

Mozambique Political Process Bulletin

2004 Election specials by e-mail - 1

Election preview - 11 October 2004

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25 PARTIES & 8 PRESIDENTIAL CANDIDATES WANT TO STAND IN 1-2 DECEMBER ELECTIONS

25 political parties and coalitions and 8 presidential candidates have submitted their nomination forms for the 1-2 December national elections, according to AIM (the Mozambique Information Agency). Presidential nominations were submitted to the Constitutional Council and required 10,000 nomination signatures. Parliamentary candidates have to submit a series of documents, including a certificate stating they have no criminal record, to the National Election Commission. In previous elections candidates have been disqualified.

Only two parties, Frelimo and Renamo, are presently represented in parliament and are expected to receive the vast majority of votes. Their presidential candidates are Armando Guebuza for Frelimo and Afonso Dhlakama for Renamo. Renamo stands as the Renamo Electoral Union, in a coalition with 10 other parties:

National Convention Party (PCN)

Mozambique United Front (FUMO)

Mozambican Nationalist Movement
Patriotic Action Front (FAP)
Democratic Renewal Party (PRD)
Independent Alliance of Mozambique (ALIMO)
National Unity Party (PUN)
United Democratic Front (UDF)
Mozambican People's Progress Party (PPPM)
Ecological Party of Mozambique (PEMO).

The only change in the composition of the coalition from the one that fought the 1999 elections is that the Mozambique National Union (UNAMO) has left, to be replaced by the Ecological Party of Mozambique (PEMO).

Under Mozambique's electoral legislation, to win any seats at all, a party must win at least 5% of the national vote. In 1994, one coalition of small parties squeaked past this threshold with 5.15%; in 1999 the small parties together gained 12.7%, but no single party gained more than 2.7% of the vote and none gained a parliamentary seat. Again this year, the small parties failed to form a coalition and thus will split the votes of those opposed to the main parties.

Two small parties won seats in local elections last year, and stand the best chance of gaining votes in the national election. The Party for Peace, Development and Democracy (PDD) is led by Raul Domingos, who is also standing for president. Standing in local elections in November 2003 as IPADE, it won single seats in Beira and Dondo municipal assemblies. Domingos was once the number two in Renamo and headed the team that negotiated the 1992 peace agreement with the government, but was expelled from Renamo in 2000. PIMO (Independent Party of Mozambique) was the only other small party to win last year, gaining single seats in municipal assemblies in Nampula, Angoche and Cuamba. Its head, Yaqub Sibindy, is also a presidential candidate.

The other four potential presidential candidates are Carlos Reis of the Mozambique National Union (UNAMO), Jose Massinga of the National Democratic Party (PANADE), Joaquim Nhota of the Democratic Liberal Party of Mozambique (PADELIMO) and Neves Serrano of the Progressive Liberal Party (PPLM). The Constitutional Council must verify each has submitted 10,000 valid signatures, and it seems likely that some candidates will be disqualified. The National Election Commission must verify the papers of all the parliamentary candidates by 16 October, and past experience suggests some will be disqualified.

9.1 MILLION ON REGISTER IS MORE THAN TOTAL ADULT POPULATION

More than 1.2 million people registered to vote during June and July, bringing the official register to 9.1 million, according to the National Elections Commission (CNE). Of those registering, 697,925 were first time voters -- people who reached the voting age of 18 this year or who failed to register in previous years, 217,343 were transfers, and 330,703 were citizens who said they had lost their voting cards.

A new registration was conducted in 1999 and an update was done last year. The official number of voters is 9,095,185. This appears to be the number who registered in 1999 (7,099,105), those who registered for the first time in 2003 (1,308,592) and those who registered for the first time in 2004 (697,925). This figure was used to allocate parliamentary seats.

But the National Statistics Institute's latest estimate for the voting age population is 9.1 million, which would mean an impossible 100% of adults have registered. In practice, between 500,000 and 750,000 voters have died and not been removed from the roles, and the Bulletin estimates that at least 500,000 registered for a second time claiming not to have registered before. Registration in 1994 was 78% and in 1999 was 85.5%. If those high levels were maintained, the real electorate would be between 6.7 million and 7.8 million.

The 2004 registration breakdown by province, from north to south is:

(To make the tables line up, use an equal spaced font such as Courier)

Province	New Voters	Transfers	New cards	Total
Niassa	34,571	9,091	18,798	62,460
C. Delgado	57,028	19,251	25,296	101,575
Nampula	134,665	33,908	69,058	237,631
Zambezia	128,863	31,577	71,504	231,944
Tete	61,832	11,860	14,096	87,738
Manica	43,280	13,291	17,065	73,636
Sofala	62,248	21,956	34,165	118,369
Inhambane	33,063	18,741	12,810	64,614
Gaza	44,834	23,141	23,020	90,995
Maputo Prov	42,281	18,025	18,413	78,719
Maputo City	55,260	16,502	26,478	98,240
Total	697,925	217,343	330,703	1,245,971

The total electorate, by province, is

Niassa	453,461
Cabo Delgado	794,270
Nampula	1,831,897
Zambezia	1,749,121
Tete	660,741
Manica	531,264
Sofala	802,149
Inhambane	579,356
Gaza	609,214
Maputo Province	483,493
Maputo City	600,249

Total 9,095,185

Distribution of parliamentary seats

Province	Number of seats		
	2004	1999	1994
Niassa	12	13	11
Cabo Delgado	22	22	22
Nampula	50	50	54
Zambezia	48	49	49
Tete	18	18	15
Manica	14	15	13
Sofala	22	21	21
Inhambane	16	17	18
Gaza	17	18	16
Maputo Province	13	13	13
Maputo City	16	16	18
Diaspora - Africa	1	0	0
Diaspora - Europe	1	0	0

The CNE has still not decided if it will hold elections outside Mozambique. If it does not, the two seats for the diaspora will be redistributed; one seat will go to Manica and one to Maputo City.

Again, a basic arithmetic error in the electoral law leads to a misallocation of seats. After the election, candidates are assigned to seats by the d'Hondt method, which leads to a correct result. This same method should be used to assign seats to provinces, but it is not. Instead the law (law 7/2004 art 150) gives a different procedure: divide the number of voters by 248 to give a number of voters per seat, then divide the number of voters in a province by the number of voters per seat, to give a number of seats per province. Where the remaining number is more than half, the province gains an extra seat. Thus there are 36,674 voters per seat and Inhambane gains 15.8 seats. Since .8 is more than half, the number of seats is increased to 16. Mathematically, this is incorrect, since it will not always result in 248 seats.

In 1999 (with no diaspora seats) it led to 251 seats. This year, for the 248 seats it gives a correct result. But if the two diaspora seats are reallocated, there are 36,381 voters per seat and only 249 seats are allocated; only Manica gains an extra seat. Maputo City is given 16.499 seats, and .499 is just less than half. In order to bring the number up to 250, the CNE had to violate the law and give the extra seat to Maputo City.

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DAILY ELECTION BULLETIN

AVAILABLE ON REQUEST

During the 1-2 December election period, we will publish a daily Bulletin based on reports from more than 50 local correspondents. We will not distribute this to the entire mailing list. If you want to subscribe to the daily Bulletin either send an e-mail to

j.hanlon@open.ac.uk

or sign on directly to the mailing list. You do this as follows:

- 1) Using a web browser, go to
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- 2) enter your email address
- 3) you then see a list of Open University mailing lists. Next to the list dev-mozambiqueelection-list click on SUBSCRIBE. That's all.
- 4) When you receive an e-mail asking if you really want to subscribe, simply reply and send back the same message, and you are on the list.

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WILL MOZAMBIQUE ELECTION BE MORE FAIR THAN THE US ELECTION?

The Carter Center, which will monitor the Mozambican election, has questioned the integrity of the United States presidential election in November. Writing in the Washington Post, Jimmy Carter calls the Florida electoral process "suspicious" and says that "some basic international requirements for a fair election are missing in Florida". The Carter Centre has generally approved of the Mozambican electoral process and its limited criticisms have never been that strong, which means that Carter considers the Mozambique electoral process to be fairer than that in his own country.

Meanwhile, the Organisation for Security and Cooperation in Europe, which sent international election observers to the US, also criticised electoral procedures in Florida. It particularly cited allegations of intimidation aimed at lowering the turnout of ethnic minorities.

Jimmy Carter's article is on www.cartercenter.org/doc1832.htm and the OSCE report is on www.osce.org/odihr

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CONSTITUTIONAL CHANGES PROPOSED

A special session of parliament later this month will debate changes to the Mozambican constitution. This follows a very limited public discussion. Changing the constitution requires a two-thirds majority in parliament which means that both Frelimo and Renamo must agree. Furthermore, the draft amendments will be considered as a block, and cannot be accepted or rejected one at a time. Although an ad-hoc

parliamentary commission has been working on the changes since 2000, and the proposal is consensual except for a disagreement over the Constitutional Council, it is possible that the whole package will be rejected. Unlike revisions to the constitution proposed and then rejected five years ago, the current proposals make no substantive changes. We reprint two articles by AIM which summarise the proposed changes:

97904E CONSTITUTION: FEW CHANGES IN GOVERNANCE PROPOSED

Maputo, 23 Sept (AIM) - The constitutional amendments now under public debate change nothing fundamental in the Mozambican constitution.

Unlike the changes proposed in 1999, which were shot down when the main opposition party, the former rebel movement Renamo, changed its mind, the current amendments leave the system of governance established under the 1990 constitution intact.

The system thus remains presidential, with a heavy concentration of powers in the hands of the President of the Republic, who is both head of state and head of government.

The 1999 proposals would have made the Prime Minister the head of government, and would have obliged the president to consult with the Prime Minister before appointing any other members of the government.

The 1999 draft would also have increased the powers of parliament, allowing it to sack the government by rejecting its programme, or by a vote of no-confidence.

All of this has disappeared. Under the current proposal the Prime Minister has little autonomy, the president has a free hand in appointing government members, and there is no provision for votes of confidence.

And, should parliament reject the government programme, it is not the government that falls - instead the President can dissolve parliament and call fresh elections.

The only significant change the current amendments have picked up from the 1999 ones is that the President would no longer be immune from prosecution. Should the President commit crimes in the exercise of his duties, he could be impeached and tried before the Supreme Court. For this to happen, parliament would have to call for impeachment by a two thirds majority.

The amendments also stipulate that nobody may hold presidential office for more than two consecutive five year terms of office. The current constitution is slightly ambiguous on this point, but seems to allow three consecutive terms of office.

The amendments propose a new body, the Council of State, which would have no decision making powers, but would advise the President. It would consist of the speaker of parliament, the prime minister, the president of the constitutional court, the ombudsman, any former presidents or speakers, the runner-up in the presidential election, and 11 "figures of recognised merit", seven chosen by parliament and four by the President.

