

EISA
TECHNICAL ASSESSMENT
TEAM REPORT

MOZAMBIQUE
MUNICIPAL ELECTIONS
20 NOVEMBER 2013

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2015

Published by EISA
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ISBN: 978-1-920446-51-2

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First published 2015

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Observer Mission Report, No. 47

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ACRONYMS AND ABBREVIATIONS

CDE	District Elections Commission
CNE	National Elections Commission
CPE	Provincial Elections Commission
ECF	SADC Election Commissions Forum
EISA	Electoral Institute for Sustainable Democracy in Africa
FRELIMO	Liberation Front of Mozambique
GPA	General Peace Agreement
MDM	Movement for Democracy in Mozambique
OE	Electoral Observatory (Mozambican citizen observation group)
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
PVT	Parallel Vote Tabulation
RENAMO	Mozambique National Resistance
SADC	Southern African Development Community
STAE	Technical Secretariat for Electoral Administration
STV	Private television station
TVM	National public television station

ACKNOWLEDGEMENTS

EISA's Technical Assessment Team to the Municipal Elections in Mozambique would like to thank the Mozambique National Elections Commission (CNE) for welcoming EISA to observe the 2013 Municipal Elections, and for facilitating the accreditation of the EISA Technical Team as well as being available to respond to the Technical Team's queries. The information provided was useful to the Technical Team in achieving its objectives and in understanding the context within which the elections were held. Our gratitude also goes to the political parties, civil society organisations (CSOs) and academics who made themselves available to meet with the EISA Team in Mozambique. The Team is indebted to the people of Mozambique for their willingness to share their experiences and their opinions on the elections as well as on political developments in the country. Our gratitude is also extended to the UK Government, the Swedish International Development Cooperation Agency (Sida) and the Royal Danish Embassy, without whose generous funding the technical assessment mission would not have taken place. Thanks to members of the EISA Technical Assessment Team for availing themselves for this assignment. The Mission also thanks the staff of the EISA Field Office in Mozambique for their support. Thanks to Marc De Tollenaere for preparing this report.

EXECUTIVE SUMMARY

EISA deployed a team of five experts to conduct a technical assessment of the 20 November 2013 municipal elections in Mozambique. The Technical Team arrived in Maputo on 10 November 2013. During 12 days of observation, the EISA Technical Team consulted stakeholders and observed the final stages of the campaigns and Election Day in seven municipalities in northern, central and southern Mozambique: Mocimboa da Praia, Pemba, Nacala, Ilha de Moçambique, Quelimane, Beira and Maputo City. One team member observed the postponed election in Nampula on 1 December 2013.

The Team based its assessment of the Mozambique municipal elections on the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). PEMMO is a document developed by EISA and the Electoral Commissions Forum (ECF) of SADC countries. It outlines standards and best practices for the conduct and assessment of elections in the SADC region. Its assessment was also based on other international benchmarks being the African Charter on Democracy, Elections and Governance; the OAU/AU Declaration on the Principles Governing Democratic Elections; the SADC Principles and Guidelines Governing Democratic Elections; and the Declaration of International Principles for Election Observation and Code of Conduct for International Observers.

Rather than make a general conclusion, this technical assessment team highlights trends in electoral management in Mozambique. On the positive side there is partially improved legislation and the CNE has managed the selection procedure of candidatures in an exemplary way. On the downside there is an increase in incidents of election-related violence and more visibly biased behaviour of some security forces and some polling staff. The Team also noted shortcomings in the tabulation process. These shortcomings are particularly sensitive, as they tend to negatively affect the credibility of elections as a legitimising process for the attribution of political and administrative power.

METHODOLOGY OF THE TECHNICAL ASSESSMENT TEAM

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this context that EISA fields election observer missions to assess the context and conduct of elections on the continent.

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The EISA team worked closely with citizen observers in particular with the Electoral Observatory (OE). This included training and technical assistance services to the OE and exchange of information and sharing of findings.

The technical team conducted a range of activities including desktop research, structured and open interviews with electoral stakeholders, attendance

at press conferences, attendance at political party rallies and observation of preparatory activities by the election management bodies. Campaign activities and Election Day, including the ballot count, were covered by direct observation by the technical team in selected municipalities. Tabulation and announcement of results were followed through indirect reports (media, citizen observers, party / candidate statements). Documents reviewed include the legal framework of municipal elections in Mozambique, past election reports and analyses, and media coverage. Through these activities all phases of the election preparations, including the pre-election, election and immediate post-election phases could be covered.

INTRODUCTION

EISA has observed presidential and parliamentary elections held in Mozambique since 1999. While EISA does not usually observe local elections, the decision to deploy its first technical assessment team to the local election process in Mozambique was in response to recent developments in the political context of Mozambique and the direct relation of this local electoral process to the presidential, parliamentary and provincial elections scheduled to be held in 2014. There was also a demand from international partners in Mozambique for international observers to be present during the elections to contribute to the integrity of the process and boost the confidence of the Mozambican people in their electoral system. This reports only covers the 2013 municipal elections.

The team's responsibilities also included a follow up on recommendations made by previous EISA observation missions. The main points raised in the EISA EOM 2009 report, number 32 on the general and provincial election observation report were:

- The CNE was found not to be perceived as being independent and impartial. Therefore it was recommended that the selection requirements and procedures of CNE members, especially those drawn from CSOs, should be more transparent and that the law itself should be clearer and more specific regarding the selection of CNE representatives chosen from CSOs;
- The mission recommended that the Mozambican authorities ensure that all registered political parties are accorded their right to participate in elections by avoiding required documents to be submitted at the last minute by parties and candidates;
- The report urged Mozambicans to build firm institutional mechanisms for the prevention, management and resolution of election-related conflict. As part of the mechanisms for managing election-related conflict it was recommended that Mozambique considers introducing an enforceable Code of Conduct that parties sign ahead of elections and commit themselves to upholding throughout the entire electoral cycle;

- The report further urged the CNE, STAE and the Constitutional Council to expedite the processing of election results in order to avoid the long delays experienced in past elections;
- The report encouraged the CNE to demonstrate more transparency in the management of the electoral process and to explain decisions in a timely manner to all stakeholders.

The team paid particular attention to these previous recommendations while undertaking this technical assessment.

1

Historical and Political Overview



I.1 Political and Electoral Background

I.2 Electoral Trends

I.1 POLITICAL BACKGROUND

Following a 10-year struggle spearheaded by the Liberation Front of Mozambique (FRELIMO), Mozambique gained its independence from Portuguese colonial rule in 1975. The fact that FRELIMO conducted the liberation struggle resulted in FRELIMO presenting itself as the legitimate representative of the people of Mozambique, without any need for elections. A one-party state was established under the leadership of Samora Machel, the charismatic first President of the People's Republic of Mozambique.

FRELIMO's policy of pursuing a Marxist-Leninist state building project quickly generated resistance. The Mozambique National Resistance (RENAMO), with the support of the Rhodesian government and the apartheid government in South Africa, as well as the tacit support of the governments of Daniel Arap Moi in Kenya and Hastings Kamuzu Banda in Malawi, embarked on a civil war against FRELIMO in 1976.

The 16-year armed conflict blocked economic development, destroyed a significant part of the public infrastructure (bridges, electricity lines, schools and hospitals) and turned Mozambique into one of the world's poorest countries. Recognising the economic and military deadlock, FRELIMO opted for a liberal economy and changed the Constitution in 1990 to pave the way for a multiparty regime. The armed conflict, which lasted longer than the country's liberation struggle, came to an end after the General Peace Agreement (GPA) was signed in 1992. This led the country to economic

recovery and embark on a new democratic state-building project. The GPA set the stage for many important developments in Mozambique, including, most importantly, the demobilisation of both RENAMO and FRELIMO forces as well as the holding of elections in the immediate future.

What for a long time was considered an African success story of conflict resolution was put into question earlier this year. RENAMO announced a boycott of the local elections on the grounds that FRELIMO has full leverage over the election management bodies through a de facto majority in the decision-making processes and structures. This leverage RENAMO claimed, has allowed for electoral fraud in the past and unless this was duly addressed it would not participate in an electoral contest. Despite RENAMO's resistance, new electoral legislation was approved in February 2013. FRELIMO, the Movement for Democracy in Mozambique (MDM) and civil society went ahead with setting up a new National Electoral Commission. RENAMO refused to designate its two members for the CNE.

In 2013, the country witnessed a reversal in terms of political stability and peace. RENAMO launched its first armed attack on citizens in the central Muxungue area in June 2013 just after voter registration had started. This escalated into multiple armed attacks (in parallel with unproductive negotiations) and a forced retreat of RENAMO leader Afonso Dhlakama to the bush. At the time of the municipal elections Dhlakama's whereabouts were unknown.

The escalation of armed violence was compounded by a wave of kidnappings in the run-up to the elections. This resulted in unprecedented civil protest against what is seen as an intransigent and increasingly belligerent stand taken by the government. The government in turn argued that RENAMO never fully demobilized but kept an illegal armed guard and used this to strengthen its political leverage.¹

It is against this backdrop of public unease with the deteriorating security situation, a developing internal armed conflict and a RENAMO boycott, that the fourth municipal elections took place. The complexity of the context was

1 <http://allafrica.com/stories/201308060254.html> and <http://allafrica.com/stories/201308140410.html>

exacerbated by increased tensions within the ruling party due to the lack of clarity on its nomination for the presidency, to be contested in the October 2014 general elections.

1.2 ELECTORAL TRENDS

Based on the GPA, the 1990 Constitution and the Electoral Act of 1993, Mozambique held its first democratic presidential and legislative elections in December 1994. The National Electoral Commission (CNE) was tasked with the overall responsibility of conducting the elections, supported by the Technical Secretariat for the Administration of Elections (STAE) as its executive arm. Although the elections were not without difficulties, a substantial number of registered voters (80%) turned out to vote, signifying a commitment to peace, democracy and the future of Mozambique. The presidential race was comfortably won by the incumbent, Joaquim Chissano of FRELIMO, with 53.3% of the votes, with RENAMO's Afonso Dhlakama in second place with 33.73% of the votes². The legislative elections saw the same outcome, as FRELIMO won 129 seats, thus attaining the majority, while RENAMO became the country's official opposition in parliament with 112 seats.

In 1998, local government elections were held for the first time in the country. However, these elections were not without controversy. Citing a number of concerns, chief among them the disorganised voter register, RENAMO boycotted the elections. The elections took place with a dismal voter turnout of 15%. FRELIMO won all 33 municipalities.

The second presidential and parliamentary elections took place in 1999. The electoral outcome remained the same but the result for the presidential elections was close. FRELIMO obtained 52.29% of the votes, while RENAMO obtained 47.71% of the votes. RENAMO refused to accept the results, alleged widespread fraud and threatened that it would not have its elected deputies take office in parliament, but eventually they did. Despite being settled in the short term, the dispute around the 1999 elections cast a longer-term shadow of (perceived) manipulation of Mozambican elections.

2 <http://africanelections.tripod.com/mz.html>

The second local government elections took place in 2003. Participation doubled for a number of reasons including that the two main parties contested all 33 municipalities. RENAMO won the elections for mayor in five municipalities, and for the first time an opposition party gained some executive power, albeit at local level.

