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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 15
OCTOBER 2014 PRESIDENTIAL, PARLIAMENTARY AND PROVINCIAL
ASSEMBLY ELECTIONS IN THE REPUBLIC OF MOZAMBIQUE**

Preliminary Statement

17 October 2014

(A). Introduction and Background

1. At the invitation of the Government of the Republic of Mozambique, the African Union Chairperson, H.E. Dr Nkosazana Dlamini-Zuma deployed an election observation mission (AUEOM) to the 2014 Mozambique Presidential, Parliamentary and Provincial assembly elections scheduled for 15 October 2014.
2. The mission is headed by Honourable Lady Justice Sophia Akuffo, former President of the African Court for Human and Peoples' Rights and currently a Supreme Court Judge in Ghana. The mission is comprised of 45 observers, 10 long-term observers (LTOs) and 35 short-term observers (STOs). The observers were drawn from the AU Permanent Representatives Committee/African Ambassadors to the AU, Pan-African Parliament, election management bodies, civil society organisations, and experts from the following countries: Algeria, Botswana, Burundi, Cape Verde, Democratic Republic of Congo (DRC), Ethiopia, Gabon, Gambia, Ghana, Kenya, Malawi, Namibia, Nigeria, Rwanda, Saharawi Republic, Sierra Leone, Somalia, South Africa, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.
3. The mission is supported by a technical team drawn from the African Union Commission (AUC) and the Electoral Institute for Sustainable Democracy in Africa (EISA).
4. The AUEOM's mandate to observe the 15 October 2014 Presidential, Parliamentary and Provincial Assembly elections is in conformity with the provisions of the African Charter on Democracy, Elections and Governance (ACDEG) which came into force on 15 February 2012; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl. 1 (XXXVIII)); the African Union Guidelines for Election Observation and Monitoring Missions both adopted by the Assembly of the African Union Heads of State in July 2002; as well as other relevant regional and international benchmarks for election observation, and the electoral laws governing the conduct of elections in the Republic of Mozambique.

(B). Mission Objectives and Observation Methodology

5. In fulfilling its mandate in conformity with the aforementioned AU instruments, the objective of the AUEOM is to make an independent, impartial and objective assessment of the 2014 Presidential, Parliamentary and Provincial Assembly elections in Mozambique.

6. With this objective in mind, a team of ten (10) Long Term Observers (LTOs) arrived in the country on 8 September 2014. The LTOs were deployed to Maputo City and all ten Provinces of Mozambique where they met with representatives of political parties, civil society and other electoral stakeholders at national, provincial and district levels ahead of the elections on 15 October 2014. The LTO teams also met with the National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE), the Police and other relevant government agencies.
7. The LTO teams observed other key electoral preparation activities including political campaigns by the political parties, training of electoral personnel, and training of domestic observers and distribution of materials by the electoral authorities. Through these consultations and observations, the LTO team made their assessments of the pre-election period focussing specifically on the key pre-election events leading up to the 2014, and released their findings in a Pre-election Statement on 11 October 2014.
8. A team of 35 STOs arrived in Maputo on the 8th October 2014 to augment the work of the AU LTOs on the ground. These observers were briefed by the CNE, Police, Civil Society stakeholder groups, and Legal/political experts on pre-election issues pertaining to of the Mozambique 2014 elections.
9. The AUEOM deployed 22 Teams (two observers per team) to all 10 provinces of Mozambique as well as in Maputo City on 13th October 2014, where they met with provincial and district level officials from CNE and STAE, the Police and other stakeholders. During the Election Day, these teams observed the opening procedures, voting process as well as the closing and counting of the votes at 236 stations.
10. This Preliminary Statement is hence a culmination of the combined observations of the LTOs, STOs and information provided by stakeholders during briefings for the period that the AUEOM has been deployed in the field in Mozambique.

(C). Legal and Institutional Context

11. In line with *Article 17 of the African Charter for Democracy Elections and Governance*, conducting democratic, credible and transparent elections is largely guaranteed by the existence of a legal and institutional framework that

is acceptable and respected by all political and electoral stakeholders. Such elections require a culture of tolerance, coexistence and respect for electoral laws and commitment to resolve any grievances through the established mechanisms and institutions. The Republic of Mozambique has therefore made efforts to establish the legal, institutional and political context within which the elections are expected to take place.