The Council of State would give advice whenever the

President requested it, and would be obliged to make its position known on any dissolution of parliament, or declaration of war or a state of emergency or of siege.

States of emergency and of siege are envisaged in the current constitution - but are not defined. The amendments fill this gap.

A state of siege or of emergency (the only difference mentioned between the two is that the former is more serious than the latter) "may only be declared, in all or part of the country, in cases of effective or imminent aggression, of serious threat to or disturbance of the constitutional order, or of public disaster", the amendments say.

Any declaration of a state of siege or emergency must specify which constitutionally enshrined rights and freedoms are to be suspended or limited. The President makes this declaration, but it is only valid if parliament ratifies it.

Certain rights and freedoms cannot be touched by a state of siege or of emergency - including the right to life and physical integrity (i.e. a state of emergency cannot be used as a justification for execution or torture), the right to citizenship, the right of accused persons to defence, and religious freedom.

Under a state of siege or emergency, the freedoms of expression, of the press, of assembly and of demonstration may be curtailed. Goods and services may be requisitioned, and citizens may be detained - but the reasons for the detention must be made public within five days, and the detained person brought before a magistrate within ten days.

The likelihood of any future President declaring a state of siege or emergency seems remote. After all, even at the height of the war of destabilisation, when the very existence of the Mozambican state seemed threatened, no state of siege was declared. Likewise, there was no state of emergency declared during the catastrophic flooding of early 2000,

(AIM)

pf/ (696)

98904E CONSTITUTION: DUAL NATIONALITY

Maputo, 23 Sept (AIM) - The draft amendments to the Mozambican constitution currently under debate relax the rules on nationality.

Under the current constitution, dual nationality is outlawed: any foreigner who wishes to become a naturalised Mozambican citizen must first renounce his or her previous nationality.

This demand has disappeared. The amendments now state that any foreigner over 18 years old who has lived in Mozambique for at least ten years may acquire Mozambican nationality. However, he or she must be able to speak Portuguese, or one of Mozambique's African languages, and must be able to provide for him or herself.

Naturalised citizens would share all the rights and duties of other Mozambicans, except that they could not be appointed members of the government, be elected to parliament, or join the army or diplomatic service.

Some significant extensions in basic rights are proposed. Just like the aborted amendments of 1999, these ones strengthen the right to privacy, by prohibiting the use of computers "to register and process data on political, philosophical or ideological convictions, religion, party or trade union membership, or private life, where the individuals concerned can be identified".

Personal data held in computerised form shall be protected, and there shall be legal guarantees concerning access to data bases, and the use of such data by public and private bodies.

As in 1999, the amendments not only retain the ban on the death penalty, but also outlaw life imprisonment. "Punishments and security measures that restrict freedom in perpetuity, or for an unlimited or undefined period, are prohibited", the draft states.

As a corollary, no-one can be extradited to a country where they may face the death penalty, life imprisonment, torture or other forms of cruel or degrading treatment.

As for detention, a new requirement is that "persons deprived of liberty must be immediately informed, and in a manner they understand, of the reasons for their arrest, and of their rights". Under the existing rules, there is no formal obligation on the police to inform suspects of their rights.

The amendments also specify that any evidence obtained through torture, coercion, "abusive intrusion into private or family life", or illicit phone tapping, shall not be admissible in court.

But in one area, the draft remains deeply conservative. In an age when the trend is to move from conscript to volunteer armed forces, the draft goes in the other direction, and military service remains enshrined in the constitution.

Recognising that it is quite impossible for everyone to spend a couple of years in the army, the draft makes matters even worse by demanding that the state "establishes a civic service to replace or complement military service for all citizens not subject to military duties".

This clearly contradicts the right to free choice of work mentioned elsewhere in the draft. It is also completely impractical: establishing this civic service would require a whole new layer of bureaucracy, and would be vastly expensive.

The draft does, however, recognise the right to conscientious objection, which is not covered by either the current constitution or the law on military service.

(AIM)

pf/ (514)

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2004 Election specials by e-mail

2 - Election preview - 18 October 2004

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European Parliamentarians for Africa

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IN THIS ISSUE
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5 presidential candidates approved
Constitution changes agreed
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EU CONFRONTS CNE OVER TRANSPARENCY

The European Union (EU) is putting increasing pressure on the National Election Commission (CNE) to open up the one remaining part of the counting process which is done in secret. So far the Frelimo majority on the CNE has refused, but on Friday 15 October the EU issued a statement from the European Commission president and two EU commissioners demanding that the process be open.

In the past, Mozambican elections have won high praise from international observers. But by making the demand at such a high level, it will be impossible for the EU to declare the December election acceptable without some concession from the CNE.

Counting at polling station level is open to the press and observers, but the tabulations by provincial and national election commissions are not. These are important because the CNE deals with reconsideration of spoiled ballot papers (nullos), and both provincial and national elections commissions make decisions about polling station results sheets (editais) which contain errors. This is done in secret, and has always been assumed to include some degree of political horse trading. In 1999 the CNE excluded nearly 7 per cent of polling stations from the presidential count and reconsidered 500,000 spoiled ballot papers.

Because the results are posted at each polling station, it is possible to do a parallel count which will show the results approximately. But

if the results are close, as they were in 1999, then these secret decisions could make a difference.

The importance of the secret sessions became apparent in 1999 when the election was very close and it was reported that a surprisingly large number of polling stations were excluded. The problem came to prominence in local elections last year when the CNE issued three different sets of results in less than a week, the first two riddled with errors. Observers were unable to see how the results were arrived at or how changes were made.

Last year international observers from both the Carter Center and the EU praised the actual conduct of the election, but criticised the lack of transparency of the final count, cited possible misinterpretations of the law by the CNE, and objected to bureaucratic obstructions to observation. There were also concerns about the secrecy of the final computerised tabulation. In accepting the government's invitation to observe this year, the EU demanded that it be able to watch the election commission counting and tabulation processes.

The EU demand was voted on by the CNE, with the Renamo minority voting to open up but the Frelimo majority voting to retain secrecy. On Tuesday 12 October President Joaquim Chissano told reporters from Mozambican Television and radio that he had "instructed" the CNE to "accommodate the requests from the European Union", according to AIM. The CNE met the next day but Chissano's instruction had not even been put on the agenda, a CNE spokesman told AIM.

The EU responded on Friday with its statement. It revealed that the outgoing President of the European Commission, Romano Prodi, had recently requested President Chissano "to ensure full transparency in the conducting of the coming elections." The statement went on to cite the Commissioner for External Relations, Chris Patten, saying "it is essential that the mission is allowed to carry out its mandate in line with international standards and practice in this field." The Commissioner for Development, Poul Nielson, called for the EU's observation mission to be able to work "without any restrictions". The very high level of these statements makes it impossible for the EU to say the election meets international standards if it is denied access.

CNE spokesperson Filipe Mandlate claimed that the demand for observers to be present at the provincial and national stages of the count is contrary to the country's electoral legislation. In fact, the electoral law does not mention the issue, and it is up to the CNE itself to decide if its deliberations and tabulation are open.

The head of the EU Election Observation Mission to Mozambique, Jose Javier Pomes Ruiz, a member of the European Parliament Development Committee, arrived in Maputo on Wednesday. The EU expects to field 90 observers. The EU is funding a substantial part of the election.

5 PRESIDENTIAL CANDIDATES

The Constitutional Council accepted five of the eight presidential nominations for the 1-2 December election. Three were rejected because they did not present at least 10,000 valid supporting signatures from registered voters. There were strong grounds for believing that many of

the signatures they did present had been obtained fraudulently. In one case, the Council said the forms "had almost all been obviously filled in and signed by the same handful of individuals".

The five approved candidates are: Armando Guebuza, Frelimo; Afonso Dhlakama, Renamo; Raul Domingos, Party for Peace, Development and Democracy (PDD); Carlos Reis, Mozambique National Union (UNAMO); and Yaqub Sibindy, Independent Party of Mozambique (PIMO).

The three rejected candidates are Neves Serrano, Progressive Liberal Party of Mozambique (PPLM); Joaquim Nhota, Democratic Liberal Party of Mozambique (PADELIMO); and Jose Massinga, National Democratic Party (PANADE).

Five of the 25 political parties and coalitions planning to contest the December parliamentary elections have been told they have irregularities in the nomination papers of their candidates, and have been given five days to make corrections. The press office for the Electoral Administration Technical Secretariat (STAE) did not identify the parties or the problems, but told AIM that in three cases the irregularities were "serious".

AGREEMENT ON CONSTITUTION

The parliamentary ad-hoc commission on constitutional amendments has finally reached agreement. The stumbling block was the body that decides on the constitutionality of laws and validates election results. Frelimo wanted to retain the existing name of "Constitutional Council" while Renamo wanted "Constitutional Court".

The agreement is that the name Constitutional Council will remain - but its members will be called, not "councillors", but "judge-councillors". According to the Frelimo chairperson of the ad-hoc commission, Hermenegildo Gamito, the powers of the Council have been strengthened.

Parliament's Standing Commission will meet on 27 October to fix a date for an extraordinary sitting of parliament at which the Constitution will be the sole item on the agenda. AIM reports this is likely to be in mid-November at the height of the campaign for the 1-2 December presidential and parliamentary elections.

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2004 Election specials by e-mail

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CNE says no to EU
4 parties rejected
Renamo not standing in diaspora
Presidential candidates can stand for parliament too

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CNE REJECTS EU DEMANDS FOR TRANSPARENCY

The National Election Commission (CNE) has again refused to make any concessions to European Union (EU) demands for further transparency of the vote counting process. In a statement issued Friday 22 October it said procedures will be "similar to what happened in the previous elections".

On the demand for access to the computer tabulation process, the CNE has promised that in the electoral computer centre "a window will be placed allowing observation of data processing at a distance, without the observers being able to contact or speak with the operators during their work, in line with the rules in force in the CNE". This facility has been available in past elections and is useless, because all an observer can see is people keying in data.

There also appears to be no change on the ban on observers watching the validation of spoiled ballot papers (nulos) and decisions on results sheets (editais) from polling stations which have problems. In 1999, the CNE reconsidered 500,000 spoiled ballot papers and accepted one quarter of them. Also that year, nearly 7 per cent of polling stations were excluded from the final count, reportedly because they contained irreconcilable errors (although no observer or journalist was ever allowed to see the excluded editais to check). The CNE has said in the past that reconsiderations of nulos and editais takes place during CNE meetings, and in its Friday statement the CNE confirms that such meetings are "an activity which is not public in nature."

Finally, the CNE confirms that computerised results will be available only on a district by district basis.