The third presidential and parliamentary elections took place in 2004. Following two years of intensive work to revamp party structures at all levels, the FRELIMO presidential candidate, Armando Guebuza, won convincingly with 63.74% of the votes. RENAMO's Afonso Dhlakama remained in second place with 31.74% of the votes. At the same time RENAMO lost a considerable number of its electorate. RENAMO, together with other opposition parties, lodged a complaint with the Constitutional Council regarding the outcome of the results. The complaint was rejected by the Constitutional Council. The Council acknowledged that the election had been marred by irregularities, notably the deliberate invalidation of votes by corrupt polling station staff. However, such vote tampering, the Council said, had not been on a scale sufficient to alter the election results.³

The 2008 local elections saw the first expansion of the number of municipalities from 33 to 43. FRELIMO strengthened its electoral hegemony. RENAMO lost all of its five municipalities: four to FRELIMO and one to the incumbent RENAMO mayor of Beira, Daviz Simango, who now stood as an independent candidate after RENAMO leader Dhlakama refused to allow the popular mayor to run for a second term. The latter gave rise to a new political party (MDM), largely built on RENAMO political capital but with a younger and dynamic leader seeking to attract the growing group of young urban voters, and demonstrating managerial capacity through results-oriented local governance.

In 2009, elections of provincial assemblies were introduced to be held together with presidential and national assembly elections. FRELIMO won the presidency with a wide margin of 75.01% to RENAMO's 16.41%. It also gained a qualified majority of 191 seats in the parliament, which for the first time in the multiparty era allowed one party to unilaterally change the Constitution.

3 Deliberation 30/CC/2004 (<http://www.cconstitucional.org.mz/Jurisprudencia/30-CC-2004>)

RENAMO's representation continued to shrink, and the MDM made its way into parliament with a small fraction – eight seats. Although the results were accepted, the elections were marred by controversy, particularly in relation to the contested rejection of MDM lists in eight out of 11 constituencies and the clear anomalies in the results in various areas (Tete and Gaza) that pointed towards ballot box stuffing.⁴ The controversy about the electoral process resulted in a dispute between the government and its international development partners. As a result, the government had to commit to electoral reform based on the recommendations of observation missions in order to re-establish national and international trust in the electoral system.

The current legislation, approved in February 2013, is considered to partially meet that expectation.

4 See Mozambique Political Process Bulletin, Issue 43 of 19 November 2009 (<http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/pics/d128149.pdf>) and Marc De Tollenaere, *Análise de selecção de candidaturas para as eleições presidenciais, parlamentares e provinciais de 2009*, in, *Observatório Eleitoral, Moçambique Democrático – Espelhado nas Eleições Autárquicas, Presidenciais, Legislativas e Assembleias Provinciais de 2008 e 2009*, April 2012.

2

Legal Framework



- 2.1 The Constitution
- 2.2 Electoral legislation
- 2.3 Election management body
- 2.4 Electoral system
- 2.5 Political party and campaign funding

The Constitution of Mozambique (approved in 1990 and amended in 2004), the law on the National Electoral Commission (Law 6/2013), the registration law (Law 5/2013), the law on Municipal Elections (Law 7/2013) and the law on presidential and parliamentary elections (Law 8/2013, chapter III, articles 263 to 269 on observation) provide the legal and institutional framework for the municipal elections. The first electoral legislation was negotiated in the aftermath of the GPA. Until 2007, electoral legislation was negotiated and agreed between FRELIMO and RENAMO. In 2007, and again in 2013, FRELIMO approved electoral laws without RENAMO's consent. RENAMO interpreted this as a breach of the GPA, which in its view decrees that electoral matters should be matters of bipartisan consensus. FRELIMO felt that failing to reach consensus after lengthy negotiations should not jeopardise the organisation of elections and the approval of new legislation could no longer be postponed.

2.1 THE CONSTITUTION

The 2004 Constitution guarantees political freedoms (chapter 4) as well as the right to political participation. The Constitution clearly asserts that Mozambicans exercise power through universal, direct, secret and periodic suffrage, through referenda on major national issues, and through permanent democratic participation in the affairs of government. Freedom of association, expression and movement are also enshrined in the Constitution. The Constitution also provides for the establishment of an independent Election Management Body, and it provides for the resolution of election-related disputes. It stipulates procedures for amending the Constitution.

The Constitution establishes a decentralised system of government in which executive and representative structures exist at subnational levels. At provincial level the executive structure is appointed, while provincial assemblies are elected. All districts have appointed governance structures. The Constitution provides for the possibility of establishing municipalities (art. 274). These municipalities have elected mayors and assemblies. At present around 30% of Mozambicans (those living in municipalities) can elect their local government. The government is gradually expanding the number of municipalities (33 from 1998 to 2008, 43 until 2013 and 53 as from these elections).

The team therefore notes that the Constitution sufficiently guarantees the conduct of democratic elections in line with the principles enshrined in the OAU/ AU Declaration on the Principles Governing Democratic Elections and the African Charter for Democracy, Elections and Governance.

2.2 ELECTORAL LEGISLATION

Reform of electoral legislation has been permanent in the sense that amended legislation has been approved before every electoral cycle. Despite successive changes to the legislation the electoral system itself has remained intact. Mozambique's electoral legislation is fairly detailed and leaves relatively little to be regulated by the National Electoral Commission. Electoral reforms have not been profound and have usually tried to solve some technical problems experienced during a previous electoral process or addressed areas of tension between the two main parties. Electoral reform has been heavily focused on the composition of the CNE.

The need to move to one electoral code is widely recognized. However such progress could not be made during the last round of reforms, therefore elections in Mozambique remain governed by a "package" of different laws. For the 2013 municipal elections the relevant laws are:

- Law 5/2013, covering voter registration;
- Law 6/2013, which defines the composition and competencies of the National Electoral Commission;
- Law 7/2013, which establishes the legal framework for the election of municipal presidents (mayors) and members of municipal assemblies.

Law 4/2013 establishes the legal framework for the election of members of provincial assemblies, but does not apply to these elections. Law 8/2013 establishes the legal framework for the election of the president of the republic and members of the national parliament. The part of this law that refers to electoral observation is also valid for this election (articles 244 to 269).

Law 5/2013 institutionalises voter registration. All Mozambican citizens, 18 year and older, have the duty to register. The register is updated within six months before every election and is valid for that electoral cycle only. Voter registration covers the national territory as well as countries abroad that have Mozambican residents. Voter registration is carried out by fixed brigades, and, as a rule, voters vote in the same place where they are registered. Citizens need to identify themselves with an official document or through two witnesses. A voter card is issued as proof of registration. When a voter moves to a different constituency the registration needs be renewed, and the old registration needs to be removed to avoid double registration. Between the second and the fifth day after the registration period the registration books are publicly displayed for verification and correction. No changes to the voters' roll can be made 30 days before Election Day. The STAE organises the voters' roll in registration books of a maximum of 800 voters and each of these books inform a polling station.

Law 7/2013 sets the rules for the election of mayors and members of municipal assemblies. It contains the general principles that apply to municipal elections, guarantees the right to participate as voter and as candidate, sets the rules on the electoral campaign and propaganda, defines the voting procedures and the process for the counting of ballots, defines the tabulation process, guarantees and spells out complaint and appeal procedures and defines electoral crimes.

The legislation approved in early 2013 contains several improvements:

- Article 26 explains much better than before the formal requisites for candidatures;
- Article 64 is new and explains the rights and duties of polling staff in an attempt to strengthen transparency and the possibility to complain;

- Clearly states that STAE/CNE officials and observers can now also vote in any polling station within the constituency where they are registered.

On the other hand, some innovations in the amended law may not necessarily constitute improvements:

- The administrative burden for candidatures has increased (art. 24) and although this did not cause lists to be rejected, it may discourage smaller parties and groups of citizens from participating;
- Article 76 states that the number of ballots needs to correspond to the number of voters. This is again a measure against ballot box stuffing, but it is not coherent with the provision that party delegates, polling staff, observers, journalists and police can vote in a polling station where they are not registered as long as it is in the municipality where they did indeed register;
- The provision that observers had to come from non-partisan organisations (art. 77/3 of law 18/2007) was removed, thus opening the door to allow partisan observation;
- The provision that a police officer can now be permitted to stay in the polling station created apprehension in the run-up to the elections and it was not initially clear how this would be dealt with on election day. The purpose and justification of this particular provision is unclear and could be potentially disruptive to the voting process. The EISA team noted that on election day, this provision was not strictly implemented.

2.3 ELECTION MANAGEMENT BODY

Law 6/2013 defines the National Electoral Commission (CNE) as a state body that is independent of all other state powers. It is required to act in an impartial manner and must obey the Constitution and the laws only. The CNE is the sole supervisor of all aspects and phases of the electoral processes. For executive tasks the CNE is supported by a Technical Secretariat for Election Management (STAE). While the STAE has autonomy over its staffing and budget, it is accountable to the CNE for all operational matters. The CNE cannot nominate or fire the STAE director or staff. The STAE's subordination to the CNE is therefore only functional.

The CNE consists of 13 members and is a permanent body. The members need to be at least 25 years old and of recognised merit and competence. Five members are indicated by FRELIMO, two by RENAMO, one by the MDM, one is a judge, one a prosecutor and three members are proposed by civil society. The peers elect a president among the three selected members from civil society. The CNE is sworn in by the President of the Republic. CNE members are prohibited from engaging in political activities. They cannot be removed from office except for specific cases provided for in the law. The CNE seeks to make decisions by consensus, but failing to reach consensus it can decide by majority vote.

During electoral cycles the CNE is reinforced through the creation of temporary provincial and district/city commissions. These commissions are not appointed by the CNE but by the three main parties (FRELIMO 3, RENAMO 2 and MDM 1) and civil society (five members). They select their own president from among civil society members. For the 2013 municipal elections, the selection process for provincial commissions was almost completed by the time the new CNE took office. The CNE only verifies the legal requirements and in fact has no say over the selection of these Commissions that serve as support structures to the CNE. This arrangement may constrain the leverage of the CNE over its support structures, and in some cases during the 2013 elections there were indications that provincial commissions ignored orders from the CNE president.⁵

The STAE has permanent branches at provincial and district/city level.

2.4 ELECTORAL SYSTEM

Mayoral candidates must be supported by the signature of at least 1% of registered voters in their municipality. Elections are conducted using the two-round majoritarian system in which a candidate requires 50% plus 1 of the valid votes cast to be elected. In the event that no candidate obtains the 50%+1 of the valid votes cast in the first round, a second round takes place between the two candidates who received the most votes (within 30 days of the validation of the results of the first round).

