H Bam
Mission Leader

Mr Denis Kadima
Deputy Mission Leader

Appendix 3

EISA ELECTION OBSERVER MISSION

THE 2004 MOZAMBICAN PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

INTERIM STATEMENT

Maputo, 4 December 2004

FOR IMMEDIATE RELEASE

I. INTRODUCTION

EISA was invited by the National Election Commission of Mozambique (CNE) to observe the 2004 Presidential and Parliamentary elections. Accordingly, EISA deployed a 34-member observer mission to these elections. The mission has made its assessment of the elections and its preliminary findings and recommendations are presented in this interim statement. The assessment covers pre-election, polling, and counting at the polling stations and **does not cover the transmission of results to the districts and the tabulation of the results at the provincial and national levels**. EISA will produce a comprehensive and final report on the elections in the next few weeks, which will provide an in-depth analysis of the whole electoral process.

2. ABOUT EISA

EISA was established in 1996. It is an independent non-profit organisation which seeks to promote credible elections and democratic governance in Africa through research, capacity building, advocacy and other targeted interventions. Election observation is a key component of EISA's work as it allows the collection of data and information on electoral practices. Equally important for EISA, election observation provides an opportunity for mission members from countries without a long tradition of multiparty democratic elections to gain first-hand electoral experience.

The organisation is headquartered in Johannesburg, South Africa, and has field offices in Angola, the Democratic Republic of Congo and Mozambique.

3. MISSION COMPOSITION

The mission membership is drawn from electoral commissions, civil society organisations, parliaments, academic institutions and political parties mostly from Southern African Development Community (SADC) countries, namely, Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Tanzania and Zimbabwe. The mission leader is Dr Brigalia H Bam, Chairperson of the South African Electoral Commission. The Executive Director of EISA, Mr Denis Kadima, is the deputy leader of the mission. Members of the EISA mission started arriving in Maputo on the 22nd of November 2004. The mission met various Mozambican election stakeholders and observed events until the 3rd December 2004.

4. DEPLOYMENT

A total of 10 teams were deployed in all but one of Mozambique's provinces. There were two teams in Maputo City and one team in each of the following provinces: Maputo, Cabo Delgado, Gaza, Inhambane, Manica, Nampula, Sofala, Tete and Zambézia.

5. METHOD OF WORK

In order to accommodate the need for a holistic approach to election assessment, EISA conducted various activities covering the pre-election phase, the polling phase and the immediate aftermath of the election. EISA will continue to follow post-election developments closely. The assessment methodology included the following activities:

5.1 Election Update

As part of its pre-election assessment, EISA engaged a team of Mozambique-based researchers to produce *Election Update 2004: Mozambique*. EISA used this method of information gathering to keep members of the mission and other stakeholders up to date with the electoral process as it evolved in the run-up to election day. The post-election edition of *Election Update* will be produced after the completion of the entire electoral process.

5.2 Observers briefing and related presentations

The members of the mission attended a one-and-a-half-day briefing session in Maputo where they were introduced to the context in which the election was being held as well as the tools of assessment to be used.

The briefing was also addressed by key Mozambican election stakeholders including CSOs, political parties and the Technical Secretariat for Electoral Administration (STAE). The mission was also represented at the demonstration of software that was held by STAE on Saturday 27 November 2004.

5.3 Stakeholder meetings and political party rallies

Members of the mission held meetings with various electoral stakeholders, including representatives of the CNE, political parties, civil society organisations, the media and academics. The mission also met domestic observers from the Electoral Observatory and the Institute of Civic Education, church groups and other international observer teams. Meetings were held at both national and provincial levels. These meetings provided useful insight into the different key stakeholders' assessment of the process as well as the general mood in the country as the polls drew near.

Our teams also attended political party rallies in the various parts of the country where they were deployed.

5.4 Observation of voting and counting

The members of the mission were deployed in the field from 28 November 2004 where they held further meetings with election stakeholders. The mission observed the voting on 1-2 December as well as the counting at the polling stations. In total, the mission covered 330 polling stations in 50 districts.

Through the EISA-Mozambique office in Maputo, EISA will continue to follow the process to its completion, including the tabulation and announcement of results.

6. PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING AND OBSERVATION IN THE SADC REGION (PEMMO)

The EISA observer mission's assessment of the Mozambique 2004 elections is based on the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). The principles are benchmarks against which an election can be measured from an objective basis to assess whether or not it is free and fair. PEMMO was developed by EISA in

partnership with the Electoral Commissions Forum of SADC countries (ECF), which comprises all the election management bodies in the SADC region. These principles are the result of extensive research and region-wide consultation with electoral stakeholders including CSOs and were designed to provide guiding principles for the administration of elections in the region.

The principles cover the whole electoral process, including the period before, during and after the poll. Furthermore, they constitute a useful tool in the post-election review and for electoral reforms. For observers, PEMMO also outlines guidelines on the expected behaviour of observers for the enhanced credibility of observer groups.

Since its adoption at a regional conference on 6 November 2003 in Johannesburg, PEMMO has been successfully used to assess the elections held earlier this year in South Africa, Malawi, Botswana and Namibia.

7. FINDINGS OF THE MISSION

The EISA election observer mission, basing itself on PEMMO as a guideline, made the following findings:

7.1 Legal framework of elections

The mission found that the electoral legal framework in Mozambique is generally conducive to the holding of democratic elections. This framework guarantees fundamental freedoms, civil and political rights. Furthermore, whilst many countries in the SADC region continue to grapple with regulating the disbursement of public resources to political parties for campaign purposes, and their access to public media, Mozambique has progressive legislation in this area.

7.2 Electoral atmosphere

The mission applauds the largely peaceful manner in which the elections were conducted. Reports of violence and intimidation during the election campaign were isolated and cannot be deemed to have significantly affected the election. Regrettably, there seems to have been a low voter turnout.

7.3 Electoral staff

The largely thorough preparation and staff training of STAE could be seen

in the high levels of competence amongst the voting station staff. The Secretariat should be commended for achieving a good gender balance as well as a high representation of youth.

7.4 Party agents

The mission was pleased to observe the presence of party agents from different political parties at all polling stations visited. This presence promoted the transparency of the voting and counting processes.

7.5 Domestic observers

There were domestic observers at many of the polling stations. CSOs should be lauded for building coalitions and for conducting the parallel vote tabulation. This exercise is likely to contribute to the credibility of the election outcome.

7.6 National Election Commission (CNE)

Whilst initially political party composition within the CNE was a necessary move aimed at ensuring inclusiveness in a society polarised by decades of war, this arrangement has by now served its purpose. The bi-partisan composition of the CNE combined with the unbalanced representation of the political parties has created the perception that the commission lacks independence from the governing party.

7.7 Voters' roll

The inconsistent use of three different rolls, from 1999, 2003 updated roll and 2004 updated roll in some areas and their allocation to polling stations is likely to have inhibited some eligible voters from participating in the election.

7.8 Transmission, tabulation and announcement of results

It is anticipated that the process of transmission, tabulation and announcement of the election results will take up to 15 days. Compared to other countries in the SADC region this is particularly slow. This can lead to unnecessary suspicion about the integrity of the tabulation process, especially where it is not open to scrutiny by observers.

8. RECOMMENDATIONS

8.1 National Election Commission

The mission recommends that the people of Mozambique consider reviewing the nature and composition of their commission in order to ensure further independence and increase public confidence in the CNE. After 10 years of democracy and political stability, Mozambique should move towards a more inclusive and independent electoral commission.

8.2 Voters' rolls

The STAE should consolidate and update the different voters' rolls in use. The Secretariat should consider conducting registration on a continuous and regular basis.

8.3 Counting

Every effort should be made to ensure that the counting process is as simple as possible and that the staff are trained to be more familiar with the counting procedures.

8.4 Transmission, tabulation and announcement of results

The commission should review its current practice in regard to the transmission, tabulation and announcement of results, with a view to expediting the final announcement of the results.

9. CONCLUSION

In conclusion, the EISA election observer mission as of today (4 December 2004) is largely satisfied that the process of voting and counting so far meets the standards enshrined in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO).