At one level, the system is extremely transparent. Ballots are counted in each individual polling station, in the presence of press, party representatives and observers. A copy of the result sheet (edital) is posted on the door of the polling station and copies are given to each party delegate, who then hands the sheet into their party headquarters. This permits international observers and parties to do their own parallel count. These parallel counts are normally within 2 per cent of the final result, and thus assure that there cannot be a major fraud.

But what happens if the result is very close, and the difference between the two presidential candidates is less than 2 per cent? At that relatively small level, several kinds of manipulation are possible. The biggest problem is that the CNE does not ever publish a polling station by polling station list of the results, so it is not possible to check the final CNE results in detail against a parallel count. And there are sure to be differences, because of spoiled ballot papers and excluded polling stations.

That, in turn, leaves quite a large scope for manipulation of the data. There is no way, for example, to determine which polling stations have been excluded and why, so extra polling stations might be excluded. Similarly, when the spoiled ballot papers (nullos) which are finally accepted are added to the results, it would be possible to introduce biases into the data. At various other places in the process, small numbers of votes could be added or subtracted.

Thus, if the difference between the main parties is more than about 2 per cent, then the media and observers will be able to verify the result. But if it is closer than that, they will not be able to do so. So long as the computer system remain opaque, this problem cannot be fully resolved. But giving observers and the press more access would at least reduce the possible space for manipulation.

An alternative would be to make public much more information about the decisions taken by the CNE and a much more detailed tabulation of the final results. It would not be difficult to post on a website polling station by polling station results.

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21 PARTIES STANDING FOR PARLIAMENT

Voters will face a huge ballot paper, as the National Election Commission says that 21 parties have met the conditions to stand. Four have been rejected. The MDMS was rejected because it is an independent citizens list, not a registered party; citizens lists can stand in local elections but not national ones. The Grand Opposition (GO), a coalition of the Democratic Congress Party (PACODE) and the Mozambique National Party (PANAMO), was disqualified because it had failed to register as a coalition with the Ministry of Justice. The Progressive Liberal Party of Mozambique (PPLM) was disqualified because it was unable to produce the documentation required by law. The Democratic Party of National Reconciliation (PAMOMO) was disqualified because two people claim to be president of this party; both wrote to the CNE, one stating PAMOMO wanted to stand and the other saying that PAMOMO was not taking part in the election.

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DIASPORA TO VOTE
BUT RENAMO
IS NOT STANDING

For the first time, Mozambicans living outside the country will have an opportunity to vote. The diaspora will elect two of the 250 seats in parliament. But Renamo has declined to stand; only Frelimo and two small parties have put forward candidates, so Frelimo seems sure to win both seats. Registered voters in the emigrant communities will be able to vote for the full range of presidential candidates.

Under the electoral law, there is one parliamentary seat for Africa and one for the rest of the world. In Africa, nearly 46,000 people registered; since each MP from inside Mozambique represents 37,000 voters, it seems reasonable to give this group a single seat. For the rest of the world, there was registration in only two countries, Portugal and Germany, and only 1101 people registered. Nonetheless, the law specifies that they will have one seat. The CNE confirmed on 11 October that the diaspora elections will take place.

The full breakdown of the registration abroad is:

African constituency

South Africa	32,186
Malawi	676
Kenya	699
Tanzania	3,807
Zambia	764
Zimbabwe	4,812
Swaziland	2,921

European constituency

Portugal	911
Germany	190

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PRESIDENTIAL CANDIDATES
CAN STAND FOR PARLIAMENT

The CNE confirmed that candidates for President of Mozambique can also stand for parliament, the Assembly of the Republic (AR). Renamo challenged the candidatures of the three smaller party candidates, Raul Domingos, Yaqub Sibindy and Carlos Reis, because they are also on their party lists in the parliamentary election. The CNE confirmed that although the law prohibits a person from being both President and a member of parliament, there is no ban on standing for both posts.

It has always been assumed that losing presidential candidates could serve in parliament, and it has been unclear why Renamo president Afonso Dlakama has never done so. His status as leader of the opposition would surely be enhanced if he were head of the opposition bench in parliament.

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**Mozambique
Political Process
Bulletin**

2004 Election specials by e-mail

Issue 4

Friday 29 October 2004

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IN THIS ISSUE

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Money for parties

Early violence

"Rampant corruption" in Mozambique, says TI

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**FOREIGN OBSERVERS SAY
COUNT DOES NOT MEET
INTERNATIONAL STANDARDS
-- BUT CNE REJECTS ANY CHANGE**

International observers are now united in saying that the final counting of Mozambique's votes does not meet international standards of transparency, but the Frelimo majority on the National Election Commission (CNE) refuses any further concessions.

The European Union chief observer arrives tomorrow (Saturday) and will try to meet with the CNE to break the impasse. A Commonwealth delegation in Mozambique yesterday (Thursday) made clear to the CNE it is unhappy with the arrangements. The Carter Center is expected to raise the issue today.

AIM reports that by Tuesday, 42 international observers had registered - 32 from the European Union, nine from the US-based Carter Centre, and one from Japan. In an interview on Radio Mozambique, the CNE spokesperson, Filipe Mandlate, said that the dispute between the CNE and the European Union over the extent of electoral observation was "in the past", and the fact that EU observers were registering was evidence of this.

The European Union denies this. It is noted that although the EU has signed a Memorandum of Understanding (MoU) with the Mozambican Foreign Ministry, it has failed to sign one with the CNE as it has in the past. The EU has conducted observations without an MoU, for example in Afghanistan, and will probably do so in Mozambique. But in discussions with the CNE, the EU has stressed that registration of observers does not imply acceptance of restrictions, and if access continues to be blocked, the EU would be unable to declare the election internationally acceptable.

The core problem is that the count of the vote in each polling station is open to press and observers, but the tabulation at provincial and national level is done in secret. Reconsideration of invalid ballot papers and polling station results sheets done in secret could shift the result by 1 to 2 per cent, which would be enough to make a difference in a very close election.

Donors dealing with the electoral process met Friday 22 October and yesterday (Thursday 28 October) to discuss the impasse. Donors are convinced that the decision to maintain secrecy has been taken personally by Frelimo's presidential candidate and party secretary-general, Armando Guebuza, and that he wants the small margin of manipulation possible in case of a close election.

Donors feel they have little power in this situation and that even a threat to withdraw aid would carry little clout. They feel some in Frelimo will argue that aid is no use if Frelimo loses. In any case, Frelimo believes donors would not carry out a threat to suspend aid.

GOVERNMENT FUNDS FOR CAMPAIGNS

The government has allocated 45 billion meticaís (over \$2 million) to finance political party campaigns, as called for in the electoral law. This year, there is no donor money for parties.

The money will be disbursed in the same way as in 1999 -- one-third for presidential candidates, one-third for parties currently holding seats in parliament based on the proportion of seats held, and one-third for parties standing for parliament based on the number of candidates. Funds will be disbursed in three tranches: 50%, 25% and 25%, and with each additional tranche released only after a party justifies the expenditures under the previous one.

Frelimo will get at least \$550,000 and Renamo \$500,000. PPD and PIMO, the only two smaller parties with presidential candidates and parliamentary candidates for all seats, should get at least \$175,000. A party which stands only for parliament but which puts up candidates for all seats would receive about \$33,000.

EARLY VIOLENCE

IN CAMPAIGN

The start of the electoral campaign has seen more violence than in previous elections, according to initial reports from AIM.

The riot police shot dead a member of the Renamo "Presidential Guard" near Inhaminga in Sofala province. Inhaminga was the scene of clashes between armed Renamo members and the riot police in August, in which one policeman was killed.

Frelimo and Renamo supporters clashed on Ilha de Moçambique (Mozambique Island) in Nampula province. The Ilha was one of only five municipalities won by Renamo in the 2003 local elections, and Frelimo members were accused of attacking the home of the Renamo mayor. Frelimo alleged that Renamo was trying to ban Frelimo marches. Earlier in the month, Renamo members were accused of throwing stones at the Frelimo headquarters on the island.

In Chimoio in Manica province, Renamo members invaded a local Frelimo office and also caught a young man pulling down Renamo posters and beat him.

Meanwhile, in Angoche, also in Nampula province, three people have been arrested for possession of Renamo campaign literature, according to the independent newsletter "Mediafax". The leaflet accused President Chissano of regionalism, and of discriminating against Makuas (the main ethnic group in Nampula). Police said the leaflet was "a crime that involves defamation of the government". As AIM noted, Renamo commonly makes this accusation, even in parliament, and no one has previously considered it illegal.

And in Mavago district in northern Niassa, the district administrator seized a Renamo flag because the party was flying it in a location he considered too close to where Frelimo was to hold a rally.

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Non-election item
TRANSPARENCY INTERNATIONAL
SAY CORRUPTION REMAINS HIGH

In its annual report on perceptions of corruption, Transparency International puts Mozambique's in 90th position out of 146 countries. Mozambique is in the group of countries considered to have "rampant corruption". It has the same rank for corruption as India, Malawi, Nepal, Russia and Tanzania. It is in the same position as it was last year. Mozambique is seen as only slightly less corrupt than places like Zimbabwe and Democratic Republic of Congo, and much more corrupt than South Africa.

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Mozambique
Political Process
Bulletin

2004 Election specials by e-mail
Issue 5

Sunday 14 November 2004

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IN THIS ISSUE

Campaign opens - mostly calm, but
 Frelimo using state vehicles
 Violence against Renamo in Gaza, Tete
 Violence against Frelimo in Sofala
 Bans and arrests
No concessions to observers
Polling stations announced

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with reports from 25 correspondents

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Please cite the Bulletin.

Published by AWEPA, the
European Parliamentarians for Africa

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MOSTLY CALM START TO CAMPAIGN,
BUT WITH SOME INCIDENTS

Half way through campaigning for the national election on 1-2 December, the process has been largely calm. The two main parties, Frelimo and Renamo, have been present throughout the country. Of the smaller parties, Raul Domingos and his Party for Peace, Development and Democracy (PDD) have had an unexpectedly strong presence in the campaign.

Initial reports are that election coverage by Radio Mozambique and TVM has been impartial, with saturation coverage of the campaign. TVM evening news is followed by a 45 minute campaign diary, which tries to cover the campaign in every province and is attempting to give roughly equal time to Frelimo, Renamo and the PDD.

In a statement on Friday 12 November, the National Elections Commission (CNE) on Friday said that, in general, the election campaign has been carried out in "a climate of peace, tranquillity, concord and harmony". But it condemned what it called "sporadic and isolated" acts of violence and "people who, acting on their own account, or obeying the instructions of others, practice inappropriate acts, or demonstrate attitudes which to some extent violate the law."

Five issues are dealt with in articles below:

- + Despite a change in the electoral law making it illegal, Frelimo continues to use state vehicles in its campaign.
- + As in past elections, the opposition has come under heavy and probably unacceptable pressure in Tete.
- + Renamo is making a serious attempt to gain inroads into the solid Frelimo province of Gaza, and this has provoked violence.
- + There have been a few reports of attacks on individuals and houses. Inevitably there have been punch-ups between young men of the two main parties in a number of places, but this does not seem to have been serious.
- + A few complaints about improper arrests and campaign bans.

