

Pre-conditions for Elections Programme in Southern Africa (PEPSA)

Baseline Analysis Questionnaire

Country	Mozambique	Researcher	Bertha Chiroro
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Please enter your answers in the space below each question.

[I] Country Political Context (Introduction Section of the SADC Principles)

General

1. *Has the country undergone a democratic transition? If so, when and how?*

Independence from Portugal in 1975 did not come through elections. FRELIMO and its Marxist Leninist ideology presented itself as the sole representative of the Mozambican masses at the exclusion of other parties, leading also to the birth of RENAMO as a rebel movement. After the end to civil war in 1993 the country has made a firm move towards democracy and multiparty politics. Mozambique is considered a success story in terms of a stable peace process, multiparty elections, and economic recovery.

2. *Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?*

- **International Covenant on Civil and Political Rights;**
- **International Convention on the Elimination of all forms of Racial Discrimination;**
- **Convention on the Elimination of all Forms of Discrimination Against Women;**
- **Convention on the Rights of the Child;**
- **The African Charter on Human and People's Rights (ratified in 1989);**
- **The African Charter on the Rights of the Child (ratified 1998)**

(Source: UNDP Human Development Report, 2004).

Political parties

3. *Is the country a multi-party democracy?*

It is a multiparty political System which moved from its one party state after the peace talks and held multiparty elections in 1994, 1999, and 2004.

4. *How many political parties are registered and active?*

About 39 political Parties Fifteen are active these are FRELIMO, RENAMO, PDD, PT, PIMO, PALMO, SOL, PVM, PEC-MT, PASOMO, PARENA, PAREDE, PPD, PADELIMO, PAZS, CDU.

5. *How many parties are represented in the legislature?*

2. FRELIMO and RENAMO.

6. *Do political parties have programmes?*

They have party programmes outlined in their party manifestoes.

7. *Which party is the ruling party?*

FRELIMO.

8. *What is the total number of elected parliamentary seats and share of seats for the ruling party?*

160 Seats in the 250 seat Assembly.

9. *Which one is the main opposition party?*

RENAMO.
10. <i>What is its share of the elected parliamentary seats?</i>
90 seats out of the 250 seat Assembly.
11. <i>How is the participation of parties in elections regulated and legislated?</i>
A Political Parties Act of 1991 and the Electoral Law of 1993 which was amended in 2004.
12. <i>Are political parties generally aware of the SADC principles governing democratic elections?</i>
Political Parties have the least understanding of SADC principles (EISA 2004).
13. <i>If so, what is their attitude towards the principles?</i>
General ignorance of the SADC principles (EISA).
14. <i>How have political parties promoted the implementation of the SADC principles?</i>
Little has been done to promote the SADC principles.
Civil society
15. <i>What is the state of civil society organisations?</i>
Rich associational life with large amounts of CSOs in election oriented activities but they need coordination. However a strong and vibrant civil society remains key to the consolidation of democracy in Mozambique including a vibrant and independent media.
16. <i>Is the legal and political environment conducive for civil society organisations to operate?</i>
Though the political system is opening up, the legacy of violence and fear still impedes a conducive environment. The murder of a journalist in 2000 Carlos Cardoso, shows the personal danger and the vulnerability of those in civil society.
17. <i>What specific roles do CSOs play in the electoral process?</i>
CSOs like FECIV and AMODE are involved in voter education observing elections and voter registration.
18. <i>What legal/political constraints restrain the CSOs before and during elections?</i>
<ul style="list-style-type: none"> • Inadequate resources; • Poor training for members of the media; • Lack of coordination of the organisations involved in electoral civic education.
19. <i>Are CSOs aware of the SADC Principles governing democratic elections?</i>
Generally aware but poorly coordinated.
20. <i>If so, what is their attitude towards the principles?</i>
Some have expressed positive attitude towards the principles.
21. <i>How have CSOs promoted the implementation of the SADC principles?</i>
Lobbying and advocating for change and reforms of the EMBs.
22. <i>Are CSOs engaged in civic and voters education?</i>
They are engaged especially FECIV and CCC and AMODE but face problems of adequate resources and funding.
Media
23. <i>What economical/ legal/or political constraints restrain the media in general?</i>
<ul style="list-style-type: none"> • Adequate Resources; • Media still very much aligned to FRELIMO and this denies the population access to impartial information; • A restrictive political environment.
24. <i>Is there an independent media council?</i>
MISA is working hard to put in place a media complaints council and a code of ethics.
25. <i>Are the state media independent?</i>
State media generally not independent