Dr Brigalia H Bam
Mission Leader

Mr Denis Kadima
Deputy Mission Leader

Appendix 4

Observers Briefing Programme

EISA ELECTION OBSERVER MISSION TO MOZAMBIQUE Parliamentary and Presidential Elections

Hotel VIP, Maputo
Friday 26th –Saturday 27th November 2004

DAY ONE – Friday 26th November 2004

SESSION 1 WELCOME AND INTRODUCTIONS

08h00-08h15 **Welcoming Remarks**
Mr Denis Kadima: Deputy Mission Leader and Executive Director – EISA

08h15-08h45 **Official Opening**
Dr Brigalia H Bam
Chairperson of Electoral Commission of South Africa
EISA Mission Leader

08h45-09h15 **Introductions**

SESSION 2 **THE OBSERVATION PROCESS**
Facilitator: Dr Brigalia H Bam – EISA Mission Leader

09h15-10h00 **Programme Outline**
This session will give a general overview of the observation process
Ms Sa Ngidi, Manager, EPP

10h00-10h30 **EISA Mission Photograph – Coffee/Tea Break**

SESSION 3 THE POLITICAL CONTEXT

10h30-11h30 **Assessment of the Current Political Situation**
Dr Eduardo Siteo – Eduardo Mondlane University

11h45-13h00 **PRESS CONFERENCE**
Presentation of Arrival Statement
Dr Brigalia H Bam – Mission Leader

13h00-14h00 **LUNCH**

SESSION 3 cont

14h00-14h40 **The Role of Civil Society in the Electoral Process**
Representative of Electoral Observatory

14h40-15h30 **Readiness of the National Election Commission**
Preparations thus far.
CNE Representative

15h30-16h00 **Discussions**

SESSION 4 THE PERSPECTIVE OF POLITICAL PARTIES

16h00-16h30 FRELIMO

16h30-17h00 PDD

17h00-17h30 RENAMO

17h30-18h00 PIMO

DAY TWO – Saturday 27th November 2004

SESSION 5 The Principles for Election Management ,Monitoring and Observation in the SADC Region (PEMMO)

08h30-10h30 **Assessing the Election in Accordance with PEMMO**
PEMMO will provide a tool against which the election will be assessed. What are the main features of PEMMO? How have we adapted our checklist to be in line with the PEMMO?

10h30-11h00 **Tea Break**

SESSION 6 DEPLOYMENT PLAN
Facilitator: Mr Denis Kadima – Deputy Mission Leader

11h00-13h00 **Deployment Plans and Logistical Packages**
Ms Sa Ngidi

Annexure 6- Detailed Results of Mozambican Parliamentary Elections 1-2 December 2004

**REPUBLIC OF MOZAMBIQUE
NATIONAL ELECTORAL COMMISSION
ELECTION OF ASSEMBLY OF THE REPUBLIC
NATIONAL FINAL RESULTS**

Electoral Constitution	Polling Station	Registered Voters	Votes Obtained																	Reclassified Votes	Valid Votes	Blank Ballots	Spoilt Ballot (a)	Spoilt Ballot (b)			
			RENAMC	FRELIMC	PDD	PAARENA	SOL	PEC-MT	FINO	PASOMC	PVM	PAEDE	PT	PPD	FAO	MBG	CDU	PAZS	UD						PALMO	USAMO	PADELIM
NIASSA	725	453461	37450	92035	2777	617	411	398	821	541	303	287	0	0	499	0	1257	0	440	478	396	3243	141953	5878	8220	4977	
CABO DELGADO	1391	794270	46759	204159	3769	1591	1249	1238	1953	1416	1051	871	1666	0	0	893	0	0	930	1443	1164	6938	277090	27614	14518	7580	
NAMPULA	2282	1831867	173014	208957	9486	3244	2264	1998	5652	3032	2132	1872	3789	0	0	2574	0	7310	2525	2945	1771	0	8242	440807	31170	29129	20887
ZAMBÉZIA	2370	1749121	215155	148186	7948	2464	1754	1538	1852	2651	1336	1640	3051	0	3715	1999	1164	6837	1973	2966	1830	0	9940	417999	35732	33140	23200
TETE	919	660741	70671	248400	5016	1869	1534	1138	918	1430	777	730	0	0	1087	0	0	1230	0	831	0	3983	339614	11874	21671	17688	
MANICA	723	531264	85429	86462	4834	1156	920	764	909	1091	840	673	1259	0	1147	753	0	0	517	0	897	719	2763	191133	9945	9339	6576
SOFALA	1039	802149	180327	71102	8304	2075	1245	1028	1256	1438	1045	798	0	0	1710	1127	0	4434	1002	0	795	0	5161	282847	15301	14242	9081
INHAMBANE	786	579356	16394	128012	4992	1880	1807	1444	1199	1656	739	667	1973	0	0	1183	0	2764	1112	0	0	0	2674	168496	8064	7549	4875
GAZA	993	609214	5279	290485	2895	1197	1047	971	817	796	506	433	1884	0	0	0	0	0	746	1148	0	746	2051	311001	11097	9356	7305
MAPUTO PROVÍNC	752	483493	16729	163018	3366	732	558	474	607	434	264	234	0	0	382	424	0	1842	390	370	0	270	2238	192332	6546	6579	4341
MAPUTO CIDADE	762	600249	34566	208476	5577	491	349	569	1056	292	308	308	0	251	286	0	0	1238	305	0	188	217	1459	255936	3043	4664	3205
ÁFRICA	62	45865	1821	23143	264	0	0	0	0	0	0	0	0	168	0	0	0	0	0	0	0	0	121	25517	253	358	237
Rest of the World	3	1101	185	496	0	0	0	0	0	0	0	0	0	23	0	0	0	0	0	0	0	0	0	704	23	5	5
TOTAL	12807	9142151	883779	1872931	59228	17316	13138	11560	17040	14777	9301	8513	13622	442	7240	10539	1164	25682	9800	8799	8233	3512	48813	3045429	166540	158770	109957
TOTAL RECLASSIFIED VOTES			21510	16123	1530	904	777	725	920	963	649	513	620	6	351	520	88	1004	510	464	428	208					
TOTAL NUMBER OF VOTES			905289	1889054	60758	18220	13915	12285	17960	15740	9950	9026	14242	448	7591	11059	1252	26686	10310	9263	8661	3720		3045429			