FRELIMO USING GOVERNMENT CARS

Following complaints in past elections that the ruling party, Frelimo, was using government cars in the campaign, the electoral law was changed to make it illegal to use state resources. Nevertheless, Bulletin correspondents have cited widespread violations, notably in Nampula; in Quelimane, Nicoadala and Mocuba in Zambezia province; and in Massinga and Maxixe in Inhambane province.

FRELIMO DEFENDS ITS GAZA STRONGHOLD

Opposition parties are making an unexpectedly strong push into the Frelimo stronghold of Gaza, and drawing a violent response.

In Chicualacuala, a sparsely populated area on the border with Zimbabwe, district election commission members appointed by Renamo were attacked and their homes burned, and they were forced to flee, according to the spokesperson for Mozambique's National Elections Commission (CNE), Filipe Mandlate.

Renamo representatives in Chicualacuala and Massangena districts were beaten severely enough to require hospitalisation, reports Carlos Mhula. At least three Renamo supporters in the neighbouring district of Mabalane were severely beaten and forced to flee. The Chibuto representative of PDD was beaten and hospitalised for two days, reports Samuel Marcos. In Mabalane, two Renamo officials have been detained, allegedly for beating a Frelimo supporter.

Renamo president Afonso Dhlakama was unable to campaign in one of the main markets of Xai-Xai on 10 November because his path was blocked by a large number of Frelimo supporters. Another Dhlakama rally was blocked in Guija district. PIMO was prevented from campaigning in Chibuto.

AIM reports that on 24 October, a Frelimo group attacked a PDD rally in Macanwine, a suburb of Xai-Xai. They threw stones at the PDD supporters and hit a Radio Mozambique reporter and a European Union observer. (AIM reports that the EU mission denies a report in "Zambeze" that a Frelimo group humiliated and expelled two European Union observers from Koka-Missava, near Xai-Xai.)

HARASSMENT OF OPPOSITION

CONTINUES IN TETE

Tete remains the one province where there is widespread harassment of the opposition, making it difficult for them to campaign and to monitor the electoral process, according to our correspondents in Tete.

When Raul Domingos passed through Changara, he handed out t-shirts and capulanas. But he was followed by a Frelimo gang which beat 20 people for accepting the material, reports Claudina Lembe. In Moatize, the PDD headquarters was broken into during the night and campaign materials stolen. In Chioco, in Changara district, two houses of alleged Renamo sympathisers were burned.

Raul Domingos claimed that Frelimo is not allowing the PPD to function in Changara, Cahora Bassa and Magoe districts, although our correspondent Pompilio Cardoso reports that PPD and Renamo were campaigning in Cahora Bassa district.

In Chifunde, our correspondent Estevao Lichowa reports that a meeting between the Carter Center observers and Renamo members of the district election commission (CDE) caused problems. The meeting took place in the commission office because Renamo does not have its own office in Chifunde. The Carter Center observers are said to have asked Frelimo members to leave the small office to allow the Renamo members to talk more freely. Frelimo CDE members said they were evicted from the own offices, and the the Carter Center should not be having "political meetings" in the CDE offices.

Tete has consistently been a problem province. In Bulletin 30 we reported that in July this year Renamo said its party monitors had been expelled from Changara and Chifunde districts, and that monitors in Magoe, Songo and Zobue district had been beaten. And Tete was the one place where Frelimo violence against Renamo was confirmed in the 1999 national elections. In Bulletin 24 (Jan 2000) we reported that Renamo had been expelled from Changara district and there were no Renamo monitors in polling stations in that district. Without opposition monitors present, there were indications of ballot box stuffing in Changara in 1999. There were also indications of tampering with results sheets in Chifunde in that year.

AND IN SOFALA

In Sofala, where Renamo is the dominant party and the PDD and Frelimo are trying to gain support, there have been a number of reports of incidents. Armed Renamo men caused panic in Maringue on 17 October. Renamo supporters severely beat the Frelimo representatives in Mpango and Pango in Maringue. In Nhangau, Renamo supporters beat a PDD member.

PUNCH-UPS AND CONFRONTATIONS

Our correspondents report a number of reports of minor incidents, typically punch-ups between young men of two parties, or confrontations between marches or motorcades.

BANS AND ARRESTS

There have been several reports of arrests and improper bans on campaigning. In Sangage, Parapato, Nampula province, the head of the dynamising group banned

campaigning by PIMO and PDD on the grounds that it had not been authorised, reports Ageu Waliza. In Repale, Nampula, the police and a community leader stopped a PDD rally, reports Julio Paulino. In Mecufi in Cabo Delgado the district administrator (who is also head of the Frelimo election office) ordered the PDD representative to take down a PDD flag on the grounds that flagpoles require authorisation of the proper authorities.

In Cabo Delgado at least six Renamo members have been detained for allegedly destroying Frelimo posters; 15 people were detained in Tete, 4 in Sofala and 9 in Zambezia for similar offenses. The Renamo representative in Machanga, Sofala has been detained for illegal possession of a firearm, even though no gun has been found.

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CNE MAKES NO CONCESSIONS TO OBSERVERS

Despite pressure from observer groups for more transparency in the final tabulation process, the CNE has made no concessions. There will be no observation of the reconsideration of invalid ballot papers and of polling station results sheets (editais) with errors.

On the computerisation side, Antonio Carrasco, director general of the Electoral Administration Technical Secretariat (STAE), said that observers, journalists and political party monitors will be able to observe tabulation of votes on six special computer terminals. This facility was available in the past (on 2 terminals) but the data which could be accessed was rarely updated. In local elections last year, even when results were announced by the CNE, it was not possible to see complete tabulations on the computers, with most cities missing some polling stations. The display format also makes it very difficult to check the full tabulation process.

Carrasco also said it would also be possible for observers to go inside the computer centre, under strict security measures, but they would not be allowed to talk to computer operators.

MANY MORE POLLING STATIONS THIS YEAR

There will be 12,804 polling stations this year, compared to 8,334 in 1999, the National Elections Commission (CNE) announced on 4 November. The division of polling stations within Mozambique, as reported by AIM, is:

Province	Voters	Polling stations
Niassa	453,461	724
Cabo Delgado	794,270	1,391
Nampula	1,831,897	2,290
Zambezia	1,749,121	2,370
Tete	660,741	916
Manica	531,264	722
Sofala	802,149	1,039

Inhambane	579,356	786
Gaza	609,214	992
Maputo Prov	483,493	752
Maputo City	600,249	762
Total	9,095,185	12,744

As pointed out in previous Bulletins, there are serious problems with the figures for the electorate, since the latest data from the National Statistics Institute (INE) put the total voting age population as of August 2004 at 9.1 million, which suggests an impossible 100% registration. There is no process for removing people who have died or registered a second time, which means there is no accurate figure of people registered, and thus it will be impossible to estimate turnout..

The number of polling stations reflects both the number of voters and population density. Thus, although the Zambezia electorate is slightly smaller than that of neighbouring Nampula, it gets more polling stations because Zambezia's rural population is more spread out.

Mozambicans living outside the country will be able to vote for the first time, and there will be 60 polling stations outside the country. There will be 40 in South Africa, including some at workplaces including mines. There are also five polling stations in Zimbabwe, four in Tanzania, three in Swaziland, two in Malawi, two in Kenya, and one in Zambia. In Europe there will be two polling stations in Portugal and one in Germany.

Meanwhile, Antonio Carrasco, director general of the Electoral Administration Technical Secretariat (STAE), said on 4 November said that all the register books from the 1999, 2003 and 2004 registrations had been computerised, corrected and consolidated. That means there should be just one computerised register at each polling station containing the names of everyone who registered there in 1999, 2003 and 2004. But others close to the process warn that this task would not be completed for some polling stations.

UNDP reports that the CNE has made an important changes to the voting rules which will lead to fewer people being excluded. Anyone with a voter's card will be allowed to vote. If they are not on the list or if their number corresponds to someone else, they will still be allowed to vote, and a note will be recorded in the minutes (actas). In the past, such people were barred, which caused much anger about problems with the voters roll.

PARTIES RECEIVE FUNDING

Some parties have already received their third and final tranche of funding, the spokesperson for the CNE, Filipe Mandlate, said on Friday. The government has granted 45 billion meticaís (\$1.8 million) for the election campaign. Half was given to the candidates on 16 October, with the rest to be delivered in two installments each of 25%. But no party will be given the second or third instalment without accounting for use of the earlier ones. Mandlate said some parties has already accounted for the first and even the second tranche and have been given their final 25%.

SMALL PARTIES PROTEST

Several small parties in the Renamo Electoral Union coalition have made a formal protest to the Minister of Justice complaining that they have not been put on candidates lists in an electable position, and that Renamo did not show them the list before it is was submitted to the CNE and published. They say the accord setting up the coalition promised them electable positions.

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Mozambique Political Process Bulletin

2004 Election specials by e-mail

Issue 6

Friday 19 November 2004

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IN THIS ISSUE

Observer confrontation with CNE intensifies
Renamo tries to ban computers – again
Provincial elections planned

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OBSERVERS STEP UP PRESSURE FOR MORE TRANSPARENCY

Both the European Union (EU) and the Carter Center have increased the pressure on the National Election Commission (CNE) for more transparency in the final tabulation process.

The weekly "Zambeze" reported yesterday that all Mozambican ambassadors in European Union countries have been contacted by the foreign ministries -- generally, it appears, by telephone -- to stress that European governments are unhappy with the insistence by the CNE that the final tabulation process be done in secret. This is a highly unusual action by the EU, and underlines the view of its observers in Maputo that without more transparency they will be unable to say the election meets international standards.

Meanwhile the Carter Center on Tuesday issued a statement saying that "the Carter Center shares the concern of other observers about the transparency of the tabulation process. International and regional standards have established that election observers need access to all critical phases of elections, including tabulation, in order to credibly carry out their work."

Concerns of both the observers and the CNE centre on what happens if the vote is close. Domestic observers and both major parties will be doing parallel counts, based on

the results sheets which must be posted at each polling station. These counts will be accurate within about 2 per cent, which will be fine if there is a clear victor.

However, the CNE must reconsider hundreds of thousands of invalid ballot papers and thousands of questioned polling stations results sheets (editais). This process is done in secret. Furthermore, the final tabulation is never presented on a polling-station-by-polling-station basis; instead results are grouped by polling centres (such as an entire school, when each classroom is a polling station). In combination with the lack of information about excluded polling stations, it becomes impossible to compare the official results with the parallel count in detail. The fear of some observers is that working in secret, it might be possible to shift the results by a small amount, perhaps 1 or 2 per cent. In 1999, some observers estimated that President Joaquim Chissano's official vote was one half of one percent higher than his real vote. These are small amounts, but they would make a difference in a tight race.