Elections to the Municipal Assemblies are conducted by a list proportional

5 One example is the late and partial accreditation of domestic observers in Sofala.

representative system in which both parties and duly registered groups of citizens are allowed to submit lists of candidates. The lists in these elections are closed lists in which the transfer of names between lists or change of position of names on the list is not permitted. The seats are distributed in a proportional way using the de Hondt method.⁶ The number of seats in each municipal assembly is determined by the number of registered voters, in accordance with a formula set out in the law on municipalities (law 2/1997).⁷

2.5 POLITICAL PARTY AND CAMPAIGN FUNDING

Unlike in national elections, participating parties and candidates do not receive specific state funding for the election campaign. Parties and groups of citizens that run for municipal elections must raise funding from other sources. The parties with a representation in Parliament get a monthly subsidy proportional to the strength of their representation in Parliament. For these elections only FRELIMO and the MDM had such funding available. A second possible source is membership fees. There is no data on this, but this could represent a substantial amount of money only for FRELIMO,⁸ as party membership for all other parties is limited. A third source is gifts from members and supporters. Often candidates call on local businessmen for financial or in-kind support.

This means that there is an accentuated discrepancy in available resources, with the ruling party having considerable access to resources. The groups of citizens and smaller parties that participate in the municipal elections do so with very limited personal funds.

Parties have no obligation under current electoral legislation to report on election-related income and expenditure. The Law on Political Parties (Law 7/1991) states in article 19 that parties have to publish annual income and expenditure in the Official Gazette as well as in a major newspaper, but no party has ever done so.

6 The de Hondt method is a highest averages method for allocating seats in party-list proportional representation. The distribution figure of each candidate is the votes for his party divided by his rank within his party. The candidates with highest distribution figures across parties are elected.

7 Article 36 of Law 02/97: Municipalities with up to 20,000 registered voters have an assembly of 13 elected members; from 20,000 to 30,000 it is 17; from 30,000 to 40,000 it increases to 21; from 40,000 to 60,000 the municipal assembly will have 31 elected members and over 60,000 that will be 39. Municipalities with more than 100,000 registered voters get an additional assembly member per 20,000 registered voters.

8 The FRELIMO Secretary General claims that the party currently has over 4,000,000 members.

3

The Pre-Election Phase



- 3.1 Electoral calendar
- 3.2 Delimitation process
- 3.3 Voter registration
- 3.4 Party registration and candidate registration
- 3.5 Women's political representation and participation
- 3.6 Electoral campaign
- 3.7 Media coverage of the electoral process
- 3.8 Preparedness for the elections

The election takes place in cities and towns that are legally bestowed with the status of “autarquia” or municipality. Currently there are 53 such municipalities in Mozambique.

3.1 ELECTORAL CALENDAR

Law 7/2013 provides for the election date to be set by the Council of Ministers at least 18 months in advance. However, Article 225 makes an exception for the 2013 elections because the legislation was approved less than 18 months before the elections. In this case only it was up to 180 days before Election Day. The number of registered voters for every constituency is to be published 90 days before the election. This determines the minimum number of voter signatures that candidates for mayor need to present and it determines the size of the municipal assembly and thus the number of candidates to be presented. Candidatures need to be submitted to the National Electoral Commission up to 75 days before the election. Within 30 days the CNE needs to publish the approved list of candidatures for every municipality. The electoral campaign begins 15 days before Election Day and ends two days before the same. Election results need to be officially published 15 days after the voting.

3.2 DELIMITATION PROCESS

There were no changes to the delimitation of the existing 43 municipalities, but 10 new municipalities were created on 22 May 2013 (one in each province):

Boane, Bilene, Quissico, Nhamtanda, Sussundenga, Nhamayubue, Maganja da Costa, Malema, Chiure and Madimba. This decision was taken just before the start of the voter registration process, and required the CNE and the STAE to adapt their plans.

There was no controversy around the delimitation of municipalities. However, the government announced the creation of 10 new municipalities in May 2013. Both the EMB and political parties complained that it was not clear where the boundaries of the new municipalities were located, and that created problems for voter registration.

3.3 VOTER REGISTRATION

In line with the provisions in Law 5/2013, a biometric voter registration exercise took place between 25 May and 23 July in 43 municipalities. Due to the late approval of new municipalities, the registration period in the new municipalities was shorter and conducted from 20 June to 23 July. While the shorter period of registration in the newly approved municipalities did not lead to public reactions, the EISA team notes that to guarantee the fairness of the process, access to the voter registration process should be the same for all voters across the country.

The start of the voter registration was marred by technical problems as the printers integrated in the registration kits were not compatible with the rest of the equipment. The STAE explained that this was due to the very tight procurement timeframe that did not allow for proper testing of the equipment. The problem was gradually solved with the substitution of the equipment.

The general result of 85% registered voters is considered satisfactory, though the variations are very high: from 40% in Gurué (Zambezia) to 247% in Úlonguè (Tete). This is difficult to explain. Possible factors are RENAMO's call for its supporters not to register, mistakes in the STAE's initial projections, or registration of voters living outside the municipality that came or were brought in to register.

See Table 1 p 14.

Table 1: 2013 Voter registration results

Province	Municipality	Prevision	Registered	%	Mandates
Maputo City		716 996	614 671		
	Total	716 996	614 671	85,73	64
	Matola	482 739	386 579	80,08	53
	Boane	46 156	41 889	90,76	31
Maputo Province	Manhiça	34 072	31 533	92,55	21
	Namaacha	8 207	8 444	102,89	13
	Total	571 174	468 445	82,01	118
	Xai-Xai	64 960	62 305	95,91	39
	Macia	17 084	18 648	109,15	13
	Bilene	4 641	5 941	128,01	13
Gaza	Chibuto	35 882	26 693	74,39	17
	Chokwe	31 100	28 771	92,51	17
	Mandlakazi	5 266	10 841	205,87	13
	Total	158 933	153 199	96,39	112
	Inhambane	41 505	36 941	89,00	21
	Massinga	13 048	18 576	142,37	13
Inhambane	Maxixe	65 548	52 732	80,45	31
	Quissico	4 784	9 147	191,20	13
	Vilankulo	27 079	25 270	93,32	17
	Total	151 964	142 666	93,88	95
	Beira	248 850	205 802	82,70	44
	Dondo	38 733	31 805	82,11	21
Sofala	Gorongosa	11 391	14 249	125,09	13
	Nhamatanda	12 646	17 121	135,39	13
	Marromeu	27 173	21 083	77,59	17
	Total	338 793	290 060	85,62	108
	Chimoio	141 020	123 587	87,64	40
	Catandica	11 349	16 327	143,86	13
Manica	Gondola	18 156	22 720	125,14	17
	Sussundenga	9 869	12 351	125,15	13
	Manica	20 417	24 740	121,17	17
	Total	200 811	199 725	99,46	100

Tete	Tete	100 032	106 713	106,68	39
	Ulongue	7 791	19 224	246,75	13
	Moatize	23 362	30 026	128,52	21
	Nhamayabue	4 623	7 448	161,11	13
	Total	135 808	163 411	120,33	86
	Quelimane	123 166	105 887	85,97	39
	Alto Molocue	40 416	20 558	50,87	17
Zambézia	Gurue	91 067	36 672	40,27	21
	Milange	22 014	17 467	79,34	13
	Maganja da Costa	7 581	12 105	159,68	13
	Mocuba	100 022	52 681	52,67	31
	Total	384 266	245 370	63,85	134
	Nampula	300 157	225 152	75,01	45
	Angoche	53 708	42 788	79,67	31
	Ilha	28 174	25 331	89,91	17
Nampula	Monapo	31 467	33 642	106,91	21
	Malema	10 649	15 105	141,84	13
	Nacala-Porto	118 993	90 699	76,22	39
	Ribaué	20 911	18 746	89,65	13
	Total	564 059	451 463	80,04	179
	Pemba	94 807	83 612	88,19	39
	Mocimboa da Praia	27 505	23 313	84,76	17
Cabo Delgado	Montepuez	46 935	45 910	97,82	31
	Chiure	23 923	24 900	104,08	17
	Mueda	15 830	20 278	128,10	17
	Total	209 000	198 013	94,74	121
	Lichinga	93 956	72 102	76,74	39
	Cuamba	49 064	33 993	69,28	21
Niassa	Metangula	9 294	7 317	78,73	13
	Mandimba	9 079	9 695	106,78	13
	Marrupa	4 806	9 664	201,08	13
	Total	166 199	132 771	79,89	99
Total		3 598 003	3 059 794	85,04	1216

3.4 PARTY REGISTRATION AND CANDIDATE REGISTRATION

Law 7/2013 mandates parties and groups of citizens to pre-register by submitting statutes, symbol, acronym, name and a list of the leadership to the CNE two weeks before the actual candidatures must be presented. In this case this happened between 23 July and 6 August 2013. Once the CNE approved the pre-registration, the lists and individual candidate files need to be submitted. This requires a list with the full names and for each, the ID card number and expiry date, the voter card number and the criminal record number (if any). The list needs to be organised according to the ranking of each candidate on the closed list.

Each individual file is required to contain:

- A certified copy of the ID card;
- A certified copy of the voter's card;
- A proof of residence;
- Criminal record (if any);
- Declaration of acceptance of the candidature;
- Declaration that the candidate is not illegible according to the criteria set in the law.

The last three documents were added to the requirements in the 2013 law and made the process more complex and bureaucratic.

Upon submission the CNE verifies all lists and documents and the parties can still correct formal irregularities if need be. This process happened between 7 August and 6 September 2013. The parties can appeal against CNE decisions to exclude a list, but that did not happen.

Given the controversy surrounding the registration and acceptance of candidatures in 2009, this aspect of the electoral process received particular attention from the CNE.⁹ Parties and interested groups of citizens were briefed on the procedure well in advance and all documents were verified when candidatures were brought to the CNE before they were formally accepted.

⁹ In 2009, the MDM lists for the National Assembly in eight out of eleven constituencies were excluded by the CNE. The lists of the majority of contenders (except FRELIMO) for the Provincial Assembly elections were also excluded. It was observed by EISA and other international observers that this limited political competition on rather doubtful legal grounds.

The mission notes that this “educative” and consultative approach proved very successful.

Thirteen parties and six groups of citizens successfully registered between 23 July and 6 August 2013, and from these only one party did not submit a list of candidates. The submission was done between 7 August and 6 September. No list was rejected, and this was a positive step compared to the multiple and controversial rejections in 2009. Because of the RENAMO boycott the municipal elections essentially turned into a contest between FRELIMO and the MDM. However, the participation of other parties and groups widened the choice in 19 of the 53 municipalities.

The EISA Team therefore notes that the nomination process was conducted in a transparent manner that was acceptable to the parties and candidates.