12. The 2014 Elections in Mozambique are governed by the Mozambique Constitution of 2004, as well as the Electoral Law. Due to negotiations between the Government of Mozambique and RENAMO political party, the Electoral Law underwent several amendments prior to these elections (see Para 14). According to the 2004 Constitution, all Mozambican citizens are guaranteed political freedoms, including the right to participation and universal suffrage. All Mozambicans are given the right to choose who will govern them through democratic participation in electoral processes.
13. One important aspect of the legal framework governing the 15 October 2014 elections was the negotiated amendments to the Electoral Law between the Government of Mozambique and RENAMO political party. Further, these amendments resulted in important changes to the electoral institutions and administration processes governing the 2014 elections.
14. Based on the agreement between the Government of Mozambique and RENAMO, the AUEOM took special note of the following changes to the electoral legislation:
 - The Electoral Law – Law number 8/2013 of 27 February (as amended), on the election of the President of the Republic (Presidential elections) and the election deputies of the Assembly of the Republic (Parliamentary elections);
 - Law number 4/2013 of 22 February, relating to the regulation of elections to the provincial assemblies;
 - The Voter Registration Law – Law number 5/2013 of 22 February, on the conduct of registration of voters by the CNE and STAE;
 - The Electoral Commission Law number 6/2013 of 22 February; on the structure, composition, powers roles and responsibilities of the electoral management and administration bodies – the CNE and STAE, along with their respective sub-structures at National, Provincial, District and City levels; and
 - The Codes of Conduct for regulating the conduct of electoral stakeholders – including the code of conduct for Political Parties and

Candidates; and the Code of Conduct for the Police and security personnel.

15. The AUEOM notes further changes to the electoral laws¹ including:

- The revised channel of handling of electoral complaints/protests and appeals that now assign the district courts to handle complaints and disputes² and resolve cases within a stipulated timeframe of 48 hours, with any appeal made directly to the Constitutional Court;
- The inclusion of additional political party nominees in the national, provincial and district electoral commissions;
- The inclusion of additional political party nominees amongst the staff of the Technical Secretariat for Electoral Administration (STAE); and
- The inclusion of political party representatives among Polling station staff.

(D). Pre-Election Period
a. Campaigning

16. The official campaign period started on 31 August 2014 and ended on 12 October 2014. The AUEOM notes that the electoral campaigns ahead of the 15 October Presidential, Parliamentary and Provincial Assembly elections have so far been generally peaceful, notwithstanding reports of campaign-related incidents in some parts of the country, and the two violent clashes in Nampula and Gaza provinces, between cadres of two political parties.

17. The AUEOM noted the legal provisions governing the abuse of state resources in the process of political party campaigning. Through direct observations and reports from stakeholders, the AUEOM noted instances where public resources such as vehicles were used for party political purposes.

18. With the exception of several reported incidents in Nampula and Gaza provinces, the political environment remained broadly peaceful and calm throughout the period of the campaigns. Political parties were able to undertake their campaign activities without major disruptions or restrictions.

¹ Parliament approved the changes in February 2014, and the revised laws were assented to by the President on 4 April 2014.

² In previous elections, such electoral complaints and disputes were presented to the District and Provincial Electoral Commissions. The opposition parties often complained of the difficulty in making appeals and protests through this process, which had to go through a chain of three Election Commissions and were usually dismissed on procedural grounds, hence the opposition parties' view that it was lengthy, inefficient and inherently biased.

19. The AUEOM acknowledges that in response to incidents of violent conduct during campaigning, proactive interventions were made by the main stakeholders in the elections in response to the incidents of violence during the campaigns, including meetings between the CNE, police and political parties as well as televised messages denouncing violence. These interventions appear to have contributed to the reduction of election-related clashes in the respective provinces where such incidents occurred.

b. Electoral Administration and Preparations

20. The African Charter on Democracy Elections and Governance, under Article 17(1), and the SADC Principles and Guidelines Democratic Elections (Article 7.3), recognises the critical role of a competent, efficient and a capable elections management body for the successful conduct of any electoral process.

21. In respect of electoral administration, the AUEOM was informed that CNE secured the necessary funds to meet the requirements to conduct the 2014 Presidential, Parliamentary and Provincial Assembly elections. The costs of these elections were impacted by changes made to the structure and composition of the CNE and STAE at both national and provincial levels, in particular the increase in personnel³ agreed as a result of negotiations between three of the political parties. This required the submission of a supplementary budget by CNE seeking additional funds for the 2014 elections.

22. Voter registration was completed successfully, registering more than 10,800,000 voters, representing nearly 90% of the country's voting-age population. Ample time was accorded to all eligible Mozambican citizens to register as voters from 15 February 2014 to 9 May 2014, which included an extension of 10 days. Reports from the broad spectrum of stakeholders consulted by the AUEOM indicated high levels of satisfaction in the voter registration process.

23. The AUEOM noted that accreditation of national observers and party delegates continued throughout Election Day. As accreditation is a matter that can and should be resolved in good time ahead of Election Day, this suggests

³ CNE reported that as a result of these personnel changes, its permanent staff increased threefold from approximately 1,500 staff to over 4,500 staff.

that the current processes and practices of accreditation are insufficient, and need to be strengthened.