Meanwhile, "Zambeze" asks why it is international observers who are maintaining pressure and not national civil society and observers.

+ In its statement, the Carter Center confirmed that its founder, former US President Jimmy Carter, will lead the observation team in Mozambique.

RENAMO OPPOSES COMPUTER TABULATION OF RESULTS -- AGAIN

As in all past elections, Renamo at the last minute has opposed the use of computers for tabulation of the results, and also argued that tabulation should be done by members of the election commissions and not by staff of STAE (Electoral Administration Technical Secretariat). Raimundo Samuge, the Renamo-appointed deputy president of the CNE (National Election Commission), made the demands at a press conference on Wednesday.

Renamo has always distrusted the computerised tabulation, which has become a central cause of concern by observers as well. At a press conference on Thursday, the spokesperson for the National Elections Commission (CNE), Filipe Mandlate, said that Samuge had raised no objections when the question of computerised tabulation was discussed at the CNE on Monday. According to AIM, Mandlate said that on Monday the CNE had, by consensus -- and thus with the agreement of the Renamo members -- approved the computer software that will be used.

On Wednesday Samuge also said the election law states that vote tabulation at provincial level is in the hands of the Provincial Elections Commissions. Since the law does not mention STAE for this task, he argues that delegating the task to STAE must be "illegal". In practice, since the law also makes STAE an organ of the CNE, it seems hard to argue that the CNE has no right to delegate tasks to that body.

Mandlate also said that the CNE met again on Thursday morning, and Samuge did not repeat the demands he made at the Wednesday press conference.

NO FAXED RESULTS THIS YEAR

Copies of results sheets (editais) from individual polling stations will not be faxed to the CNE in Maputo, as they have been in the past. Renamo objected, noting that in municipal elections last year a Frelimo STAE technician in Beira had tampered with editais before they were faxed. "To avoid mistrust", the CNE agreed not to use faxes this year. Instead, two STAE technical staff (one Frelimo and one Renamo) will fly to each of the provincial capitals in the centre and north of the country (road transport can be used in the south), pick up the editais and bring them physically to Maputo.

This could cause substantial delays in reporting the final results.

TWO DIFFERENT TABULATIONS

In practice, there are two totally different tabulations. In each province, the provincial election commission adds up the results of all the editais. These are put on a cd-rom and carried to the CNE in Maputo. These are the official provincial results.

But in Maputo, all of the editais are tabulated again on a different computer system.

In addition the CNE must reconsider hundreds of thousands of invalid ballot papers, which by law are sent to Maputo. Furthermore, provincial election commissions tend to send to the CNE editais with errors they cannot resolve locally. The CNE then takes the reclassified invalid ballot papers and editais which it has accepted and adds those to the provincial totals. In the past, however, it has added these additional votes to its own tabulation of the results, rather than to the official tabulation sent on cd-rom by the provinces.

In the past, observers and journalists have had access to the terminals in Maputo and in some provinces which give access to the results as they are being tabulated. At his press conference, Mandlate stressed that again this year observers and journalists will have access to data in the STAE computers - at least at national level. He said that any observer could call up on the screen the edital from any polling station, and compare it with the copy edital given by polling station staff to observers and political party polling agents.

But what has happened in past elections is that part way through the tabulation, data was suddenly no longer available. In local elections last year, for example, when final results were announced and posted, the results from many polling stations were still not available on the observer terminals.

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PROVINCIAL ASSEMBLIES TO BE ELECTED

The Mozambican parliament, the Assembly of the Republic, on Tuesday unanimously approved a series of constitutional amendments. One of the most dramatic is that from 2008 there will be elected provincial assemblies. According to AIM, the provincial assemblies will relate to the provincial governments in much the same way as the Assembly of the Republic relates to the president and central government.

Renamo has been demanding elected provincial assemblies because it regularly wins majorities in at least five provinces. But governors will continue to be appointed by the President rather than elected, which means that half of the provinces will normally have a governor and assembly from different parties. There is no precedent for this in Mozambique, and it is hard to know how this will work. In general, most power rests with the governor, and it remains to be seen how much power provincial assemblies will be given.

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Mozambique Political Process Bulletin

2004 Election specials by e-mail

Issue 7

Tuesday 23 November 2004

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IN THIS ISSUE

Are the transparency and tabulation issues resolved?

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CNE RULINGS AND CLARIFICATIONS

RESOLVE SOME ISSUES --

BUT IS IT ENOUGH?

by Joseph Hanlon

A series of procedural changes and clarifications, as well as some additional transparency, will make it easier for the press and observers to check the final tabulation process for the 1-2 December election. These changes do not meet all the demands for full transparency, but they do reduce the space for manipulation of the results. What follows is a very detailed report on the issues, with a discussion of how to prevent manipulation, and the remaining gaps.

NULOS

Deliberation 77 of the National Election Commission (CNE) distributed yesterday and published this morning in Noticias states that observers and party delegates will be able to see the reclassification of invalid ballot papers (nulos) and protested ballot papers (which occurs very rarely when the polling station staff accepts a ballot paper, but one party delegate objects). The law requires that all nulos be reassessed at national level by the CNE. In 1999 more than 500,000 invalid ballots papers were considered, of which 130,000 were considered valid by the CNE. This process is normally done by a pair of people, one from Renamo and one from Frelimo, and has not been a contentious issue

in the past. The process was open to press, delegates and observers in early elections but not in more recent ones.

(In 1999, there were 4.5 million valid votes for president and 4.1 million valid votes for parliament; the CNE accepted 58,000 presidential votes and 48,000 parliamentary votes, over 1 per cent of the total valid vote.)

EDITAIS WITH ERRORS

The deliberation does not set any procedure for polling station results sheets (editais) which are sent to the CNE by provincial elections commissions (CPEs) because they have problems. There is no provision for this in the law, and it came as a surprise in 1999, when 1874 editais (an incredible 11 per cent of the total) were not included in provincial totals and were sent to Maputo. Editais are written by very tired polling station staff at 3 am, working by lamplight, so there were a significant number with errors, erasures, etc. There were also indications that some had been tampered with. In 1999, the CNE accepted about one-third and rejected the other two-thirds as being unuseable. There is no provision in the law for recounts in such a circumstance. Reconsideration of these editais took a long time, and Renamo eventually walked out of the CNE because it did not accept the reconsideration process.

In 1999 the excluded editais meant that 6.6% of all votes for president were not counted. Various calculations done by the international community suggested that excluded editais were slightly more likely to have come from areas which supported Afonso Dhlakama as presidential candidate (which is not surprising, since these are also more rural areas where polling station staff will have lower literacy levels), but there were not enough excluded votes to have changed the final result. Last year Chissano won 52.3% of the vote, and no suggested recalculation took his total below 51.5%..

This process of reconsideration of editais, for which there is no provision in the law, is the most contentious area; it led to the Renamo walkout last year. The CNE has ruled that this will continue to be done in secret and observers and party delegates will again be excluded. In 1999 observers and press were not allowed to see the excluded editais. But CNE press spokesman Filipe Mandlate assured the Bulletin today that this year, press, observers and party delegates will be able to examine the excluded editais to confirm that the results were so unclear that it would have been impossible to include them.

TWO COUNTS

Deliberation 77 confirms that there will be two counts, both done on the basis of the editais. One is done in each provincial capital, and the other is done in Maputo. This dual count has always been contentious. The law, deliberation 77 and further explanation by Filipe Mandlate sets out the following process:

- 1) Each province does a count based on editais and actas (more detailed minutes) from the polling stations in its province. This excludes nullos but includes protested voters (normally very few). Results must be announced by provincial election commissions (CPEs) within 7 days. Results are put on cd-rom and hand carried to Maputo to the CNE.
- 2) The CPEs send the nullos and protested votes to the CNE in Maputo along with copies of all polling station editais and actas.

- 3) The CNE in Maputo does its own "provisional count" (contagem provisoria) which is identical to the provincial counts and excludes nullos. STAE and the CNE then compare the provisional count to the provincial counts and undertake efforts to make them agree. Deliberation 77 says that the provincial count "prevails, in general, over the provisional count" ("prevalece, em geral, sobre a contagem provisoria"). But that means the CNE will, in certain circumstances, amend the provincial counts to correspond to its own. In the past officials in Maputo have found examples of fraudulent changes made to editais and data in the provinces. This will be done in secret, without press and observers present. It is not clear if the CNE will publish a full list of changes.
- 4) To the revised provincial results are added the accepted nullos and subtracted any protested votes where the protest is accepted by the CNE. This is the final result, which by law must be published by 17 December.

In summary, then, the count has three steps, all of which are done in secret:

- + Provincial count.
- + CNE corrects the provincial count, taking account of its own "provisional count".
- + CNE adds nullos.

The question for observers is less about their presence for these steps, and more about the publication of enough details of the changes to the results made by the CNE.

HOW TO CHECK THE ACCURACY OF THE COUNT AT PROVINCIAL LEVEL

The main check of the accuracy of the final tabulation will come from looking for discrepancies between data published by the CNE and data collected by observers and parties. How easy is it to do this?

Because the count is done in each polling station and each polling station must post its edital, it is possible to check the final count with some degree of accuracy. Both Frelimo and Renamo will do quite detailed parallel counts and the Electoral Observatory will do its own sample count. These should give results which are accurate to within 2 per cent, which means as long as the election is no closer than the one in 1999, it will not be possible to manipulate the results.

If the result is closer (for example of the leading presidential candidate is very close to 50 per cent of the vote and there is a question about a second round), what are the possibilities of checking to see that there has been no manipulation?

The first and easiest check will be that observers and press will have access to the computer data bases to check individual polling stations, to make sure that the data has been computerized correctly and agrees with the observer and party delegate copies of the editais.

There are two gaps here. First, where an edital has been excluded (as happened in more than 11 per cent of the polling stations in 1999), there is no indication on the data base -- the polling station is simply missing, so it is impossible to tell if it was excluded, or if the data has not yet been entered. In the past CPEs have given no information on editais which are excluded, and whether or not the edital was sent to Maputo (without a clear rule, different CPEs acted differently in 1999).

Second, results are normally only summarised by polling centre (that is, in a school each classroom will have a polling station, and the entire school is a polling centre). The result for a centre can only be checked if observers have results for all polling stations within the centre; even then, it will be unclear if polling stations have been excluded. Because of the limitations to data collected by observers and parties, there will surely be minor discrepancies between the CPE final results and the observer data. This provides a small window for manipulation.

AND AT NATIONAL LEVEL

The provisional count can be checked in exactly the same way as the provincial counts.