26. Do the state media perform the role of a public service broadcaster?
Yes radio and television Mozambique were praised for the balanced coverage of electoral news.
27. Is there a self-regulatory body of the media?
MISA Mozambique putting together a voluntary media complaints council.
28. Is there a media monitoring project?
MISA Mozambique plays the media monitoring role.
29. Do the media have a general code of conduct and ethics?
A code was agreed last year towards the 2004 elections but journalists did not stick to its contents on election coverage.
30. If so, how is this enforced?
Bodies to enforce it are still being constructed.
31. What specific role do the media play in the electoral process?
Provide information to voters, be opinion makers, provide even voter education.
32. Is there a specific code of conduct for election reporting?
A code was put together in the 2004 elections but was totally disregarded by journalists.
33. How is this enforced?
Bodies to enforce are still being constructed with the efforts of MISA Mozambique; However there is a Supreme Media Council which governs the access to the media by political parties.
34. What three (3) challenges face the media during elections?
<ul style="list-style-type: none"> • Financial constraints, Low salaries, poverty, bribes from political parties; • Poor training; • New information and communication technology is badly needed in the country.
35. Is the media generally aware of the SADC principles governing democratic elections?
YES MISA Mozambique is aware and tries to spread the word in October 2004 SADC held two forums for journalists on SADC electoral norms.
36. If so, what has been/is its role in promoting the principles?
Through conferences lobbying and advocacy especially in 2004 towards the elections.
[II] Principles for Conducting Democratic Elections (Section 2 of the SADC Principles)
37. What legislation provides for citizen participation in the political process, especially in elections?
The Constitution of Mozambique and the Electoral Law.
38. How does citizen participation in the political process (especially before and during elections) take place?
Political mobilisation through Party meetings, rallies.
39. What legislation provides for political freedoms including freedom of association, political movement and freedom of speech?
The Constitution guarantees all freedoms and prohibits the use of violence by political parties in order to change the political or social order.
40. Are these freedoms and political tolerance allowed by political actors during electioneering?
They are allowed although they are incidence of violence and intimidation, which are regarded as sporadic by observers. For example violence which broke out during the campaign on 30 November 2004 in Sofala between Renamo and Frelimo supporters, and Manica province(EISA Mozambique election update No 3 2004).
41. What is the frequency and regularity of elections in the country (consider both national and local government elections please)?
Elections after every 5 years.