Table 2: List of accepted candidates

	List	Presidency	Assembly
1	Associação Juntos Pela Cidade (JPC)	Maputo	Maputo, Matola
2	Associação Artesanal Uiuipi Pemba Cabo Delgado (AAUPEC)	Chiure	Chiure
3	Associação dos Naturais e Residentes da Manhiça (NATURMA)	Manhiça	Manhiça
4	Associação dos Trabalhadores Rodoviários de Gaza (ASTROGAZA)	Macia	–
5	Associação de Jovens Técnicos Portadores de Deficiência de Moçambique (CINFORTECNICA)	–	Maputo
6	Associação para a Educação Moral e cívica na exploração de Recursos Naturais (ASSEMONA)	Nampula, Angoche, Monapo, Ribáuè	Nacala–Porto, Nampula, Angoche, Monapo, Ribáuè

7	Partido de Reconciliação Nacional (PARENA)	–	Quelimane, Beira, Matola, Maputo
8	Partido Movimento Patriótico para a Democracia (MPD)	–	Namaacha, Boane, Matola, Maputo
9	Partido os Verdes de Moçambique (PVM)	–	Matola, Maputo
10	Partido Ecologista Movimento da Terra (PEC–MT)	Matola	Matola, Maputo
11	Partido Humanitário de Moçambique (PAHUMO)	Pemba, Montepuez, Nampula	Pemba, Montepuez, Nampula
12	Partido para a Paz, Democracia e Desenvolvimento (PDD)	–	Nampula, Milange, Marromeu, Matola, Maputo
13	Partido do progresso liberal de Moçambique (PPLM)	–	Boane, Matola, Maputo
14	Partido Trabalhista (PT)	–	Maputo
15	Partido Aliança Independente de Moçambique (ALIMO)	–	Maputo
16	Partido Independente de Moçambique (PIMO)	–	Gondola
17	Partido FRELIMO	All 53	All 53
18	Partido Movimento Democrático de Moçambique (MDM)	All 53	All 53

Source: CNE Deliberation 54/CNE/2013 of 24 September

3.5 WOMEN'S POLITICAL REPRESENTATION AND PARTICIPATION

Mozambique has a good track record on women's participation in politics, both in the national parliament as well as in government (in particular through FRELIMO's quota system that imposes that 30% of candidates need to be women). However, local politics continues to be heavily male-dominated. During the 2013 local elections, FRELIMO selected female candidates for mayor in only 5 of 53 municipalities (Chokwe, Mandlakazi, Marrupa, Metangula, Mocuba), and the MDM had female candidates in 2 municipalities. Five mayoral female candidates won their respective election. That is a higher number than during previous mandates, but is still at a low level.

While the EISA team notes the FRELIMO quota system is a commendable initiative to increase the representation of women in elected offices, it also notes that this remains a voluntary quota system limited to one party. To make the quota system more impactful, it should be made mandatory. The technical team also notes that during the 20 November 2013 elections women were well represented among election personnel, party agents and observers. The technical team also noted that sufficiently reliable data on female participation in the voting is not readily available because voter registration data is not currently gender-disaggregated. There is a need to provide gender-disaggregated voter registration data for easy tracking of women's political participation, which is an important development indicator. From the Team's observation in Quelimane, Maputo and Matola on Election Day, it is roughly estimated that women made up around 40% of the voters.

3.6 ELECTORAL CAMPAIGN

In line with article 36 of Law 7/2013,¹⁰ the campaign started on 5 November and ended on 17 November 2013. The Law prohibits campaigning within military or para-military units, government offices, working places during working hours, schools during class time, places of worship and health units. Campaign posters cannot be placed on monuments, places of worship, seats of government institutions, locations for polling stations, traffic signs, inside public buildings, or on private buildings without permission from their users. The Law also entitles candidates to free campaign advertisement on public radio and TV, but it prohibits use of public property / assets, including those of central and local governments, state-owned and public companies, or companies with exclusive or majority public capital.

On 30 September Mozambican political parties taking part in the 20 November municipal elections adopted a Code of Conduct detailing how they should behave during the election period. The Code was approved by 25 political parties, including FRELIMO and MDM. The Code contains 27 principles aimed at ensuring that the elections are free, fair and transparent. The Code requires parties to respect the rights of others to participate in the elections in an atmosphere of peace and tranquility.

10 Article 36, Law no. 7/2013: 'The election campaign begins 15 days before the date of the elections and ends two days before'.

The EISA team notes that the campaigns were generally peaceful, but tainted by one serious surge of violence in Beira on 17 November, the last day of the campaigns.

EISA team members were present at the MDM campaign in Beira where the incident happened. The Team noted that the Rapid Intervention Police (FIR) intervened with excessive force to a non-violent confrontation between a group of FRELIMO supporters and MDM supporters. This caused panic among the crowd at the MDM's final campaign rally. Around 20 persons were reported injured after the incident.¹¹

The EISA team also noted that all parties complied with the two days of campaign silence on 18 and 19 November 2013.

In its consultation with political parties at the national and provincial levels, the team noted complaints by FRELIMO that its campaign materials were destroyed or pulled off in various municipalities, particularly in Maputo, Matola and Nampula. Where evidence existed, FRELIMO informed the team that it was preparing legal action. The MDM informed the team that whenever it shared its marching route or campaign venues with the police it would cross paths with a FRELIMO delegation or such delegation would already have occupied the intended venue. In various cases, for example in Maputo and Beira, the MDM stopped informing the police about its routes and reported that this resulted in sharply reduced physical encounters with FRELIMO.

The media reported the use of state resources (principally vehicles) in various municipalities during the campaign, but there is no confirmation that this resulted in legal action. The use of state resources is punishable by one year in prison to be substituted by a fine of 10 to 20 minimum salaries (article 185). The team observed regular reporting of such cases by media and citizen observers, but there were no consequences for such breaches.¹²

Some stakeholders consulted also informed the EISA Team that campaigning took place in places of worship (churches and mosques) which is prohibited by the law (art. 47/e).

11 See Mozambique Political process Bulletin no. 43 of 17 November.

12 For example in Mozambique Political Process Bulletin no. 36 (6 November) and no. 42 (14 November).

3.7 MEDIA COVERAGE OF THE ELECTORAL PROCESS

The media is guided by the principles of absolute impartiality and objectivity avoiding a distortion of facts. A brief media survey carried out by EISA found that the public television station TVM (Televisão de Moçambique) was clearly biased in favour of FRELIMO during its daily programme “Tempo de antena”. Its “Diario de campanha” was found to be more balanced. The public radio (Radio Moçambique) was assessed as balanced in its daily reporting on the campaign, both in terms of time and prominence given to different candidates. The private television stations STV (Soico Television) and Miramar also conducted balanced and neutral reporting during the campaign.

With regards to the print media, the largest paper, *Noticias*, demonstrated bias in favour of FRELIMO both in terms of space and in terms of the tone of headlines which were more frequently negative in relation to other candidatures. *O País* was balanced in its reporting. Among the weekly papers, *Domingo* demonstrated a strong bias in favour of FRELIMO, while *Savana* was impartial. *Zambeze* and *Magazine Independente* were more often critical of FRELIMO and Canal de Moçambique demonstrated a clear bias in favour of the MDM.

3.8 PREPAREDNESS FOR THE ELECTIONS

STAE and CNE complained that the late approval of the legislation left only 75 days for the procurement of the registration equipment which did not leave sufficient time for testing and training and hence resulted in technical difficulties. The same was not the case for Election Day. All required materials were procured and delivered in time.

Given the security problems in central Mozambique, there was some concern among observers that this could affect the distribution of materials to municipalities and polling stations. However such difficulties did not occur.

STAE and CNE established 4,292 polling stations spread over 53 municipalities. 21,460 polling staff were selected and trained between 15 August and 15 September 2013.

4

Election day



- 4.1 Opening of polling centres
- 4.2 Voting procedures and materials
- 4.3 Polling personnel
- 4.4 Security
- 4.5 Voters' roll
- 4.6 Polling stations
- 4.7 Party agents and observers
- 4.8 Closing and counting process

On Election Day, the EISA teams were deployed in Maputo and Quelimane, and later a team was also deployed in Nampula. The Team observed all Election Day procedures – opening, voting, closing and counting.

4.1 OPENING OF POLLING CENTRES

In line with article 85 of the Electoral Law, all observed polling stations opened on time at 07:00, with the necessary materials present and a considerable number (between 50 and 100) of voters waiting in line. The team noted that the opening procedures were conducted according to the stipulated procedures by election personnel. The process was also conducted in a transparent manner in the presence of independent observers and polling agents.

4.2 VOTING PROCEDURES AND MATERIALS

The Law provides that voting begins at 7am and ends at 6pm (all voters queuing at that time should be allowed to vote). Observers and party agents can be present during the opening operations and can stay until all operations are terminated. In order to vote, the voter's name must be on the roll and she/he must present an acceptable form of ID: a voter's card, ID card, passport, driver's licence, workplace ID, student's card or demobilisation card. The name of each voter is crossed off on the roll. Voting booths guarantee secrecy, and ballots are inserted in transparent ballot boxes. After voting the voter's indicator finger is dipped in indelible ink. If properly accredited, polling personnel, party agents, police officers on duty, journalists and citizen

observers may vote at the polling station where they are posted, even if not included in that voters' roll. Illiterate voters may ink mark the ballot paper with their finger. The team notes that the voting procedures were conducted in line with the stipulated procedures.

The EISA team also noted that priority was given to disabled, pregnant and elderly voters as stipulated in article 91 of the Electoral Law. With regard to special voting procedures, the EISA team noted that electoral personnel, journalists and party agents were allowed to cast their vote before other voters. Their ballot was placed in an envelope to identify these ballots as special votes and the names of this category of people were noted in the polling station journal.

In almost all observed stations, there was only one polling booth in use at a time, indicating that the process to admit voters to the polling station was slow. The voting procedure took on average 2 to 3 minutes per voter. In practice this means that over a period of 11 hours only 220 to 330 voters are served, while most polling stations had 800 voters on the list. The voting procedure should be able to serve all voters on the roll and in view of the forthcoming national elections, the process should be made more efficient.

Polling stations were provided with the appropriate ballot paper and boxes, except in Nampula where the election for the municipal president had to be cancelled because one candidate was omitted from the ballot. The CNE decided that the Municipal Assembly election should take place, but eventually it also had to be annulled, because the Provincial Electoral Commission had not adequately secured the ballots. New elections for municipal president and assembly in Nampula took place on 1 December 2013.

Since 1999, ballot papers have had sequential numbers. This time around the number not only appeared on the ballot itself but also on the tag from which it is torn off. This was done to prevent ballot box stuffing with ballots that do not belong to a particular polling station. In some cases it was noted that polling staff would tear off the tag and the actual ballot paper. This pre-empts the control mechanism, and also points to inadequate training.

In all the stations visited, election materials were available and in adequate quantity. The voting process was not interrupted in any of the stations visited by the EISA team.

The team noted, however, the poor quality of the indelible ink used during the process, as it had faded the day after voting.

4.3 POLLING PERSONNEL

Although polling personnel are to be commended for the effort displayed during almost 24-hours on duty, it was observed that polling officials were not always adequately prepared. Identification of voters on the alphabetical voters' roll was generally slow, as staff tended to start searching on page 1 for a name, irrespective of the first letter of the voter's surname. In most cases observed, there was an undifferentiated approach to explaining to voters how to cast a vote. This should be done only for newcomers or voters who require a reminder of the procedure, as this also made the process slower.

Though the law provides that each polling station should be staffed by a team of five led by the presiding officer, in Quelimane the team noted a high number of polling stations with incomplete staffing. The polling station where the team witnessed the opening and closing had only three officials. In this location (17 de Setembro), only 1 out of 10 polling stations was fully staffed (five). In 3 out of 10 there were only 3 polling staff. These shortages of staff were observed in about 50% of the polling locations that the team visited.