In the past, reconsideration of nullos has been clean and straightforward; furthermore, last year there was a specific line in the final results showing how many nullos were being added. This seems unlikely to be a problem.

But there are also two gaps here at national level. First, it is not clear how much information will be provided to observers and press about changes made on the provincial results. Second, there has been no information as to which editais are included and which are excluded. Will there be an extra line in the totals for this information? This provides a quite large window for manipulation, because even when carried out honestly and correctly, there could be significant differences between the provincial results as announced by the CPE and the provincial results as announced by the CNE.

SO WHERE ARE THE REMAINING GAPS

The Bulletin sees four remaining problems in the tabulation of votes:

- 1) The computer system makes it difficult for observers to check all of the polling stations at an individual centre and then compare with the results against parallel counts. It is also difficult to ensure that the result displayed on the screen in the observers' room is actually the total being added to the provincial results. Clearer formats, such as those used by Renamo in its local election parallel count in Beira last year, would have helped.
- 2) Little information at provincial level about the treatment and exclusion of problem editais.
- 3) Little information at national level about the treatment and inclusion of problem editais passed to the CNE from CPEs.
- 4) No information on changes made to the provincial counts based on the CNE provisional count.

Taken together, this makes it hard to establish the validity of discrepancies between CNE data and observer data. It provides space for manipulation of the results; changes of up to 1 per cent would probably not be noticed.

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COMMONWEALTH DEMANDS ANSWERS ON TRANSPARENCY

When the Commonwealth observer mission meets the CNE later today, it will "expect" an answer to a letter to the CNE president from the Commonwealth Secretary-General

Don McKinnon pushing for more access to the tabulation, the head of the observer team said at a press conference this morning. Dr Vaughan Lewis, former prime minister of St Lucia and head of the team, told the press conference that the Commonwealth "adheres broadly to the views of the other observer groups on the issue of access." He continued: "We are here to monitor, not to interfere or intervene. But access to the final tabulation is necessary if we are to give a fair and balanced account to the entire process."

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Mozambique
Political Process
Bulletin

2004 Election specials by e-mail

Issue 8

Thursday 25 November 2004

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CIVIL SOCIETY DEMANDS

MORE TRANSPARENCY

IN THE COUNT

"There are no legal restrictions or principles which justify impeding the access of national and foreign observers to the locations of vote counting at all levels," declared an independent legal opinion submitted to the National Election Commission (CNE) earlier this week. The CNE has repeatedly said that the law does not allow more openness, but this has been contested by observers and media.

The Electoral Observatory, a coalition of the seven prominent national groups which are observing this election, commissioned the independent legal opinion. In a covering letter, it demanded that the CNE respond publicly to the alternative legal view. The Electoral Observatory said civil society must take action to promote more observer access to the final count to ensure a "clean" election.

**WHAT IS THE MINIMUM
ACCESS NEEDED?**

by Joseph Hanlon

The Frelimo majority in the CNE is anxious to prevent outside observers from seeing the politically charged, acrimonious, time-wasting and confused conduct of CNE meetings. Observers do not actually need access to the meetings, if the CNE is prepared to release enough detailed information about the decisions taken.

This has already happened with respect to the reclassification of invalid votes (nullos). In 1999 and 2003, the numbers of nullos which were accepted by the CNE (and which parties or candidates they were for) were published. This week, the CNE agreed to give

access to the rooms where the nulos will be reconsidered. This should be sufficient to resolve this issue.

But three other problems remain.

1) At provincial level, up to 10 per cent of polling station results sheets (editais) are rejected and not included in the final totals. Mostly this is because of errors in filling out the sheets, but there have also been cases where editais were rejected because of alleged fraud, such as ballot box stuffing in Nacala in 1999. This is done in secret and no record is published. It would be sufficient to publish a list of rejected editais with reasons, and simply show the editais to observers and press; they need not attend the meeting.

2) Similarly, at national level, the CNE considers problem editais submitted by provincial election commissions (CPEs). Some are accepted and some are rejected. In 1999 Renamo walked out in protest at the process by which this was done. The process is secret and again no information is given to press and observers.

3) The CPEs do the official provincial totals, while the CNE does a separate "provisional count". (Confusion is caused by similar sounding words, even in Portuguese: provincial and provisional) Then the CNE adjusts the official provincial totals to take into account information for its provisional count. Again, this is done in secret, and no information is published as to what changes were made and why.

In all three cases, observers do not need to be present in the meetings, but they do need the information on the decisions quickly (and not two years later when the detailed results are finally published).

How would this information be used? The first and simplest check is simply to look at the numbers, to see if the changes make any significant difference in the result. If the changes are minor or do not change the result, then observers, press and ordinary voters can have reasonable confidence in the process. If the changes are significant, especially if one candidate or party gains enough votes to win, to avoid a second round, or to gain a majority in parliament, then observers and voters will want more detail. If the CNE has published details and reasons for its decisions, observers, parties and journalists can consider those in more detail, especially checking against copies of the editais held by the political parties or made by observers. More detailed investigation will show if the decisions seem justified.

The CNE might find it easier to simply allow observers and press to be present and take their own notes. But the key point is that observers do not need to be present if the CNE promptly provides enough information to allow an independent assessment of the decisions taken. Three sets of information are needed:

- 1) Editais excluded at provincial level, with reasons.
- 2) Editais included at national level, with reasons.
- 3) Details of changes made to official provincial totals based on the national provisional count.

The fourth required set of information needed, on nulos, is now being provided.

COMPUTER SYSTEMS NOT USER FRIENDLY

Speaking to the Bulletin, Raimundo Samunge, the Renamo vice-president of the National Elections Commission (CNE), said it was not computer tabulation of the results that he objected to, but rather the inability to control the process. Samunge said that the way the computerisation of data is done at present is that both at provincial and national level, data processing is done largely in isolation from the election commission members, who are then presented with the final results "15 minutes before the deadline" and expected

to sign them. There is not enough time to check the results against the editais or to do independent sums to check the computers.

And Samunge is right that the computer systems are not user friendly; information is presented in a way which is difficult to handle and check. Samunge suggests, for example, that an attempt should be made to complete the tabulation of one district at a time, and those results could be posted to be checked by parties and observers, while other districts are processed. The difficulty with this is the excluded editais, a problem noted above. Few districts are ever completely computerised, because in few districts are all the editais accepted, but there is no note on the computer to say an edital has been excluded rather than simply not input. So parties and observers keep waiting for gaps to be filled, in ignorance of the fact that the missing edital may have been excluded. This would not be difficult to resolve, but it is a mark of the unwillingness, at least in past elections, to make the computer systems user friendly.

Lacking useful access, Renamo has increasingly opposed computerisation at all, while both Renamo and international observers have demanded access to the computer rooms and computers systems, when such access is not of any practical use. But Renamo and observers are right to argue that the computer tabulation systems used in past elections have not been designed to be of much use to outsiders.

NO POLLING STATION LISTS

With less than a week to go before the election, the full list of polling stations has still not been published. The election law (art 46) requires that 30 days before the election the CNE publish "the definitive list of polling stations" ("o mapa definitivo das assembleias de voto"). In early November, the CNE published a list of all the polling centres and their locations, simply saying how many polling stations were at each centre.

A polling station can have up to 1000 voters, and corresponds to one or more electoral registers. Typically, a polling station will be in a school classroom. The polling "centre" is the group of polling stations in one location, typically a school.

Observers and opposition parties argue that a definitive list should include the numbers of the polling stations and the numbers of the registration books to be used at that polling station, and that a "definitive list" cannot simply be the number of polling stations at a centre. Renamo CNE vice president Raimundo Samuge says that such a list must exist, because it is needed for packing the kits of voting materials and registers which are sent to individual polling stations.

Whatever the precise legal position, the failure to produce a full list creates problems both for voters and parties. In some cases, the location of individual polling stations has been moved -- say from one school to another, and often for good reasons, such as moving the polling station closer to the majority of its voters. But voters have no way of knowing that their polling station has been moved. This occurred in the 2003 local elections and the law was modified to ensure that voters would know in advance, but this has not happened. (The first numbers in a person's voters number are the numbers of the register book, so it is easy to check.) In cities, polling stations were moved only one or two kilometres, which was enough to stop some older people from voting, but in rural areas polling stations might be moved 5km or more.

There is some worry that this could be manipulated; Simuge alleges that Frelimo-aligned staff in STAE, the technical secretariat, will move polling stations in Renamo areas to make it harder for Renamo supporters to vote. Diplomats have pointed out that there are many new polling centre locations this year, which will further confuse voters.

The lack of a full list also creates problems for party and observer parallel counts.

Normally, they set up computer systems in advance and then simply fill in a form for

each polling station, with the computer set to check if the number matches the location, but this cannot be done this year.

OBSERVERS CANNOT TALK TO POLLING STATION OFFICIALS

Following complaints in past years of international observers interrupting the voting process, the National Election Commission (CNE) has now issued a blanket ban. Observer groups being briefed this week have been told that they are not allowed to talk to polling station staff at all.

This has angered international observers and reflects a growing government hostility to foreign observers, but it is also a response to past arrogance on the part of foreign observers. Most international observation missions gave their observers check lists of questions which they had to ask the polling station president or secretary, for example if the polling station opened on time. Often the observers would interrupt the voting and demand immediate answers.

There have also been incidents in which observers stopped the voting process, claiming that the staff were doing things incorrectly. In particular, some European Union observers in past elections caused controversy when they said that the voting booths faced in the wrong direction. Mozambican practice is that the booths where the voter marks their ballot paper should be open on the side facing the polling station staff; European practice (except for Britain and a few other countries) is that the booth opens away from the staff. (There are arguments for both -- the normal European practice increases secrecy, but the Mozambican/British practice allows staff to ensure that no campaign literature has been left in the voting booth.)

The CNE has made clear that observers are present to observe only; they can watch but cannot interfere in the process, and cannot speak to polling station staff. But observers remain free to talk to the party agents or delegates (delegados) in the polling station, who will normally report if anything untoward has happened.

OBSERVATORY CRITICISES ELECTION VIOLENCE

The Electoral Observatory, the group of seven Mozambican organisations observing the election, issued a statement Monday noting its "profound preoccupation with occurrences of physical and verbal violence and the use of children and adolescents to disturb the campaigns of other parties."

In general, the campaign period has been calm and often festive, but the Bulletin's 50 correspondents throughout the country have reported a number of incidents of the type cited by the Electoral Observatory. In particular, there has been heavy pressure by both main parties to keep the opposition out of what they consider their heartland -- there has been Renamo violence against Frelimo in Sofala and Frelimo attacks on Renamo throughout Gaza and in parts of Tete and Niassa.

Several of our correspondents report Frelimo's use of what it calls "shock groups" ("grupos de choque") -- groups of young men with access to cars, fuel, food and drink who confront the opposition. In one province, a Frelimo parliamentary candidate actually bragged to our correspondent that "we are directing these people".