42. Are the dates of elections specifically predetermined by a relevant constitutional or legislative provision?
No.
43. To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?
Public Funding was provided for in the 1999 elections by the government and international donors and was allocated equally. In 2004 government allocated 45 billion meticals to finance political parties under electoral law 7/2004 which provides for party funding on the basis of those holding seats in parliament and also for those parties standing for parliament based on the number of candidates. In 2004 No donor funds except from the government which were distributed according to the proportion of seats and even the smaller parties received funding. Complaints were about delays in distributing funds and all donor community funds for the elections were controlled by government for distribution.
44. What is the exact role of the judiciary in the electoral process?
Supreme court acts as the constitutional court and has a final say over all electoral disputes.
45. Does the judiciary exhibit impartiality in handling electoral matters?
Yes, it has been considered impartial and has not been challenged publicly.
46. Which Electoral Management Bodies (EMBs) have the responsibility to run elections?
The National Election Commission CNE which is independent and responsible for voter registration, electoral events and referendums and the Electoral Administration Technical Secretariat STAE which is the CNE's executive organ.
47. What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?
CNE is responsible for voter registration, electoral events and referendums. Composed of 19 members STAE is the secretariat.
48. How independent and impartial are these EMBs in discharging their electoral mandates?
Independent because president of CNE is appointed by civil society and 19 members are appointed by political parties or coalition parties in accordance with the principle of parliamentary representation. Ten were appointed by Frelimo and eight by Renamo. However the EU observer mission noted that the CNE was highly politicised and deeply divided because of its partisan composition leading to lack of confidence in the election administration by voters
49. Which institutions are responsible for conducting voter education?
AMODE FECIV in conjunction with CNE and STAE.
50. In what ways do these institutions coordinate their efforts in undertaking voter education?
They work together with EMBs and civic organisations.
51. Is there a political culture of acceptance and respect of election results by political parties?
No, the 1999 results were rejected by RENAMO and its electoral union because of irregularities in the vote counting but the supreme court rejected RENAMO claims and validated the results on 4 January 2000 and the election declared free and fair. Again in the 2004 elections leader of the opposition RENAMO rejected the election results and called for fresh elections and called for the setting up of a truly independent electoral commission, he alleged that there was switching and stuffing of ballot boxes when RENAMO polling officers were expelled. Dhlakama failed to substantiate his claims with evidence and his demands for an annulment was rejected by both FRELIMO and the observers.
52. If not, why do political parties contest election results?
When they are not satisfied with vote counting transparency of the electoral process and suspicions of vote rigging through the stuffing of ballot boxes. No confidence in the EMB.
53. What the legal provisions exist for the management for election-related disputes?

The Judiciary.
54. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
The Judiciary.
[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)
55. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
The Constitution of Mozambique as amended 1996 and the Electoral Law.
56. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
Yes to a certain extent although a democratic political culture is still being institutionalised in Mozambique. A culture of tolerance still needs to be deepened as they are often clashes between supporters of RENAMO and FRELIMO which has led to injuries in the 2004 elections. Freedom House (2005) gives Mozambique '4' on civil liberties. (1-Most Free; 7-Least Free)
57. <i>If not, what possibilities do citizens have to complain (independent human rights commission/ombudsman?)</i>
The constitution has provided for the creation of an ombudsperson position but the post has not yet been filled.
58. <i>To what extent is the election environment free, fair and peaceful?</i>
Generally the election environment has had a few incidences of violence regarded as sporadic and isolated the environment was regarded as peaceful by the international observers(EU) and a coalition of the local civil society groups who declared that the elections "were an example to Africa that in this portion of humanity it is also possible to hold decent elections".
59. <i>How is voter registration conducted and by whom?</i>
Periodic voter registration by the CNE, registration centres established.
60. <i>Is voter registration conducted periodically around elections or continuously?</i>
Periodic voter registration around elections.
61. <i>Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
It has been said to be satisfactory by civic organisations.
62. <i>How is the voters' roll prepared and by whom?</i>
By CNE through established registration centres.
63. <i>How is the voters' roll maintained and regularly updated and by whom?</i>
CNE by periodic voter registration.
64. <i>To what extent is the voter's roll easily accessible and non-discriminatory?</i>
It is open to public scrutiny and civic organisations.
65. <i>Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
Generally acceptable by all stakeholders.
66. <i>Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
Yes.
67. <i>What legal provisions regulate private and public funding for political parties?</i>
Electoral act Article 2 7/2004 provides for public funding for political parties with seats in parliament and those that would be standing in elections on the basis of candidates.
68. <i>How transparent are the mechanisms for private and public funding of political parties?</i>
It is transparent and parties are expected to account for the 70% of the money used.
69. <i>To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
They are acceptable, parties only complained about the delays in the distribution of funds.