Not only did this slow the voting process down, but article 65/2 of Law 7/2013 states that at least four staff need to be present to render the voting valid. No voter or party delegate seemed to be aware of this requirement. The EISA team noted that non-justified absence of a contracted polling staff member is punishable by Law (article 214), but did not receive information on the actions taken by the STAE in this regard. In Maputo and Matola, all polling stations visited were fully staffed. Only in one station a single staff member had not arrived in the morning. This person had however been replaced by an STAE official, which meant that five people were effectively working in that particular station.

In Nampula it was reported that one polling station president was a registered voter from Angoche, and was forced to leave when he tried to vote. This

created a rumour that some of the staff deployed in Nampula was brought from other cities.

4.4 SECURITY

The provision in the law to permit an armed police officer in the polling station was not strictly implemented, although some cases were observed in Quelimane (Nhamuine) where armed police officers were present at the door of the polling station without any visible need for their presence (art 101)¹³. In Maputo, police presence was hardly noticeable. In three of the six polling centres visited no police were detected in the immediate surroundings. In the remaining cases, the police presence was discreet.

For this election there was a much stronger presence and visibility of the Rapid Intervention Force (FIR), as observed in Quelimane. The Rapid Intervention Force (FIR) appears to have a reputation of quickly resorting to violence and it is perceived to act completely out of the remit of the electoral authorities.

Disproportional and excessive use of force was eye-witnessed by members of the EISA team in Beira (end of the campaign) and Quelimane (during the vote count). Current legislation allows for intervention upon request of an election official but the EISA team did not witness such a request. In the polling location “17 de Setembro” in Quelimane although MDM supporters indicated that they were nervous about possible fraud, there was no disorder or any action that prevented the polling staff from operating, yet the FIR removed the people from the schoolyard twice with electric shock sticks and rubber bullets, in plain sight of press and observers. Once the FIR left the area people returned to the schoolyard and patiently awaited the publication of results outside the polling stations.

4.5 VOTERS' ROLL

Article 56 of the Electoral Law mandates the CNE to distribute copies of the electoral register to each polling station up to 30 days before elections. All polling stations had two copies of the voters' roll: one to identify voters at the

13 Article 101 (1) 'Apart from the member of the Mozambique Republic Police charged with the protection and security of the polling station, the presence of an armed force in the places where the polling centre is set up and in a radius of three hundred metres is not permitted...'

entrance of the polling station and the other to tick off voters in the polling station. The team observed a limited number of cases of voters with a voter card whose name did not appear on the voters' roll and could therefore not cast their vote. It was difficult for the team to observe at the polling stations visited, how many voters were turned down and for what reason, as this happened at the entrance.

The law provides that each polling station should have a maximum of 800 voters. Only after voting day did it emerge that "due to a computer error", not every voters' roll per polling station was closed at 800 registered voters. Therefore, in some cases, more than 800 people were issued with voter's cards with the same code. The STAE created sub-polling stations for those voters: i.e. 3101118, and 3101118/85 or 3101118B. However, they did not inform voters that if their name was not on the voters' roll in the primary polling station, they could look for a second polling station with that number in the same school. On enquiry by the team, polling officials said they were not informed about this arrangement and could therefore not direct voters to other polling stations.

4.6 POLLING STATIONS

In all cases free access was granted to the observers in polling stations visited. The team observed however in Quelimane there were disorderly lines of impatient voters. This made it difficult for the elderly and frail voters, and slowed down the flow of voters, as those leaving the polling station had difficulty in getting out. In several instances police and even Rapid Intervention Police (FIR) were called in to maintain discipline where there were impatient voters (for example at 23 de Janeiro in Quelimane). Contrary to experiences in previous electoral processes, polling officials were not seen to be making efforts to organise and control the lines.

Polling stations were clearly identified and the material lay-out within polling stations was adequate in the stations observed. Polling booths were systematically placed with the opening turned away from the polling staff. In previous elections booths were placed facing polling staff to avoid voters leaving campaign materials in the booth. This change increased the secrecy of the vote. In none of the polling stations observed were polling personnel seen to check regularly if polling booths were clear of inappropriate material.

In Mocimboa da Praia the team visited the five polling locations before voting day and found they were all fairly centrally located. However two out five stations were not well equipped to serve as polling stations. These polling stations had low walls, broken roofs and no electricity.

Voters are not allowed by law to reveal who they will vote for or did vote for, either within the polling station or within 300 metres thereof. There cannot be any electoral propaganda within the polling station or within 300 metres thereof. Within the same range there can be no armed security, except for the police officer in charge of the protection and security of a polling station. In the polling station, only voters waiting to cast their vote, polling officials, party agents, observers, a police officer, paramedics and journalists are allowed. Any voter may, in the polling station where she/he is registered, raise questions and present complaints, in writing including the necessary evidence. Polling officials must accept these written complaints, and attach them to the official minutes. These provisions were generally complied with in all the stations visited.

4.7 PARTY AGENTS AND OBSERVERS

The Electoral Law provides that each political party / candidate is entitled to a party agent / monitor and an alternate at each polling station. Party agents / monitors are entitled to (i) occupy the most adequate place in the polling station to enable them to monitor the process; (ii) verify ballot boxes and voting booths before the voting begins; (iii) request and receive explanations and information about the process; (iv) receive and submit complaint forms that, in cases of complaint, must be submitted to the polling staff for immediate decision; (v) make observations about the minutes and the tally sheets and sign them, and in case of refusal to sign, indicate the reasons for that decision; (vi) consult the voters' role at any moment; and (vii) receive signed and stamped copies of the minutes and tally sheets. If party agents / monitors are prevented from exercising their rights, the validity of the election in that polling station is affected. Party agents / monitors cannot be detained during the functioning of the polling station except in cases where they commit a crime that is punishable by more than two years' imprisonment.

In Maputo City FRELIMO had party agents in all polling stations and MDM in some polling stations. In Quelimane both parties were present in all polling

stations. In Maputo City there were some observers who visited different polling stations, while in Quelimane there was one observer who stayed in the polling station for the full day.

In Quelimane there was a marked presence of a citizen observation group with distinctively different credentials than the CNE model (yet article 254 of Law 8/2013 prescribes that only the CNE model can be used). These observers were not carrying any forms and were reluctant to discuss issues with other observers. According to their credentials, most of these observers belonged to the National Youth Council, a social organisation with close ties to FRELIMO.

Regrettably, in Beira, (the municipality that had witnessed violent campaign incidents), the vast majority of citizen observers did not receive credentials in time. Although an intervention of the CNE President was requested, it appeared that the CPE in Sofala largely ignored the instruction from Maputo CME to expedite credentials. Some credentials were issued during Election Day, which meant that around 70% of the polling stations in Beira could not be observed. It is the first time that this kind of problem has occurred in a Mozambican electoral process on such a large scale. The CPE claimed that the delay was due to late requests and a lack of equipment. The team recommends that in future, all steps should be taken to prevent this happening in future.

EISA was the only international observation mission, along with a more informal “diplomatic watch”, organised by Embassy and aid agency staff based in Maputo.

4.8 CLOSING AND COUNTING PROCESS

In Maputo the large majority of polling stations closed on time, while in Quelimane around half of the polling stations still had queues of about 20 to 40 voters. These polling stations closed around an hour later. In the stations observed, the closing procedures were followed correctly and there was no discrepancy between ballots cast and names marked on the voters’ roll.

The counting process commences with counting the crossed-off names on the voters’ roll and then proceeds with the counting of the ballots. Counting

operations close with the filing of the official minutes and tally sheets and the posting of the tally sheets outside the polling station.

The polling centre observed in Quelimane (17 de Setembro) was centrally located, but there was no light in half of the polling stations in that centre.

The closing and counting procedure in the stations visited by the EISA team took between three and six hours, depending on physical conditions, the efficiency of the staff and the number of votes cast.

The law introduced some innovations in the counting procedures. Polling staff have to read out loud the sequential number of every ballot paper (art. 106). However this was not done in the cases observed. The team was told by the CNE that that Article is to be seen as an additional check of the validity of a ballot paper, but not as something to be applied systematically. It must be assumed that this reform was put into place to address the legislators' concern to curtail ballot box stuffing. In these local government elections various cases were reported, including two cases where pre-marked ballots were found in a private residence (Angoche) and in a car (Nampula).

In the cases observed party agents were present. There were various reports though of MDM party agents that were taken into custody by the police (Maputo City) just before the count.¹⁴ It was not possible to determine the exact number of cases, but this certainly infringes on Article 71 of the Law 7/2013, which grants immunity to party agents while on duty (except if they committed a crime that is punishable by at least two years in prison).

In Quelimane there were multiple reported cases of polling officials refusing to hand over copies of the tally sheets to MDM party agents, which they have the legal right to receive (art. 116). This behaviour reinforced frequent MDM allegations that FRELIMO arranges to have some of its supporters recruited as polling staff (or that the STAE recruits FRELIMO supporters).

14 See Mozambique Political Process Bulletin no. 48 of 20 November and AIM reports.

5

Tabulation and Results



5.1 Vote tabulation

5.2 The results

5.1 VOTE TABULATION

The tabulation process is organised in three steps. First the city or district commission compiles a result for the municipality by adding up the tally sheets for each election and produces an “intermediate result” within three days after the voting ends (art. 103 to 116). Second the various city / district commissions in a province send the intermediate results to the Provincial Electoral Commission together with the invalid votes. The CPE gathers the various intermediate results, produces a summary of the results of their province and sends the documents through to Maputo (art. 127 to 130). Third, the CNE verifies all intermediate results, adds requalified invalid votes and publishes the “general results” (art. 131 to 139) within fifteen days after the voting. The Constitutional Council then has to validate the general results published by the CNE.

The team attempted to observe the start of the intermediate tabulation in Quelimane and Maputo City, but despite contacts with the STAE as well as the local Electoral Commissions the physical places where these intermediate tabulations took place could not be determined. In Quelimane, the team was informed that it would be done in the CDE premises but when visited no preparations for tabulation were observed.

Given that these municipal elections take place in cities and towns where polling locations are rarely more than one-hour’s drive from the city centre,

the three days given for the intermediate tabulation seems very long. Yet, the large majority of the city/district commissions required the full three days to produce the intermediate result and a few took even longer. At the same time various media published quick counts, parties made their own tabulation, and in some cases observers carried out parallel vote counts.

The EISA team noted that the delay between informal and official results tended to increase tension and conflict potential, in particular in those cases where results between contenders is close as was the case in Alto Molucue, Gurue, Milange and Mocuba (all in Zambezia Province) and Chimoio (Manica Province).

It is important to mention the challenges recorded with the count in Quelimane, where the Quelimane City Electoral Commission officially announced results that did not include 39 out of 141 polling station results. At the higher, CNE level, results showed 31 polling station results were missing. Article 132/3 of law 7/2013 explicitly instructs the President of the CNE to take all necessary measures to “repair” missing elements within a 24-hour period. Missing tabulation sheets are undoubtedly essential elements.