Our correspondent in Maxixe, Inhambane, says that when presidential candidate Afonso Dhlakama was due to speak at a rally, Frelimo youth occupied the meeting ground in the morning and set up a sound system which they played throughout the day, making it impossible to hold the rally. Similar actions are reported in Xai-Xai, Macia and Chimoio.

In other places, Frelimo youth have drowned out opposition rallies with sound systems and car horns; for example PDD was forced to abandon rallies in Namialo, Moma and Ribaue in Nampula.

Problems continue in Tete. In Xitima, Cahora Bassa district, Frelimo youth blocked the only road into town and forced Renamo to turn back. In Changara, the Renamo delegate says he has been forced out of the district.

Renamo accuses the police of informing Frelimo of its plans and then failing to take action against the Frelimo shock groups. For this reason its says it has stopped announcing its plans in advance. But this has also had the effect of reducing the press coverage and turnout for its rallies.

But Renamo is responding in kind. In Memba Renamo youth occupied a field intended for a Raul Domingos rally, which had to be cancelled. Frelimo rallies have also been overwhelmed by Renamo noise. In Mandimba, Niassa, Renamo members beat anyone who tried to speak out at a Dhlakama rally. In Memba and elsewhere, Renamo has mobilised children to tear down opposition posters.

STATE CARS STILL USED

Reports continue of Frelimo using state cars for the campaign. For example, our correspondent said that in a parade of 40 cars in Quelimane on Saturday, half had the names of state institutions painted on their sides.

There is a report of a party in Tete using the car of a church aid agency.

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2004 Election specials by e-mail

Issue 9

Friday 26 November 2004

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 but don't mention the election

CNE confirms no increased access

 -- but says key data will be public

No hand-written registers this year

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ARE POLLING STATION NUMBERS A STATE SECRET THAT DOES NOT EXIST?

When the "definitive" list of polling stations was published three weeks ago, it had the locations of all polling stations, but did not have the numbers of the polling stations or their registration books -- making it very difficult for parties and observers to organise

their own observations and parallel counts since they cannot set up data bases in advance, and possibly making it more difficult for some voters.

The matter was raised by opposition parties, by the Bulletin yesterday morning, and at a CNE press conference and a CNE meeting with observers yesterday. The National Election Commission (CNE) and its technical secretariat (STAE) reacted angrily. At the observer briefing, CNE member Rufina Nombora, said the numbers were a "state secret" which could not be revealed. STAE Director General Antonio Carrasco said that the law only requires locations and not numbers, and that to give the numbers of polling stations out in advance would violate personal privacy. He did not explain that. But he went on to say that the numbers would be displayed at each polling station two hours before the polls opened, and could only become public then.

But another STAE official suggested that the real reason for the secrecy is that STAE was only able to allocate a certain number of polling stations to each polling centre, but was not able to assign actual registers. Only now in the provincial capitals are STAE staff making up the polling station "kits", the trunks containing ballot boxes and other material. At that time, they are putting registers and banners containing register and polling station numbers into the kits. Only then will they compile the list of which registers went to which polling stations and which polling centres. Indeed, in Maputo, the final corrected register books for Gaza have not yet been completed.

So, perhaps the huffing and puffing was really embarrassment, because the list does not yet exist, and the numbers are a non-existent state secret.

BUT WILL VOTERS FIND THEIR POLLING STATION?

One worry about the lack of a list is that voters cannot check in advance to see where their polling station is. Last year in local elections, and to a lesser extent in 1999, there were problems of polling stations having been moved, and people having to walk some distance to try to find their polling station.

The election law (art 42) says that polling stations should be in the same place that the person registered, "whenever possible". Both Carrasco and Filipe Mandlate, CNE press spokesman, assured the Bulletin that this year all polling stations will be in the place that the person registered, so everyone will know where to vote.

This is more than required by law, and would be an incredible accomplishment if it actually happened. Observers will want to watch for people who arrive at a school or other polling centre and find their polling station is not there.

SAY GOOD MORNING, BUT DON'T MENTION THE ELECTION

At the observers meeting, Nombora made clear that observers "cannot have conversations which have electoral content with polling station staff, or with voters within 300 metres of the polling station. It cannot happen. It is not correct." Both he and CNE chair Arao Litsure stressed that of course there can be interpersonal contact, and observers can greet polling station staff and voters -- but they cannot talk about the election.

The new hard line contradicts an instruction in the Manual for Polling Station Workers (p35) which says that observers can "ask for clarifications from the president of the polling station".

But Nombora did ease up on one point. The law says that observers and journalists cannot talk with voters within 300 metres of a polling station. But Nombora said that

where the polling station was within a school, observers did not need to precisely measure 300 metres and could talk with voters once they had left the school grounds. There are cases where it is important for observers and press to talk to voters. For example if a voter is turned away without voting, the observer will want to find out why, and may follow the voter out of the polling centre in order to ask. In such a circumstance, party delegates are allowed to talk to polling station staff and question a decision to turn away a voter, and, in turn, observers are allowed to talk to delegates within the polling station.

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CLARIFICATION OF COUNT DETAILS, MINUTES, AND WHAT IS OPEN TO OBSERVERS

At the observers meeting with the CNE, Ratxide Gogo, deputy director general of STAE, gave a detailed presentation of the counting procedure and added more detail in subsequent discussions. In general, all necessary information is supposed to be included in the provincial and national election commission minutes (actas), which by law are given to observers and press at the time the final results are announced (by law by 9 and 18 December). Gogo said the actas would be much more detailed than in the past.

But he also stressed that observers would not have access to this material before it is released in the actas.

Three essential pieces of information were raised in the Bulletin yesterday:

- 1) information about polling stations excluded from the count at provincial level,
- 2) information about those polling stations included later at national level, and
- 3) changes which are made to the provincial count based on CNE's national "provisional count".

There is a fear that these are places where results could be manipulated.

AT THE PROVINCIAL ELECTION COMMISSION (CPE)

The results sheets from all polling stations are received by the two STAE deputy directors (one Renamo, one Frelimo) and those with obvious errors (unsigned or unstamped, for example) go directly to the CPE. The rest go for data input. The computer will reject some, say because the totals are not added correctly, or there are too many votes. Those also go to CPE. Based on polling station actas and other material, such as party copies of editais, the CPE tries to clean up the edital and include it.

The observer terminals in the computer room will only show those editais which have been successfully input; there will be no indication if an edital has been excluded or simply not yet input. Lists of included and excluded editais will be prepared every few hours, but these will not be seen by observers. Observers will not be present at the discussion of these editais.

At the end of this process, the final results will be announced by the CPE and will be put on a CD-rom and sent to the CNE in Maputo. The provincial summary, the edital, will show how many polling stations have not been included. The CPE should list in its acta the numbers and locations of all excluded editais, with reasons for exclusion, and will annex copies of the excluded editais (this formalises a procedure which was unclear in 1999) to the copy of the acta sent to Maputo. The acta is public, but it is not clear if the annexed editais are public.

EDITAIS AT NATIONAL LEVEL

At national level, the CNE will reconsider all excluded editais, and try again to clean them up. Those with insuperable problems will still be excluded, but some may be included. Any which are included will simply be added to the provincial totals. Observers will have no information on this process, at the time, and no list of excluded or included editais. But Gogo stresses that the national acta will also list all the editais received at national level and what was done with them.

COMPARING TWO COUNTS AT NATIONAL LEVEL

A copy of each polling station edital and acta is sent directly to Maputo where a separate computerisation, called a "provisional count" is done. The process is the same as at provincial level, and observer computer terminals will only show polling stations which have been successfully input, with no indication of whether an edital is excluded or simply not input yet.

When a provincial CD-rom arrives, it will be compared to the provisional count, and a printout made of every polling station which is different in the two systems. These differences will be checked against the edital, and one total or the other corrected. This process is totally secret. However all changes to the provincial totals should be listed in the acta, with reasons.

NULOS AT NATIONAL LEVEL

Reconsideration of invalid votes (nulos) and the handful of challenged votes will now be open to observers, although the final totals will not be immediately available.

The national edital will list the number of polling stations excluded, but, in contrast to 2003, will not list the redistribution of requalified nulos. The edital will only list the total number of votes given to each candidate or party by the CNE.

Again, the acta should have a complete breakdown of the distribution of requalified nulos.

IS THIS ENOUGH?

In the Bulletin yesterday, we listed three sets of information that we needed to check the results: excluded editais at provincial level, included editais at national level, and changes made to provincial totals based on the national provisional count -- we have been assured that this information will be in the actas. In addition, we have been assured that we will be able to see the excluded editais.

If this information is actually provided in detail, this will be enough. But a lot depends on how much detail. If the acta says an edital is excluded "because it has an error", with a further details, and we cannot see the edital, that does not help very much.

But having a detailed list of changes and of excluded polling stations will definitely be enough to spot obvious manipulation.

The problem for observer missions is that this sort of detailed analysis will only be possible once the actas are available, which will be getting very close to Christmas. Observer missions would clearly prefer more details of the process as it is carried out.

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ONLY COMPUTERISED REGISTERS AT POLLING STATIONS THIS YEAR

In past years, polling stations have often had several register books -- the original handwritten registers (often more than one) and sometimes the computerised version. After a major attempt to computerise the entire register, each polling station will have a single printed register book which should list all the voters, in numerical order, even if they come from more than one handwritten book. Provincial STAE staff have also tried to clean the books, removing some duplications and correcting obvious errors. Where there was no way to resolve some errors caused by data input which was not checked originally, for example the same number given to more than one person, these voters are listed separately at the end of the register.

The CNE's declaration 41-A of 6 October makes clear that anyone with a voters card can vote at the polling station that corresponds to the first numbers on their voters card, even if they are not on the list or there is an error on the list. Staff are instructed to also look at the end of the register for voters with obvious data input errors. If they are not there either, then they are allowed to vote and a note must be made in the polling station acta.

In 1999 and 2003 handwritten register books were included to allow polling station staff to check back. This is no longer necessary, since anyone with a card can vote.

222 OBSERVERS

So far, 222 international observers have been registered, 125 from the European Union and others from the Carter Center, Commonwealth, African Union and a range of individual countries. In addition 359 journalists have been registered including 33 foreigners.

IS RENAMO BLOCKING COMPUTERISATION?

Filipe Mandlate told the press yesterday that "a party" (believed to be Renamo) had issued instructions to at least some of its functionaries in the election system to block the process of computerising the editais. Some STAE staff are civil servants and some are nominated by Frelimo and Renamo. Mandlate said that the instructions were "illegal" and that a party cannot give instructions to staff it has nominated; these people now work for STAE and can only take instructions from CNE.