70. <i>To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
<i>There are no complaints about location but about fewer polling stations. So for the 2004 elections there were 50% more polling stations than in the 1999.</i>
71. <i>Where does counting of votes take place?</i>
<i>At voting stations.</i>
72. <i>In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
<i>In the 2004 elections rain and swollen rivers affected the counting of the poll as some of the ballots had not been collected from the different polling points 3 days after the vote casting, this affected the integrity of the poll in the Zambezia, Tete and Sofala Provinces.</i>
73. <i>What legal provisions regulate election monitoring and observation?</i>
<i>The Electoral Act.</i>
74. <i>Which institutions are responsible for facilitating election monitoring and observation?</i>
<i>The NEC.</i>
75. <i>Who is allowed to monitor and observe elections?</i>
<i>Local and international observers.</i>
76. <i>Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?</i>
<i>Yes.</i>
77. <i>Do observers get deployed two (2) weeks before the voting day?</i>
<i>Yes in principle, although observers come only a few days before the elections.</i>
[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)
78. <i>What are the legislated qualifications for voting?</i>
<i>Mozambique citizens of 18 years or older are eligible to vote. Eligible voters must produce a valid birth certificates, passport, drivers licence, thumbprint or signature, in order to register.</i>
79. <i>What are the legislated disqualifications from voting?</i>
<i>Those imprisoned and of unsound mind.</i>
80. <i>Are these legal provisions for qualification and disqualification applied fairly during elections?</i>
<i>Yes.</i>
81. <i>Is the practical application of the qualifications and disqualifications satisfactory and acceptable to all stakeholders?</i>
<i>Yes.</i>
82. <i>Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?</i>
<i>Political environment still has elements of unfairness and incidences of violence and intimidation in some parts of Mozambique. A culture of tolerance still needs to take root especially between RENAMO and FRELIMO supporters. Freedom House rated Mozambique '3' on political rights. (1-Most Free; 7-Least Free)</i>
83. <i>Is there a code of conduct for political parties and to what extent do parties adhere to it?</i>
<i>Yes, but political parties do not adhere to it.</i>
84. <i>To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?</i>
<i>Well resourced by government and donors but the effectiveness of the NEC was threatened by its politicisation and polarisation along party lines. It compromised its independence.</i>
85. <i>To what extent are the courts competent, effective and well resourced in dealing with</i>

<i>electoral matters?</i>
<i>They are competent in resolving matters and supposed to be impartial, they have not been challenged as yet.</i>
86. <i>What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-rigging and other illegal election practices?</i>
<i>The Electoral Law.</i>
87. <i>What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?</i>
<i>1999 in the vote counting dispute by RENAMO but resolved by supreme court and also the allegations of vote stuffing by RENAMO in the 2004 elections. All allegations were dismissed by the observer missions (local and EU) and Elections were declared free and fair.</i>
88. <i>What common irregularities tend to become a characteristic feature of elections and how have these been dealt with?</i>
<i>Allegations of Irregularities in the vote counting and allegations of rigging became characteristic features in both the 1999 and the 2004 elections by the opposition. They have been dismissed by the observers as well as the judicial process.</i>
89. <i>Are there measures which restrict the freedom of movement of the citizenry or election observer missions?</i>
<i>None.</i>
90. <i>Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?</i>
<i>Yes.</i>
91. <i>What is the nature of the participation of women, youth and people with disabilities in the electoral process? Is it high or is it low and why?</i>
<i>Participation of women has greatly improved since 1999 Mozambique has achieved the 30 % SADC thresholds and is now talking of Gender parity. The issues about youth and persons with disabilities were not specifically highlighted in the campaign.</i>
92. <i>Do observers get invited ninety (90) days before the voting day?</i>
<i>Yes.</i>
93. <i>Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue hindrance?</i>
<i>Yes.</i>
94. <i>Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
<i>Yes, no evidence has been reported of discrimination.</i>
95. <i>Are observers allowed access to all relevant national laws and regulations?</i>
<i>Yes.</i>
96. <i>Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
<i>Yes.</i>
97. <i>Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?</i>
<i>Yes.</i>