A parallel vote count carried out by the Electoral Observatory included 135 out of 141 tallies. The MDM had the same number of official copies of tally sheets in its possession. The results of the six polling stations in Icidua where the riot police had intervened during the count and the ballot boxes had been taken away were not released. The CDE and CNE declined to use the official MDM copies.

While this may not have affected the result in terms of who won the election for mayor, it may have affected the distribution of mandates in the municipal assembly. Three questions arise, namely, : (i) how so many result sheets can get lost; (ii) why the CNE did not get 31 result sheets and (iii) how the CNE had more result sheets than the CDE. The CNE instructed the STAE to carry out an investigation into this discrepancy. The outcome of this investigation is unknown at the time of writing this report

The team considers this regrettable as not only were 22% of the votes not taken into account, but it also strengthened allegations that some people in

the electoral administration acted in favour of a particular party. Even if this did not actually change results, it does ultimately impact on the credibility of electoral processes.

There were also unexplained changes in the results for Angoche and Nampula between the CDE and CNE result sheet, and in the case of Gurue a Parallel Vote Tabulation (PVT) carried out by the Electoral Observatory showed a different winner of the municipal president election than the official result. The CNE results indicated the FRELIMO candidate as the winner, with 130 votes more than the MDM candidate, while the PVT gave an advantage of 53 votes to the latter. The Observatory shared the PVT results with the CNE and the Constitutional Council, without effect.

The post-electoral phase was also marred by violent incidents in Quelimane, Mocuba, Gurue and Angoche. Two people were killed and various people were injured during this phase. Again, this level of violence has not been witnessed in past post-electoral phases in Mozambique.

5.2 THE RESULTS

According to the results published by the CNE (see Table 3) on 5 December (still to be validated by the Constitutional Council, at the time this report was finalised) FRELIMO won both mayor and municipal assembly majorities in 50 of the 53 municipalities. The MDM won the other three. In six cities the results were very close (Alto-Molucue, Gurue, Milange, Mocuba, Gorongosa and Chimoio). Two groups of citizens managed to gain municipal assembly seats (ASSEMONA in Angoche, and AAUPEC in Chiure), and one small party (PAHUMO) gained a seat in the Nampula municipal assembly. FRELIMO won 842 municipal assembly mandates (69%) and MDM 365 (30%).

Overall participation was slightly over 45%. The variations between municipalities are considerable: from 70% in Nhamayabué to 26% in Nampula City. Generally, participation was higher in Gaza, Tete and Cabo Delgado provinces and lower in Inhambane, Nampula and Zambezia provinces.

The MDM challenged the results in nine municipalities: Maputo City, Gurue, Mocuba, Milange, Alto Molucue, Dondo, Marromeu, Gorongosa and

Chimoio. The CNE rejected the MDM appeal on the grounds that complaints were not first submitted and dealt with at a lower level. The MDM has now appealed to the Constitutional Council.

The dysfunctional complaint and appeal procedure is a long-standing weakness of the Mozambican electoral system, and has been pointed out as such in various observation reports in the past. Yet, it is one part of the legislation that was hardly improved during the latest round of electoral reforms.

CNE published partial data on 5 December, but no data on voter turnout was published. It is anticipated though that voter turnout will hover around 45%, the same level as in 2008. As with the previous local government election, again with fairly large discrepancies between municipalities (for example Quelimane 59% and Nampula 20%).

On 21 January 2014, the Constitutional Council issued a specific ruling rejecting the MDM's appeals on technical grounds. However, on the following day, in its general ruling on the overall election results, the Constitutional Council decided to annul the elections in Gurué, following an investigation that unearthed serious irregularities¹⁵ in the intermediate tabulation process in that municipality.¹⁶ Following the ruling, the government scheduled a re-run of the Gurué elections for 8 February 2014.¹⁷

15 Among the irregularities uncovered by the Constitutional Council were adulterated polling station tally sheets and the disappearance or destruction of all Gurué ballots, despite the fact that the law provides for their safe-keeping until all electoral disputes have been resolved.

16 The parallel vote tabulation conducted by citizen observers in Gurué, under the auspices of the Electoral Observatory (OE), and with technical support from EISA, indicated that the MDM had won the mayoral election and FRELIMO the assembly election, both by very narrow margins. The OE numbers coincided with the numbers submitted by the MDM, based on their own parallel tabulation.

17 The re-run produced a comfortable MDM victory in both elections – 55% to 45% in the mayoral election, and 54% to 46% in the municipal assembly election.

Table 3:
Results of the 2013 municipal elections

Municipalities are listed in alphabetical order, and summarised results for both elections (president and assembly) are presented for each municipality.

ALTO-MOLOCUE (ZAMBEZIA)

Participation: 47, 4%

Municipal President:

Candidate	Party	% of votes
Sertorio Fernando	FRELIMO	52,06
Gil de Sousa	MDM	47,94

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	53,65	9
MDM	46,34	8

ANGOCHE (NAMPULA)

Participation: 46, 1%

Municipal President:

Candidate	Party	% of votes
Américo Adamugi	FRELIMO	69,6
Faruque Luis	MDM	5,9
Ossufo Raja	ASSEMONA	24,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	70,7	23
MDM	5,1	1
ASSEMONA	24,2	7

BEIRA (SOFALA)

Participation: 57, 97%

Municipal President:

Candidate	Party	% of votes
Jaime Neto	FRELIMO	29,6
Daviz Simango	MDM	70,4

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	31,7	14
MDM	67,6	30
PARENA	0,7	0

BILENE (GAZA)

Participation: 65, 8%

Municipal President:

Candidate	Party	% of votes
Mufundisse Chilengue	FRELIMO	91,74
Silvestre Chipanga	MDM	8,26

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	91,61	12
MDM	8,39	1

BOANE (MAPUTO PROVINCE)

Participation: 51, 02%

Municipal President:

Candidate	Party	% of votes
Jacinto Loureiro	FRELIMO	76,14
Justino Matola	MDM	23,86

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	74,95	24
MDM	24,02	7
PPLM	0,61	0
MPD	0,42	0

CATANDICA (MANICA)

Participation: 45, 1%

Municipal president:

Candidate	Party	% of votes
Tomé Maibeque	FRELIMO	74,5
Rangel Mairoce	MDM	25,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	76,7	10
MDM	23,3	3

CHIBUTO (GAZA)

Participation: 67, 15%

Municipal president:

Candidate	Party	% of votes
Francisco Mandlhate	FRELIMO	90,23
Tornado Paia	MDM	9,77

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	90,6	16
MDM	9,4	1

CHIMOIO (MANICA)

Participation: 44, 4%

Municipal president:

Candidate	Party	% of votes
Raul Conde	FRELIMO	53
João Ferrão	MDM	47

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	53,4	21
MDM	46,6	19

CHIURE (CABO DELGADO)

Participation: 56%

Municipal president:

Candidate	Party	% of votes
Casimiro Guarda	FRELIMO	78,4
José Cassimo	MDM	11,6
Eduardo Pintane	AAUPEC	10

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	79	14
MDM	11,5	2
AAUPEC	9,5	1

CHOKWE (GAZA)

Participation: 67, 45%

Municipal President:

Candidate	Party	% of votes
Lidia Camela	FRELIMO	83,51
Eleuterio Mapsanganhe	MDM	16,49

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	84,23	15
MDM	15,77	2

CUAMBA (NIASSA)

Participation: 38, 59%

Municipal President:

Candidate	Party	% of votes
Vicente Lourenço	FRELIMO	79,95
Izidro Ismael Sacuri	MDM	20,05

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	79,2	17
MDM	20,8	4

DONDO (SOFALA)

Participation: 68, 5%

Municipal President:

Candidate	Party	% of votes
Castigo Chiutar	FRELIMO	77,44
José Chiremba	MDM	22,56

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	80,3	17
MDM	19,7	4

GONDOLA (MANICA)

Participation: 37, 7%

Municipal President:

Candidate	Party	% of votes
Eduardo Gimo	FRELIMO	64,6
Arone Mussualho	MDM	35,4

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	64,8	11
MDM	33,9	6
PIMO	1,3	0

GORONGOSA (SOFALA)

Participation: 48, 3%

Municipal President:

Candidate	Party	% of votes
Morese Cauzande	FRELIMO	56,5
Daniel Missasse	MDM	43,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	57	7
MDM	43	6

GURUÉ (ZAMBEZIA)

Participation: 41, 2%

Municipal President:

Candidate	Party	% of votes
Jahanquir Jussub	FRELIMO	45
Orlando Janeiro	MDM	55

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	46	10
MDM	54	11

ILHA DE MOÇAMBIQUE (NAMPULA)

Participation: 55, 4%

Municipal President:

Candidate	Party	% of votes
Saide Abdurremane	FRELIMO	84,8
Abdul Satar	MDM	15,2

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	85,6	15
MDM	14,4	2

INHAMBANE (INHAMBANE)

Participation: 57, 2%

Municipal President:

Candidate	Party	% of votes
Benedito Guimino	FRELIMO	83,18
Fernando Nhaca	MDM	16,82

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	80,31	17
MDM	16,69	4

LICHINGA (NIASSA)

Participation: 38, 26%

Municipal President:

Candidate	Party	% of votes
Saide Amido	FRELIMO	66
Pedro Salimo	MDM	34

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	66,4	26
MDM	33,6	13

MACIA (GAZA)

Participation: 65, 2%

Municipal President:

Candidate	Party	% of votes
Reginaldo Mariquele	FRELIMO	86,36
João Machelewe	MDM	5,82
José Macuacua	AstroGaza	7,82

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	92,9	13
MDM	7,1	0

MAGANJA DA COSTA (ZAMBEZIA)

Participation: 61, 5%

Municipal President:

Candidate	Party	% of votes
Virgilio Dinheiro	FRELIMO	59,8
Baptista Algumassa	MDM	40,2

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	59,4	8
MDM	40,6	5

MALEMA (NAMPULA)

Participation: 28, 8%

Municipal President:

Candidate	Party	% of votes
Angelo Fonseca	FRELIMO	84,7
Ração Cadeado	MDM	15,3

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	84,2	11
MDM	15,8	2

MANDIMBA (NIASSA)

Participation: 51, 4%

Municipal President:

Candidate	Party	% of votes
Victor Sinoia	FRELIMO	71
António Siqueia	MDM	29

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	71,2	9
MDM	28,8	4

MANDLAKAZI (GAZA)

Participation: 67, 01%

Municipal President:

Candidate	Party	% of votes
Maria Helena Langa	FRELIMO	92,77
Arnaldo Manhique	MDM	7,23

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	91,83	12
MDM	8,17	1

MANHIÇA (MAPUTO PROVINCE)

Participation: 50, 61%

Municipal president:

Candidate	Party / Group of citizens	% of votes
Luis Munguambe	FRELIMO	76,28
Ananias Manhiça	MDM	21,36
Alberto Xirinda	NATURMA	2,36

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	77,61	17
MDM	20,38	4
NATURMA	2,01	0

MANICA (MANICA)

Participation: 46, 05%

Municipal President:

Candidate	Party	% of votes
Raimundo Quembo	FRELIMO	84,5
Delfim Page	MDM	15,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	83,7	15
MDM	16,3	2