24. Further, the absence of political party delegates and national observers from the polling station impacts the integrity and transparency of the election in areas where they were absent, as voting day procedures are not being fully scrutinised by stakeholders.
25. The mission did however note that there were issues with the training of political party delegates, and their accreditation being made conditional to this training which seems to have contributed to some dissatisfaction expressed by political role players.
26. The distribution of electoral materials, and their security, prior to Election Day proceeded largely as planned. However, the AUEOM monitored incidents that called into question the security and integrity of election materials in areas such as Chimoio, Manica. This raised concerns about the safety and security of electoral materials prior to voting day.

c. Civic and Voter Education

27. The SADC Principles (2.1.8) recognise voter education as an essential part of the electoral process. It is an important means of ensuring citizens participation and a peaceful electoral process.
28. In accordance with the electoral laws, voter education by civic education agents stops at the commencement of the campaign period.⁴ The AUEOM noted that while compliance with the laws governing electoral education was well observed, the legislation restricted the activities of electoral educators in strengthening civic participation during a dynamic period of political activity, namely the campaign period.

d. Political Parties and Candidates

29. The SADC Principles and Guidelines Governing Democratic Elections, under Article 4.1.6, highlights the important role political parties play in a democracy and provides for the need for funding of political parties to be transparent and based on agreed threshold in accordance with the laws of the land. The AUEOM notes, with satisfaction, that of the 35 political parties in the country, 29 are contesting in these elections at various levels.

⁴ Article 52(f) of Law No. 6/2013 of 22 February

30. Of the eleven (11) applicants for the Presidential elections, three (3) candidates were confirmed by CNE, namely: Daviz Simango (MDM); Filipe Nyusi (FRELIMO); and Afonso Dhlakama (RENAMO).
31. For parliamentary and provincial assembly elections, 250 National Assembly seats and 811 Provincial Assembly seats will be contested.
32. The AUEOM noted that the legal framework provides for official funding for political parties. \$2,255,000 was provided for funding of the candidates and parties contesting the 2014 elections.

e. The Media Environment

33. The important role played by the media in a democratic election process cannot be overemphasised. Article 7.4 of the SADC Principles and Guidelines Governing Democratic Elections provides for the need to safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes.
34. The AUEOM acknowledges most stakeholders' views that compared to the past elections, the public broadcaster was accessible, with the notable exception of the MDM, in its coverage of candidate and party activities. There have been no reports of state censorship of the private media in the country. The political parties all agreed that TV and Radio Mozambique have largely respected the time slots allocated to the various parties to broadcast their messages.

f. Women Participation in the electoral process

35. The AUEOM recognises the efforts made by political parties to enhance women's participation in the electoral process. During political party campaign rallies witnessed by AU observers, women were visibly active in the campaigns. The role played by women in party campaigning appeared to be predominantly in a supportive rather than leadership capacity.
36. The AUEOM also notes that whilst women were generally well represented in the election management bodies, there were few women occupying leadership positions in these institutions at either national, provincial or district level.

g. Election Security

37. According to Articles 7.6 and 7.7 of the SADC Principles and Guidelines Governing Democratic Elections, security is a crucial element in guaranteeing a conducive environment in which citizens can freely exercise their right to vote and for safeguarding the integrity of the vote. CNE and STAE put in place an electoral security arrangement with the Mozambique Republic Police (RPM) charged with the primary responsibility for providing security at all polling stations and counting centres.
38. The cessation of hostilities and the signing of the peace accord in August and September between the Government of Mozambique and RENAMO improved confidence amongst all stakeholders that the 2014 Elections are taking place in a more open and conducive environment.
39. The AUEOM observers witnessed a peaceful environment in all places of deployment, and noted the presence of security forces prior to and during Election Day but deemed that this presence was discreet and unobtrusive in the majority of cases.

(E). Election Day Observations

a. Opening Process

40. On Election Day, the AUEOM observed the opening process at 22 voting stations in all 10 provinces and Maputo City. Of these, 73% polling stations were in urban areas, whilst 27% were in rural areas of Mozambique. The majority of AU observer teams had access to the polling station prior to the opening and were able to observe the opening procedures.
41. All observer teams noted the generally calm and peaceful environment around the polling centres prior to and during the opening process.
42. The teams observed that at 16 of the stations the opening proceeded according to the procedures laid out in the Electoral Law, and that the electoral staff were familiar with these processes. However, 6 of the observer teams reported that the polling stations opened between 15 - 30 minutes late. In three (3) of these cases, the late opening was due to polling staff taking additional time to set up the polling station, and in three (3) instances, due to a shortage of materials⁵.

⁵ The shortages of materials were observed at Escola Secundaria 24 de Julio, Maputo; Escola Secundaria de Liberdade, Matola.