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Mozambique Political Process Bulletin

2004 Election specials by e-mail

Issue 10

Sunday 27 November 2004

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AUDIT FORCES INCREASED

COMPUTER SECURITY

-- BUT ALSO CLEAR THAT

TRANSPARENCY REFUSED

& GAPS REMAIN

The computerised tabulation system and the audit of that system were presented to observers and the public on Saturday morning, 26 November. In presenting the audit, Carlos Garcia, director of Solucoes Lda, said that because of the inexperience of the software designers in STAE, the security of the system had been weak, and STAE had agreed to implement major changes to restrict unauthorised access and to limit access by senior STAE officials.

The audit report makes clear that opposition parties were right to fear that the data base could be manipulated and false data entered. But speaking to the Bulletin afterwards, Garcia said that with these changes, he was convinced that it was now not possible to tamper with the data base to change the results. The audit report is published this morning in "Domingo".

The presentation of the computer system by Orlando Come, the STAE director of computing, unintentionally made clear just how much STAE has rejected demands for more transparency. Come confirmed that observers will only be able to see copies of the results sheets which are in the data base, but he went on to show a whole range of reports which will be available to STAE and provincial and national election commissions but not to observers and press. These provide exactly the sort of information that domestic and international observers have been demanding; there is no technical reason why these report should not be made public.

Meanwhile, the auditors made clear that their checks of the computer software did not cover the final tabulation steps and changes to the data that will be agreed at in Maputo by the National Election Commission. Thus the gaps noted here in the past, relating to corrections to the data base and inclusion of polling stations where there are problems with results sheets (editais) remain.

The following five sections explain:

- + the computer system,
- + the background to the audit,
- + the audit results,
- + missed opportunities for transparency, and
- + remaining problems.

HOW THE COMPUTER
SYSTEM WORKS

In each province, results sheets (editais) are put into a computer data base. The system is a standard one for accurate data input: every results sheet is typed in twice by two

different people. If both are the same, the result is accepted; if there are differences due to typing errors, the edital is rejected and put in for entry again in the next shift.

After that, the results sheets are checked in various way and rejected if they violate a range of criteria -- for example if there are more votes than people who voted, or if a polling station number is wrong or duplicated. These editais are then returned to the provincial election commission (CPE) and provincial STAE, which will analyse the edital and the more detailed minutes (acta) of the polling station to see if they can clean up and correct the edital. If they can, it is resubmitted in the normal way.

Every accepted edital goes into a data base. When all data has been input, a series of reports can be generated, giving the final count. This is also copied onto a CD-rom and sent to Maputo. And the result is announced in the provincial capital by the CPE.

A similar process takes place in Maputo. Copies of all editais are sent to Maputo where a provisional count is done by national STAE. This follows the same procedures as the provincial count.

In Maputo the provisional and provincial counts are compared and an attempt is made to adjust differences between the two. All editais which were excluded at provincial level are sent to the Maputo and the CNE and national STAE attempt to clean and include at least some of them. All invalid votes (nulos), more than 500,000 individual ballot papers, are sent to Maputo and reconsidered; up to one-third are normally accepted and included.

The final results announced by the CNE then are the provincial results, modified by changes based the provisional count, with additions of cleaned editais, and with additions of accepted nulos.

The data base software is Oracle, using Visual Basic for input and analysis and Crystal Reports to generate the various reports.

BACKGROUND TO THE AUDIT

Writing of new tabulation software only began in September, which was very late, and was done entirely in-house by STAE staff. (The audit report comments that the programmers had only a limited knowledge of Oracle but a good knowledge of Visual Basic.) At the last minute it was decided that the software needed an independent audit and an urgent tender document was sent to five Maputo-based companies 10 days ago. Of those, only one, Solucoes Lda, said it was prepared to do the audit within four days. Their team worked night and day, made detailed recommendations to STAE for security changes, and reported to the CNE on Friday.

Although the audit seems to be the best that could be done in a short time and on short notice, many questions have been raised as to why STAE and the CNE, yet again, left the software writing and audit until the last minute. Surely it must have been obvious six months ago that such an audit would be needed.

AUDIT DEMANDS MANY SECURITY CHANGES

Solucoes Lda has experience in banking systems and its audit concentrated on security. It exposed gaping holes in the security which would have allowed system administrators and unauthorised outsiders to change data and especially to add phantom polling stations.

It concentrated on the final data base and on making sure that data base could not be changed. The question was always asked by Renamo and observers: yes we can see on a computer screen the edital which has been input, but can we be sure that data is

actually used in the final count? The answer was no; that data could have been changed afterwards. So the first step was to prevent tampering with the data base.

Solucoes demanded an end to unimpeded access by the system administrator. Instead, any access to the data base itself can only be made in the presence of three different people, each with their own password.

Furthermore, in the initial version both the system administrator and the next level down, the system supervisor, could insert editais into the system on their own. This has now been blocked; editais can only be entered by the double entry system set out above. Various other changes have been made to ensure that editais cannot be entered more than once, which appears to have been possible before and might have allowed these votes to be counted twice.

Two other important changes have been to prevent STAE programmers and others changing either the software itself or the programmes for producing reports. Various changes have increased password security throughout the system, making it harder for people with partial access to gain access to other more critical parts of the system. Finally, based on Solucoes recommendations, the log system has been improved so that there will be detailed records of any critical interventions, showing what was done and by whom. This would, in principle, allow a later investigations of any possible fraud.

The other recommendation of Solucoes was much tighter control of the physical editais and the data input process, to prevent fake editais, to prevent editais disappearing, and to prevent the fraud which occurred in Nampula in 1999 when pairs of data input staff co-operated in order to shift the same number of votes on some editais from Frelimo to Renamo.

One gap in this part of the system remains: Solucoes recommended an additional system to log into the computer each edital as it arrives, and to print out a list of editais not input; because of shortages of computer equipment in the provinces, this will only be implemented in Maputo with the system for the provisional count. So there are still possibilities of editais disappearing, although this has been substantially reduced.

MANY REPORTS EXIST WHICH OBSERVERS CANNOT SEE

A surprise in the software presentation is that many of the reports of the progress of the tabulation are being done automatically, but are not being shown to observers and press. This must raise questions about CNE willingness to be transparent.

Data entry staff will work in two-and-a-half hour blocks and then take a break. During this break, the computer then does all its checks, and puts accepted editais into the data base. It also produces two reports: one lists editais accepted and rejected, and the other gives the total vote up to that time. These provide precisely the detailed up-to-date information national and foreign observers have been demanding, but under current plans, these reports remain secret.

The other key report which will be prepared automatically is the report of the comparison in Maputo of the CD-roms from the provinces against the provisional data base set up in Maputo. The report will list all differences between the two, on a polling station by polling station basis. Differences are inevitable, but If differences are minor, having access to this list would clearly increase public confidence. If differences are significant, it would alert observers to possible problems. But it seems unlikely that this report will be made public.

So, information exists to allow considerably more transparency and calm observer concerns -- if the CNE were willing to release the reports as they are produced.

REMAINING PROBLEMS:

HASTE, SPLIT BOOKS, MAPUTO

Although the system is better, four problems remain, relating to passwords, haste, split registers, and final tabulation in Maputo.

In 1999 the system also required multiple passwords, but the holders of the keys were often CPE members who were not computer-literate, and the passwords became known. Also, in 1999 a record was kept of passwords in case of emergency, for example if a keyholder became ill and could not get to the computer centre. This is, perhaps, inevitable, but it does also compromise the security somewhat.

Also in 1999, as deadlines approached, many of the security systems were bypassed in order to meet the deadlines for results. This led to the inclusion of editais, for example, which did not meet the tight computer-imposed criteria for the data base. It is not clear if this will happen again. In some provinces and at national level, the final days were quite chaotic; poor records were kept and the chances of manipulation increased. There will also be problems because of errors in the original data base of polling stations, which is only being entered in haste as the last minute; there will be huge pressure to bypass security to correct these errors.

The auditors identified the problem of merged and transcribed register books, which they said had to be dealt with outside the normal system, but did not specify how. This refers to the situation where the same register book is used at several polling stations.

Typically this is where a mobile registration brigade stopped at several villages, each stop will have a polling station, but all voters are registered in the same book. It seems that the computer system cannot handle this easily. One problem is that in some cases the total number of voters in the register is listed as the number of eligible voters at each of the polling stations. For example, suppose one book has 300 people registered at each of three polling stations; the record may say each polling station has 900 voters, because that is the total number in the book. This confusion occurred in Xai-Xai last year in local elections. Of more than 80 polling stations, 13 were identified as having the same register book number as another polling station, and different lists gave the number of voters as ranging between 50,000 and 70,000. This will be a serious problem in many provinces where the use of mobile brigades has led to a very large increase in the number of polling stations. It is estimated that 2000 register books are being used for more than one polling station. It remains unclear how these will be dealt with in the tabulation, and leaves space for manipulation.

The audit of the computer software and the sharply increased security should at least reduce the possibility of manipulating the data. However the audit stops at the door of the CNE and it is there that fears about manipulation remain.

CNE with STAE in Maputo must make two sets of changes to the data. First, it must make decisions about problem editais which were not included in provincial counts. Adding in some of these editais may require access to the data base since the CNE could legitimately decide to accept some editais which violate the strict criteria set in the computer system. Will there be a clear a record of this and will it be made available early enough for observers to assess it? Second, there may changes made after the comparison of the provisional and provincial data bases. Will there be public statements on what changes are being made and will these be reported as corrections are made so that observers can monitor the changes?

In 1999, the final national edital was not produced by the main computer system, but was written on a laptop computer by senior STAE officials. Under immense pressure of time, the same thing is likely to happen this time.

There has been substantial discussion about observers initially wanting access to CNE and CPE meetings, which the CNE insists must remain closed. Access to meetings becomes much less important if there is prompt and regular information about decisions. But if meetings are in secret and decisions remain secret, the possibility of manipulating the final tabulation remains.

POLLING STATION NUMBERS

The unwillingness of CNE to publish a full list of polling stations by number continues to make it more difficult to check on the process. The CNE published a list of how many polling stations will be in a particular place, such as an individual school, but has refused or been unable to give the number of the polling station and the number of the registers being used at that polling station. It was made clear at the briefing yesterday that the computer data base used by CNE uses these numbers, so there must eventually be an agreed list.

This creates difficulties for two groups of people. Voters cannot check in advance to see where their polling station is, and must trust CNE promises that it will be in the same place as they registered (which has not always happened in the past and is not required by law).

Similarly, the lack of a full list by number makes it much more difficult for parties and observers to set up their own data bases for parallel counts and to check to see that extra polling stations or additional voters have not been added.

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MOZAMBIQUE POLITICAL PROCESS BULLETIN

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with reports from 50 correspondents

Material may be freely reprinted and circulated.

Please cite the Bulletin.

Published by AWEPA, the

European Parliamentarians for Africa

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