(a) Blank ballots as per partial tabulation (polling station)

(b) Blank ballots after reclassification by CNE

Source : Constitutional Council Deliberation no 5/CC/2005 of 19 January.

Annexure 5 Detailed Results of Mozambican Presidential Elections 1-2 December 2004

REPUBLIC OF MOZAMBIQUE
NATIONAL ELECTORAL COMMISSION
ELECTION OF THE PRESIDENT FOR THE REPUBLIC
NATIONAL RESULTS' SHEET

Electoral Constituency	Polling Stations	Registered Voters	VOTES OBTAINED					Reclassified Votes	Valid Votes	Blank Ballots	Spoilt Votes (a)	Spoilt Votes (b)
			Raúl Domingos	Armando Guebuza	Jacob Sibindy	Afonso Dhlakama	Carlos Reis					
NIASSA	725	453461	4.090	93.71	1.050	39.390	981	2.290	141.51	3.54	6.89	4.599
CABO DELGADO	1391	794270	7.01	212.980	3.02	49.340	2.09	6.36	280.80	16.73	11.80	5.448
NAMPULA	2282	1831867	15.75	224.21	7.360	197.82	4.94	8.41	458.48	19.56	23.70	15.294
ZAMBÉZIA	2370	1749121	14.970	162.14	3.32	245.83	6.68	9.37	442.31	21.48	23.29	13.925
TETE	919	660741	8.89	256.070	1.70	76.46	1.93	3.73	348.78	7.58	19.03	15.307
MANICA	723	531264	6.59	92.11	1.45	92.16	1.83	2.30	196.43	4.78	7.54	5.245
SOFALA	1039	802149	9.96	75.69	2.630	198.81	3.04	3.90	294.03	7.29	11.54	7.646
INHAMBANE	786	579356	6.32	142.73	1.710	18.14	1.74	1.84	172.48	4.350	7.04	5.199
GAZA	993	609214	3.30	304.56	1.22	5.61	1.18	1.93	317.80	6.16	8.60	6.679
MAPUTO PROVINCIA	752	483493	2.91	184.48	887	17.78	643	1.33	208.03	3.20	6.27	4.944
MAPUTO CIDADE	762	600249	3.53	217.34	857	32.85	457	1.15	256.18	1.83	4.85	3.702
ÁFRICA	62	45865	376	24.06	46	1.93	142	99	26.65	171	417	318
Rest of the World	3	1101	13	535.00	0	149	2	0	699	24	9	9
TOTAL	12807	9142151	83.711	1.990.612	25.250	976.256	25.657	42.682	3.144.168	96.684	130.997	88.315
		Reclassified Votes		2.104	13.614	3.406	21.803	1.755				
		Total Votes		85.815	2.004.226	28.656	998.059	27.412				

(a) Spoilt ballots from the partial counting

(b) Spoilt ballots after the reclassification by the CNE