43. The AUEOM noted that in two (2) stations, observers reported that essential election materials were not available at the opening, in both instances the materials missing were envelopes provided for special votes. While this did not delay the opening at either station, it did compromise the ability of voters seeking special vote status to cast their ballots.

b. Voting Process

44. The AU observer teams observed the voting process in 125 urban and 111 rural voting stations in all 10 provinces and Maputo City. The atmosphere in the polling stations where AU observers were present was largely peaceful. The AUEOM however noted reports of incidences of disruptions in the queues in Nampula and Gaza.

45. Security personnel were visible in 207 polling stations and were deemed to be discreet and unobtrusive in the majority of these. The AUEOM noted reports of skirmishes involving police shootings in Tete and Sofala provinces. The AUEOM observers were however not able to confirm this information.

46. AU observers witnessed queues outside 85% of the voting stations visited throughout the day. At three (3) polling stations, concerns were raised about the management of queues during the vote. Legally, the responsibility for queue management falls on the polling staff. However, in these cases, the situation required the intervention of the security forces present at the station.

47. At all polling stations where voting was observed, the AU teams noted that the layout of the stations promoted an easy flow of the process and the secrecy of the ballot was protected.

48. The observer teams reported that the location of 20% of polling stations visited were not easily accessible to persons with disability. According to Section 7.9 of the SADC Principles and Guidelines for Democratic Elections, women, youth and persons with disabilities should be empowered to participate in all aspects of electoral activities.

49. At 91% of stations visited, observers reported that elderly or infirm voters, expectant or nursing mothers were given priority and the necessary assistance to cast their vote. However, the teams also noted that 47% of voters were assisted by polling officials rather than a voter of their choice as provided in the law.

50. Observer teams reported that in most polling stations, election materials were supplied in adequate amounts, but in the 7% of stations where materials were insufficient, the envelopes used to facilitate special voting were not available.
51. The teams noted that the three parties with Presidential candidates (MDM, FRELIMO and RENAMO) were well represented in almost all polling stations, but that the other parties were only present at 8% of the stations visited.
52. The AUEOM notes with satisfaction that 52% of the staff in stations visited were women.
53. The AUEOM witnessed the presence of citizen observers in most of the polling stations visited. It however notes the challenge encountered by the citizen observer group in Nampula province where citizen observers were not accredited until the afternoon on Election Day.
54. The AUEOM notes that stipulated procedures for voting were meticulously adhered to by election personnel. The AUEOM also notes that voters had a good appreciation of the voting procedures.

c. Closing and Counting Process

55. The closing and counting process was observed in 22 voting stations in all 10 provinces and Maputo City. 57% of these stations were in urban areas, and 43% in rural areas.
56. The AUEOM notes the strict adherence to laid down procedures for closing and counting by election personnel. Voters in the queue at 6.00 pm were allowed to cast their vote. Officials meticulously followed procedures for ballot reconciliation, sorting and verification before the count.
57. In 94% of the polling stations, the AU observer teams reported that all stakeholders were able to clearly view the reconciliation and counting process. There were no problems reported about observers or party agents being prevented from observing the count. However, as the count proceeded, 17% of the observer teams reported that the lighting in the polling stations was not adequate, and interfered with the count and the observation of the count.

(F). Conclusions

58. The AUEOM observed that the pre-election period, including campaigning, and on Election Day were largely peaceful and free of violence and intimidation.

59. The CNE and STAE have made every effort to conduct the elections with openness, transparency and responsiveness to all stakeholders. Whilst there have inevitably been some technical and logistical difficulties during the electoral process, on the whole CNE and STAE have implemented their mandate in a satisfactory manner.

60. The AUEOM notes that the conduct of the 2014 Presidential, Parliamentary and Provincial Assembly elections has up to this point provided an opportunity for the Mozambican electorate to freely express their will at the ballot.

(G). Recommendations

61. Cognisant of the fact that the tabulation process is still ongoing, AU long-term observers will remain on the ground to follow the process as it unfolds. This statement is preliminary in its findings and the mission's final report will be completed once the results of the 2014 Presidential, Parliamentary and Provincial Assembly elections have been finalised.

62. Based on its findings, the AUEOM offers the following recommendations:

- The restriction on voter education during the campaigning period should be reviewed.
- Considering the challenges that parties faced in mobilising the required number of election officials in addition to their polling agents, the AUEOM recommends that stakeholders reflect on the viability of these provisions in future.
- In light of the challenges faced by some stakeholders in securing accreditation, the management of the accreditation process should be streamlined, and where appropriate simplified to facilitate the participation of all stakeholders.
- Counting procedures should be reviewed to make the process simpler and less time consuming for the polling officials.
- Polling stations venues should be reviewed in light of the difficulties experienced by persons with disabilities and the elderly in gaining access to these stations.