MAPUTO CITY

Participation: 50, 39%

Municipal President:

Candidate	Party	% of votes
David Simango	FRELIMO	58,44
Venancio Mondlane	MDM	39,97
Ismael Mussa	JPC	1,59

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	56,42	37
MDM	40,53	27
CINFORTECNICA	0,45	0
PVM	0,25	0
PT	0,13	0
PEC-MT	0,17	0
ALIMO	0,12	0
PARENA	0,15	0
PPLM	0,05	0
PDD	0,26	0
MPD	0,09	0
JPC	1,37	0

MARROMEU (SOFALA)

Participation: 48,5%

Municipal President:

Candidate	Party	% of votes
Palmeirin Rubino	FRELIMO	51,6
João Agostinho	MDM	48,4

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	55,7	10
MDM	42	7
PDD	2,3	0

MARRUPA (NIASSA)

Participation: 51,1%

Municipal President:

Candidate	Party	% of votes
Marta Romeu	FRELIMO	91,7
Salvador Laica	MDM	8,3

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	91,6	12
MDM	8,4	1

MASSINGA (INHAMBANE)

Participation: 47,3%

Municipal President:

Candidate	Party	% of votes
Clemente Boca	FRELIMO	69,84
Ivone Jamisse	MDM	30,16

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	71,02	9
MDM	28,98	4

MATOLA (MAPUTO PROVINCE)

Participation: 37, 97%

Municipal President:

Candidate	Party	% of votes
Calisto Cossa	FRELIMO	56,53
Silverio Samuel	MDM	42,24
João Massango	Ecologista	1,22

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	54,05	29
MDM	43,77	24
PEC-MT	0,74	0
PVM	0,22	0
MPD	0,15	0
JPC	0,49	0
PDD	0,31	0
PARENA	0,17	0
PPLM	0,10	0

MAXIXE (INHAMBANE)

Participation: 38, 91%

Municipal President:

Candidate	Party	% of votes
Simião Rafael	FRELIMO	73,16
José Siniquinha	MDM	26,84

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	73,38	23
MDM	26,62	8

METANGULA (NIASSA)

Participation: 61, 4%

Municipal President:

Candidate	Party	% of votes
Sara Mustafa	FRELIMO	79,5
Rita Alves	MDM	20,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	78,7	11
MDM	21,3	2

MILANGE (ZAMBEZIA)

Participation: 55, 3%

Municipal President:

Candidate	Party	% of votes
Felisberto Mvua	FRELIMO	50,35
Lucas Mpepo	MDM	49,65

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	51,34	7
MDM	47,62	6
PDD	1,34	0

MOATIZE (TETE)

Participation: 42, 36%

Municipal President:

Candidate	Party	% of votes
Carlos Portimão	FRELIMO	74,7
Horacio Raposo	MDM	25,3

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	72,7	15
MDM	27,3	6

MOCIMBOA DA PRAIA (CABO DELGADO)

Participation: 47, 5%

Municipal President:

Candidate	Party	% of votes
Fernando Neves	FRELIMO	86,6
Abudo Cardoso	MDM	13,4

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	89,1	16
MDM	10,9	1

MOCUBA (ZAMBEZIA)

Participation: 42, 48%

Municipal President:

Candidate	Party	% of votes
Beatriz Gulamo	FRELIMO	51,05
Fernando Pequeno	MDM	48,95

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	52,29	16
MDM	47,71	15

MONAPO (NAMPULA)

Participation: 32%

Municipal President:

Candidate	Party	% of votes
João Luis	FRELIMO	70,3
Zeferino João	MDM	28,1
António Marcos	ASSEMONA	1,6

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	70,4	15
MDM	28,2	6
ASSEMONA	1,4	0

MONTEPUEZ (CABO DELGADO)

Participation: 33, 52%

Municipal President:

Candidate	Party	% of votes
Cecilio Anli	FRELIMO	85,7
André Sarija	MDM	11,9
Luis Pussire	PAHUMO	2,4

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	85,7	27
MDM	12,4	4
PAHUMO	1,9	0

MUEDA (CABO DELGADO)

Participation: 56, 8%

Municipal President:

Candidate	Party	% of votes
Cristiano André	FRELIMO	84,4
Silvestre Sipula	MDM	15,6

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	85,64	15
MDM	14,36	2

NACALA PORTO (NAMPULA)

Participation: 34, 5%

Municipal President:

Candidate	Party	% of votes
Rui Chong	FRELIMO	91,5
Fátima Couto	MDM	8,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	87,7	35
MDM	11,2	4
ASSEMONA	1,1	0

NAMAACHA (Maputo Province)

Participation: 62, 21%

Municipal President:

Candidate	Party	% of votes
Jorge Tinga	FRELIMO	82,49
Gabriel Matola	MDM	17,51

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	80,3	11
MDM	18,4	2
MPD	1,3	0

NAMPULA (Nampula)

Participation: 25, 74%

Municipal President:

Candidate	Party	% of votes
Adolfo Siueia	FRELIMO	41,04
Mahamudo Amurane	MDM	52,84
Filomena Mutoropa	PAHUMO	4,15
Mario Albino	ASSEMONA	0,97

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	43,99	20
MDM	51,65	24
PAHUMO	2,66	1
ASSEMONA	0,98	0
PDD	0,72	0

NHAMATANDA (Sofala)

Participation: 59, 3%

Municipal President:

Candidate	Party	% of votes
Manuel Jasse	FRELIMO	63,2
Semedo Barreto	MDM	36,8

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	64	8
MDM	36	5

NHAMAYABUÉ (Tete)

Participation: 70, 3%

Municipal President:

Candidate	Party	% of votes
Alberto Amade	FRELIMO	91,5
José Gimo	MDM	8,5

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	94,3	13
MDM	5,7	0

PEMBA (Cabo Delgado)

Participation: 40, 3%

Municipal President:

Candidate	Party	% of votes
Tagir Carimo	FRELIMO	74,1
António Macanige	MDM	24,3
Emiliano Moçambique	PAHUMO	1,6

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	73,96	29
MDM	24,71	10
PAHUMO	1,34	0

QUELIMANE (ZAMBEZIA)

Participation: 42, 6%

Municipal President:

Candidate	Party	% of votes
Abel Albuquerque	FRELIMO	31,8
Manuel de Araujo	MDM	68,2

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	33,4	13
MDM	65,6	26
PARENA	1	0

QUISSICO (Inhambane)

Participation: 56, 43%

Municipal President:

Candidate	Party	% of votes
Abilio Paulo	FRELIMO	84
Faustino Nhanombe	MDM	16

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	82,9	11
MDM	17,1	2

RIBAUÉ (NAMPULA)

Participation: 35, 2%

Municipal President:

Candidate	Party	% of votes
Constantino António	FRELIMO	72,6
Luis Constantino	MDM	26
Antunes Laurentino	ASSEMONA	1,4

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	72,2	10
MDM	26,5	3
ASSEMONA	1,3	0

SUSSUNDENGA (MANICA)

Participation: 53, 4%

Municipal President:

Candidate	Party	% of votes
Venancio Veremo	FRELIMO	89,2
Albertino Ziai	MDM	10,8

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	88,5	12
MDM	11,5	1

TETE (TETE)

Participation: 47, 7%

Municipal President:

Candidate	Party	% of votes
Celestino Checanhanza	FRELIMO	65,7
Ricardo Tomás	MDM	34,3

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	65,3	26
MDM	34,7	13

ULONGUE (TETE)

Participation: 47, 4%

Municipal President:

Candidate	Party	% of votes
Armando Julho	FRELIMO	63
Fanisio Daundela	MDM	37

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	64	8
MDM	36	5

VILANKULO (INHAMBANE)

Participation: 47, 5%

Municipal President:

Candidate	Party	% of votes
Abilio Machado	FRELIMO	83,3
Daniel Macaringue	MDM	16,7

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	80,9	14
MDM	19,1	3

XAI-XAI (GAZA)

Participation: 60, 13%

Municipal President:

Candidate	Party	% of votes
Ernesto Chambisse	FRELIMO	80,08
Judite Siteo	MDM	19,92

Municipal Assembly:

Party / Group of citizens	% of votes	Mandates
FRELIMO	78,18	31
MDM	21,82	8

6

Recommendations and Conclusion



6.1 Recommendations

6.2 Conclusion

6.1 RECOMMENDATIONS

6.1.1 Election Management

Election management in Mozambique has a *sui generis* structure, whereby the National Electoral Commission has no say in the composition of the lower-level Commissions at provincial and district levels, and has no disciplinary or firing authority over them. Furthermore, the EMB law describes these lower-level bodies, not as subordinate bodies to the national commission, but rather as support bodies.

This has the potential to create accountability and control and supervision challenges, especially in light of the irregularities committed by lower-level bodies that were uncovered and exposed by the Constitutional Council in these elections.

It is therefore recommended that the structure of the Commission should be reviewed to make the lower level Commissions accountable to the National Commission and full supervisory powers to the National Commission.

6.1.2 Voting and tabulation process

The voting process can be expedited through improved training of electoral personnel and longer term preparation by the Commission.

The voters' roll was organised alphabetically which makes the identity verification process very time-consuming and slowed down the voting process to the extent that in many polling stations the two voting booths were rarely occupied at the same time. The voters' roll could therefore be re-organised and printed in a more user-friendly manner, with headers of each letter of the alphabet at the side.

In most polling stations observed the polling staff explained the full voting procedure to every voter, which contributed to slowing down the voting process. At this pace a polling station cannot cope with the 800 voters allocated per polling station within the 11 hours of polling. A more expeditious voting explanatory process will make voting more comfortable (less queuing time for voters) and may increase participation, as some voters are discouraged by long queues. For the purpose of efficiency and time management, polling staff need to be more selective in explaining the full voting procedure, as most voters have previous voting experience.

The tabulation process has been controversial in the past, and again manifested in these elections. Even in small municipalities the intermediate tabulation (in practice the adding up of 30 or 40 tally sheets for each election in the smaller places) took three days. In three municipalities the deadline was not respected (Maputo, Beira and Chibuto). The intermediate tabulation process was fraught with allegations of fraud, and the MDM is contesting the intermediate tabulation in 10 municipalities. The EISA team tried to identify where the intermediate tabulation would take place in Quelimane, but was sent between the City Election Commission and the STAE without being able to locate the venue. In Quelimane intermediate results were based on 102 out of 141 polling station results because the tally sheets went missing. Copies of the originals, duly signed by polling staff, were presented to the CDE by the MDM, but were rejected.

Ambiguities also remain as to what the responsibility of the STAE is, and what is to be done by the provincial or district/city commissions (articles 127 and 128). It is also not clear what the difference is between the general tabulation (articles 131 to 139) and the national tabulation (articles 153 to 158). In practice this seems to be the same operation.

The EISA technical team therefore recommends that the Commission should prepare clear guidelines to guide the vote tabulation procedures and address the current ambiguities in terms of procedures and responsibilities.

6.1.3 Security

The use of force and levels of violence noted during various phases of the municipal election process is unprecedented in Mozambique. Seven citizens died as a result of election-related violence, and dozens were wounded.¹⁸ Although the CNE approved a Code of Conduct for police officers involved in the election process, they did not seem to have an authoritative relationship with the security forces during the elections. Few incidents were reported with regular police officers, but the interventions of the Rapid Intervention Police (FIR) were highly contentious.

The CNE needs to evaluate the role of the police force in election processes and aim for a more explicit agreement on police intervention in election-related activities. A protocol may need to be developed and agreed to reinforce the connection between electoral authorities and the police. It would also be important that perpetrators of election-related violence are prosecuted and that this is done in a neutral manner. Furthermore, the use of undue force by security personnel should also be investigated and addressed in a neutral manner.

In line with the principles enshrined in PEMMO, the EISA team recommends that steps should be taken to guarantee the neutral role of security agencies in the electoral process. The CNE should also establish a platform for regular interaction with the security forces to discuss issues relating to polling day security, national security during the election period, and any other logistical assistance that may be required.

6.1.4 Women's participation and representation

At the level of representation, there is a need to adopt a mandatory gender quota for all party lists, and at the level of participation, the voter registration data should be gender disaggregated for easy tracking of women's participation.

18 Data drawn from an official post-electoral statement by the President of the National Human Rights Commission.

6.1.5 Looking ahead: recommendations for the 2014 presidential, parliamentary and provincial elections

The conduct of the 2013 municipal elections has not made preparations for the 2014 general elections easier. On the contrary, continued armed struggle between the government and RENAMO will make RENAMO's return to the electoral arena less likely.

1. National and international stakeholders need to encourage and foster productive dialogue in order to avoid general elections taking place in a context of armed conflict, and in order to motivate all forces to (re-)join a normal democratic political process.
2. Increased control over the use of force through a more authoritative approach by the CNE on security matters and a far more restrictive and low-profile presence and intervention of the Rapid Intervention Force on Election Day.
3. The CNE, and in particular the STAE, need to intensify efforts to guarantee an objective conduct of the process by all staff, in particular during the counting and tabulation process. This not only concerns polling staff, but also extends to members of the Electoral Commissions at provincial and district level.

At the technical level, the team recommends that the training of polling staff should be improved to speed up the voting process, as long queues are a disincentive to participation. While some measures that improve transparency have been introduced (for example the sharing of the list of polling stations, including registered voters), the team urges that CNE look into timeously disseminating its decisions through its website and other channels.

6.2 CONCLUSION

Rather than making a general conclusion, the Technical Assessment team has highlighted trends in electoral management in Mozambique.

On the positive side there is partially improved legislation and the CNE has managed the selection procedure of candidatures in an exemplary way. On the downside there is an increase in election-related violence and more visibly biased behaviour of some security forces and some polling staff. The Team also noted shortcomings in the tabulation process. These shortcomings are particularly sensitive, as they tend to negatively affect the credibility of elections.

By flagging these specific issues, EISA is optimistic that the authorities will undertake the necessary steps to contain and reverse the negative trends in view of the presidential, parliamentary and provincial assembly elections that will take place in 2014.

APPENDIX I

TERMS OF REFERENCE

The Terms of Reference (ToR) of the EISA Technical Assessment Team describe the role and responsibilities of the team members during their field deployment for the 2013 Municipal Elections in Mozambique. They provide a summary of the Technical Team's objectives and outline the activities to be carried out by the members.

As observers, the EISA Technical Team members were expected to assess the electoral process, but not interfere with the process. EISA believes that international observers can play a critically important supportive role by helping to enhance the credibility of the elections, reinforcing the work of domestic observer groups and increasing public confidence in the entire electoral process.

Specific instruments used by the Technical Team to assess the elections in Mozambique included:

- The Universal Declaration of Human Rights, which is accepted by all member states of the United Nations, 1948;
- The EISA/ECF Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), 2003;
- The SADC Principles and Guidelines Governing Democratic Elections, 2004;
- The Declaration of Principles for International Election Observation, 2005;
- The OAU/AU Declaration on Principles Governing Democratic Elections, 2002;
- African Charter on Democracy, Elections and Governance, 2007.

In order to carry out the technical assessment, the team sought to undertake the following activities:

- Obtain information on the electoral process from the National Electoral Commission (CNE) and Electoral Administration (STAE);

- Meetings with political parties, civil society organisations and other stakeholders to acquaint itself with the electoral environment;
- Report accurately on its observations and refer any irregularities to the relevant authorities;
- Observe all aspects of the election in the areas it will visit;
- Assess if all registered voters have easy access to voting rooms and whether or not they are able to exercise their vote in freedom and secrecy;
- Assess the logistical arrangements to confirm if all necessary materials are available for the voting and counting to take place efficiently;
- Determine if all the competing parties and candidates are given equal opportunity to participate in the elections.

APPENDIX 2 CODE OF CONDUCT

International election observation is widely accepted around the world. It is conducted by intergovernmental and international non-governmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including observers and leaders of the mission, must subscribe to and follow this Code of Conduct.

- **Respect Sovereignty and International Human Rights**

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognised human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

- **Respect the Laws of the Country and the Authority of Electoral Bodies**

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election related rights guaranteed by law, constitution or applicable international instruments.

- **Respect the Integrity of the International Election Observation Mission**

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership.

Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers that are part of the mission.

- **Maintain Strict Political Impartiality at All Times**

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

- **Do Not Obstruct Election Processes**

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.

Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to

direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

- **Provide Appropriate Identification**

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

- **Maintain Accuracy of Observations and Professionalism in Drawing Conclusions**

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence.

Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

- **Refrain from Making Comments to the Public or the Media before the Mission Speaks**

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

- **Cooperate with Other Election Observers**

Observers must be aware of other election observation missions, both international and citizen, and cooperate with them as instructed by the leadership of the election observation mission.

- **Maintain Proper Personal Behaviour**

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

- **Violations of This Code of Conduct**

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

- **Pledge to Follow This Code of Conduct**

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

APPENDIX 3
MEMBERS OF THE TECHNICAL ASSESSMENT TEAM

Name	Organisation	Nationality
Olufunto Akinduro	EISA	Nigeria
Constanze Blum	EISA	Germany
Elisabete Azevedo-Hartman	Chatham House	Portugal
Luis Jimbo	Angolan Institute for Electoral Systems and Democracy	Angola
Marc De Tollenaere	Election expert	Belgium

APPENDIX 4
LIST OF STAKEHOLDERS CONSULTED BY THE TECHNICAL TEAM

Sheik Abdul Carimo Sau, President of the CNE

Bernabe Nkomo, Member CNE

Felisberto Naife, Director STAE

Mark Smith and Jemima Gordon-Duff, DFID

Anders Carlsen, Danida

Claire Smellie, SIDA

João Duarte de Carvalho, European Commission

Guilherme Mbilana, Observatorio Eleitoral

Linette Olofson and Abel Mabunda, MDM

João Pereira, Luis de Brito, Teresinha da Silva, Academics

Custodio Duma, National Human Rights Commission

Ameliá Nakhare FRELIMO Elections Office

Saimone Macuiana and Jeremias Pondeca, RENAMO

ABOUT EISA



EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 100 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has signed an MOU with the Economic Community of Central African States (ECCAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively to these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Central African Republic, Democratic Republic of Congo, Kenya, Madagascar, Mali, Mozambique and Somalia, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

Election observation activities

EISA has deployed continental observer missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015), Liberia (2011), Madagascar (2005, 2007, 2013), Malawi (2004,2009), Mauritius (2000, 2005, 2010), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014), Tanzania (2005, 2010), Uganda (2011), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015), and Zimbabwe (2000, 2002, 2008), Reports on these missions can also be found on our website.

OTHER REPORTS IN THE SERIES

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report, Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report, South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report, Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report, Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report, Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report, Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report, Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report, The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005

- EOR 22 EISA Observer Mission Report, Zanzibar Presidential, House of Representatives and Local Government Elections 30 October 2005
- EOR 23 EISA Observer Mission Report, Zambia Presidential, Parliamentary and Local Government Elections 28 September 2006
- EOR 24 EISA Observer Mission Report, Madagascar Presidential Elections 3 December 2006
- EOR 25 EISA Observer Mission Report, DRC Presidential, Parliamentary and Provincial Elections/Elections Presidentielles, Parlementaires et Provinciales 30 July and 29 October 2006
- EOR 26 EISA Election Observer Mission Report, Lesotho National Assembly Elections 17 February 2007
- EOR 27 EISA Election Observer Mission Report, Madagascar National Assembly Elections 23 September 2007
- EOR 28 EISA Election Observer Mission Report, The Zimbabwe Harmonised Elections of 29 March 2008 Presidential, Parliamentary and Local Government Elections with Postscript on The Presidential Run-off of 27 June 2008 and the Multi-Party Agreement of 15 September 2008
- EOR 29 EISA Election Observer Mission Report, Swaziland House of Assembly Election 19 September 2008
- EOR 30 EISA Election Observer Mission Report, Malawi Presidential and Parliamentary Elections 19 May 2009
- EOR 31 EISA Election Observer Mission Report, Zambia Presidential By-Election 30 October 2008
- EOR 32 EISA Election Observer Mission Report, The Mozambique Presidential, Parliamentary and Provincial Elections of 28 October 2009
- EOR 33 EISA Technical Assessment Team Report, Mauritius National Assembly Elections 5 May 2010
- EOR 34 EISA Technical Observer Team Report, Namibia Presidential and National Assembly Elections 27 and 28 November 2009
- EOR 35 EISA Technical Assessment Team Report, Botswana Parliamentary and Local Government Elections 16 October 2009
- EOR 36 EISA Election Observer Mission Report South Africa, National And Provincial Elections 22 April 2009
- EOR 37 *Mission d'observation de l'élection présidentielle du 27 Juin et du deuxième tour du 07 Novembre 2010 en Guinée*
- EOR 38 EISA Election Observer Mission Report, Zanzibar Presidential, House of Representatives and Local Government Elections of 31 October 2010
- EOR 39 *Rapport Mission d'Observation Electorale : République Centrafricaine Elections Présidentielles et Législatives, 23 Janvier et Mars 2011*

- EOB 40 EISA Technical Assessment Team Report, The 2011 Seychelles Presidential Elections 19-21 May 2011
- EOB 41 EISA Technical Assessment Team Report Uganda, The Ugandan Presidential and Parliamentary Elections of 18 February 2011
- EOB 42 EISA Election Observer Mission Report Zambia, Presidential, Parliamentary and Local Government Elections, 20 September 2011
- EOB 43 EISA Election Witnessing Mission Report, Egypt, The People's Assembly and Shura Council Elections November 2011-February 2012
- EOB 44 EISA Technical Assessment Team and Election Observer Mission Report, Liberia, The 23 August 2011 Referendum, The 11 October 2011 Presidential, Senate and House of Representatives Elections, The 8 November 2011 Presidential Run-Off Election
- EOB 45 EISA Election Witnessing Mission Report Egypt, 23-24 May 2012, First Round of Presidential Election, 16-17 June 2012, Run-off Presidential Election
- EOB 46 EISA Election Observer Mission Report Parliamentary Elections 26 May 2012 Lesotho